



2021 CCSBT Performance Review
Views of stakeholders

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Introduction

The Terms of Reference of the Performance Review also indicated that the Panel could invite submissions from stakeholders in relation to the agreed criteria, which motivated the creation of a questionnaire that was distributed to different groups of stakeholders, including Members (Australia, European Union, Fishing Entity of Taiwan, Indonesia, Japan, New Zealand, Republic of Korea, and South Africa) (8), CCSBT Officers (Chairs of Commission, Committees, Working Groups, Panels, etc.) (8), CCSBT Secretariat (4), Intergovernmental Organizations (ACAP, IOTC, ICCAT, WCPFC and CCAMLR) (5), Non-Governmental Organizations (BirdLife International, Humane Society International, Pew Charitable Trusts, TRAFFIC, and WWF) (5), and Fishing Industry Associations (5), totaling 35 stakeholders. Responses were received from 30 stakeholders, resulting in a response rate of about 85%, which can be considered quite good. They were also very well distributed among the groups of stakeholders (Figure 1).

The questionnaire was entirely based on the criteria established by the Terms of Reference for the Performance Review and included 53 questions. The answers could be rated according to a satisfaction scale from 5 to 1: 5) Very Satisfied. 4) Satisfied. 3) Moderately satisfied. 2) Unsatisfied. 1) Very unsatisfied, and complementary comments could also be provided. The average rating for each question was calculated as the mean by groups of stakeholders, and not as the mean of all responses, to ensure a proper balance by stakeholders' category.

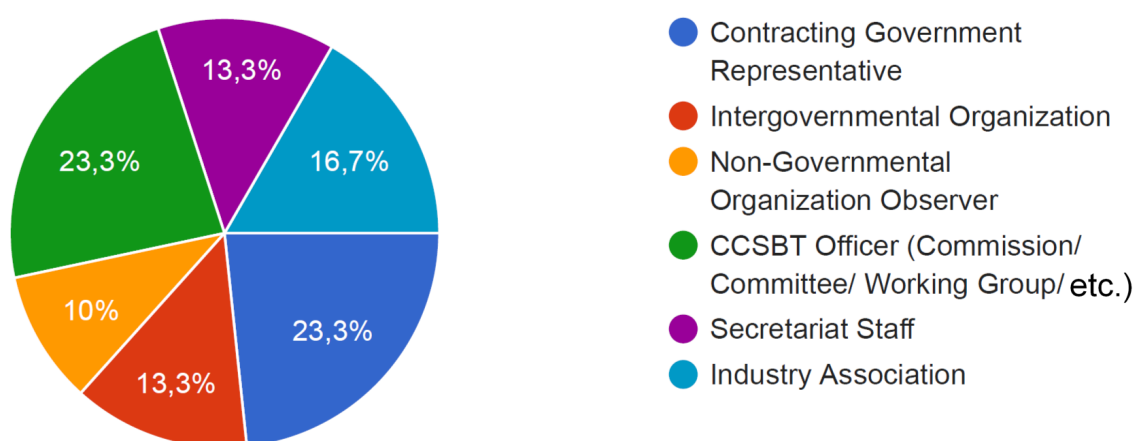


Figure 1. Distribution of responses received for the 2021 CCSBT Performance Review Questionnaire, by groups of stakeholders (n= 30).

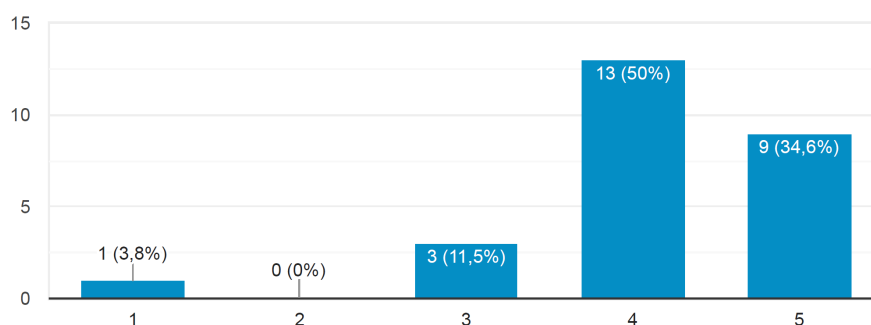
The responses were compiled to ensure a logic flow, to the extent possible, conciseness and ease of reading. It means that several similar responses will be reflected in the text only once. The summary of the responses, therefore, should not be interpreted in a quantitative manner, but in a qualitative way, reflecting the diversity of views expressed. Except for this editing effort, no correction was attempted, meaning that some of the information, which has been presented by the stakeholders, maybe factually incorrect. In some cases, the Performance Review Panel has footnoted such responses and have provided additional information in square brackets in the footnote to help clarify the situation. Besides, the views of stakeholders are exactly that. They do not represent, by any means, the views of the Performance Review Panel.

I. Conservation and management/ Science

A. Status of Living Marine Resources

The first two questions of the questionnaire addressed the very core of CCSBT work: to ensure the conservation of both the southern bluefin tuna (SBT) and of non-target species that belong to the same ecosystem and are, therefore, affected by the SBT fisheries. Not surprisingly, thus, these two questions got the most extensive responses of all. The responses from stakeholders, however, clearly showed a marked difference in the perception of CCSBT performance regarding these two conservation objectives.

1. How do you rate the performance of CCSBT regarding the conservation of the southern bluefin tuna, since the first performance review (2008)? Mean rating, by groups: 4.1 (26 responses).



In 2012¹, the CCSBT adopted a Management Procedure (Harvest Strategy) to guide TAC setting with the objective of having a 70% probability of rebuilding the stock to the interim rebuilding target reference point of 20% of the original spawning stock biomass by 2035. From 2010 to 2020, the southern bluefin tuna (SBT) stock increased from ~5% to ~20% of the original spawning stock biomass, so the interim rebuilding target is already close to being achieved. A new MP has since been developed and adopted to take the stock beyond the interim rebuilding reference point, to having a 50% probability of achieving a biomass level of 30% of the original spawning stock biomass by 2035. In 2020, the CCSBT Extended Scientific Committee (ESC) updated the stock assessment for Southern Bluefin Tuna (SBT) and conducted a review of fisheries indicators. Based on this result, it was advised that:

- the current estimated trends indicates that the SBT stock has been rebuilding by approximately 5% per year since the low point in 2009; and that
- the stock is estimated to be 20% of the initial Total Reproductive Output (TRO), which is close to 70% of the level required to produce maximum sustainable yield (MSY). The current depletion level is approximately equal to the interim rebuilding target (CCSBT's former target) of 20% of initial TRO, but is below the new rebuilding target, adopted in 2019, of 30% of the initial TRO.

The clear rebuilding of the stock and the commitment to further rebuild were the main reasons why most stakeholders' groups gave this question a score, on average, higher than 4 (4.2 to 5.0), despite the spawning stock only being at approximately 20% of original levels and still overfished. These results show that most stakeholders are fairly satisfied with the progress achieved by CCSBT, since 2008, regarding the conservation of the SBT. The adoption of and adherence to a fully tested rebuilding strategy for the stock and associated indicators, including automatically accepting a global Total Allowable Catch, set

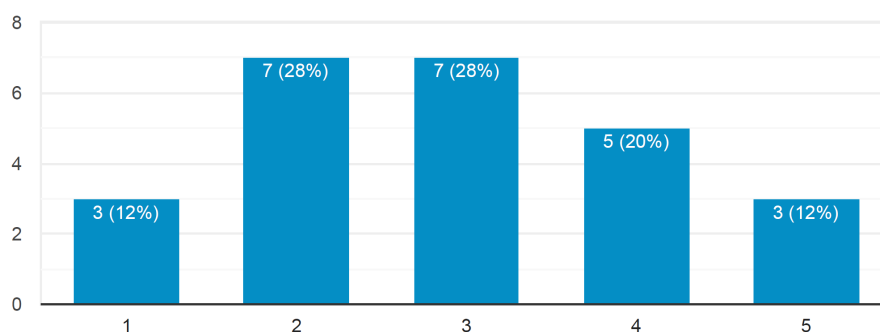
¹ [The Management Procedure was adopted in 2011 and commenced implementation for Members' 2012 fishing season and onwards.]

by the agreed Management Procedure, was considered a major accomplishment and a very good model of a Harvest Control Rule, to be followed by other RFMOs. According to the respondents, TAC calculation and determination in accordance with the Management Procedure is a unique and outstanding achievement that is allowing the recovery of SBT, from a very low level, being arguably considered to be one of the most impressive single stock recoveries ever achieved globally.

The successful recovery of the SBT stock was mainly attributed to the clear focus on objectives, aided by the successful allocation of the TAC during the recovery period, as well as to the solid science that has provided much more robust support for the formulation and adoption of the Management Procedures, including the funding of carefully designed projects to provide fishery-independent indices of stock status. The introduction of the catch documentation scheme was also identified as one of the key factors for the recovery of the SBT stock.

Some of the respondents that have assessed CCSBT performance positively, however, opined it could be moving faster, with conservation objectives not as aspirational as they could be. The continued estimation of 2,000 t over catch for farming operations for more than 10 years now was also highlighted as a weakness of both stock assessments and management scenarios. According to some that gave this question a lower score, one of the big contributors for the rebuilding status being still slightly behind target was the continued over-catches of SBT each year, by some Members. Stronger penalties to ensure that Members do not exceed their annual quotas was suggested as a possible solution for this problem. Another criticism was the decoupling of the TAC negotiations from the management procedure, in 2019.

2. How do you rate the performance of CCSBT regarding the conservation of non-target species that belong to the same ecosystem (in particular, sharks, seabirds, and sea turtles), since the first performance review (2008)? Mean rating, by groups: 2.8 (25 responses).



Together with question 5, addressed further down and related to the same topic, this question was the one with the lowest rating (2.8) among all the 53 in the questionnaire, clearly indicating that, according to most of the stakeholders, CCSBT does have a serious problem in addressing the impacts of SBT fisheries on non-target species that belong to the same ecosystem. The main criticism regarding ecologically related species (ERS) was the seabird mortality in SBT fisheries, considered to be too high and uncontrolled. As pointed out by many respondents, fishing for SBT overlaps with the distribution of endangered albatross and petrel species. Consequently, CCSBT has the highest albatross catch rates of all RFMOs, contributing to on-going population declines of globally threatened seabirds.

Although there seems to be an overall recognition that CCSBT has not addressed the problem of seabird mortality effectively², CCSBT Members still have differing views with respect to the authority and responsibility the Commission has to manage ERS interactions. As a result, according to some, the ERSWG has been ineffective in providing unambiguous advice to the Commission on the necessary conservation measures for mitigating seabird bycatch in longline fisheries, as well as the impact of SBT fisheries on other bycatch species. This situation is further aggravated by the low frequency of ERSWG meetings, which happens on an ad-hoc basis (it met only 6 times³ since the 2008 review). Besides, matters regarding ecologically related species seem to be entirely delegated to the Ecologically Related Species Working Group, with the Extended Scientific Committee taking little or no responsibility over them. According to some of respondents, this is still a very politicized issue, with a debate continuing whether CCSBT has a mandate with respect to ERS or not⁴. It is urgent, therefore, that the CCSBT's mandate in this area be clarified and agreed.

Some argued that the measures to mitigate bycatch adopted by other RFMOs, such as ICCAT, IOTC and WCPFC, to some degree, have been used as an excuse for CCSBT not to take action itself on this matter. Despite the measure adopted by CCSBT, in 2018, making it mandatory to CCSBT Members to adhere to other RFMO bycatch mitigation measures, some Members tend to ignore the conservation of non-targeted species and only address this topic in other tuna RFMOs. For others, the choice CCSBT has made to rely on other RFMO's binding ERS measures rather than adopting its own/unique binding measures (except mandatory tori-line and scientific information/data collection/sharing) is positive, since it avoids duplication and confusion between measures of CCSBT and those of other RFMOs. Even though the mandatory implementation by CCSBT Members of measures and regulations adopted by other RFMOs for non-target species might be positive, some still believe CCSBT should also consider establishing its own conservation measures for ERS. Besides, since CCSBT Members are obliged to comply with these measures if they are also Members of these other RFMOs, non-compliance with respect to ERS measures adopted by them (referred to in CCSBT's ERS alignment measure), while fishing for SBT, should be reported to, and considered by the Commission.

Even when CCSBT have agreed on the adoption of conservation and management measures (CMMs) related to ERS, however, e.g., the mandatory use of tori-lines south of 30°S, in force since 1997, Members have consistently failed to follow the agreed regulations, an issue that is exacerbated by lack of monitoring and disincentives for non-compliance. Many of the respondents have recognized that little progress has been made in reducing seabird bycatch rate in the CCSBT area, with bycatch levels remaining extremely high. In some cases, the reported seabird bycatch has indeed increased recently, rather than being reduced⁵. This is a reason for grave concern, considering that CCSBT has the greatest overlap with seabirds of any tuna RFMO.

Effective monitoring, efficient reporting and demonstrable compliance with best practice mitigation measures is urgently needed if this situation is to be rectified. The only way to resolve this, according to some of the respondents, is to increase human observer coverage, supported with electronic monitoring,

² E.g. paragraph 40 of the 5th Meeting of the Strategy and Fisheries Management Working Group- SFMWG, held in 2018: "40- Most Members agreed that the ERSWG had been ineffective".

³ [The "6 times" include five ERSWG meetings and one SMMTG meeting.]

⁴ E.g. paragraph 41 of SFMWG-5: "41- Members debated whether the CCSBT's Convention provided a mandate to pass measures on ERS. No consensus was reached on this matter, but it was noted that CCSBT is in a similar situation as ICCAT and IOTC and that both of these RFMOs have also adopted measures in relation to ERS (e.g. seabird mitigation measures)".

⁵ Table 4 and 5 of CC15_05AnnualReportOnMembersERSPerformance_Rev1.pdf

coupled with the adoption of clear and binding disincentives for non-compliance. Since there is no process in place to penalize Members for non-compliance with ERS measures, there is little incentive to comply. Indeed, the latest report at 2020 Compliance Committee showed the worst record of compliance, by some Members, with very important requirements, such as the utilization of at least “two of three” best-practice seabird mitigation measures. Although observer coverage for most Members has achieved the required 10% level, this coverage rate was considered insufficient by some, and not aligned with fisheries where the target species is of high conservation concern. For example, in CCAMLR, the toothfish fishery (a species vulnerable to overfishing) requires 100% coverage (and krill 75% coverage). According to those respondents, insufficient observer coverage undermines the ability of the CCSBT to fulfil its mandate to both sustainably manage the SBT fishery and to reduce the impacts on ERS. The minimal observer coverage rate, therefore, should be increased to, at least, 20% and ideally to 100%.

Despite the several shortcomings of CCSBT performance regarding ERS, some Members opined that a considerable improvement has been achieved since the first performance review, in 2008, including the annual ERSWG Data Exchange, the revised CCSBT Scientific Observer Program Standards to cover new seabird mitigation measures, the revised template for ERSWG national report and for the ERSWG Data Exchange, with more detailed information on ERS (finer spatial resolution, use of mitigation measures, fate of released fish⁶ etc.), and the resolution adopted in 2018, to align CCSBT’s ERS measures with those of other tuna RFMOs, requiring Members to comply with all ERS measures in force in their areas of competence. The Secretariat also begun to produce an “annual report on the implementation by Members of ERS measures”, for consideration by the Compliance Committee. Some who recognized these advancements, however, have pondered that they have not yet been able to produce any measurable reduction in the impact of SBT fishing on seabirds. A recently agreed multi-year Seabird Strategy is also yet to gain traction, being unclear if or when it might lead to any improvements to CCSBT’s performance in this area.

In 2009⁷, the ERSWG advice to the Commission was that “the (then) current scientific advice on what constituted best practice was to use all three mitigation measures, namely line weighting, night setting (i.e. setting after nautical twilight and before nautical dawn) and bird streamer lines”. The meeting also “recognized that all three measures should be applied in high-risk areas, to reduce the incidental mortality of seabirds to the lowest possible levels”. Since then, however, the CCSBT has been unable to reach a consensus on what constitutes high-risk areas, so there has been no agreement about the need to adopt these best practice mitigation measures, while the non-binding recommendations that have been agreed have been demonstrably ineffective at achieving such reductions.

Besides the impact of SBT fisheries on seabirds, some of the respondents also expressed concern with the shark bycatch. According to them, in many cases, sharks are caught and retained as part of the fishing activity and should not be treated as bycatch, but as retained catch of SBT fishing operations. Some Members have high levels of reported catches, discards and mortalities of blue sharks, for instance, raising concerns that some longline operations may be targeting sharks to reduce shark abundance and consequent depredation, before switching gear and fishing behavior to target SBT. According to some, the assessment of shark populations affected by SBT fisheries has also been

⁶ [Released fish involves the number of observed captures that were retained (dead), discarded (dead), released (alive) and others.]

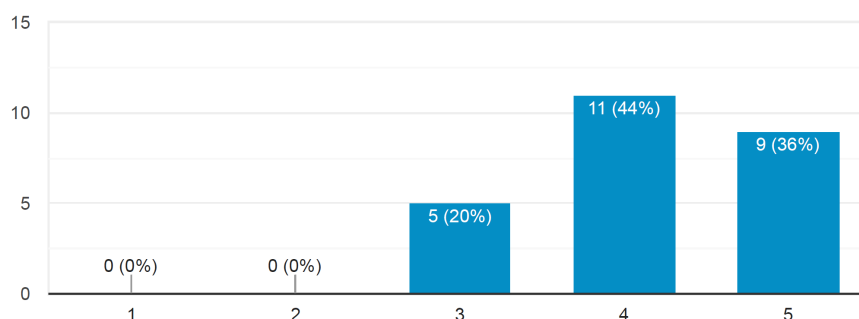
⁷ [This advice was provided by the ERSWG at ERSWG 9 in 2012, not in 2009.]

negatively impacted by the lack of clarity and transparency of some of the main datasets used for this purpose, requiring a better monitoring and reporting of the bycatch.

Finally, reflecting the still ongoing and unsettled debate on CCSBT mandate to address the conservation of ERS, according to some of the respondents, this question was not appropriate, since the Commission was responsible for the conservation and management of the SBT only, with no obligation over the conservation and management of neither other fish species, nor ERS species. The objective of the Convention is “to ensure, through appropriate management, the conservation and optimum utilization of SBT”. Notwithstanding, ERS working group was recognized as a suitable forum to discuss and consider Ecologically Related Species (ERS), including sharks, sea birds and sea turtles, and although CCSBT was not primarily mandated with the conservation of ERS species, in their view, it has adopted a reasonable level of bycatch mitigation measures, which are compatible with the four ocean-based t-RFMOs (ICCAT, IOTC, WCPFC and IATTC⁸), avoiding redundancy of authority. According to those respondents, therefore, the activities conducted by CCSBT on ERS are reasonable, with the CCSBT providing clear guidelines and regulations on seabird bycatch, which were reconciled from relevant RFMOs, facilitating their implementation. Some noted that CCSBT tends to follow the CMMs that have already been applied in other RFMOs related to sharks and marine turtles, as well, but that is even more advanced regarding the adoption of CMM for the protection of seabirds.

B. Data collection and sharing.

3. How do you rate the process established by CCSBT for fisheries data submission, including agreed formats, specifications, and timeframes? Mean rating, by groups: 4.0 (25 responses).



The CCSBT has clearly defined timeframes and agreed formats/templates, covering all required information for scientific and compliance assessment⁹. All data fields and information are linked to a specific utilization purpose (i.e. no information is only stored but not used), to ensure these requirements will not create unnecessary burden to Members. These formats/ templates are regularly updated, when necessary. There are four main categories of data submission requirements to Members:

1. Scientific data exchange- essential to run CCSBT Operating Model (OM) for stock assessment and Management Procedure for TAC recommendation and stock projections;
2. Compliance related data submission requirement (including CDS, authorized vessels/farms, transshipment, port inspection, etc.)- essential to ensure that CCSBT conservation and management measures are properly implemented;

⁸ [The CCSBT’s ERS alignment Resolution does not refer to any IATTC ERS measures. This is because no SBT fishing has been reported to the CCSBT for the waters in IATTC’s Area of Competence.]

⁹ <https://www.ccsbt.org/en/content/data-submission-requirements>

3. ERSWG data exchange- essential to assess Members' performance regarding bycatch and the effectiveness of current bycatch mitigation measures; and
4. Annual report to ESC, CC/EC and ERSWG meetings- essential to check Members' latest situation in a systematic manner and to share how each Member implement the CCSBT measures domestically.

The mean rating by groups of stakeholders for this question, equal to 4.0, indicates an overall satisfaction with the process established by CCSBT for fisheries data submission, including agreed formats, specifications, and timeframes. In general, the process of data submission was considered to be easy, reasonable, transparent, comprehensive, and well supported by the Secretariat, that is always responsive and accommodating to queries and issues. "The process for fisheries data submission within the CCSBT is well developed and functioning effectively, besides being flexibly updated when necessary". "Data processes are generally very good and continue to be improved". "There is a well-established process with standardized data submission formats".

Some respondents, however, noted that in some cases processes could be improved by reducing the manual component, e.g., by having an e-CDS rather than a paper CDS or by having online submission instead of emailed spreadsheets. An e-CDS would provide the possibility of having access to CDS data more immediately so that any discrepancies could be resolved closer to real-time. This is particularly important since submission timeframes for the CDS have a long time-lag. Having an e-CDS with built-in checks as data is entered/loaded should also serve to cut down the large amount of time the Secretariat spends on checking, reconciling, querying, and then correcting erroneous CDS data eventually submitted by Members. In this regard, it was also informed that CCSBT is already developing an online data submission/sharing system that will integrate data submission processes, in particular compliance related data submission, which will provide greater efficiency to both Members and the secretariat, in terms of their time burden.

Some of the respondents highlighted the need for a longer implementation time frame of changes to reporting, "to allow for new data to be collected and analyzed, and processes to be set up"; while others noted that further work is required on annual reporting templates to ensure information is provided consistently and in a way to reduce reporting duplication. The lack of requirements for high resolution data (e.g. longline catch effort data only needs to be provided aggregated by year, month, 5*5 degrees block and fleet and some ERS data does not need to be provided at the species level), due to Members' confidentiality rules, was indicated by some as the major problem with data submission processes. It was noted, however, that to overcome this problem, Members have agreed to conduct pre-specified analysis of their own high-resolution data when requested by various CCSBT working groups, providing a partial solution to this problem. Others highlighted the Real Time Monitoring Procedure as an important way to provide extremely recent data and information quickly.

Another criticism was related to the lack of a specific time frame for ERS data submission to the ERSWG and reporting to the Extended Commission, creating a time lag in reporting compliance with ERS CMMs that leads to delays in identifying and correcting consistent non-compliance. Although there is no specified time frame in the terms of reference, the ERSWG only reports to the EC every 2 years, whereas the stock status assessments report every year. This means that there is a large time lag in reporting of

compliance with ERS CMMs¹⁰, delaying the ability of the CCSBT to act when there is non-compliance. This also means that poor practices, or consistent non-compliance can carry on for several fishing seasons before it is picked up. Given the 2008 Performance Review recommended that the “scientific effort [should] achieve a better balance between its work on SBT and its work (so far very limited) on ERS” (Page 10¹¹), it would be prudent to have ERS data reported annually¹² by Members and for the ERSWG report to the EC every year and have equivalent time to discuss and act on its recommendations.

The 2008 Performance Review also identified gaps in the ‘collection and exchange of ERS data’, noting that attempts to resolve them had failed, despite the practices agreed by Members. It was also emphasized in that review that “efforts must now be focused on ‘improving data collection and reporting’¹³. On this regard, data driven assessments of both SBT and ERS bycatch require verification that vessels are adhering to the mitigation regulations, and current observer coverage levels (compounded further by the suspension of the observer program due to COVID-19) are inadequate to achieve this. Indeed, the review of the 2014 Performance Review¹⁴ by ERSWG 11 in 2015 concluded that “there is obviously a trade-off in the use of the observers’ time which affects the precision of the data (and ensuing assessments) of SBT and ERS respectively. (...) A minimal assessment of the state of the ERS (or contribution to such assessment in a collaborative framework) will probably require more ERS data to be collected. The use of video cameras might be a useful assistance to the observers.” Yet, cameras are still not required and are rarely used in CCSBT vessels, unless when mandated by a Member’s legislation, a point already noted under the previous question.

Finally, progress regarding the process established by CCSBT for fisheries data submission, including agreed formats, specifications, and timeframes was recognized on:

- Improved formats for reporting, most recently in 2019, and standardization of language regarding previous fishing seasons, providing substantively better data to assess the state of the fishery; and
- Reporting formats to improve standardization of data on ERS, which have also been improved substantively since the 2008 Performance Review, although the quality of data on ERS remains poor, mainly due to low observer coverage and the associated statistical uncertainty.

¹⁰ [ERS data are reported to the Secretariat and shared with Members on an annual basis and those data are used in an annual report from the Secretariat to the Compliance Committee.]

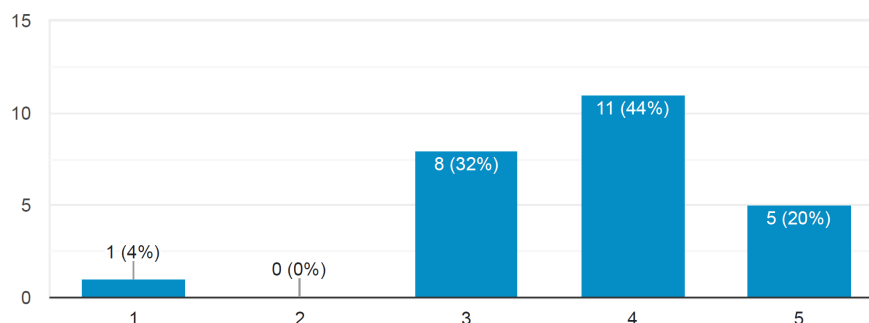
¹¹ [Part Two of 2008 Performance Review Report, by the independent expert.]

¹² [ERS data are currently reported annually, regardless of whether an ERSWG meeting is scheduled for a particular year.]

¹³ [Part One of 2008 Performance Review Report, Self Assessment” by the Performance Review Working Group of the CCSBT.]

¹⁴ [CCSBT-ERS/1503/08](#) “Performance Review of the CCSBT”.

4. How do you rate the collection and submission by Members of fisheries data concerning the southern bluefin tuna, in a complete, accurate and timely manner? Mean rating, by groups: 3.9. (25 responses).



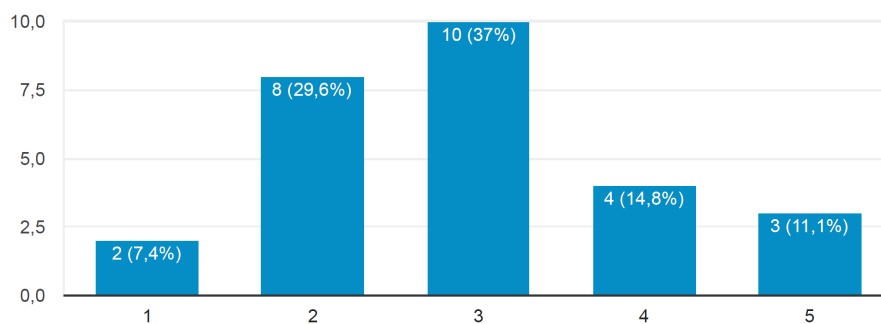
Fisheries data concerning the SBT is mainly collected and submitted to the CCSBT through Scientific Data Exchange, CDS and ERSWG Data Exchange process. In addition, these data are aggregated and reported in Annual reports to ESC, CC/EC and ERSWG in a systematic manner, with data completeness, accuracy and consistency being checked/assessed by comparing different data sources/reports by both the Secretariat and Members. Scientific Data Exchange and CDS are the most important, in terms of the objective of the Convention, and, in general, Members were considered to comply with their obligation for submission of those essential matters very well. The average rating by groups for this question was, therefore, rather high (3.9), ranging from 3.5 to 5.0, indicating an overall satisfaction by stakeholders with the collection and submission by Members of fisheries data concerning the southern bluefin tuna. “In general, Members are good at submitting data”. “Collection and submission of data can vary between Members but is usually of a satisfactory standard”. “CCSBT’s data, especially catch volume, is subject to reasonable, timely and comprehensive cross-check with other sources (e.g. CDS) by the Secretariat. This makes the SBT data more reliable”.

Others, however, disagreed, pondering that there appear to be insufficient checks and balances to ensure accurate and timely data submission by Members. Some of the respondents also noted occasional cases of incomplete, inaccurate, and late submission of data: “data submission is generally sound, though occasionally one or two Members are tardy” or simply “do not submit complete fisheries data” at all. The overall quality of the data submitted by some Members was considered to be poor and in need of improvement by some respondents, with a particular concern being expressed with regard to the accuracy of the data from the ranching sector (“the continued delay in providing alternative, more accurate, data from the farm sector is a concern”) and from artisanal or non-commercial fisheries. While some stakeholders noted that the lack of timeliness and completeness of data submission can be frustrating, particularly in the context of the Compliance Committee, it was also recognized that data submission can be complicated in some cases, especially for developing Members. In this context, some Members criticized the lack of consideration by the CCSBT of the special requirements of developing Members, treating developing and developed Members in the same manner.

The difficulty to independently verify the data submitted by all Members was also recognized as an overarching issue, as well as the current process for CDS validation. Because current CDS Resolution allows Members to delegate CDS validation to the fishers/farming companies, the accuracy and neutrality of these data cannot be sufficiently ensured, according to some of the respondents. The imbalance between the quality and quantity of data required from different fisheries was also considered a problem, as well as

the fact that most of the data and information from Gene-tagging and Close-kin analyses are being held by only one Member¹⁵ who conduct the analysis, hampering transparency.

5. How do you rate the submission by Members and cooperating non-Members of fisheries data concerning non-target species that belong to the same ecosystem (in particular, sharks, seabirds, and sea turtles), in a complete, accurate and timely manner? Mean rating, by groups: 2.8 (27 responses).



Many of the problems identified under the second question of the questionnaire, on the performance of CCSBT regarding the conservation of non-target species that belong to the same ecosystem, also affect data submission, addressed under this question. Unsurprisingly, therefore, the mean rating by groups for this question was similar to question 2, equal to 2.8, ranging from 1.7 to 4.0. These results evidence a predominant dissatisfaction of stakeholders with the way Members have been compiling and submitting fisheries data concerning non-target species.

According to some of the respondents, however, there have been significant improvements in the CCSBT agreed data standards for non-target species, which are now potentially among the best among RFMOs. Fisheries data concerning non-target species (ERS) is mainly collected and submitted to the CCSBT through ERSWG Data Exchange. These data are also included in the Annual Report to ERSWG meeting in a systematic manner, being checked/assessed by both the Secretariat and Members for completeness and consistency. Nonetheless, despite most Members have complied with their obligation to submit ERSWG Data Exchange and annual reports to the ERSWG, several shortcomings have been recorded in the past, including failure to provide: a) estimated total mortalities of bycatch species; b) data for ERSWG Data Exchange (some Members did not provide any data); and c) specific sections of ERSWG Data Exchange (e.g. mitigation measures for non-target species). Besides, the ERSWG's strict rule for document submission (4 weeks before the meeting) has not always been complied for annual report either. One Member, on the other hand, noted that although the performance for data delivery among Members was quite good in terms of timeliness, it was not optimal for accuracy. In addition, some Members have failed to achieve the 10% observer minimal coverage for some years.

Even when all the data required have been submitted in a timely manner, though, there have been doubts on their accuracy, based, for instance, on unexplained discrepancies in bycatch capture rates among Members fishing with similar gear in similar areas. This might happen particularly because, according to some respondents, there is limited independent data, observer coverage is too low and electronic

¹⁵ [The Gene-tagging and Close-kin research is conducted by CSIRO under contract to the CCSBT. The basic gene-tagging and close-kin data are shared with all Members as part of the annual scientific data exchange. This does not include the genotype data due to practical constraints, but access to these data (clone ID of each locus and count data of each allele at each locus for each sample) can be provided to Members for CCSBT purposes provided that reasonable notice is given].

monitoring systems are not used by most Members. In other cases, “e-Monitoring” has been the only method used, not supported by human scientific observer, which, in the view of some of the respondents as well, is also not in compliance with CCSBT Scientific Observer Standards.

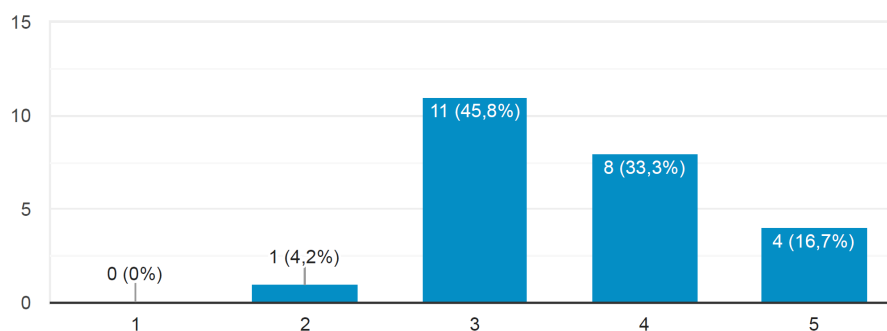
The Compliance Committee annual report on ERS from the 2020 meeting notes: “The information provided by some Members in the 2019 Annual CC/EC Report was ambiguous”. This deficiency has been, at least in part, linked to low observer coverage, with some Members demonstrating poor spatial-temporal observer coverage in 2019 reports of ERS bycatch. Therefore, even where data have been properly submitted, they have been insufficient to support meaningful management decisions. The 2019 report to the Compliance Committee on seabird mortality, for instance, warned that “the raised number of seabird mortalities each year should be interpreted with caution.” It also noted that lower total mortality was “most likely to have resulted from inadequate and unrepresentative sampling and not from improved mitigation”.

The lack of penalties for failing to share information with the CCSBT on the ERS bycatch, linked to the non-binding nature of the agreement to exchange information, was another problem highlighted by some respondents. This situation also resulted in an uneven level of reporting by Members, with some of them complaining that those Members who are seriously trying to tackle issues of bycatch and are, therefore, honestly reporting end up being the only ones criticized. The same applies to the different fisheries, with some of them reporting accurate data on bycatch, while others have never reported any information on non-target species.

In addition, the data reporting protocol for ERS do not require the bycatch information to be submitted at species level, allowing the data to be reported by “species group”, which, for most purposes, render the data useless. Ideally, ERS bycatch should be reported by “species” level and the ERSWG has recommended Members to do so, but since species level reporting is currently not mandatory, “species group” level reporting has continued to be the practice by some Members, forcing the ERSWG to do the much-needed assessment of SBT fisheries impacts on ERS with higher-level aggregated data. Some respondents have also noted that although much of the concerns related to ERS in CCSBT have been centered on seabirds, there are also serious problems related to the underreporting of shark bycatch.

In conclusion, the measures suggested by respondents to solve the problems related to the submission of ERS bycatch data included greater observer coverage, including, but not restricted to, the use of electronic monitoring, coupled with effective mechanisms to deter non-compliance with reporting obligations, including by making the reporting of ERS bycatch data mandatory.

6. How do you rate the performance of CCSBT to ensure that all mortalities of southern bluefin tuna are accounted for? Mean rating, by groups: 3.8 (24 responses).



The performance of CCSBT to ensure that all mortalities of southern bluefin tuna are accounted for achieved a mean rating by groups of 3.8, indicating that most of the stakeholders are reasonably satisfied with the work so far conducted on this regard by the Commission. CCSBT has a “Resolution on Reporting all Sources of Mortality of Southern Bluefin Tuna”, which includes, but is not limited to, discards and recreational fishing. Furthermore, the CCSBT has a definition for the “Attributable SBT Catch”, which specifies that “a Member or CNM’s attributable catch against its national allocation is the total Southern Bluefin Tuna mortality resulting from fishing activities within its jurisdiction or control, including, inter alia, mortality resulting from: commercial fishing operations whether primarily targeting SBT or not; releases and/or discards; recreational fishing; customary and/or traditional fishing; and artisanal fishing”. This definition has been implemented by all Members since 2018 fishing season. According to the respondents, the adoption of the definition of “Attributable SBT Catch” was an important step in ensuring all SBT mortalities are accounted for, significantly improving CCSBT performance in this field.

At each annual meeting, Members are asked to state how they have accounted for their SBT mortalities, explaining how they are implementing/calculating this definition domestically in their national report or dedicated documents to the ESC. Sometimes, Members have current estimates for discards and recreational fishing mortalities, but sometimes Members rely on past estimates or specify a “reasonable” allowance for these mortalities if they have been unable to provide a specific estimate. Although no Member has counted “depredation by sharks” against their allocation, discussion is ongoing to determine whether mortality through depredation should be included in the definition of Attributable SBT Catch. In addition, the Extended Scientific Committee conducts analyses of unaccounted mortalities (UAM) and incorporates plausible UAM for both Members and Non-Members in its stock assessments and in the Management Procedure. Considering that the total amount related to these uncertainties is relatively small against total TAC, that they have been well addressed within the CCSBT MP when recommending the SBT TAC, and that all commercial SBTs are well captured by CCSBT CDS, the figure of “reported SBT catch” by Members can be considered sufficiently precise.

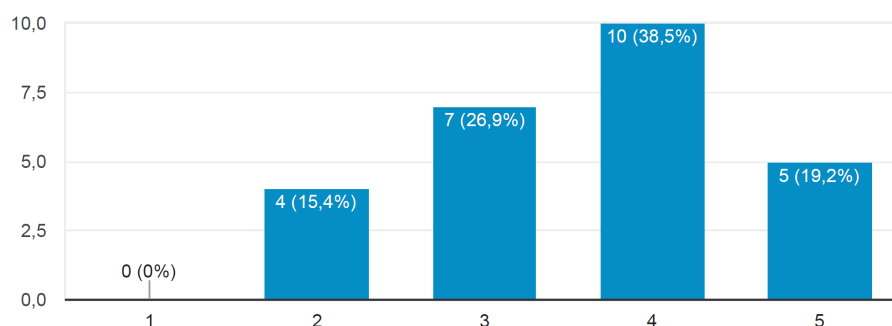
It is clear, therefore, that CCSBT has processes in place for members to account for all sources of mortality, which is world leading. Notwithstanding, in practice, more accurate accounting of all sources of mortality is still needed by Members. In particular, work is needed on: a) Members providing accurate estimates of all sources of mortality; b) how predated fish should be accounted for (as noted, there is current work going on in this area); c) improving the estimates of the non-Member southern bluefin tuna mortality (which is likely low); and b) accounting of discards (which are likely still under reported).

On the potential source of unaccounted SBT mortality from catch by non-Members, although likely low, estimation was recognized to be difficult. Since MCS enforcement at fishing grounds, including high sea areas, by Members is extremely weak, it is impossible to estimate non-Member catch properly. The problem of catches from non-Members entering an also non-Member market was recognized as a further hindrance for a proper estimation of the total SBT mortality. Notwithstanding, it was noted that in recent years the CCSBT has done a great deal through its CC and ESC to improve this estimation. The ESC has revised estimates of Non-Member UAM, setting them at a higher level in developing a stock rebuilding plan, and concluded that the current MP is robust enough against such catches, if they exist. As noted by one of the respondents, “in considering the safety of the stock in question, this approach may be unavoidable. However, it kills the potential of use of the stock by responsible and legitimate fishers and it has to be improved”.

Some of the respondents expressed a particular concern with discard reporting and estimates of discard mortality in farm operations which, according to them, could have an important impact on the accuracy of mortality data, noting that “significant gaps remain in both farms and market data”. According to some, there is a long-standing question on the estimated weight of SBTs which are caught by purse seiners and then transferred to farming cages. The ESC, including an invited external farming expert, has considered that implementing stereo video camera would be the best way to overcome this problem, but it has not been implemented yet. According to those holding this view, if stereo video camera for SBT farming had been already implemented, then this source of uncertainty would have been removed. Others, however, expressed their confidence in the catch estimation techniques currently used.

A final issue related to SBT UAM was the possibly huge gap related to tuna transshipments at sea, due to the great difficulty to reliably identify SBT from physical characteristics, especially when looking at a frozen carcass. This means that whenever observers think they have detected non-reported transshipments of SBT at sea, it can never be proven (via photos). A possible solution to this problem, some suggested, would be the use of portable genetic testing (random), which is presently lacking. A “potential” transparency gap with the use of container vessels for the transportation of SBT products was also noted.

7. How do you rate CCSBT transparency and mechanisms for sharing the data with Members and other RFMOs? Mean rating, by groups: 3.5 (26 responses).



Most of the data shared with Members are scientific. They are usually provided to the Secretariat by Members (or contractors) through annual data exchange processes, which work well, according to most respondents. The Secretariat then provides most of these data to all Members via the private area of the CCSBT website. All Members are then able to conduct their own analyses of SBT or ERS with data from the entire fishery. Compliance related information tends to be more confidential and only agreed summaries

are shared with Members. CCSBT's "rules and procedures for the protection, access to, and dissemination of data compiled by the Commission" specify the types of information and the confidentiality risk classification assigned to each of them. Depending on the risk classification of data/information, they may be shared through required procedures and data owner's permission (no procedure is needed for sharing "no risk" data/information). Data available for sharing with other RFMOs are only the public ("no risk") data, specified as such, unless an MoU exists (such as with IOTC and WCPFC) that specifically enables the sharing of other data, at finer scales (e.g. the MoU allows the sharing of data from less than three vessels in the strata, that would be considered otherwise confidential and could not be shared).

The mean rating by the different groups of stakeholders (3.5) indicates, however, that they are not much satisfied with the system in place, recognizing that sharing data between Members is commonly compromised due to confidentiality reasons. Of course, CCSBT can only share data to the extent Members allow. "This is an area where the Commission needs to do more to provide greater transparency on Member's operations". According to some respondents, the main problem of current rules is the requirement to receive approval from data owner, which may take some time or not be given at all, preventing the sharing of data not only between Members but also with other RFMOs. Sometimes, even the initial quota allocations and final catches by fleets are not provided. Particularly in the case of bycatch, the failure to share data with Members, including from observers, and other RFMOs, renders the assessment of the cumulative impact of SBT fishery on non-target species globally nearly impossible. Some of the respondents, therefore, opined that all information from a fishery operating in a given location should be made available to allow a proper assessment of the impact of that fishery on both target and non-target species, as well as on the marine ecosystem. In the absence of these data, it is not possible to evaluate the sustainability of the SBT (or any other tuna) fisheries. According to some of the respondents, this is duly reflected in two comments of the previous performance review: a) "More efforts need to be made to resolve the data confidentiality (regarding observers and operational fisheries data), in order to improve the resolution and accuracy of assessments and precision of the scientific advice"; and b) "The confidentiality problem will hamper the quality of the scientific assessment efforts. CCSBT should continue to improve the accessibility of "confidential" data for this purpose, with appropriate safeguards".

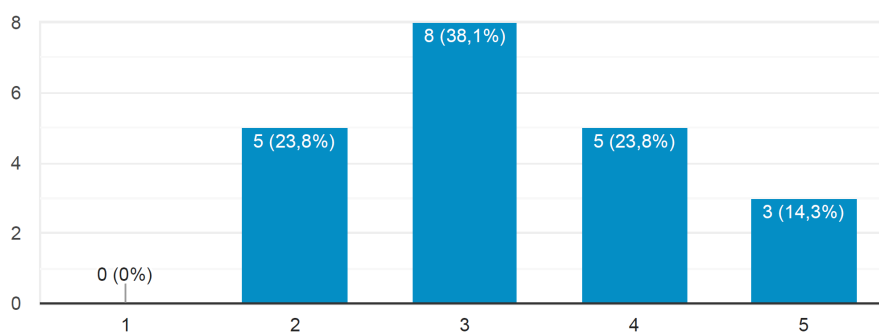
Of particular concern for some of the respondents was the difficulty related to accessing CDS Catch Tagging Form (CTF) information, containing the data of individual fish from SBT farming, which is provided to the Secretariat only and not to Members. CDS data that would be relevant to the analysis of possible biases in reported catches, for instance, have not been made available, despite requests by the scientific committee to access them. The SBT catch data shared by SBT farming were also considered to be very limited, compared to those of the longline fishery, with no data from the purse seine fishery being made available. "CDS data are provided by farmers at the timing of the shipment and the same farmers are the ones doing the validation of the shipped quantity, with no one to verify if erroneous or falsified reports were made".

Regarding the sharing of the data with RFMOs, according to some of the respondents, despite CCSBT has been actively submitting reports to other RFMOs and CITES¹⁶, including through the process established jointly by the t-RFMOs, there should be MoUs signed with all related RFMOs. Given the unique arrangements relating to vessels operating in the convention areas of other RFMOs, more transparent

¹⁶ [The CCSBT submits these reports to the FAO, not CITES]

and timely mechanisms are needed to ensure data collected by these RFMOs are available to CCSBT and vice-versa. Although sharing compliance information with other RFMOs has improved since the commencement of the Tuna Compliance Network, and now also with the fledgling Pan-Pacific Network, transparency could be improved further, particularly regarding the sharing of ERS data, which is an area where confidentiality requirements have hindered the assessment of the impact of SBT fishery significantly. Usually, the data that are shared and made publicly available on the CCSBT website are restricted and aggregated. Greater transparency by Members would be, therefore, good from a scientific perspective. Notwithstanding, some had a different view, considering that the present degree of transparency, coupled with the good collaborative work, has been sufficient to underpin good science, good advice, and good management.

8. How do you rate CCSBT efforts for capacity building to improve data collection by developing States? Mean rating, by groups: 3.4 (21 responses).



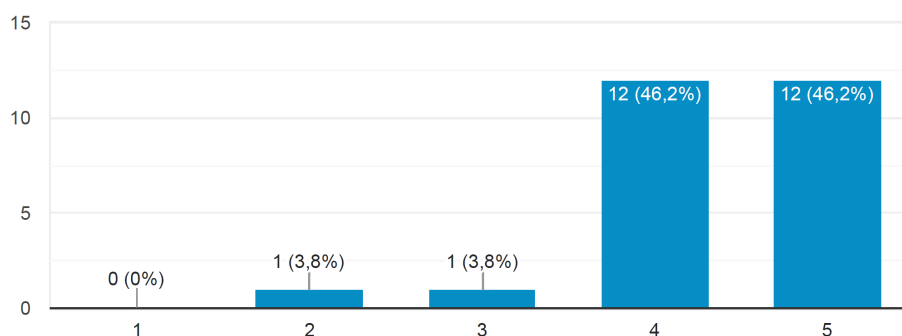
Despite CCSBT has two Members that are developing Members, so far, large scale structured projects for capacity building on data collection have not been implemented, despite some one-off opportunities that have been provided (e.g. “SBT Maturity Workshop”, on the collection of maturity data through the SBT ovaries, CDS training provided by Compliance Manager, etc.). Instead of large-scale projects, Members have offered bilateral-basis assistance for capacity building aiming at improving data collection, in particular for CDS, but the efforts have been so far quite timid, partly because developing Members in CCSBT have not made specific requests to secure budget for the implementation of a specific project for capacity building on data collection. Some of the respondents considered these efforts to be “stagnant”, recognizing a gap between developing and developed Members, as well as between founding Members and new entrants. According to them, funding and support for capacity building would have ranged from minimal to non-existing, if developing Members had not applied for support. Notwithstanding, according to other respondents, despite offers to provide assistance with capacity building to improve data collection and reporting, little has been undertaken recently. Members need to be encouraged to improve systems and reporting particularly where deficiencies have been identified, or where regular quota over catch has been identified.

Others, on the other hand, opined that considerable efforts and resources have been indeed spent on building data collection capacity in developing Members, however punctual these initiatives might have been, with limited further effort since then. According to some, despite the lack of capacity building efforts, data collection mechanisms of developing Members through CDS and their national programs have improved to some extent, while there are still some important issues remaining in

timely and accurate catch reporting and CDS implementation by them. The support from the Secretariat, however, was considered to be outstanding, being always very keen to respond and provide assistance. Reflecting the mixed views on the subject, the mean rating by groups for this item was 3.4, indicating that stakeholders are not much satisfied about the way this issue has been so far tackled by CCSBT.

C. Quality and provision of scientific advice

9. How do you rate the quality of the scientific advice produced by CCSBT Extended Scientific Committee on the southern bluefin tuna? Mean rating, by groups: 4.3 (26 responses).



The ESC contains a great deal of scientific expertise, consisting of Member scientists, a panel of 3 independent scientific experts, an independent expert to Chair the ESC, and other expert consultants hired ad hoc, when required (typically at least one each year). There is also excellent cooperation between key Member scientists and the independent experts, both outside and during meetings. In accordance with Article 9 of the Convention, the SC provides advice and recommendations to the Commission, based on various scientific analyses and assessments. The CCSBT ESC has developed a very advanced population dynamics model called “CCSBT Operating Model (OM)”, and also a “Management Procedure (MP)” which provides pre-agreed basis to determine the global TAC based on the best scientific data available. CCSBT OM and MP are based on the latest and best scientific knowledge in the world, being, therefore, the front-runner in this field of all tuna RFMOs. Since the OM and MP are entirely derived from mathematical calculations, there is no room to interpret the results arbitrarily. Consequently, the most important advice/recommendation from the ESC is always clear and definitive, as long as the best available data are utilized to prepare the OM and MP.

The ESC has a scientific research program (SRP) that specifies activities and priorities to improve the Science in the CCSBT, so that the necessary data for stock assessments and the CCSBT’s Operating Model and Management Procedure can be made available. Through the SRP, all analysis/assessments (including OM and MP) are done so that management advice to the EC can be updated/refined to resolve identified issues or to reflect the latest knowledge. Among other things, the SRP contains state of the art fisheries independent monitoring programs (funded by the CCSBT), including gene tagging (to provide annual estimates of 2-year-old abundance) and close-kin genetics (to provide annual estimates of spawning stock abundance and reproductive output), which are unique and on the scientific forefront among t-RFMOs. The ESC conducts an annual review of fisheries indicators (to see if exceptional circumstances exist which might require action other than the TAC specified by the Management Procedure), a full stock assessment once every three years, runs the Management Procedure once every three years to recommend a new TAC for the next 3-year quota block, and reviews the Management Procedure every 6 years. The Management

Procedure (CCSBT has now adopted its second Management Procedure) is a thoroughly tested procedure that is robust to a wide range of uncertainties. The quality of scientific advice provided by the ESC is, therefore, world class. The excellent quality of the scientific advice, especially the one derived from the Management Procedure (MP), has been the main factor enabling the steady recovery of the SBT stock.

In terms of data inputs, fisheries related data (catch, fishing effort, etc.) are audited not only by data diagnosis by the ESC itself, but also through compliance processes (collated with CDS data, etc.), two of three input data to the MP (gene tagging and close-kin mark recapture) are fisheries-independent, and one of three input data to the MP (Japan core vessels CPUE) is regularly examined by the CPUE modeling group. These processes assure that the best available data are used for stock assessment and TAC recommendation. Furthermore, while most of the scientific activities are done by Members' scientists, important activities of the ESC are reviewed, supervised or led by independent Scientific Advisory Experts, composed of well-known and respected scientists in fisheries science globally, who are entirely independent from political influence by Members. This arrangement gives great transparency and credibility to the outcomes from the ESC.

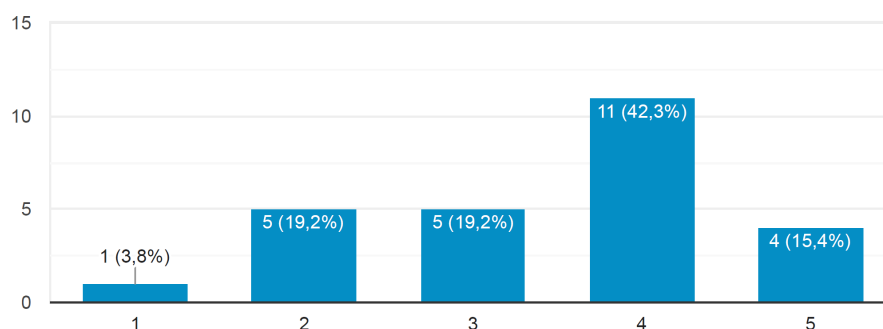
Not surprisingly, this question got one of the highest grades (4.3), behind only to those related to the efficiency and effectiveness of CCSBT, in managing its human and financial resources (Question 50, 4.5), and to the support provided by the CCSBT Secretariat to the Commission (Question 51, 4.7). These ratings attest the high quality of the scientific advice produced by the Extended Scientific Committee (ESC) on the SBT stock. The lowest rating (2.0) was given on the ground that scientific advice was not clear enough to those who are not scientists to understand it, particularly on the future trend of the SBT stock. In the view of some respondents, non-technical summaries, for instance, could benefit Commissioners. "The advice to managers and stakeholders should be further improved in terms of clear and non-technical explanation of risk". WCPFC, for example, provides an 'outcomes document', which is a non-technical summary of the results achieved by the Scientific Committee, presented to Commissioners. Criticism was also directed at the very long time sometimes required by the expert panel to get agreement, rather than on providing independent advice. Occasionally, the ESC also makes assumptions that should have been considered and agreed by Commissioners first. Some asymmetries in engagement across all Members, and differing levels of understanding of the stock assessment and MP models, as well as of the consequent advice stemming from them, was also noted as a reason for concern. Besides, from a Finance and Administration Committee (FAC) perspective, FAC Members are often asked to approve or decline funding for science projects with little information on the potential benefits and/or risks of approving or declining these requests. The fact that all the gene-tagging and close-kin related studies and analyses are done by a single Member¹⁷, with the results being then shared with the Commission and other Members, was also noted with concern, particularly in relation to transparency. "Transparency on the sampling process is completely lacking, although sampling bears quite a high weight in genetic analysis".

In summary, though, most of the respondents considered that CCSBT has been leading other RFMOs in the adoption of a management procedure that has been tested under a wide range of uncertainties. The fishery-independent data now available to conduct the stock assessments and to drive the harvest control rule is exceptional for a widely distributed tuna stock. The quality of advice is excellent. The ESC has provided clear advice in response to requests and has also taken a lead, advising the EC on

¹⁷ The Gene-tagging and Close-kin research is conducted by CSIRO under contract to the CCSBT. The data is available to all Members.

issues deemed necessary. The arrangements and processes to provide scientific advice are, therefore, world class and a great example for other RFMOs. That was the prevailing view of stakeholders on the scientific advice produced by CCSBT Extended Scientific Committee on the southern bluefin tuna.

10. How do you rate the quality of the scientific advice produced by the CCSBT Ecologically Related Species Working Group on non-target species that belong to the same ecosystem (in particular, sharks, seabirds, and sea turtles), including the effects of fishing on the marine environment? Mean rating, by groups: 3.5 (26 responses).



This question is related to questions 2 and 5 and, likewise, got a relatively low rating (3.5), although better than the previous two (2.8). Like the ESC, the Ecologically Related Species Working Group (ERSWG) includes Member’s scientists and an independent expert Chair. Unlike the ESC, however, the ERSWG does not have an independent scientific advisory panel. The ERSWG, nonetheless, benefits from significant IGO and NGO expertise (typically ACAP, BirdLife International, Humane Society International and TRAFFIC) at its meetings. The ERSWG task is to provide information and advice to the commission on issues relating to species associated with SBT, with specific reference to species (both fish and non-fish) that may be affected by SBT fisheries; and predator and prey species which may affect the condition of the SBT stock.

For the collection of scientific data on non-target species, which is the basis for scientific advice and recommendations, the ERSWG developed a data sharing mechanism (ERSWG Data Exchange), in 2012. More recently, in 2019, Members agreed to report bycatch data with finer scale from 2020 on (spatial and temporal resolution of the data was changed from CCSBT Statistical Area and year to 5-degree resolution and quarter). Considering the relatively good compliance with this reporting requirement by Members and the Scientific Observer coverage (10% of catch/effort in CCSBT, 5% in most RFMOs), CCSBT data on ERS were considered by some to be likely better than those gathered by other RFMOs.

Unfortunately, ERS matters have long been the subject of disagreement between CCSBT Members, as already highlighted in the responses received to question 2. Some Members feel that ERS matters should be largely dealt with by the RFMOs in whose Convention Area SBT fishing is being conducted (IOTC, WCPFC, and ICCAT), while other Members feel that CCSBT should take a more active role in ERS matters. According to some, these disagreements are slowly fading away, but they have resulted in lower priority being given to the ERSWG (it typically only meets once every two years), making it sometimes difficult for the ERSWG to agree on the advice to be provided to the EC, due to the prevailing political divide. Furthermore, the two-year gap between meetings makes it harder for the ERSWG to maintain continuity to progress its scientific activity and advice. This is one of the reasons why ERSWG’s scientific activity, so far, has not implemented scientific projects (including research, population assessment, suggestion of new approach, etc.) actively “as a group”. Instead, Members have worked largely separately. While the

ERSWG develops “future work program” including Members’ activities, it seems that such activities are not integrated under/towards a common vision. This is again because the priorities of/ interest in ERS issues are substantially different between Members (consequently less-interested Members do not wish to allocate resources to ERS matter) and also because of the great difference of understanding about ERSWG’s role. As a result, scientific advice or recommendation from the ERSWG tends to be very general and ambiguous. In 2007, for instance, the ERSWG proposed a draft recommendation on ERS data collection¹⁸, however, no agreement was reached on the advice that “scientific effort should achieve a better balance between SBT and ERS” (Page 44; 2008 Performance Review¹³). In 2019, the ERSWG again advised the Commission that “best practice mitigation, as referred to in the 2012 ERSWG report, should be applied in high-risk areas”¹⁹. However, the EC did not agree to a definition of “High Risk” areas and deferred the issue for discussion at the next EC meeting in 2020. The ERSWG further stated that “the level of interaction between seabirds and SBT fisheries is still a significant concern”, but little progress has been achieved so far.

In addition to these “structural” problems, some of the respondents were of the view that ERSWG is currently leaning too much to “bycatch” related issues, even though its Terms of Reference clearly specify also the task “to advice on predator and prey species which may affect the condition of the SBT stock”. “There seems to be no scientific advice on ecosystem, either, with almost no deliberation on “prey species” and on the “oceanic environment” that have major impact on the recovery of SBT stock”. No discussion on how the efforts for the conservation and management of SBT can be improved is taking place in ERSWG, which, according to them, was incongruent and disappointing. Considering the most important objective of the CCSBT is to recover SBT stock, issues related to predator and prey species should be more carefully considered, including the issue of SBT depredation by sharks. Frustration was also expressed for current discussions in ERSWG being too concentrated on devices rather than on how bycatch can be effectively mitigated.

Currently the CCSBT is developing “the CCSBT Multi-year Seabird Strategy”, but there is no similar initiative in relation to sharks and sea turtles, which, at least from a scientific perspective, should receive more attention, although the risks to sharks were considered much lower than for seabirds and those to turtles probably negligible. Overall, however, the data submitted on all bycatch species were considered by many to be insufficient for a proper assessment of the impact of SBT fisheries on them. Some of the respondents expressed a particular concern regarding the incidental mortality inflicted to seabird populations by SBT fisheries. According to one of the respondents, for instance, an excellent scientific work that has been presented to the ERSWG has clearly indicated that longline fishing (especially for SBT) kills tens of thousands of seabirds annually, that the rate of capture is not declining and might be increasing, and that this mortality rate exceeds sustainability thresholds for several seabird species. Unfortunately, this has not been translated into any SBT-specific advice for the adoption of mitigation measures that are much needed to significantly reduce seabird bycatch.

The 2008 Performance Review proposed that “scientific effort should achieve a better balance between SBT and ERS” (Page 44¹³). The review also noted that the “wider impacts of SBT fishing on the living marine resources and ecosystems have not been considered by the CCSBT or its subsidiary bodies” (page 48). As

¹⁸ [This proposal was made by the Australian and New Zealand delegations (not the ERSWG), and it was not agreed by the ERSWG.]

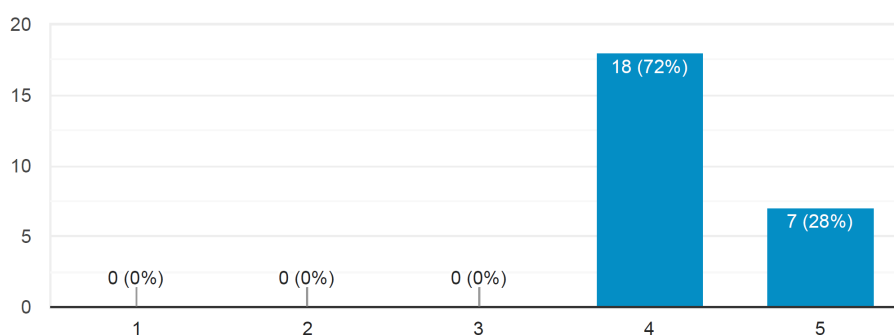
¹⁹https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_26/report_of_CCSBT26.pdf

it was already pointed out in the responses to questions 2 and 5, according to some of the respondents, one of the main measures required to improve the quantity and quality of the data on the impact of the SBT fishery on bycatch species is to adopt an observer coverage significantly greater than 10%, at a minimum of 20%, since this measure would:

- facilitate the evaluation of the status of the SBT spawning stock and population status, and the impacts of the SBT fishery on ERS;
- support identification of “High Risk” areas, which has not been possible thus far;
- support the call from the ERSWG to “urgently implement more effective and binding ERS mitigation measures” (CCSBT 22 Report, page 26).

According to these respondents, an increase in (human) observer coverage, supported with electronic monitoring and with the adoption of clear and binding disincentives for non-compliance, is urgently needed if the very high seabird mortality is to be rectified in the SBT fishery. Regarding specifically the question, fundamentally whether scientific evidence produced by the ERSWG is good or poor quality, it is irrelevant if the CCSBT continues to fail to action the ERSWG’s advice, as it has been demonstrated repeatedly. It is also important to note, that while it is acknowledged that condensed agendas are necessary, given COVID halting the ability to have in-person meetings, as this may continue for at least another year, there needs to be additional provisions put in place to achieve “a better balance” between SBT and ERS issues. During the 2020 meetings, ERS was effectively off the table, and there was little engagement on these issues in the online forum²⁰.

11. How do you rate the structure, processes, procedures, communication and expertise of the Extended Scientific Committee to provide scientific advice to the Commission? Mean rating, by groups: 4.2 (25 responses).



All the responses on this topic were rated 4 or 5, with an average of 4.2, clearly indicating a very positive assessment of the structure, processes, procedures, communication and expertise of the ESC to provide advice to the Extended Commission. Notwithstanding, most of the “4” ratings were given due to deficiencies related to the way ESC communicates its advice to the Commission. This issue was raised at the October 2020 annual meeting of the Extended Commission (EC), when some Members stated that, according to their understanding, the ESC had indicated in 2019 that the Management Procedure was very likely to recommend an increased TAC for 2021 to 2023. Unsurprisingly, these Members were very disappointed that this increase did not occur. This problem was also highlighted in the responses to

²⁰ [Discussion of ERS matters was conducted in the premeeting discussion by correspondence for both the 2020 CC and EC meetings. This is reflected at paragraphs 10-30 and 128-131 of the CC 15 report and paragraphs 93-99 and Attachment 11 of the EC 27 report.]

question 9, where a rating of 2 was given there because the scientific advice on the future trend of the SBT stock was not clear enough to those who are not scientists. Some of the respondents, on the other hand, argued that, in 2019, when the ESC advised on potential new management procedures, it was not asked to comment on the likelihood of no TAC increase. Indeed, it could not have reasonably done so as the data used to determine future TACs were not available then. According to those views, the expectations from Members were, therefore, unreasonable and unwarranted, which is a reason for great concern. In the end, the EC agreed that a better communication between the ESC and EC was needed to help prevent future misunderstandings and instructed the ESC to consider how this could be achieved. Notwithstanding, some of the respondents already pondered that responding to the EC's comments in 2020 at the 2021 ESC will be challenging. According to them, while there is always room for improvement in the ESC communication, consideration also needs to be given to the quality of advice to Members from their own delegations. The need for the EC to formulate clear and specific questions to the ESC, which can be reasonably considered and answered, was also highlighted. Still on the issue of communication, some of the respondents indicated a clear need for a better communication/ translation of stock assessment results, “especially for Members that are not directly involved in the scientific process or still have insufficient capacity to get meaningfully engaged in the assessments”. According to them, there is still an evident gap between Members directly involved in the stock assessment process, which are the main output indicators, Members that are additional indicators, and those that are only indirect indicators. Not all delegates, therefore, participate effectively in the work conducted by the ESC, and this is a concern. Language barriers are real, as are cultural differences in the approach of scientists. It would be good to see encouragement of ESC delegates from all Members to participate fully. Of course, virtual meetings make this even harder to achieve. From all these responses, it becomes clear that a better communication between the EC and ESC is needed, particularly due to the increasing complexity of the work conducted by the ESC.

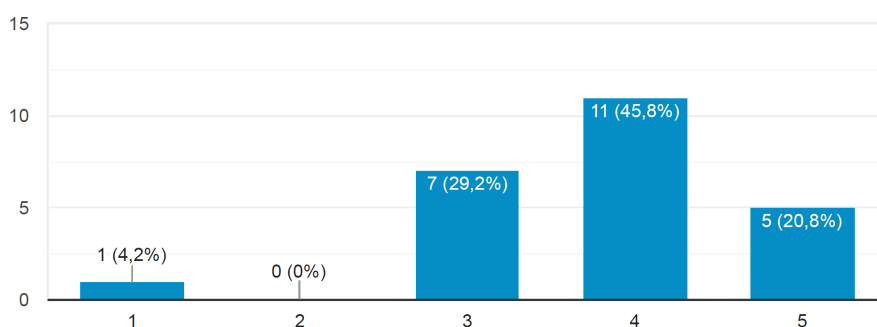
According to some responses, although the science behind the scientific advice provided by the ESC is excellent, it is really becoming too advanced and complex, even to many Member's scientists, in particular on OM and MP related matters. And even when national scientists do have a good understanding of the science behind the models, because of their contents are too complex, it has become also difficult for them to communicate with their own Commissioners/ managers/fishers. Genetic data, for instance, which has become a major input to the new MP (Cape Town Procedure), is a relatively new technology and, thus, not all Members are familiar with it, particularly as to how these data work in the new MP. There should be, thus, a mechanism to rectify such information disparity among Members (e.g. inviting external experts on genetic data to the ESC). In this context, some concern was expressed that both OM and MP are becoming a sort of a “black box”, which only few can really understand, with most stakeholders, including scientists, becoming just like observers of the whole process. Under current circumstances, the role of the independent Scientific Advisory Panel was highlighted as even more crucial to ensure transparency and fairness of the decisions made. A further concern related to this issue was the long-standing relationships between representatives, which, according to some, may have compromised the scrutiny of the scientific processes. Additionally, the chairing and the attendance by non-science representatives may also have compromised the Committee outcomes.

The timing of the ESC meetings was also considered a hindrance, since they closely precede the annual meeting, so ESC tasking can sometimes lag annual meeting expectations. Besides, there has been little opportunity for exchanges between the ESC and CCSBT. In one occasion, for instance, some Members of the ESC were invited to attend the meeting of the Strategy and Fisheries Management Working

Group, which proved very useful and allowed more in-depth discussion of Commission expectations and goals that were incorporated in the design of the new management procedure. This kind of closer interaction and dialogue between scientists and managers can and should be improved in CCSBT, if the communication gaps are to be overcome.

D. Participation and Capacity Building

12. How do you rate the participation of RFMO Members in the preparation and provision of scientific advice? Mean rating, by groups: 3.3 (24 responses).



Although the majority of the respondents gave this question a positive rating (66.6% of 4 or 5), the average of all groups was reduced to 3.3, because one of the respondents gave it a rating of 1. This low rating was mainly due to the “widescale failure of CCSBT Members to provide robust data on ERS bycatch and non-target species”. As already noted in questions 2, 5, and 10, some of the respondents considered reporting and data collection across the SBT fishery regarding ERS to be incomplete, irregular, and unreliable. And since “scientific advice can only be as good as the data that are used”, a rating of 1 was also given to this question. According to those holding this view, the 2008 Performance Review had already noted that “the same level of competence and scientific effort [applied for SBT] has not been applied to the management of other living marine resources associated with the fishery”¹³, a deficiency that has been largely ignored by the CCSBT and should be rectified.

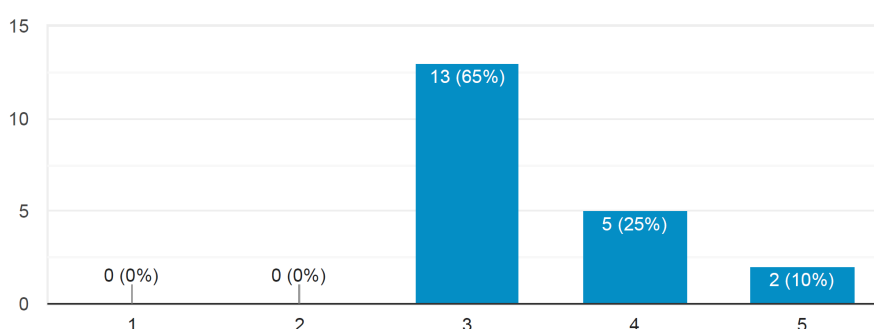
Those who assessed this question positively commented that all Members do provide annual reports to the ESC and that most Members do attend the scientific meetings. Under the SRP, ESC work plan and Scientific Data Exchange requirement, all Members do their required activities, and all Members have equal opportunity to submit documents, review information submitted to the ESC, and express their opinion. Six out of eight Members typically provide at least one scientific paper to annual ESC meetings (in addition to the required annual report). As scientific advice is formed and agreed by the consensus of the ESC, some were of the view that all Members have equal opportunity to participate in the preparation and provision of scientific advice to the EC.

As noted in a previous question (9), however, some of the respondents opined that there appears to be an asymmetry of commitment, investment and understanding with respect to the provision of scientific advice to the EC, with some Members participating much more actively than others. Although this situation was considered to be understandable, given differing history of participation, distinct economic capacity of some Members, a lower level of expertise and language barriers, some of the respondents considered this situation not to be ideal, requiring action by CCSBT to rectify it. Some noted, for instance, that the vast majority of the active debate at the ESC usually comes from only three of the eight Members as does the active contribution to the detailed stock assessment, modelling and provision of scientific advice. “Half of the Members do almost all of the work”. Although some Member

scientists participate actively and contribute considerably to the final report and form of advice, participation and report writing is largely done by only three Members, reflecting historical involvement. Inter-sessional work (e.g. on CPUE, stock assessments and MP development) should in principle help all Members to participate but those three Members still dominate these processes. It would be good, therefore, to see greater involvement of scientists from all Members.

A final concern expressed was related to the fact that not all Members bring delegations from management authorities to scientific meetings and, therefore, the scientific advice and the recommendations issued are only based on the perceptions from the scientific side.

13. How do you rate CCSBT efforts for capacity building to facilitate the effective participation of developing States in the activities of the Extended Scientific Committee? Mean rating, by groups: 3.3 (20 responses).



Most of the respondents (65%) gave this question a rather “neutral” score (3.0), resulting in a mean by groups of 3.0. Many referred to their response to question 8, on capacity building to improve data collection by developing Members, due to their obvious similarity. The help provided by the Secretariat, particularly in the process of preparation of the national report and data exchange, was considered very good. “The secretariat is always very keen to respond and provide assistance”. The help from some Members in assisting others to collect data and to participate in wider scientific activities was also recognized, as well as the “many projects” in the work programme of CCSBT that have also included capacity building activities. Capacity building (in the form of additional background and explanations) is also conducted, when considered appropriate, in the margins of ESC meetings by other Members and the independent scientific advisory panel. In the early days of the Management Procedure development, domestic briefings were provided to introduce concepts related to the Management Procedure development process. Funding has also been previously allocated (but not used) to facilitate attendance to technical meetings. Other initiatives, already mentioned in some of the responses to question 8, were, for instance, the “CCSBT Maturity Workshop” in Bali, Indonesia, in 2019, for capacity building and calibration on determining SBT maturity status through the ovary; and several bilateral projects between Members.

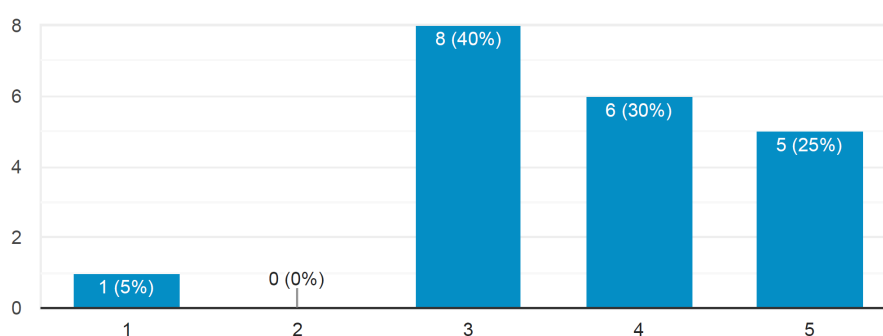
Despite of these efforts, recognized by some of the respondents, most of them considered that capacity building in CCSBT needs to be strengthened, particularly in relation to science. CCSBT does not have a systematic mechanism for capacity building for science to Members (not limited to developing Members), although some level of capacity building does happen through participation by scientists from developing Members in the various activities under the ESC’s process. Notwithstanding, the participation of developing Members in the ESC work was considered to be limited. “Capacity building for developing state scientists is still lacking, so the level of participation and contribution in making decisions and

recommendations is still minimal”. Some also considered that there should be a better mechanism to facilitate a more substantial participation of developing Members in the implementation and examination of the MP.

Finally, some of the respondents emphasized the need for capacity building not to be restricted to developing Members, since in some scientific areas, such as aging and genetic analyses, even scientists from members considered to be well developed were also in need of training. “Capacity building opportunities should be more widely provided to researchers and scientists who need to strengthen their capacity to catch up with the advanced techniques”.

E. Long-term planning and research

14. How do you rate the extent to which the CCSBT adopts and regularly reviews a long-term strategy for the Extended Scientific Committee? Mean rating, by groups: 3.9 (20 responses).

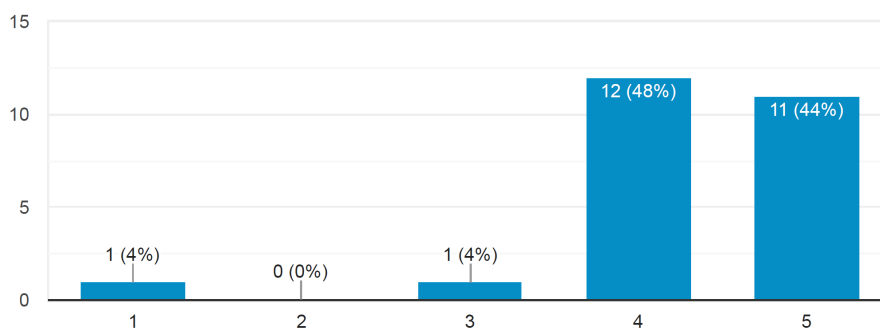


Except for a score of 1, that was given without any further comment, all respondents gave this question a rating from 3 to 5, resulting in an average by groups of stakeholders equal to 3.9 and indicating, therefore, an overall satisfaction with the long-term strategy for the Extended Scientific Committee. The ESC maintains a Scientific Research Program (SRP) that is intended to be updated every 5-years. The SRP specifies on-going scientific monitoring and annual work program activities (including specific research activities with timeframe and priority for each item), undertaken by the CCSBT, Members and the ESC. Based on the SRP, Members and the ESC do their activities and review the outcomes, then develop the ESC 3-year Work Plan, together with a description of the required resources from the CCSBT. These Work Plans and the required resources are reviewed and approved by the Commission. The last SRP covered from 2014 to 2018 inclusive, and it was planned to be revised in 2020 targeting the next 5 years (it was on-hold for the new SBT rebuilding target to be adopted by EC and also the new MP development to be completed). However, due to other priorities and the COVID-19 pandemic, at 2020 ESC meeting there was not enough time to consider a revised SRP (the meeting time itself was shortened as it was held virtually, due to COVID-19 and also due to the time-difference between participants). Since most meeting time was spent for the work on stock assessment work and TAC recommendation by the new MP, the discussion on the new SRP was postponed to 2021, for the subsequent approval by the Commission. One of the respondents considered that because of the absence of a formally updated plan, one recent project request for funding to the Commission may not have been correctly prioritized, highlighting the urgency to have the next SRP built and formally adopted next year. Other respondents pondered that a 5-year SRP may not be considered a “long-term” strategy. The only specific and “long-term” target within the CCSBT is the SBT rebuilding target, which is to achieve 30% of initial Total Reproductive Output (TRO, similar to SSB) by 2035 with 50% probability. All scientific activities are for achieving this rebuilding target. Considering, however, the current situation of the stock, the natural variability of the oceanic environment,

the rapid progress being made by science, and also the time and resources required to revising an official document like the SRP, the “5-year” strategy was considered adequate to support the efforts to accomplish the long-term rebuilding target.

Some of the respondents, however, complained about the low priority given, in general, to the long-term strategy for the Extended Scientific Committee, being often pushed off the agenda, although, occasionally, work on this item has been done intersessionally. The low priority given to the long-term strategic planning is reflected in its position on meeting agendas, being usually rushed as meetings wrap up. This problem is further aggravated by the asymmetry of engagement with ESC and in long term ESC strategy, as previously noted. Despite the low priority and lack of attention, the Extended Scientific Committee processes seem to be working well. Even though the implementation of the long-term strategy might not be necessarily good, there is an informal long-term strategy, driven by the regular review and updates of the stock assessment and the management procedure. A further concern expressed by respondents was related to looking at the necessary research solely considering its costs, without proper planning and strategic thinking about future needs. Others, on the other hand, argued that the lack of a clear prioritization compromised an efficient use of the budget, commenting, thus, that cost/benefit relations should be more carefully considered when developing the plan. The issue of market trade and the use of stereo video in farming activities were also noted as important omissions in the SRP. Regarding issues related to IUU Fishing, it was noted that CCSBT already has a plan that can be implemented, in case there is an allegation of infraction from a Member or non-Member .

15. How do you rate the alignment of the work done by the Extended Scientific Committee with the needs and priorities set by the Commission? Mean rating, by groups: 4.2 (25 responses).



The score of 4.2, on average by the different groups of stakeholders, indicates a very positive assessment by the respondents on the alignment of the work done by the Extended Scientific Committee with the needs and priorities set by the Commission. Except for one “3” and one “1”, all the respondents gave this question a rating of 4 or 5. The reason for the score of “1” was a perceived misalignment in ‘balancing the management of SBT and ERS’ with the functions, needs and priorities set by the CCSBT, again pointing to the problem of inadequate management by CCSBT of the ERS (living marine species which are associated with the SBT fishery) and bycatch species impacted by the SBT fisheries.

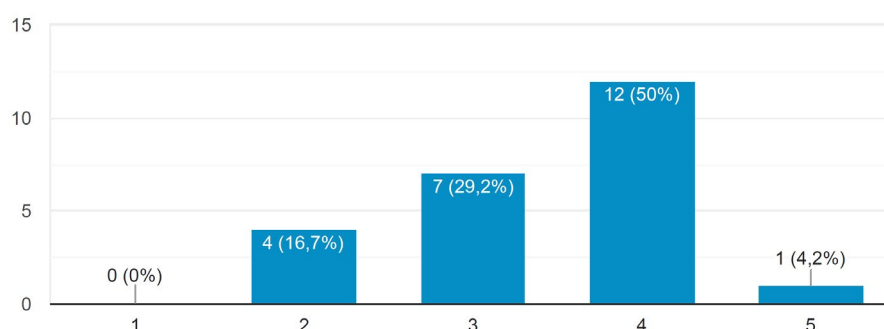
As mentioned at question 14, all activities of the ESC are based on the SRP (which includes specific research, timeframes, and priorities), and such activities are reviewed by the ESC every year and incorporated into the 3-year ESC Work Plan, together with specific direction by the EC. After that, the draft 3-year ESC Work Plan (including the resources required from the CCSBT) is reviewed and adopted by the EC. Whenever the ESC fails to carry out any task established in the Work Plan, the reasons for that failure

are examined, with the task being usually re-incorporated into the Work Plan, with the required changes needed to address and rectify those reasons. This process has been largely successful in ensuring the necessary alignment of the work done by the ESC with the needs and priorities set by the Commission (for example, stock assessments are undertaken, and advice is provided to the Commission to inform decisions on changes to the total allowable catch). Although advice from the SC was generally considered to be clear and useful, as already noted in question 9, some of the respondents considered that there is ample room for further improvement in communication to the Commission, especially in terms of risk and non-technical explanations (e.g. paragraphs 56 and 57, of the 2020 EC report), particularly regarding future projections and expectations. “Despite the EC in 2020 was expecting a TAC rise, and none eventuated from the application of the MP, the work done by the ESC is fully aligned with EC needs”. The primary advice on stock status, MP development and implementation, and other matters, aligns well with the EC needs and expectations. Priorities are generally determined by the cyclic TAC setting. At least in the last three years, the ESC has worked only on issues of clear priority, always trying to respond to the requests made by the Commission, in good faith.

II. Conservation and management/ Management component

F. Adoption of conservation and management measures

16. How do you rate the adoption and implementation by CCSBT Members of conservation and management measures for the southern bluefin tuna? Mean rating, by groups: 3.4 (24 responses).



Responses to this question ranged from 2 to 4, with an average by groups of 3.4, indicating a moderate degree of satisfaction by stakeholders with the adoption and implementation by CCSBT Members of conservation and management measures for the southern bluefin tuna. Notwithstanding, some of the respondents expressed a higher degree of satisfaction with the adoption of measures than with their implementation by Members. “Members are very good at adopting measures, but they’re not always great at implementing and fully complying with them”.

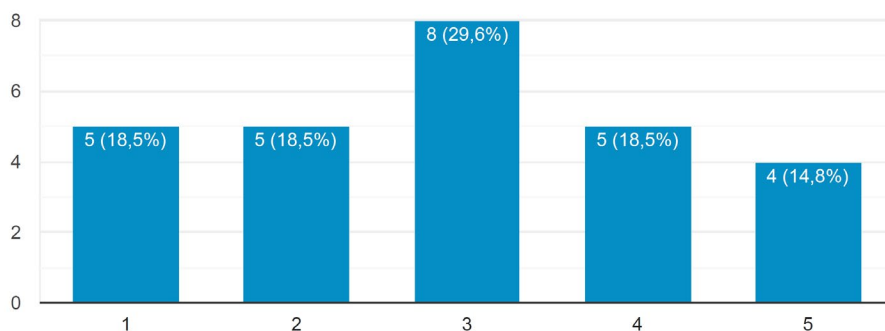
The CCSBT’s main CMM is the setting and allocation to Members of a global TAC for the SBT. The TAC is based on recommendations from a thoroughly tested Management Procedure designed to rebuild the stock in a manner compatible with the socioeconomic needs. TAC recommendation by the MP is purely the outcome of mathematical calculations by pre-agreed formulae using scientific data input, and Members have agreed to utilize the MP as the guide for EC’s TAC setting process. Despite the EC may set a TAC beyond the amount calculated by the MP and recommended by the ESC, since the MP was adopted, in 2011, the global TAC has been always set in accordance with the outcome from the MP (even when, in 2020, the stock assessment suggested a greater than expected rebuilding of the stock, but the MP recommended “no increase” of the TAC).

The CCSBT has also set out the “Strategic Plan”, which specifies objective, vision, and goals of the CCSBT. This plan has been established and has been revised reflecting the outcomes of the past two Performance Reviews. To support the Strategic Plan, the CCSBT has set out the Compliance Plan (includes 3 years Compliance Action Plan), which provides a framework for the CCSBT to improve compliance and, over time, achieve full compliance with CCSBT’s CMMs. When the CCSBT considers CMM, the Strategic Plan and the Compliance Plan are always referred to. It is planned that the current Strategic Plan will be revised once the 2021 Performance Review be completed and PR recommendations be reviewed by concerned bodies of the CCSBT. The most important CMMs, therefore, have been adopted very well.

How well these CMMs have been implemented by Members, however, is a different question. The TAC/ allocations are supported by a variety of compliance mechanisms, the most important of which being the CCSBT’s Catch Documentation Scheme (CDS). The TAC includes an allowance for IUU fishing, while Members’ allocations also include all sources of SBT mortality (not just commercial catch) (see response to question 6). To ensure that total mortality of SBT does not exceed the TAC, the CCSBT has adopted various input-control rules (e.g. vessel/ farm authorizations), output-control rules (e.g. allocations and CDS), and other rules/ mechanisms to control fisheries related activities (VMS, transshipment, port inspection, etc.). All these rules are specified by resolutions as binding measures, and implementation of these resolutions are supported by guidelines, templates/formats, and data-upload systems. Compliance with measures by Members are regularly checked by the Secretariat, then the summary of Members’ compliance and specific/important issues are reviewed by the Compliance Committee (CC). Finally, any required actions are taken by the CC and the EC (e.g. revision of resolution, specific request to concerned Member, etc.). Rules and systems to ensure that total mortality of SBT does not exceed the TAC have been, therefore, adopted/ established, as well.

Occasional over catch of Members’ allocations has happened and are dealt with by the Corrective Actions Policy, which requires payback of quota, usually in the next year. Nevertheless, there have been cases where Members have refused to pay back their over catch, giving reasons for serious concern, despite the amount was small. An exception to the payback rule was also agreed regarding an over catch in 2020 due to a Member’s need to increase fishing during COVID pandemic. The payback in that case, therefore, will spread through some years. There have also been some minor non-compliance issues with other measures (in particular, CDS), but most of these have been followed-up and required actions taken to resolve such problems. The different capabilities by each CCSBT Member to adequately implement the agreed CMM was also noted with concern. Further consideration on CMMs relating to compliance are considered in the compliance section of this questionnaire.

17. How do you rate the adoption and implementation by CCSBT Members of conservation and management measures for non-target species (in particular, sharks, seabirds, and sea turtles), including the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems? Mean rating, by groups: 2.9 (27 responses).



Like all the previous pair-questions that referred to both the SBT (questions 1, 4, and 9) and then to the ERS (questions 2, 5, and 10), the rate given to the adoption and implementation by CCSBT Members of conservation and management measures for the SBT (question 16, 3.4) was always higher than for ERS (17, 2.9). Most of the positive ratings (4 & 5) came from Industry Representatives (mean= 4.4), and Governments (mean= 3.3), while the lowest scores were given by NGOs (mean= 2.3) and CCSBT Officers (mean= 2.3), clearly showing a difference in perspectives between different groups of stakeholders. Many of the answers provided naturally repeated the points already made in questions 2, 5, and 10, also on the management of ERS.

The responses to all these 4 questions (2, 5, 10, and 17) make evident the need to resolve the issue of CCSBT's mandate with respect to Ecologically Related Species (ERS), which has long been the subject of disagreement between CCSBT Members. Some Members feel that ERS matters should be largely dealt with by the other RFMOs in whose Convention Area SBT fishing is being conducted (IOTC, WCPFC and ICCAT), while other Members feel that CCSBT should take a more active role in ERS matters itself. Until this divide is resolved, the adoption and implementation of conservation and management measures by the CCSBT for ERS will likely continue to be slow and contended. "There seems to be a reluctance from some Members to commit to eliminating seabird bycatch, which prevents the adoption of sufficient measures to mitigate the bycatch". For the same reason "adopted measures are not implemented sufficiently".

The situation improved, in 2018, nonetheless, when CCSBT adopted its binding "Resolution to Align CCSBT's Ecologically Related Species measures with those of other tuna RFMOs" (Alignment Resolution), making the relevant ERS Resolutions/ Recommendations of IOTC, WCPFC and ICCAT, as being CCSBT own requirements and ensuring that these requirements are updated annually (in practice, however, since most CCSBT Members are also members of those RFMOs, they were already bound to these Resolutions/ Recommendations, anyway). The Alignment Resolution also tasked the Secretariat with preparing an annual report for the Compliance Committee on the implementation of ERS measures. The Secretariat's report has transparently identified problems with the implementation of seabird mitigation measures, which are now being subjected to corrective action.

In the view of some, however, what CCSBT Members have done is essentially to pass the responsibility over to the other t-RFMOs. This, at least partly, reflects a concern that any measures adopted by CCSBT could be inconsistent with current, or become inconsistent with future, CMMs of the other overlapping RFMOs. These other t-RFMOs, however, have different priorities than to address these bycatch issues from fishing for SBT, and may also, on the other hand, use CCSBT as an excuse to avoid taking further action on the risk to seabirds from tuna fishing within their areas of competence, since most of this risk comes from fishing for SBT (90% of the fishing in identified areas of high risk to seabirds²¹ is by CCSBT

²¹ [The CCSBT has not yet agreed to a definition of high-risk areas for seabirds.]

Members). This overlapping and ambiguous responsibilities have resulted in disappointingly little progress among all the t-RFMOs on the issue of seabird mortality from longline fishing. According to those respondents, within the CCSBT, the various longstanding disagreements among Members over SBT fisheries (such as unreported catches, failure to adopt stereo-video, etc.) have also affected the discussions on bycatch issues and hindered the reaching of consensus on the clear need for actions such as on the mitigation of seabird bycatch. “The Commission performance in this area is poor and there seems to be little appetite to make significant improvements. We know what is required to reduce (or even eliminate) seabird mortality (CCAMLR has shown us how to do it) and yet Members seem unwilling or incapable of making substantial progress in this area. More generally, Members do not seem to understand that they have important obligations on non-target species and the marine environment more generally”.

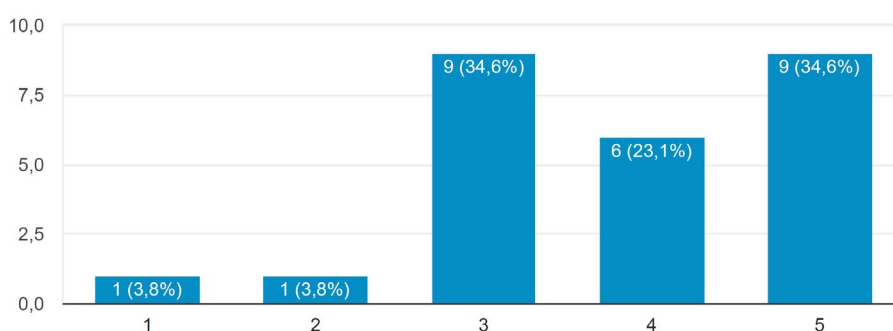
In the view of some of the respondents, there is a need to adopt more effective seabird mitigation measures, particularly in areas of “high risk”. However, Members did not yet agree to the definition of “High Risk” areas and deferred the issue for discussion at the next EC meeting in 2020¹³. The adoption of any new measure is unlikely to occur until the impact of full implementation of the current mitigation measures on seabird mortality can be assessed, but such assessment, on the other hand, has been hampered by the limitations of the data submitted by Members, on ERS bycatch, aggravated by confidentiality concerns. As noted in question 2, the only way to resolve this, according to some of the respondents, is to increase human observer coverage, supported with electronic monitoring, coupled with the adoption of clear and binding disincentives for non-compliance. In their view, the CCSBT Members are reporting a very poor implementation of CMMs related to bycatch, resulting in low compliance and high bycatch rates of ERS. Without widescale observer coverage, that is representative of the fishery, including electronic monitoring, and effective penalties for failure to comply with CMMs where they exist, the CCSBT will continue to be one of the worst performing RFMOs in reducing ERS bycatch, in the view of some.

The way CMMs on ERS have been implemented by Members have not been even either. As noted at question 2, while Most Members have complied with ERS related measures relatively well, some Members have failed to comply with very important requirements, such as the utilization of “two of three” best practice seabird mitigation measures, with some latest reports, presented at 2020 Compliance Committee, showing a deterioration in the level of compliance, not an improvement. Due to low compliance, bycatch of ERS has remained concerningly high in SBT fisheries, despite effective mitigation measures being available for over two decades, and despite: a) calls for binding measures on seabird and ERS bycatch have been repeated annually; b) an MoU was adopted between CCSBT and ACAP, in 2015; and c) Members have already committed to “adhere to the ERS rules in IOTC, WCPFC, and ICCAT Convention areas in which their vessels fish for SBT”. According to these respondents, bycatch issues in SBT fisheries continue to be deferred, and Members consistently fail to implement mitigation measures and report on ERS bycatch, as noted in the 2020 Compliance report.

Other respondents, nevertheless, had a different view on the issue. According to some of them, a reasonable level of CMMs, which is comparable to other RFMOs, has been adopted by CCSBT. Some considered CCSBT to be even more advanced in implementing CMMs related to seabirds than other RFMOs. For other bycatch species, however, since CCSBT does not have a specific area of jurisdiction, the adoption of other RFMOs’ measures was considered the best approach. Some CCSBT Members argued that management of ERS is not consistent with the CCSBT Convention, and that, as a non-spatially defined RFMO which overlaps areas managed by other RFMOs, any CCSBT measures would duplicate

those of the other RFMOs. Some pondered, however, that a more contemporary role for the CCSBT, based on obligations contained in broader marine and fisheries agreements should guide the work of CCSBT regarding ERS. In addition to this, there appears to be varying expectations of ERS and bycatch performance, with apparently differing views about take of species of concern, compared to ongoing high rates of bycatch of currently abundant species or byproduct species. There was only a single comment on species other than seabirds, with one of the respondents expressing the view that sharks should not be considered non-target as they do form an important part of the retained catch for many fishing trips.

18. How do you rate the application by CCSBT of the precautionary approach, as set forth in UNFSA, Article 6, and the Code of Conduct for Responsible Fisheries, Article 7.5, including the application of precautionary reference points? Mean rating, by groups: 3.6 (26 responses).



The rating of 3.6 given, on average, by the different groups of stakeholders to this question reflected, in most cases, the mean between the way the precautionary approach has been applied to the SBT (considered very good) and to the ERS (considered very poor). Some actually commented that the score of 3 given by them was an average between a score of 4-5, with respect to SBT, and of 1-3, with respect to ERS.

The CCSBT’s Convention pre-dates UNSFA and, therefore, it has no reference to the precautionary approach. However, the CCSBT’s Rules of Procedure have been amended to specify that “the Scientific Committee shall incorporate advice consistent with the precautionary approach in its advice to the Commission”. Accordingly, at least regarding SBT, the CCSBT has adopted a Management Procedure (and associated data collection programs) as its basis for setting the SBT TAC. This approach was considered to be inherently precautionary through checking robustness to scientific uncertainties in the management procedure testing process. The Management Procedure (MP) known as the ‘Bali Procedure’ was used by the ESC to recommend the TAC for 2012-2020. In 2019, the CCSBT adopted a new MP called the “Cape Town Procedure (CTP)” and has used it for recommending the TAC for 2021 and beyond. In the process for the development and adoption of the latest Cape Town Procedure, Members tested several candidate MPs (CMPs), which were tuned to achieve the target that was finally agreed by the Commission. All CMPs have, thus, been tested against various scenarios (including extreme assumptions), so called “robustness tests”, including provisions for potential non-Member catch. Scenarios used for robustness tests included various negative assumptions, for example “future recruitment reduced by half”, “50% of over catch associated with reported effort”, “40% over catch by the farming sector”, “2,000 t of over catch by non-Members”, and so on, which are extreme and not likely to happen. Under each scenario, all CMPs and OM were run for stock projections and those results were shown in various ways for comparison (e.g., trajectory, violin plot, etc.). All CMPs achieved rebuilding target (except for only one scenario, by one CMP),

although there were differences between CMPs, in terms of rebuilding speed, future TAC levels and risk of reducing TAC in the future. Then, the ESC recommended only one set of CMP that was considered to be the best, which was accepted by the EC, in 2019, despite expectations that the TAC would be increased due to the steady rebuilding of the stock. This outcome evidence that the process has been successful to depoliticize the task of TAC setting. The target recovery level (0.30 relative TRO), which is close to B_{MSY} , was also considered sufficiently precautionary.

The “robustness test” assures that the MP is solid enough against any extreme situations which may happen in the future. Besides, the global TAC is set in accordance with the outcome of the MP run using the latest available data input. If there are any exceptional circumstances (i.e., data or events which are divergent from the projected trajectory of the robustness test), the ESC addresses the situation in accordance with a pre-agreed Meta-rule process²². Considering this careful routine, the current TAC setting by the CCSBT can be considered very “precautionary” against unexpected circumstances, at least at the ESC level. As noted by one of the respondents, “the use of a management procedure that has been tested over a wide range of uncertainties to achieve interim and long-term rebuilding goals is the most effective way to implement the precautionary approach”. Besides, unlike many tuna RFMOs, the ability CCSBT has demonstrated to translate objective-based TAC decisions into Member catch shares of that TAC, has allowed the EC not just to adopt a precautionary framework but actually to implement it in practice. According to some, that has only been possible because CCSBT has been able to achieve a delicate balance between a level of exploitation that is safe to ensure stock rebuilding, but that provides, at the same time, the benefits needed to ensure the socioeconomic sustainability of SBT fisheries. In summary, despite some criticism on unresolved issues around unaccounted mortalities for SBT, the procedures adopted by the CCSBT regarding the SBT were considered very solid and in conformity with the precautionary approach, as set forth in UNFSA, Article 6, and the Code of Conduct for Responsible Fisheries, Article 7.5, including the application of precautionary reference points.

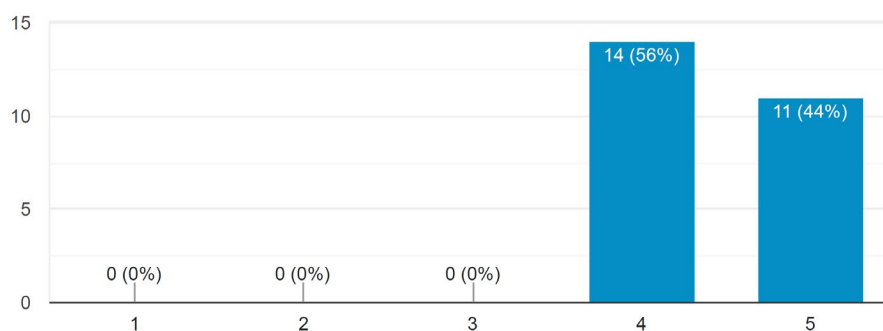
Some of the respondents, however, in responding to this question, raised again the issue of communication, stating that the Extended Scientific Committee should more clearly articulate the levels of uncertainty and their consequences for managers to make more informed decisions. Along these lines, some considered the interpretation of Nominal CPUE and of the uncertainties in the MSE processes to be influenced by subjective judgements, reiterating that not sufficient explanations have been provided to the stakeholders other than to a handful of experts actually doing the calculations, hindering, therefore, their capacity to assess whether the current precautionary approach was appropriate or not.

Regarding the application of the precautionary approach to the ERS, however, the overall assessment of the respondents was much more negative, with many holding the view that CCSBT has simply not applied, so far, the precautionary approach to them. “There is too much discussion, analysis and research, but not enough action to take a precautionary approach in the event of lack of and/or disputed information with respect to the impact of fishing activities on associated species”. Although some recognized that there are some bycatch mitigation measures in place, they were considered too timid and not complied with fully, anyway, with no sanctions being imposed because of that. “CCSBT seems to tick the box that measures have been adopted (or are adopted in other RFMOs where SBT is caught, see the answer to question 17), but there is not so much transparency on the level of

²²https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/general/ESC25_Attachment_08_CTPSpecifications.pdf

compliance with these basic mitigation measures, with potentially thousands of seabirds being killed every year, despite the knowledge that demonstrably effective mitigation measures are available and used elsewhere. This information seems 'hidden' in the details of papers". The CCSBT performance in relation to the application of the precautionary approach to non-target species was, therefore, considered very poor.

19. How do you rate the implementation by CCSBT of the rebuilding plan for the southern bluefin tuna? Mean rating, by groups: 4.4 (25 responses).

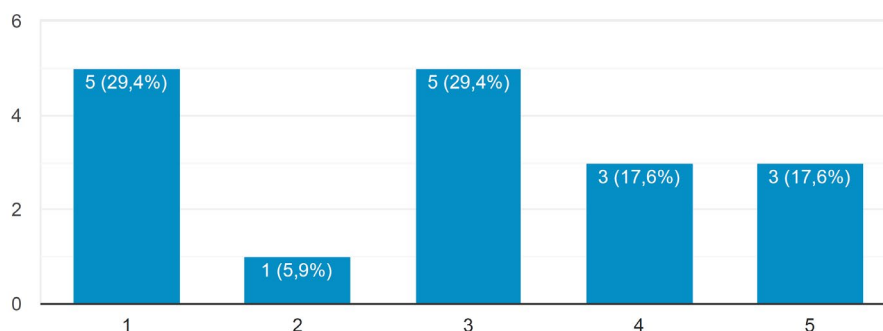


With an average by groups of stakeholders of 4.4, and no rating lower than 4, the rates given to this question were among the highest, indicating unequivocally a unanimous satisfaction with the way CCSBT has been implementing the rebuilding plan for the southern bluefin tuna. The CCSBT's rebuilding plan was initially implemented through its first Management Procedure, which was in place from 2012 to 2020. The CCSBT has accepted, so far, all TAC recommendations from the Management Procedure (although not without substantial debate each time). Notwithstanding, even in 2020, when there was a clear dissatisfaction about the lack of TAC increase, the EC still adopted the MP-set TAC for 2021-2023, despite considerable pressure to do otherwise by some Members. As a result of that, the spawning stock has rebuilt to approximately the level of the interim rebuilding target in less than the target time frame. The CCSBT's current rebuilding target is to achieve 30% of initial Total Reproductive Output (TRO, similar to SSB) by 2035 with 50% probability. To achieve this target, the CCSBT has set/is setting a TAC in accordance with robust and precautionary MP recommendation (see response to previous question). The MP development and implementation has been endorsed by all Members, with continued adherence to it being the key for recovering the stock to target levels. To ensure that SBT mortalities do not exceed the TAC, the CCSBT has implemented various measures and Members' compliance has been generally good. While there have been several "over catch" incidents, these are still within assumptions of the MP and have not affected the prospects of achieving current rebuilding target. Besides, these over catches have been, at least in part, compensated by pay back schemes. So, summing up, the rebuilding plan based on the MP has been effectively implemented so far and it is working well in terms of ensuring the recovery of the stock, with rebuilding occurring at even a somewhat faster rate than originally expected.

Some of the respondents, however, expressed concern with the statements by some Members that they will leverage adherence to the MP outcomes against other considerations. Others reiterated the need to improve communication, considering the confusion experienced at the 2020 EC meeting around TAC setting. Finally, some of the respondents opined that under the present circumstance of high uncertainties due to lack of direct recruitment indices, it would be critical to achieve a track record of steady stock rebuilding year after year, instead of swinging from joy to sorrow each time numbers come

out. According to them therefore, the focus should be placed not on early stock recovery but rather on a sound recovery.

20. How do you rate the measures implemented by CCSBT to minimize pollution, waste, discards, or catch by lost or abandoned gear, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques? Mean rating, by groups: 2.4 (17 responses).



This question was the one with the widest range and most heterogeneous ratings, from 1 to 5, with an average by stakeholders of 2.4, indicating a predominance of negative responses. Although most of the respondents were of the view that CCSBT has so far done nothing to minimize pollution, waste, discards, or catch by lost or abandoned gear, the reasons for that differed among respondents.

Some argued that these matters should be dealt with not by CCSBT, but by each Member's government, under their responsibility, as parties of UNCLOS, London Convention, CBD and so on. Since the CCSBT does not have any mechanism to consider Members' compliance against other conventions like these, it could do nothing about the problem. Others pondered that these issues should be largely deferred to spatial (area based) RFMOs, despite recognizing that some more work was probably needed in this area by the CCSBT.

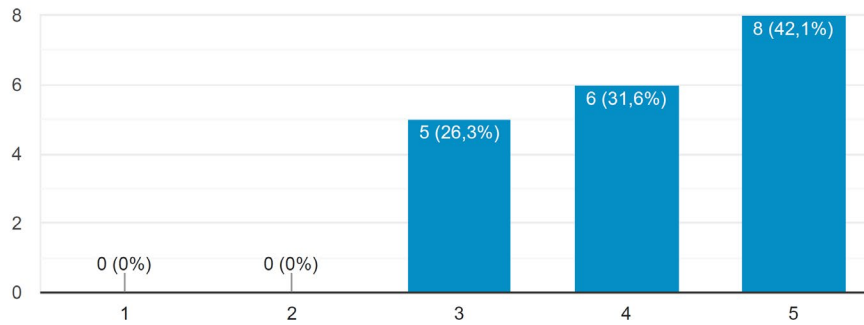
Some of the respondents, however, had a different perspective on this issue, arguing that the CCSBT does have a direct responsibility over this problem and, therefore, should take urgent action to address the issue of pollution from fishing vessels under its mandate by implementing binding CMMs in line with those adopted by other t-RFMOs (e.g. WCPFC CMM 2017-04²³). According to those views, while there is unambiguous evidence of pollution issues from tuna long-line and purse seine vessels operating in other RFMOs, mainly related to the dumping of plastic waste²⁴, the CCSBT has adopted no CMMs, operational guidelines or other measures to minimize pollution, waste, discards, or catch by lost or abandoned fishing gear, apart from Member level accession to MARPOL.

G. Compatibility of management measures

21. How do you rate the compatibility of the conservation and management measures adopted by coastal States within the range of distribution of the southern bluefin tuna, in areas under national jurisdiction, and those established for the high seas, as reflected in UNFSA Article 7? Mean rating, by groups: 4.2 (19 responses).

²³ <https://www.wcpfc.int/doc/cmm-2017-04/conservation-and-management-measure-marine-pollution>

²⁴ Richardson, K., Haynes, D., Talouli, A. et al. Marine pollution originating from purse seine and longline fishing vessel operations in the Western and Central Pacific Ocean, 2003–2015. *Ambio* 46, 190–200 (2017). <https://doi.org/10.1007/s13280-016-0811-8>



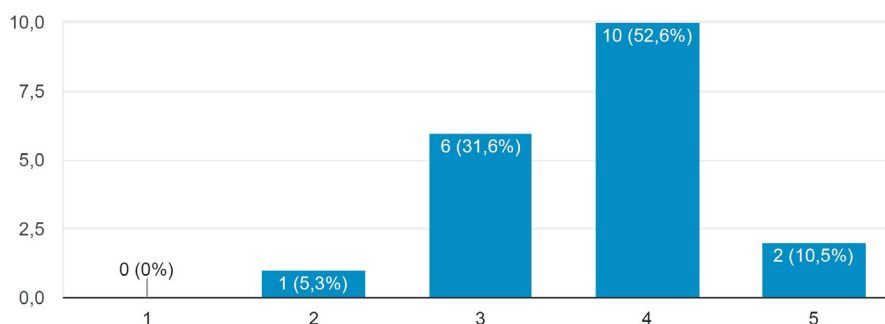
This question received a majority of “5” ratings (42.1%), and no score under 3, with an average of 4.2, indicating that CCSBT stakeholders are generally satisfied with the compatibility of the conservation and management measures adopted by coastal States within the range of distribution of the southern bluefin tuna, in areas under their national jurisdiction and in the high seas, as reflected in UNFSA Article 7.

Article 1 of the Convention establishes that it “...shall apply to southern bluefin tuna (*Thunnus maccoyii*)”, with no definition of geographical region, so the CCSBT does not have a clearly defined “convention area” and, therefore, its adopted measures shall be applied to all SBT fisheries, regardless of where they are operated, in the high seas, in the EEZ or in territorial waters. Since the CCSBT does not differentiate these legal zones for the application of the CMMs, the compatibility of the CMMs adopted by coastal Members in areas under national jurisdiction and in the high seas is considered to be high, despite the cases where measures, however compatible, may not be complied with, which, then, becomes a problem of compliance, not of compatibility.

Some of the respondents considered, however, that since often it is not so clear what conservation and management measures are in place in the areas under national jurisdiction, a standard process to review and discuss such measures should be developed by the CCSBT. Others pondered that despite coastal Members have, in general, implemented CMM related to SBT, in a compatible manner, their implementation capability is still constrained by technology, human resources, budget, and characteristics of multi-gear and non-target fisheries. Some coastal Members, therefore, seem to implement compatible measures better than others. Besides, the domestic management arrangements of some Members do not seem to be sufficiently rigorous or robust to provide a high level of confidence that measures agreed to by the CCSBT are being thoroughly implemented in the waters under their jurisdiction.

H. Fishing allocations and opportunities

22. How do you rate the CCSBT process for the allocation of the total allowable catch for the southern bluefin tuna, including taking into account requests for participation in this fishery from new Members or participants, as reflected in UNFSA Article 11? Mean rating, by groups: 3.7 (19 responses).



For existing Members, the TAC is allocated in accordance with the “Resolution on the Allocation of the Global Total Allowable Catch²⁵”. Under this resolution, the TAC (minus research mortality allowance) is divided by “nominal catch percentage” (specified in the annex of that resolution), calculated from “Nominal Catch Level”, which is based on historical SBT catch and agreed by the Commission. This nominal catch level can be changed upon the request by Members and agreement by the Commission. In the past, such changes have usually happened when the global TAC has increased. Some of the respondents commented that this Resolution works well, except when a Member considers it should have a greater share of the TAC than previously accorded (as it happened at the 2020 meeting). Others argued that, despite Article 8(4) of the CCSBT’s Convention specifying matters to be considered in allocations among the Parties, it does not address all provisions of UNSFA Article 11, particularly in relation to developing States and coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources. “While the CCSBT has benefited from stable and agreed allocation, and this has been a major benefit in achieving stock recovery, development of clear processes and criteria for future allocation to existing and new members needs to be progressed”.

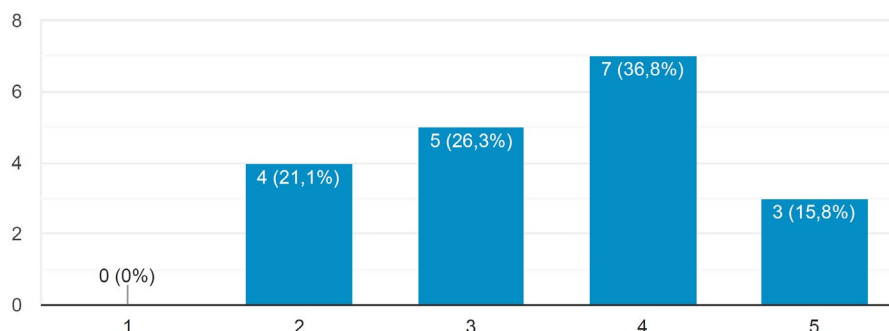
Others, on the other hand, considered the allocation process to be not only consistent with UNSFA Article 11, but democratic, as a decision requires a consensus, and with due consideration to the rights of coastal developing Members. The caveat that UNFSA only provides a range of considerations, but not a clear process for allocation, was however, noted. According to those views, historic catch, fishing capacity, coastal states’ characteristics are considered in a well-balanced manner. Some, however, commented that the allocation process and ratio should take Members’ active fleet size into account. In practice, despite some diverging views, allocation to Members, including new entrants, has been a negotiated settlement, with catch history being an important part of discussions. The balance of interests of traditional players and the request for new opportunities for incoming players remains a difficult issue.

In terms of new Members, the CCSBT does not have a specific pre-agreed mechanism to provide allocation. The “process lacks transparency and in the case of new Members is largely undefined”. “It would be useful for the Commission to develop a policy on allocation of catch to new Members and make this public”. Nonetheless, all Members, except one, consider that the allocation to a new Member should be discussed and agreed on a case-by-case basis. One Member suggested that a mechanism for providing allocation to new Members should be developed, but the Commission did not accept that suggestion. In the past, new Members have firstly become a CNM, receiving, on that occasion, a certain amount of the TAC, in accordance with paragraph 6 of that resolution. After becoming a Member, one of them requested to have their nominal catch increased and had its request attended by the Commission. In the view of one

²⁵https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Allocation.pdf

of the respondents, “if a new Member demonstrates its commitment to comply with CCSBT CMM and also explains the necessity for an allocation increase”, it will likely accomplish it.

23. How do you rate the CCSBT consideration of the special requirements of developing states, with respect to fishing allocation or opportunities? Mean rating, by groups: 3.4 (19 responses).



The ratings for this question ranged from 2 to 5, with an average of 3.4, by groups of stakeholders, indicating diverging views on the issue. Many of the respondents to this question referred to their answers to the preceding question (22) since it also refers to the allocation of fishing opportunities. The most important provisions for allocation within the CCSBT are specified at Article 8-4 (a-f) of the Convention, and they are mute on whether the development status of a nation should be considered for setting an allocation or not. Likewise, CCSBT’s CMMs are applied to all Members equally, regardless of the Members’ development stage. So, all Members must implement the same measures (e.g., CDS, vessel authorization, VMS, etc.), despite their different background, nature of fisheries, government capacity, etc. Very little consideration has been given, therefore, to the special requirements of developing Members, noting that, so far, there have only been two developing Members that have requested Membership and an allocation. Despite some capacity building is at least included in the Strategic Plan and in Compliance Plan – goal/strategy 10 – it does not go much further than that. The reasons why the CCSBT convention does not have specific provisions for developing Members are likely because the CCSBT was established by only three “developed” Members and before the advent of UNFSA. If the Commission decides to revise the Convention, however, this theme should be considered seriously.

In practice, the discussions to address the allocation of fishing opportunities to developing Members at annual meetings have been tense, with a general, voiced, diplomatic interest in accommodating their special requirements, but a great difficulty to actually deal with such issues, resulting in, unsurprisingly, divided views.

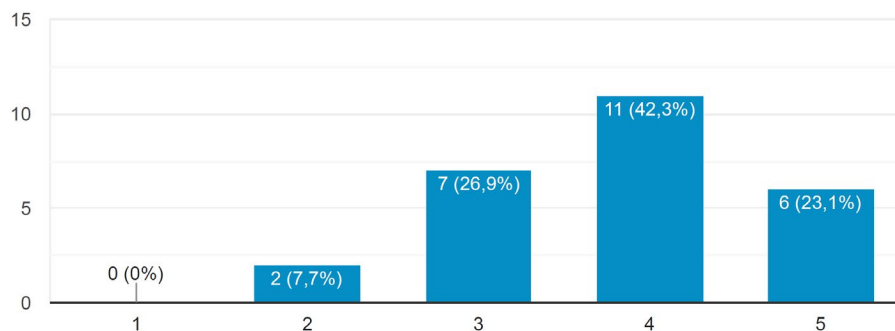
According to some of the respondents, the recent discussions have been accommodating in considering special requirements of developing Members with respect to allocation. More specifically, the most recent two negotiations on TAC allocations (in 2016 and 2020) gave due consideration to the requests from the two coastal developing Members. “The special requirements of developing states have been considered in the context of UNFSA Article 11 (d), and (e), while the status of the stock and the need for rebuilding were also considered, in conformity with Article 11 (a).

On the other hand, some expressed an opposite understanding, opining that the needs of developing Members have not been properly considered in allocation decisions. “CCSBT still uses a historical catch regime, and, therefore, there has been no transfer of quotas from developed Members to developing Members in a fair manner, with most of the TAC still being held by 2 (two) Members”. “Many traditional

players are not willing to give up some share of their allocations for the sake of more allocations to the developing players”.

I. Decision-making

24. How do you rate the decision-making procedures in CCSBT, for the transparent and consistent adoption of conservation and management measures? Mean rating, by groups: 3.7 (26 responses).



Most of the respondents (65.4%) gave this question a rating of 4 or 5, with an overall average by groups of 3.7, indicating that most of the stakeholders are reasonably satisfied with the decision-making procedures in CCSBT. Basically, all the decisions made by CCSBT require the consensus of Members, a requirement that, according to most of the respondents, have positive and negative consequences. “Consensus decision-making has some strengths; however, it can also lead to a lack of transparency and consistency in CMMs”.

The consensus-based decision-making process was considered a “lowest common denominator” approach by some, since it may often lead to the adoption of sub-optimal CMMs for the sake of having something rather than nothing. It may also prevent progress, in many instances. Some issues have been in a deadlock for over a decade, blocked by a single Member, for instance. Because of this limitation, some of the respondents considered that there should be exceptions to this general rule. A Member, for example, should not be able to block (due to lack of unanimity) a sanction or corrective action against itself, when such a decision has been agreed by the majority of the other Members. A majority decision-making process, in these cases, would make Members more accountable.

The “consensus” rule, in many cases in the past, have almost impeded agreement for crucial management issues such as the TAC and national allocations, including during the last meeting. According to some Members, however, this difficulty has been even more serious, regarding ERS. The only binding conservation measure related to them that has been ever adopted in the ERSWG was to make it explicit that vessels fishing for SBT must follow the CMMs of the other t-RFMOs in whose waters they fish²⁶. This resolution on the alignment of measures with other t-RFMOs, however, does not add to those already in place. Beyond that, there has been no consensus on the need for CCSBT to adopt conservation and management measures on issues related to the impact of SBT fisheries on bycatch species, including the most pressing of them: the high level of seabird mortality in longline fisheries. Indeed, despite extensive discussions at CCSBT 14, there was no consensus to adopt binding measures on ERS, or even to agree on a definition of ‘high-risk’ (see also responses to question 10). These are just two examples of how the consensus approach can stymie progress on the mandate of the Convention to address impacts of SBT fisheries to ERS. According to some of the respondents, ultimately, despite

²⁶ [This was a Resolution introduced to and adopted by the Extended Commission, not the ERSWG.]

repeated calls for binding measures on mitigating bycatch (see also responses to question 17), the inaction of the CCSBT to adopt binding measures has led to over a decade of ongoing declines of species directly impacted by SBT fisheries. Although there are hopes that the recently adopted measures will yield a reduction in ERS bycatch, without decisions to implement greater observer coverage, including electronic monitoring, compliance to these measures is likely to remain poor.

On the other hand, various positive aspects of a decision-making process based on a consensus approach were highlighted by several respondents. As the 2008 Performance Review noted, the consensus-decision making approach has benefits in that it protects the interests of minority views, and "should yield greater ownership of - and hopefully greater compliance with - the measures adopted."¹¹ Some of the respondents agreed with that view, commenting that "a consensus-based decision-making process should receive greater ownership by all Members"; and that "consensus-based decision-making has enabled all Members to have their interests reflected in the negotiation". Besides, and more importantly, it does not allow "reservations" or "objections" to be presented against the implementation of measures agreed, an opt-out resource that may render adopted measures meaningless. Considering the yet reasonably small number of CCSBT Members, some concluded that the consensus rule was still a better alternative than allowing the opting-out resource by unsatisfied Members.

In general, the decision-making process was considered to be transparent and consistent, particularly when the decisions at the Commission meeting or other subsidiary bodies are made at plenary, which includes the presence of observers. "It is a small Commission and at the time of decision making, all Members can express their views and opinions freely". However, many decisions are made out of the main session, at "Heads of Delegation" meetings, which is limited to some representatives from Members only, or through bilateral discussion, not becoming clear, nor disclosed, how the conclusion was reached, leading to a loss of transparency. This has been often the case when the EC has discussed decisions regarding allocation and setting of the total allowable catch (TAC). According to some, the Extended Commission (EC) has used Heads of Delegation (HoD) meetings too frequently, which has undermined its transparency in decision-making. "Decisions made in closed sessions limit overall transparency". In 2020, as for many RFMOs, virtual meeting formats prevented corridor discussions, aggravating this situation further. On the other hand, some of the respondents pondered that, considering the diplomatic sensitivity of some issues and the elevated tension sometimes involved, it would be much more difficult to reach consensus if these discussions were held in plenary. Some of the respondents also considered the process for making intersessional decisions often not transparent enough, despite they tend to be more of an operational nature, and not for the adoption of CMMs. On the other hand, some decisions by the Commission have been made through "intersessional decision-making process", using the CCSBT circular, which is only available to Members. Such intersessional decisions are not always clearly reported at the meetings or published to the public area of the website, therefore compromising their transparency, since they leave no room for third parties to join the process, nor to know the reasons why a decision was made.

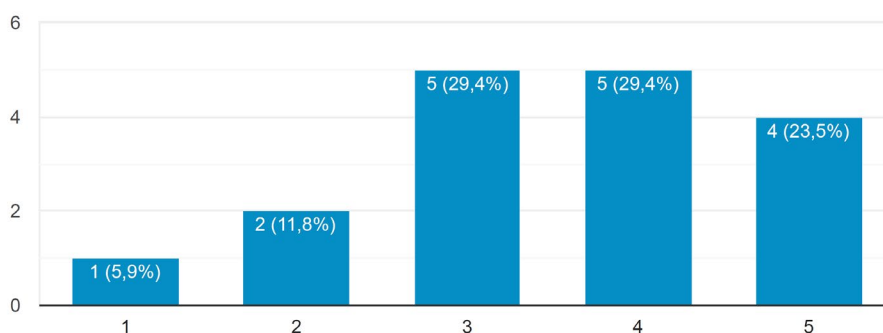
Regarding consistency, the process to adopt CMMs on the SBT, including the most important ones, such as the rebuilding target and TAC recommendation, was considered to be very consistent, involving the coordinated work of the ESC, the CC and the EC, in an integrated manner, including a good communication between Commissioners/ Managers and Scientists, to ensure the adoption of and the compliance with the required measures. Usually, the ESC and the CC do their job under the EC's direction, and most of the CC and the ESC's recommendations are accepted by the EC. Some concern was, however,

expressed that past TAC decisions were based firmly on the acceptance of the MP implementation and trust in science, but as the stock continues to rebuild and TAC increases are becoming more likely, the basis for acceptance of MP-set TAC and trust in the underpinning science may be wavering.

Concerns were also noted regarding consistency of the CMMs adopted for ERS. Despite the ERSWG have reiterated its recommendations year after year, most of them have not been yet adopted by the EC. This may be partly because the ERSWG’s recommendations were unclear, but it again exposes the differences of views among Members regarding the CCSBT mandate to adopt measures related to ERS. Finally, some of the respondents also expressed their concern regarding decision-making process still using the original convention, resulting in two of the Members not having voting rights in the Commission.

J. Dispute settlement

25. How do you rate the mechanisms CCSBT has put in place for resolving disputes? Mean rating, by groups: 3.5 (17 responses).

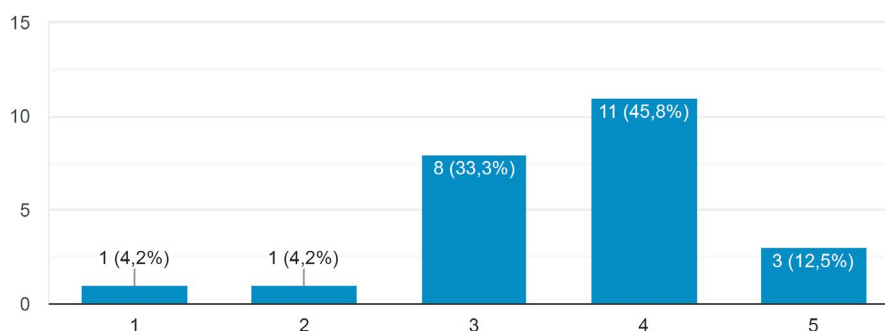


The average rating for this question was 3.5, ranging from 1 to 5, although most of the responses were 4 or 5 (52.9%), indicating a reasonable level of satisfaction by stakeholders regarding CCSBT process for resolving disputes. The dispute resolving process in force in CCSBT is established in Article 16 and in the Annex to the Convention. All Members (except the Fishing Entity of Taiwan) are Parties to UNFSA and the 2008 and 2014 Performance Reviews consequently indicated that the dispute settlement rules provided by UNFSA could also be used by the Extended Commission. The 2014 Performance Review also recommended “that the CCSBT should seriously consider developing an alternative approach to dispute settlement/ conflict resolution to avoid the potential for future stalemates that could significantly compromise the conservation and management of the SBT resource.” Notwithstanding, no action has been taken on this recommendation so far. A potential problem again noted in this response, already highlighted in the previous one, was the difficulty to penalize a non-compliant Member because of the required consensus for taking a decision (as the non-compliant Member would also need to agree), creating a potentially conflicting situation, so some further work in this area was suggested. The hiring of a legal advisor was also recommended in one of the responses.

III. Compliance and enforcement/ MCS

K. Monitoring Control and Surveillance (MCS)

26. How do you rate the MCS measures adopted by CCSBT (e.g., required use of VMS, observers, restrictions on transshipment, boarding and inspection schemes)? Mean rating, by groups: 3.4 (24 responses).



Again, in this question, most of the respondents gave it a rating of 4 or 5 (58,3%), with only one “1” rating and one “2”, with a mean of 3.4, indicating a moderate satisfaction of stakeholders with the MCS measures adopted by the CCSBT. Nonetheless, some have qualified their response by clarifying that it was more related to the “adoption” of measures than to their “implementation”, addressed in the next question. “There are issues associated with implementation, compliance and reporting of measures”. The CCSBT has a range of MCS measures in place, including a comprehensive Catch Documentation Scheme (CDS), records of authorized vessels and authorized farms, VMS requirements, transshipment requirements (including observers for at-sea transshipments) and requirements for inspections of foreign vessels in port. The CCSBT also has a range of compliance policies and a Quality Assurance Review process (which is essentially independent audits of Members’ systems).

Most of the MCS measures and related measures can be found at CCSBT website²⁷. Some areas where improvement would be useful include: a) moving to an electronic CDS instead of a paper-based system (development work is underway on this, but it has been delayed due to disagreements on certain aspects, with no guarantee that the current work will be adopted); b) adopting a centralized VMS (instead of a Member-only VMS); and c) adopting electronic monitoring system (EMS) standards and requirements. The CCSBT does not have a boarding and inspection regime, but that is partially because it does not have a Convention Area to which such a regime would apply. All MCS measures are structured under the CCSBT Strategic Plan and the Compliance Plan to accomplish the goals agreed by the Commission.

One problem with CCSBT measures is that because the CCSBT has no spatial boundaries it must often piggy-back off the measures of other RFMOs, such as the IOTC and ICCAT (and to a lesser extent WCPFC). For example, the CCSBT transshipment observer programme is run by the ICCAT and IOTC, with CCSBT considering their transshipment observers to be from CCSBT as well. This is surely an advantage in terms of cost/ timesaving but may be disadvantageous in terms of being able to introduce CCSBT-specific changes to the transshipment measure. “Deferring MCS measures to the relevant overlapping RFMO makes logistics simpler but results in the lowest MCS level”. CCSBT VMS requirements too must essentially follow those in the ICCAT, IOTC and WCPFC Management Areas²⁸, so that they are consistent between RFMOs that share space. Consequently, slow progress in IOTC, for instance, considering its VMS options going forward, also delays progress in the CCSBT. Besides, the replication by CCSBT of measures from other RFMOs, does not necessarily take into account the specific needs of CCSBT (for example, the Resolution for CCSBT Scheme for Minimum Standards for Inspections in Port). On the other hand, some duplicated measures have been adapted and improved upon (for example, the Scientific Observer Program Standards, which requires a target of 10% observer

²⁷ <https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>.

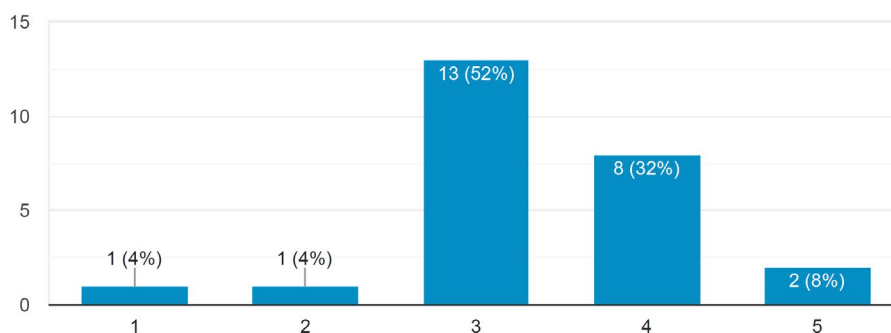
²⁸ [The CCAMLR Convention Area is also covered by the CCSBT VMS Resolution.]

coverage, compared to WCPFC’s 5% target). Notwithstanding, as recalled by one of the respondents, the 2008 Performance Review noted that while steps had been taken to improve compliance and reporting, the CCSBT was lagging behind many other RFMOs, both in the adoption of an integrated VMS system and in monitoring at-sea transshipments¹¹. Some of the respondents also commented that the inspection level of landings and transshipments by foreign fishing vessels, presently set at only 5%, should be increased. “Total transparency in regard to transshipment needs to be a future priority”.

According to others, on the other hand, there has been too heavy a focus on longline fishery (e.g. transshipment), with much less attention being given to farming activities, for instance. Another reason for concern was the reluctance of CCSBT to make progress towards adopting electronic monitoring (EM) in the vessels fishing for SBT. “In delaying the fleetwide implementation of EM, data will continue to be inadequate to robustly evaluate the state of the SBT fishery, failing to meet the goals of the Convention. Along the same lines, some noted the need for greater requirements for observers particularly to allow a better coverage of seabird bycatch and a proper assessment of the effectiveness of the adopted mitigation measures.

Regarding the implementation of the measures adopted, some of the respondents expressed concern with the different interpretations given by Members to the various requirements established by the CMMs (e.g. regarding the flow of information collection and validation/ certification process of CDS required for the export of SBT from farming activities). According to them, such ambiguities in the way CMM requirements were being interpreted were giving room to their arbitrary implementation and should be, therefore, clarified. Finally, according to some of the responses, “there is insufficient independent verification of the implementation of MCS measures, a deficiency that needs to be improved”.

27. How do you rate the fulfillment by CCSBT and Members of those MCS measures? Mean rating, by groups: 3.3 (25 responses).



This question got an average score of 3.3., very close to the previous one (3.4), but with the majority of the responses getting a rating of 3 (52.0%), indicating a less positive assessment by stakeholders of the fulfillment by CCSBT and Members of the MCS measures adopted, when compared to the adoption of the measures. Notwithstanding, as summarized in the Secretariat paper to the Compliance Committee, titled “Compliance with CCSBT Management Measures”, in general, Members’ compliance with CCSBT MCS measures is considered to be relatively good. Most data submitted to the CCSBT by Members (e.g. CDS data) are compared with external data sources (e.g. COMTRADE), while some MCS measures (e.g. transshipment, authorized vessels) are collated with other RFMO’s data. Nevertheless, the non-compliance against the most important MCS measure, which is the allocation of TAC and quotas, in the last two years, overrides all the good aspects of Member performance negatively.

According to some of the responses, although Members are generally seen to be fulfilling their obligations, their performance is far from ideal. Recurrent non-compliance issues include: a) CDS documents are frequently late (and in the case of some Members, sometimes not provided unless prompted), not properly validated and of dubious quality; b) import CDS documents are regularly not received; c) a minimum of 2 ERS mitigation measures have often not been used; d) overcatch of SBT are not always paid back (although paybacks usually do occur); e) unauthorized vessels sometimes catch SBT and are authorized retrospectively; f) port inspection reports are often submitted late; g) failure to meet CCSBT's Minimum Performance Requirements, as advised by the Quality Assurance Review. Some pondered, however, that despite the wide range of minor breaches to various MCS measures involving matters such as late submissions and quality control issues, such as errors, missing data and administrative omissions, by and large Members have mostly implemented the fundamentals of CCSBT's MCS measures. A variable level of compliance between Members was, however, noted. "Compliance is not consistent across all Members", with varying levels of MCS enforcement.

Some of the respondents also noted some lingering unresolved issues regarding market trade, stereo video on SBT farming and validation of catch reports, sometimes done without direct involvement of government authorities. The lack of compliance with mitigation measures regarding ERS was also raised again under this topic, with the insufficient level of observer coverage reiterated. "The high rates of ERS bycatch reported by Members clearly demonstrates that 10% coverage is insufficient to monitor and enforce compliance of mitigation measures". Although most Members have fulfilled the 10% required level of observers on board, there has been poor spatiotemporal representativeness of observer coverage²⁹, despite the scientific observer standards stating that "observer coverage should be representative of different vessel-types in distinct areas and times" and that "the basic principle of representative sampling should underlie the assignment of scientific observers to vessels³⁰. Besides, observers are most often placed on vessels that volunteer to have observers onboard and/or have the logistical capacity to house observers, and these vessels are not necessarily representative of the fishery or of the fishing effort as a whole³¹. According to those respondents, "scientific evidence demonstrates that observer coverage of close to 100% is required not only for stock assessments of the fishery but also for ensuring that bycatch of ERS is minimized".

Finally, the Consolidated List of Authorized Vessels (CLAV) was mentioned as a good example of cooperation among t-RFMOs aiming at improving compliance. "IOTC and CCSBT participate in the CLAV initiative, which is a cross-cutting matter relevant to both Data and Compliance sections. CCSBT has been supportive of the CLAV since its inception.

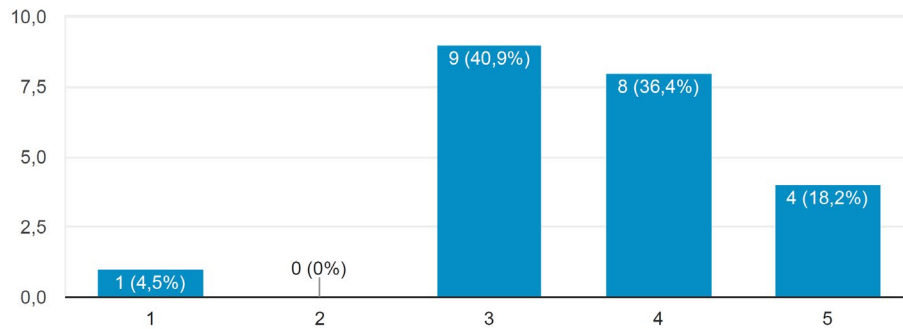
L. Cooperative mechanisms to detect and deter non-compliance

28. How do you rate the mechanisms that CCSBT has established to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance)? Mean rating, by groups: 3.2 (22 responses).

²⁹ CC15_05AnnualReportOnMembersERSPerformace_Rev1.pdf; page 2

³⁰ https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/observer_program_standards.pdf; page 7.

³¹ Ewell, C., Hocevar, J., Mitchell, E., Snowden, S., & Jacquet, J. 2020. An evaluation of Regional Fisheries Management Organization at-sea compliance monitoring and observer programs. Marine Policy, 103842. doi:10.1016/j.marpol.2020.103842



Despite the rather neutral average score by groups of stakeholders (3,2), except for one rating “1”, all the respondents gave this question a rating ranging from 3 to 5, indicating again a moderate level of satisfaction. Once more, some of the respondents also divided the score given to this question in its three components: monitor, detect and deter, with the first one getting a more positive assessment.

According to some of the responses, the CCSBT’s CMMs (including vessel authorization, CDS, transshipment observer) have been established very well and systematically to monitor Members’ compliance. Compliance with such measures is reported by Members through their national report to CC/EC, and are also summarized from the Secretariat’s perspective, reviewed by the Compliance Committee, that then recommends action, if so required, to the EC. Considering this practice, the CCSBT’s mechanisms to monitor compliance and detect and deter non-compliance seem to be functioning well, at least for Members and cooperating States/Entities (e.g., USA, in terms of CDS). The formal mechanisms to monitor compliance of Members/ CNMs in CCSBT include: a) an annual report from the Secretariat on compliance with measures³²; b) a close review of that report and Members’ own annual reports by the Compliance Committee (including by NGOs); c) an MCS Information collection and sharing policy (for sharing information on potential non-compliance); and d) Quality Assurance Reviews (QARs), to independently audit Members’ systems against CCSBT’s Minimum Performance Requirements. For deterring and correcting non-Compliance, CCSBT also has an IUU vessel list and a Corrective Actions Policy. The CCSBT also publishes non-compliance with allocations on its website³³.

Most opined that the annual reports work quite well, despite the lack of a more formal compliance assessment procedure. “These documents provide the Secretariat and members with sufficient opportunity to monitor compliance, and in general, members are honest about reporting non-compliance”. However, a more structured process for assessing compliance and a follow-up process to rectify non-compliance is still lacking. These mechanisms are only as good as the information provided by them (i.e. Members’ annual reports). There has been some useful information exchanged on non-compliance, but this is always non-member non-compliance. The QARs are interesting but do not require a formal follow-up to rectify inadequate processes that are identified. Besides, Members did not agree with a scoring system for the QAR. The Corrective Actions Policy, in turn, seems an inadequate deterrence to most non-compliance as well, since the corrective actions, or mechanisms, listed therein to detect and deter non-compliance only apply to the over-catch of SBT. Where this is found to be the case, the offending Member will be required to carry out actions from the list, with the caveat,

³² https://www.ccsbt.org/en/system/files/CC15_04_Compliance_w_Measures.pdf

³³ https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/general/non-compliance_with_allocations.pdf

though, that a consensus decision is required for corrective action, which will be challenging, for obvious reasons. There are no mechanisms to deter non-compliance of other CMMs, particularly in relation to ERS. In the case of CDS, although it was recognized as a very important source for catch data monitoring and verification, concerns were expressed with the current CDS Resolution, for allowing Members to delegate CDS validation to fishers/ farming companies, without the participation of Government Authorities, potentially compromising the accuracy and neutrality of the data and, thus, undermining CCSBT's ability to deter inaccurate catch reporting.

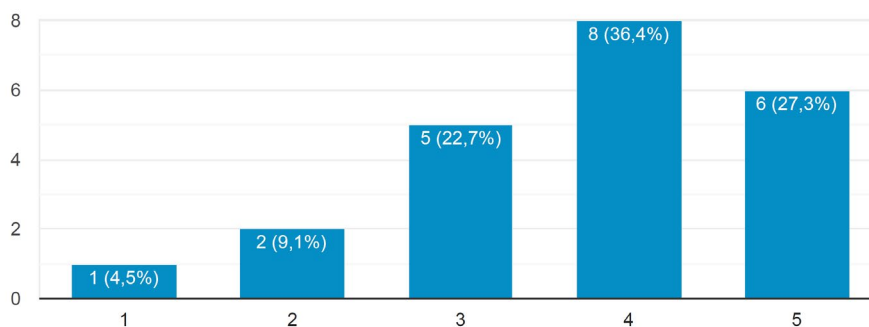
For non-Members, in particular, the CCSBT does not have a well-defined systematic mechanism to detect and address IUU fishing. "There are not good mechanisms in place to monitor the compliance of non-Members". An "Action Plan" was adopted in 2000, but it is mostly outdated. Actually, the Commission has taken actions similar to those foreseen in the Action Plan, without referring to it. Instead, whenever the Commission has received related information through various sources (Members' enforcement activity, notification from Members' fleet, AIS, notification from NGOs, information from transshipment observer, etc.), it has taken required actions in an ad-hoc basis (investigation, contact to related states/entities directly or through other RFMO's Secretariat, consideration as the CC, actions as the EC, actions through bilateral relationship of Members, follow up at next CC meeting, etc.). To assist this ad-hoc basis correspondence, the CCSBT has kept regular contact and information sharing with other RFMO's Secretariat, in various levels, and have also kept budget and contract with AIS analysis expert. "CCSBT has established good cooperation with private intelligence parties and NGOs as well as Members to monitor compliance". Not having the Flag States of the Carrier Vessels required to cooperate with the CCSBT in any formal sense seems to be another gap (mentioned in the Compliance Plan) – how can the compliance of such vessels be monitored and how can there be any deterrents and sanctions for Flag States which have no formal status with the CCSBT?- some questioned.

Some of the respondents, on the other hand, commented that a number of processes have been/ are used to detect possible fishing for SBT by Non-Members, including: a) monitoring global trade statistics for SBT trade not seen in the CCSBT's CDS; b) examining transshipment observer reports for undeclared SBT in the Indian and Atlantic Oceans; c) conducting analyses of IOTC and WCPFC effort data by flag in SBT fishing grounds to estimate the extent of non-Member SBT catches (these analyses are conducted by the ESC); d) collection of sashimi samples from restaurants in China and DNA analyses to determine the level of SBT presence in China's restaurants (this was a past analysis, and it is no longer happening). Despite these efforts, there are still concerns that SBT is not reliably identified in transshipments at sea and that CCSBT does not obtain sufficient information on transshipments in port. In summary, therefore, while mechanisms to monitor and to detect and deter non-compliance by Members are quite active, the mechanisms against non-Members' IUU activity seems to be more passive and inefficient, despite budgetary limitations and the unavoidable constraints of competence as an international organization. A final comment was made expressing agreement with a recommendation from ISSF³⁴ to establish a compliance scheme that "contains both positive (such as financial or technical assistance and capacity-building to developing States) and negative (such as automatic quota reductions, loss of fishing opportunities, enhanced monitoring, non-discriminatory trade measures) responses, and takes into account the history, circumstances, extent, and gravity of the act or omission."

³⁴ Koehler, H. 2021. Tuna RFMO Compliance Processes: A Comparative Analysis to Identify Best Practices (version 5). ISSF Technical Report 2021-06. International Seafood Sustainability Foundation, Washington, DC, USA.

M. Quality and provision of compliance advice

29. How do you rate the quality of the advice produced by CCSBT Compliance Committee? Mean rating, by groups: 3.5 (22 responses).



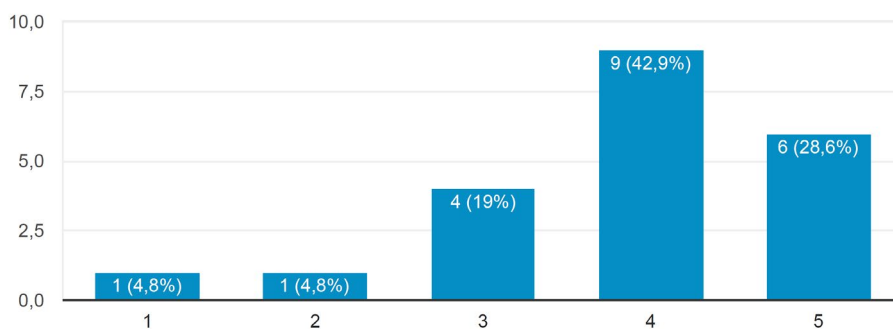
Despite the responses to this question ranged from 1 to 5, most of the respondents (63,7%) gave it a rating of 4 or 5, with a mean by groups of stakeholders of 3.5, indicating a reasonable level of satisfaction with the quality of the advice produced by the CCSBT Compliance Committee. “The Compliance Committee (CC) does a good work, particularly in reviewing compliance by different Members”. “Its work is further assisted by having an independent Chair”. “The CCSBT Compliance Committee (CC) has well done its functions specified in its Terms of Reference under the direction of the independent Chair, with fair and productive manner”. When the CC makes its advice to CC, it is clearly separating “matters to recommend” and “matters to note”, making it easier for the EC and Commissioners to consider them effectively. In addition, the CC’s recommendations are very clear about what the EC should do, besides providing clear draft of revised or new documents including resolutions. “The Compliance Committee is good at administering and improving existing obligations (for example, the recent update to the MCS information collection and sharing policy guideline)”.

However, the annual CC meeting is held back-to-back with the meeting of the Extended Commission, and, therefore, in most cases, the participants are the same for both meetings. Consequently, the CC’s advice is not independent advice from technical compliance experts. It is possible that independent technical experts might offer advice calling for more stringent MCS measures. “Committee Members often lack technical compliance expertise and, therefore, often avoid putting forward advice”. Besides, due to the nature of the meeting agenda, Compliance Committee often spends a significant amount of time litigating minor reporting matters at the expense of more significant issues. The Compliance Committee has, therefore, struggled to push through larger pieces of work (for example, the update to the Catch Documentation Scheme). There were also complaints on the focus of the CC, being too centered on compliance with resource use (quotas), or, according to others, too focused on longline fishery, especially on transshipment and on seabird related measures. A more comprehensive discussion focusing on the core of SBT management, such as catch data reporting, was thus considered necessary by some of the respondents.

Some also warned that the advice provided by the CC could be only as good as the input/information provided, highlighting the limited opportunity and resources so far available for independent assessment and development of advice. Besides, as it was commented on the advice provided by the ERSWG, whether advice produced by the Compliance Committee is good or poor quality is moot if the CCSBT fails to action it. Along these lines, the 2008 Performance Review recommended that “Corrective

actions be adopted for other CMMs in addition to those addressing the over catch of SBT”¹³. However, over a decade later, additional corrective actions for non-compliance with other CMMs has not been adopted. According to those views, CCSBT should add corrective measures to the Corrective Actions Policy, and those actions should be imposed by the secretariat or other external body as a disincentive for non-compliance.

30. How do you rate the structure, processes, procedures, and expertise of the Compliance Committee to provide compliance advice to the Commission? Mean rating, by groups: 3.9 (21 responses).



Due to the proximity of this question to the previous one, the distribution of ratings was also similar, with most responses assessing CCSBT performance regarding the structure, processes, procedures, and expertise of the Compliance Committee to provide compliance advice to the Commission at 4 or 5 (71,5%). With an average by groups of stakeholders close to 4 (3.9), however, this question was more positively assessed than the previous one.

The Compliance Committee has two subsidiary bodies: the Compliance Committee Working Group (CCWG) and the Technical Compliance Working Group (TCWG). The TCWG is a relatively new group which is expected to provide additional technical expertise to the Compliance Committee’s future work. Most of the respondents opined that the current structure, process, procedures and expertise are functioning very well to assist the Commission in issues related to compliance. Considering that most recommendations from the CC have been accepted by the EC, it has been demonstrated, in practice, that the EC has been satisfied with the CC’s work/outcome. In addition, the advice provided by the CC with good quality has been made during only a three- day meeting, demonstrating that its current practice is also effective.

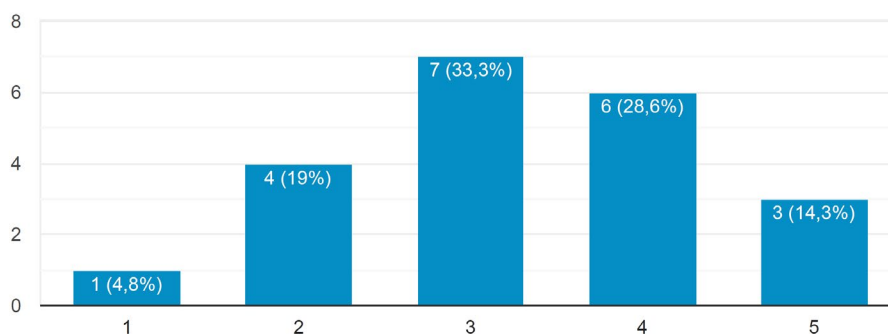
Some of the respondents, however, suggested that a more formalized compliance assessment process should be established, particularly to improve some follow-up process (e.g. on corrective actions taken by Members). Despite CCSBT Members have informally agreed that a formal compliance assessment process, similar to those used in other RFMOs, is not required, some expressed their concern that in the absence of such a process decision making on compliance issues may lack structure and be potentially inconsistent.

The issue related to the timing of the Compliance Committee meeting was raised again under this question. According to some of the respondents, the timing of the CC Meeting, being held back-to-back with the EC meeting, influences its attendance, resulting in a low participation of compliance experts. “As the Compliance Committee (CC) meets immediately prior to the Commission, Members often rely on general expertise rather than MCS specific expertise in selecting officials to attend the CC meeting. MCS specific discussions are, therefore, hampered by the lack of such expertise. The Commission has established the Technical Compliance Working Group to help address this matter, however when it meets (it is used as needed), it is immediately prior to the CC, which again may mean the required

expertise is not available”. According to some, however useful the Technical Compliance Working Group has been for discussing technical matters, this lack of technical expertise on compliance has compromised outcomes of several large work items (for example, work on illegal, unreported, and unregulated fishing, and updating the Catch Documentation Scheme)”. A final comment also noted that the CC could provide recommendations for capacity building for Members.

N. follow up on infringements

31. How do you rate the mechanisms that CCSBT has put in place to follow up on Member’s infringements to management measures? Mean rating, by groups: 2.9 (21 responses).



With an average rating of 2.9, although ranging from 1 to 5, this topic got the lowest score of all questions in Section III- Compliance and Enforcement, indicating that follow-up on infringements is probably the weakest aspect of CCSBT MCS System. Some of the stakeholders responded candidly that there are no mechanisms in place to follow up on infringements in CCSBT. Despite a recent attempt to develop a proposal on such a mechanism, it did not make much progress. Some suggested that there should be a more formal follow-up process where all the 'non-compliance' issues a Member had in a given year would be listed and then re-visited in the following year to check for improvements. Presently, the CCSBT does not have a good process for calling out and following up on numerous minor infringements by Members, which tend to be repeated year after year, including some issues that were “followed up”, but were “not resolved”. Besides, infringements usually only result in a request for the infringement to be explained and details of the steps to be taken to prevent it from happening again, with no real risk of penalty. Although Members are made aware of ‘infringements’, therefore, there seems to be no formal mechanism to encourage improvement except for the Corrective Actions Policy, which, however, was considered to be a bit weak and/or not used to its full capacity. Some commented, nonetheless, that, while somewhat limited in its scope, the Corrective Actions Policy do provide a useful tool to address Members’ infringements. Generally, however, the only thing ever considered under the Corrective Actions Policy is SBT over-catch. “Corrective Actions Resolution³⁵ specifically relate to the over catch of SBT and does not include corrective actions for non-compliance of other CMMs”. It would be useful if non-compliance with ERS measures could also be discussed under this policy/CC agenda item, but as already noted in other topics, while there remain issues/no agreement regarding the CCSBT’s mandate with respect to ERS, it will be difficult to make progress on this point.

Another concern raised about the follow-up of infringements, besides the absence of a formal review process, was the lack of any “independent” verification, with the whole process being largely reliant on the vigilance of individual Members and on the Secretariat to monitor it. Others, however, considered that the follow-up of infringements could be done in an ad-hoc base, relying on Members to either self-

³⁵ [The CCSBT’s Corrective Action Policy is a “guideline”, not a “resolution”, and consequently it does not bind Members legally.]

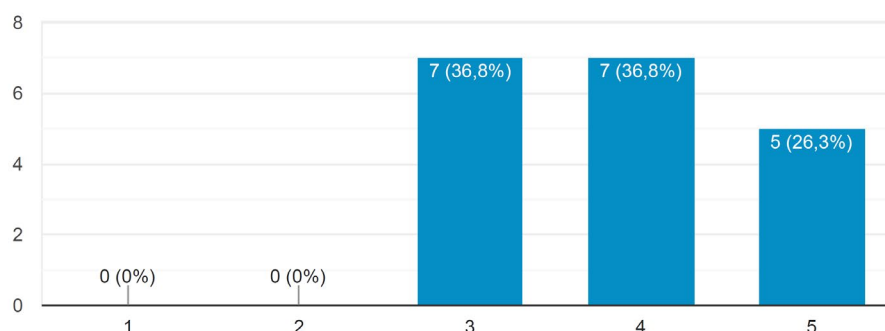
report any follow-up or for other Members to seek information on any follow up. According to those expressing this view, changes to standing agenda items and inclusion of follow up reporting could improve this. Additionally, some noted that the written format of discussion ahead of the meeting already helped to improve Members’ following up and reporting back on infringements.

Others, on the other hand, had a different, much more positive view, opining that the processes in place in CCSBT for “following up” on infringements to CMMs are functioning well, at least regarding the SBT. “The CCSBT is usually effective in following up on infringements relating to Members’ allocation of the SBT TAC, which is CCSBT’s most important measure”. In fact, Members usually declare any over catch and commit to paying it back before the meetings of the Compliance Committee and of the Extended Commission. Minor operational infringements against CCSBT CMMs (e.g. missing information in CDS documents, short overdue of submitting national report, etc.) are detected by the Secretariat regularly (based on various reporting requirements, reconciliation of CDS documents, etc.) and such problems are followed up and addressed immediately by related Members and the Secretariat. The Secretariat has properly highlighted those infringements requiring follow-up actions, which has enabled the CC to properly address them as well, since major infringements are reported to the CC and considered through a well-established process (see response to question 28). Then the relevant Members/ stakeholders can address those problems considering the recommendation/ direction given by the CC/EC, CC’s workplan and/or through related Members’ domestic processes. The result of actions taken are then reported back to the next CC meeting (or to other related body) or addressed intersessionally, through the CCSBT Circular process. One limitation noted in the compliance/ follow-up process, however, was the case of non-Members. “Although the CC provides sufficient discussion space for clarification regarding alleged infringement by Members, it cannot provide strong recommendations for non-Members”.

Finally, as noted by one of the respondents, the 2008 Performance Review of CCSBT, concluded that it is the “flag state’s responsibility to follow up on infringements of CMMs”¹³. Notwithstanding, so far, there are no provisions in place yet to penalize or impose consequences for infringements by Members or CNMs in CCSBT, despite the 2008 Performance Review recommending that a range of penalties should be established in relation to all conservation measures (Page 67¹³). The CCSBT, therefore, should add corrective measures to the Corrective Actions Policy, as a disincentive for non-compliance.

O. Flag State duties

32. How do you rate the fulfilment by CCSBT Members of their duties as Flag States? Mean rating, by groups: 3.8 (19 responses).

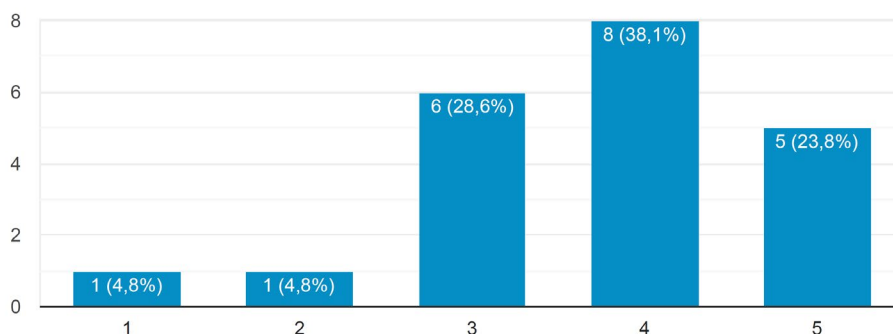


With ratings ranging only from 3 to 5, and an average by groups close to 4 (3.8), it seems clear that CCSBT stakeholders are generally satisfied with the way its Members are fulfilling their duties as flag States. Some of the respondents made it clear, however, they were assessing the performance by Members exclusively in relation to the CCSBT obligations (although this was exactly what was being asked in this question, anyway). “In general, Members are fulfilling their duties to CCSBT.” The most important duties of CCSBT Members as Flag States noted by the respondents were: a) to collect and submit required data/information, and b) to ensure that its SBT allocation is not exceeded.

The great effort undertaken by all Members, as Flag States, to operationalize all agreed CCSBT CMMs domestically was recognized, including their struggle to improve their domestic systems in this regard. Accordingly, Members’ compliance with data collection and reporting requirements was considered generally good, as well as the quality of the data provided, despite some cases of failure that may have compromised the CCSBT’s data quality in the past (see response to question 10). Some respondents noted, however, that despite Members have complied with most CMMs well, some Members have surpassed their allocation, so, although there might not have been a failure regarding the fulfilment of their Flag State duty, since the data were properly compiled and reported, they have failed with their obligations as a CCSBT Member. So, even though Members may have fulfilled their duties as flag states well, that does not mean they have not failed against its most important duty as a Member of the CCSBT. The lack of independent information upon which to base an assessment was also noted as a hindrance to provide an answer to this question. Others also noted that no specific assessment of Flag State duties in CCSBT has been done, at least in recent years.

P. Port State duties

33. How do you rate the measures adopted by CCSBT regarding the application of Port State measures by Members, pursuant to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing? Mean rating, by groups: 3.7 (21 responses).



Despite the responses to this question were more spread out, ranging from 1 to 5, most of the ratings were 4 or 5 (61.9%), with an average by groups of 3.7, very close to the previous question and also indicating

clearly an overall satisfaction of most of the respondents with the measures adopted by CCSBT regarding the application of Port State measures by Members.

The CCSBT adopted a measure titled “Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port”³⁶, to be applied to foreign fishing vessels and carrier vessels transporting southern bluefin tuna (or fish products originating from southern bluefin tuna), which contains many of the core elements of the FAO PSMA. It was adopted in 2016³⁷, entered into force on 1st January 2017, and was amended in 2018. According to some of the respondents, the only shortcoming of this measure is that it only requires Members to inspect “at least 5% of landing and transshipment operations in their designated ports as are made by foreign fishing vessels”, a coverage rate considered to be too low and that should be, therefore, increased. This resolution was based on a similar recommendation of ICCAT so that the CCSBT’ PSM would be consistent with those adopted by other t-RFMOs. It also largely replicates the FAO Agreement on Port State Measures. The CCSBT resolution, however, also covers the Fishing Entity of Taiwan, which is not a party of FAO PSMA.

Currently, all Members (including the Fishing Entity of Taiwan) have provided the required list of authorized ports to the CCSBT, in accordance with that resolution. In addition, the relevant Members have implemented their domestic regulations and arrangements for conducting the required port inspections. The CCSBT is unique among the tuna RFMOs in that it does not have a defined Convention Area and it covers only one species of tuna (SBT). SBT is also landed in a variety of ports, however, not just in those of CCSBT Members. This results in the need for greater coordination between CCSBT and other RFMOs, including the use of observers and port inspection reports from them. CCSBT publishes a list of designated ports, points of contacts and notification periods on its public website. Ports that do not appear on the designated list of ports published on the CCSBT website are not acceptable as Member or CNM ports of entry for the fishing vessels or carrier vessels covered by the Resolution³⁸.

Although the measure was considered to be good, some pondered that its implementation has not been ideal, since most inspection reports have been provided to the Secretariat very late or incomplete. Also, despite Members have spent a good deal of time discussing and finally agreeing upon an update to the CCSBT’s Resolution on Minimum Standards for Inspection in Port (Annex B), to include information on compliance with Seabird Bycatch Mitigation Measures for longline vessels, no Member has ever used the CCSBT version of Annex B to report that information, using the IOTC or ICCAT version instead, so CCSBT never receives any additional data on the bycatch mitigation measures from that form.

Some considered that the existing CCSBT port State measures resolution should be amended to bring it more in alignment with the core provisions of the FAO PSMA and to allow a more consistent implementation of port State measures to combat IUU fishing at regional levels. According to them, the specific areas where the CCSBT resolution could be possibly improved are:

- Regarding FAO PSMA Article 9: the current CCSBT Minimum Standards for Port Inspection requires that Members must decide, based on information received and other information, to authorize or deny entry

³⁶https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Minimum_Port_Inspection_Standards.pdf

³⁷ [The CCSBT’s Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port was recommended by CC 10 and adopted by EC 22 in 2015.]

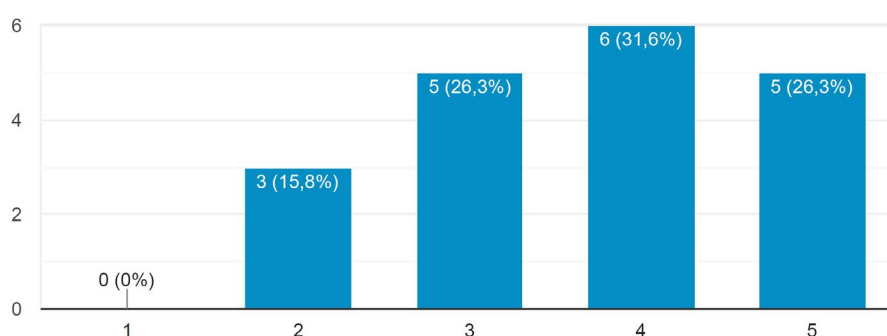
³⁸ [Fishing/carrier vessels with SBT/SBT products may enter any port if it is not for the purpose of landing and/or transshipment of SBT or SBT products.]

into its designated port. There is no requirement, however, to deny entry to vessels engaged in IUU fishing. Communication of denial of port entry are not explicitly required. The CCSBT should update the measure to require denial of entry to vessels engaged in IUU fishing.

- Regarding FAO PSMA Article 18: in case of IUU fishing being detected upon an inspection, the CCSBT measure should include an explicit denial of use of ports for landing, transshipping, etc. of fish that has not been previously landed, and for other port services; and the vessel should be included on the draft IUU list.

Other paragraphs of the FAO PSMA that are not properly included in the CCSBT Resolution are those contained in Articles 10, 11, and 19.

34. How do you rate the fulfilment by CCSBT Members of their duties as Port States? Mean rating, by groups: 3.5 (19 responses).



While Question 33 addressed the measures adopted by CCSBT regarding the application of Port State measures by Members, Question 34 focused on the fulfilment by CCSBT Members of their duties as Port States, including, therefore, their implementation of the CCSBT Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port. With an average by groups of 3.5, the performance by Members in this regard was evaluated more negatively than the measure adopted by CCSBT, repeating again a pattern of a better assessment being given to the “adoption” of measures than to their actual “implementation”.

Many of the problems related to the implementation of the relevant CCSBT resolution already pointed out in the previous question were reiterated in the responses to this one, including that although the inspections seem to have been done properly, inspection reports have been usually submitted too late to be timely, if there’s any issue to follow up on (the majority of the inspection reports have been submitted very late, often over a year after inspection, and rarely within the required 14 days). Furthermore, it is not clear, either, if the lack of any report of port inspections by some Members that have notified its designated ports in its national report to the CC/EC meetings are because of a compliance failure or just because no landings have actually happened³⁹. That would not apply, of course, to a Member, if it had advised the CC that it would not accept port entry by foreign vessels for landing or transshipment, as it has happened in the past. As also mentioned in the previous response, in 2018, Annex B of the “Minimum Standards for Inspection in Port” was updated to include section 36, on “compliance with seabird bycatch mitigation measures”. CCSBT Members, therefore, should ensure that all sections of Annex B are

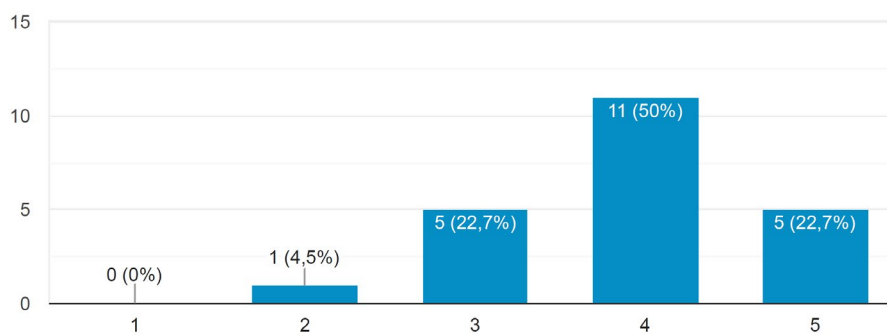
³⁹ [This can be determined by referring to Table 8 of Members’ national reports to the CC/EC, where Members report the number of landing/transshipment operations by foreign vessels (FVs and CVs) that occurred and the number that were inspected.]

completed, including for the seabird measures, especially considering the continued high bycatch rate and the lack of compliance reported by some Members.

The “good actions” described in the previous question, were also reiterated here: “most Members have submitted the required lists in accordance with the relevant resolution (i.e. designated ports, contact points for port entry), and most “Port State” Members have implemented their domestic systems for port inspection of foreign vessels, they have done port inspections and they have submitted port-inspection reports”. Some of the respondents, referring specifically to actual port calls done by vessels flying their flag in ports of Members of CCSBT, reported the “port inspections” to be functioning “extremely well”. Furthermore, as noted by others, in the past, genetic testing has been undertaken for foreign vessels in ports, and no issues have been ever found. In summary, most of the respondents considered that, in general, the duties of Port States are well implemented, while recognizing that there’s room for improvement in terms of reporting.

Q. Market-related measures

35. How do you rate the measures adopted by CCSBT relating to the exercise of the rights and duties of its Members as market States, including the adoption of market-related measures, such as catch documentation and trade tracking schemes? Mean rating, by groups: 3.9 (22 responses).



With an average by groups of 3.9 and most (72.7%) of the ratings between 4 and 5, the measures adopted by CCSBT relating to the exercise of the rights and duties of its Members as market States were positively assessed by the majority of stakeholders, reflecting a good level of satisfaction.

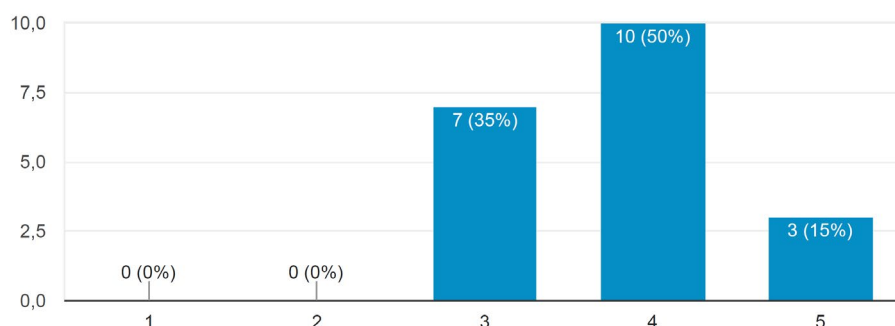
CCSBT’s main market related measure is its Catch Documentation Scheme (CDS), intended to track catch/harvest, transshipment, export/ re-export, import and domestic landings of every single individual of SBT, since 2010. This is a comprehensive scheme that additionally requires the tagging and recording details of each SBT to the first point of sale. For catch documentation, every single SBT is tagged with a unique tag number and related information (length, weight, catching vessel, date, area, product type, etc.) is recorded on the CDS documents, which are certified by stakeholder and validated by a government-authorized validator. For trade tracking, the CCSBT CDS records all exports and imports, as well as the domestic landings (up to 1st point of sale), as long as SBTs are traded as a “whole fish”. The CDS data are sent by the catching Members and exporters/ importers to the Secretariat, who, then, compiles and reconciles all the information.

Most of the respondents considered the compliance with the CDS to be generally good. “Members have fulfilled their duty as a player of SBT market”. “Naturally, there have been many minor problems with CDS forms, etc., but they have been followed up and resolved by the Secretariat and related Members”. To ensure that the CDS will be operationalized in an optimum manner, the way it is implemented

domestically is up to each Member. The outcomes from the CDS application, therefore, are the same, despite some slight differences of domestic operation between Members; for example, the timing of issuing CDS document, the timing of validation of CMF (Catch Monitoring Form), who is authorized to validate it, and so on. To assess if each Member domestic system to implement the CDS is effective or not, the CCSBT has done a Quality Assurance Review Process (by independent reviewers) for all CCSBT Members, with the results so far demonstrating domestic systems to work effectively. Although one Member did receive a bit negative result, its implementation of the CDS has been largely improved after the review. One Member’s result has not yet been finalized. In light of all that, some of the respondents, therefore, considered the measures adopted by the CCSBT relating to the exercise of the rights and duties of its Members as market States well established and effective.

Some of the respondents, however, considered that the catch documentation scheme still has some shortcomings that require improvements. SBT products, for instance, can generally not be tracked once it goes to a non-Member State – except to the USA, which voluntarily cooperates with the CDS. Non-Member importers are generally reluctant to respond when efforts are made to communicate with them, so there is usually a lack of response from non-Member destinations to confirm SBT entering their market. “Almost all SBT fishing nations are CCSBT Members but SBT consumption is not limited to the markets of Members”. “CDS is one of the means to certify that the catch is legitimate, but if unauthorized catch is brought into the market of a non-Member, the CDS will not be effective to detect and remove such IUU product”. Some also considered that the Catch Documentation Scheme could be more responsive if moved away from a paper-based system to an electronic system. “The CDS is comprehensive, but because it is still paper-based, it requires significant input from Members and the Secretariat”. Moving to an e-CDS will hopefully improve the quality, accuracy, timeliness and effectiveness of the CDS. In this regard, CCSBT might refer to the e-CDS implemented in ICCAT as a reference. As noted in question 26, however, although the development of an e-CDS is underway, it has been delayed due to disagreements among Members on certain aspects. Others also noted that there is still a dispute related to the use of CDS as a trade database and market trade information for non-Members.

36. How do you rate the fulfilment by CCSBT Members of their duties as Market States? Mean rating, by groups: 3.7 (20 responses).



Following the positive assessment by stakeholders of the measures adopted by CCSBT relating to the exercise of the rights and duties of its Members as market States, addressed in the previous question, the fulfilment by CCSBT Members of their duties as Market States also received a positive appraisal, with an

average rating by groups of 3.7 and most of the scores (65%) 4 or 5. Many of the respondents referred to their responses to the previous question, while responding to this one. According to most of them, the main SBT market State, which is also a Member of CCSBT, does a very good job in fulfilling her duties as a market State, but still too much attention is given to it, while a similar attention should also be given to the other SBT Market Members that receive SBT on a much less frequent basis, but do not seem to be fulfilling their duties with their annual CDS obligations as well. It seems that the level of fulfilment tends to be proportional to the quantity of imports (i.e. more imports equate to more ability to fulfil their duties, and also more responsibility, while less imports equate to less ability and responsibility). Members that have a much smaller role as a market state, for example, seem to be much less prone to restrict imports of SBT without the required documentation.

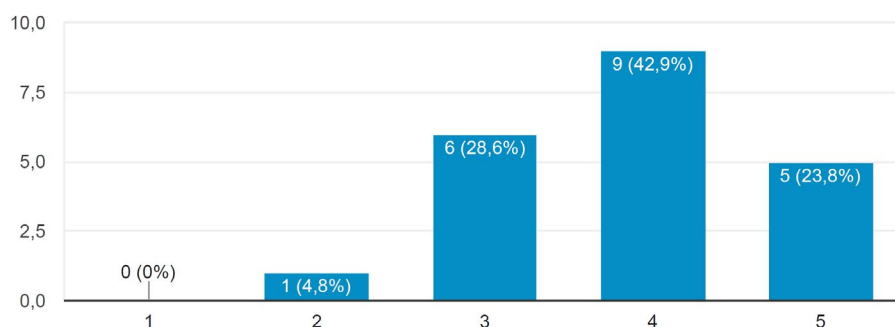
The level of compliance regarding the annual submission of data and reports was also considered to differ wildly between Members, with some of them regularly submitting complete and comprehensive reports, while others systematically failing. Some of the respondents, therefore, expressed their frustration with the recurrency of the problems of non-compliance, which includes the lack of provision of the CDS import documentation and reports.

A better cooperation with non-Member market states (e.g. the United States) was again emphasized as an important step to strengthen CCSBT CDS. Issues of discrepancy in the market trade data provided by destination states/entities for Members/ non-Members, export data from Members of origin and information system platforms from national, regional (UN COMTRADE), and private sector were also noted.

Some of the respondents also reiterated their concern, already expressed in their response to question 26, about the differences of interpretation of the CDS resolution in terms of how to deal with CDS forms/ data, with some exporting Members refusing to provide the CTF (Catch Tagging Form) (and FSF- Farm Stocking Form, FTF- Farm Transfer Form) associated with the CMF (Catch Monitoring Form) and, therefore, preventing importing Members from exercising their duty as a “responsible” importing State. In addition, if a Member exports SBT to a non-Member, it is impossible to fulfill all CDS requirements, because the importer will not do a certification as importer, and it will not submit a copy of importing CDS documents. Consequently, it is not possible to doublecheck whether information provided from exporting Member through the CDS document was correct or not. Besides, some pondered that, despite not clearly specified in the CDS resolution, considering the purpose and the nature of the CDS process, Members exporting SBT should refrain from sending their product to states/entities which have not shown any intention to cooperate with the CCSBT CDS, considering this an irresponsible attitude as a CCSBT Member.

R. Reporting requirements

37. How do you rate CCSBT reporting requirements, with a view to improve efficiency, avoid redundancy and reduce unnecessary burden to Members? Mean rating, by groups: 3.7 (21 responses).



This question also received a reasonably positive assessment, with an average by groups of stakeholders equal to 3.7 and most (66.7%) of the responses with ratings 4 or 5, meaning that the majority of the respondents were satisfied with the CCSBT reporting requirements. CCSBT Members have various “regular” reporting requirements, including scientific data (scientific data exchange and ERSWG data exchange), compliance related documents/data/information (e.g. CDS documents, required notification for vessel authorization, transshipment declaration, port inspection reports, etc.) and national reports for ESC/ERSWG/CC/EC. The “reporting requirements” that Members must provide in their annual reports and to certain meetings of the CCSBT can be easily found in CCSBT website⁴⁰. Data submission requirements can also be found there⁴¹, but some of the respondents considered this question to apply only to the first ones. Such regular reporting requirements are integrated/separated to area/purpose so that Members (and the Secretariat) can avoid redundancy and reduce unnecessary burden. The CCSBT has established “templates” for each requirement so that Members can cover all items systematically. For example, various compliance related reports required by several resolutions are integrated into the “template for the Annual Report to the CC and EC”.

Despite of these efforts, some considered that there is still some duplication in the reporting requirements for different meetings but pondered this to be an unavoidable consequence of the meetings being held at different times. Some significant duplication was also noted in the information submitted from year to year (information not changing between years). This shortcoming, however, was recently addressed for the annual meetings of the Compliance Committee (CC) and Extended Commission (EC) by placing “standing items” in an “unchanging” Annex to the annual report template and identifying any changes to the standing items in the main part of the report. An important additional advantage of this new report format is that the readers of the report do not need to re-read standing items each year. Consideration could also be given as to whether a similar report format would be useful for the Extended Scientific Committee and the Ecologically Related Species Working Group annual reports. However, some cautioned that because the information in these reports is more dynamic than that in the CC/EC reports, this new format may not work as well. Noting there are a number of compliance items that Members continue to report on, however, some suggested that some strategic thinking could be applied to priorities regarding compliance actions and reporting. A risk-based approach to assessing compliance priorities, for instance, would be useful for looking into compliance reporting.

Some of the respondents also considered the CDS submission and reporting processes burdensome to Members. “Some CDS reporting requirements are overly onerous and not useful.” Others, however, despite agreeing that they are indeed a bit of a heavy burden, considered them to be worthy. Many noted that the move to electronic reporting (the e-CDS) should improve efficiency and reduce the current burden of paper-based systems. “Although recent efforts to review reporting obligations have helped, the lack of an electronic CDS continues to create a significant administrative burden on Members”. Notwithstanding, once e-CDS development be completed and also integrated with other online systems (vessel authorization, CDS validator registration, etc.) the overall burden will be much reduced. Some also noted that the procedures could be a bit simplified for those Members that do not have SBT trade or that have a very marginal trade, but still must apply the same rules and principles as other Members who have important SBT trade flows. Reporting requirement should therefore be revisited, in this regard. Some commented, as well, that for Members that do not proactively participate

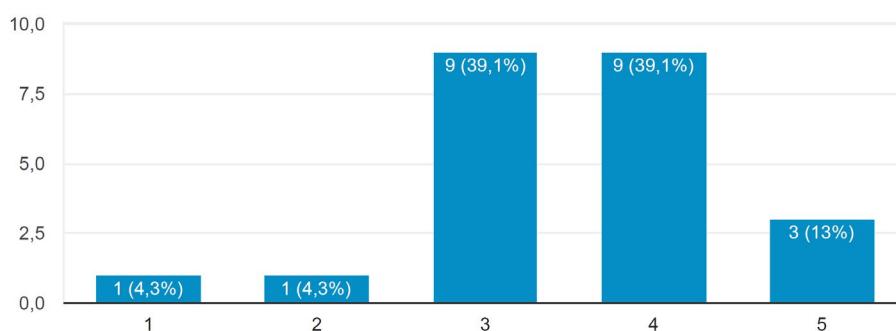
⁴⁰ <https://www.ccsbt.org/en/content/annual-reporting-and-documentation-requirements-members-and-cnms>

⁴¹ <https://www.ccsbt.org/en/content/data-submission-requirements>

at CCSBT meetings or engage in intersessional discussions (which tends to be 3-4 Members), however, there is far less ‘burden’ annually.

Finally, some of the responses were quite positive, considering current practice within the CCSBT to be functioning well and optimized for Members’ use. “CCSBT has paid sufficient attention to avoidance of unnecessary burden such as duplication of work”. “Efforts have been made in recent years to avoid duplication in reporting”. “Reporting requirements have been previously agreed upon by Members and can be fulfilled properly”.

38. How do you rate the fulfilment by Members of their obligations regarding reporting requirements? Mean rating, by groups: 3.3 (23 responses).



As it has been a common pattern in several of the previous responses, the reporting requirements established by CCSBT, addressed in the previous question (with a mean rating of 3.7), were more favorably assessed by stakeholders than the fulfilment by Members of their obligations regarding these reporting requirements, which got a mean rating of 3.3. Although most of the responses (52,1%) were positive, with ratings of 4 or 5, stakeholders were more divided in their views regarding this topic.

Some of the respondents considered that, in general, all Members have shown great compliance with reporting requirements, with an overall better performance than other t-RFMOs which have many developing State Members. “Members do provide the required reports, and on the whole, they do a reasonably good job of providing the required information within their reports”. “Members have fulfilled their obligation on reporting requirements very well and on time”. Besides, one of the respondents added that whenever failures have happened in the past, in most cases Members have rectified the omission and provided the required reports/data/ information at a later occasion, or explained why they didn’t/ couldn’t fulfil the requirements (e.g. “estimated total mortality of ERS” was not reported occasionally, because to estimate it by simply raising the observer data – the default approach of the template - was not necessarily correct, and would have caused mis-understandings).

Other respondents, however, had a diverging view on the fulfilment by Members of their obligations regarding the reporting requirements, noting, for instance, that there are always some parts of the annual report templates that are not fully/ properly completed by one or more Members, besides several other problems related to reporting (e.g. delayed submission of national report, CDS forms with missing information, non-completed data submission, etc.). Additionally, reporting to the Extended Scientific Committee has consistently been lacking in some areas (for example, reporting on attributable catch⁴²). According to some of the responses, the late submissions in recent years have also compromised a

⁴² [From 2020 the required reporting of attributable catch was enhanced and all Members included the attributable catch section in their 2020 ESC national reports.]

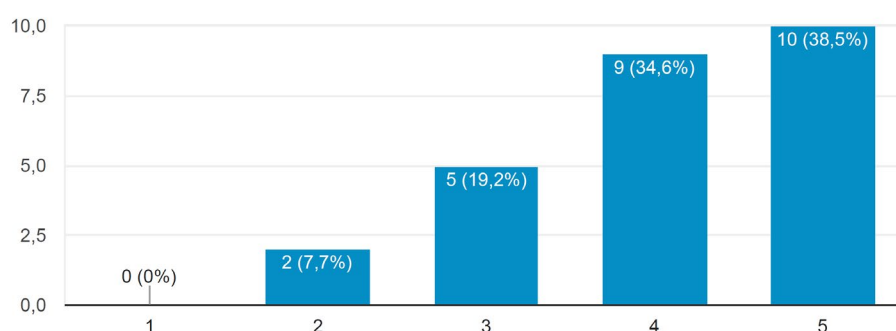
proper review of the reports by Members. Some, therefore, suggested that additional independent verification would improve the confidence in Members reporting and help the Commission to demonstrate it is doing what it has committed to do.

Some of the respondents reiterated their views already reflected in their responses to questions 2, 5, 26, 27, and 34, concluding that reporting across the CCSBT is poor. According to those respondents, “the lack of reporting represents a serious scientific issue to accurate assessments, particularly of ERS bycatch. Besides, the lack of penalties and disincentives for failing to comply with reporting requirements means that this will be an ongoing issue”. Overall, there is poor spatial coverage of the fisheries and therefore any data that is reported is likely to be biased (see response to question 27). They also reiterated their support to the recommendation from ISSF⁴³ to establish a compliance scheme that “contains both positive (such as financial or technical assistance and capacity-building to developing States) and negative (such as automatic quota reductions, loss of fishing opportunities, enhanced monitoring, non-discriminatory trade measures) responses, and takes into account the history, circumstances, extent, and gravity of the act or omission.”

IV. International Cooperation and comparison with other RFMOs

S. Transparency

39. How do you rate the transparency of CCSBT work, regarding the opportunity for representatives from other intergovernmental organizations and from non-governmental organizations to take part in meetings? Mean rating, by groups: 4.0 (26 responses).



With an average rating of 4.0, 73.1% of the responses with ratings of 4 or 5, and only two responses under “3”, it is clear that most of the stakeholders consider the work of CCSBT regarding the opportunity for representatives from other intergovernmental organizations and from non-governmental organizations to take part in meetings sufficiently transparent. Under the Convention (article 14) and the CCSBT Rules of

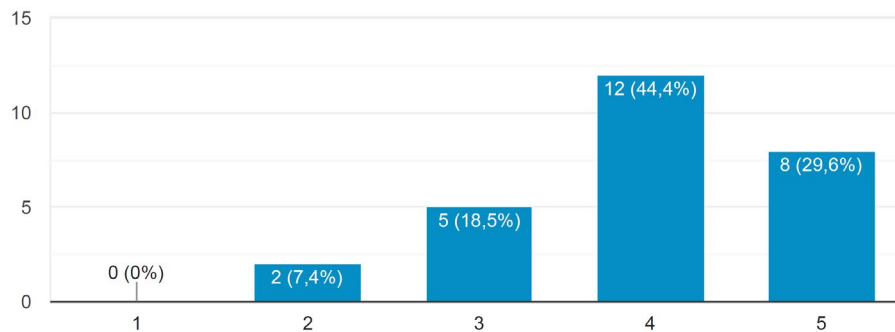
⁴³ Koehler, H. 2021. Tuna RFMO Compliance Processes: A Comparative Analysis to Identify Best Practices (version 5). ISSF Technical Report 2021-06. International Seafood Sustainability Foundation, Washington, DC, USA.

Procedure (Rule 3: Observers), representatives from other IGOs and from NGOs can join the CCSBT meetings. Under these rules, some IGOs and NGOs has been granted as a long-term observer status for specific CCSBT meetings on request from each organization. Invitations are automatically sent to those observers with “long-term observer status”. In addition, NGOs can also request to be an observer for a specific meeting in a specific year if it does not have long-term observer status. In that case, they must apply for observer status at least 50 days before the meeting. Although the agreement by Members whether to accept that organization as an observer or not is required, at least since 2013, all requests from IGOs and NGOs to be an observer, that have complied with the established timeframe, have been accepted by the Extended Commission. Observers registered to attend a meeting have access to all meeting documents in advance of meetings and can make interventions at the meetings. Observers are also permitted to submit papers to meetings, provided that those papers are relevant to agenda items. Observers are not permitted, however, to participate at Heads of Delegation (HoD) meetings that are sometimes required during meetings of the Extended Commission. CCSBT also actively encourages market states to participate in meetings and proactively engages in collaboration with other t-RFMOs through the joint t-RFMO process. Besides, in 2020, the COVID-19 pandemic gave NGOs/IGOs more of a platform than usual to ask questions and make comments due to the Secretariat’s use of pre-meeting discussion documents. Considering this background and also that most decisions by the Commission are made at regular meetings⁴⁴, where IGOs and NGOs are allowed to participate, some of the respondents considered the CCSBT work to be satisfactorily transparent to other IGOs and NGOs.

On the other hand, despite some of the respondents argued that Heads of Delegation (HoD) meetings are rarely used to make critical decisions, rendering the decision-making process, therefore, highly transparent, others disagreed, considering that HoD meetings have indeed occurred too frequently in the past, compromising CCSBT transparency, as already commented in Question 24. “Closed sessions in meetings limit overall transparency, particularly regarding discussion on non-compliance”. In this regard, the “Process for Review of External Documents including possible non-compliances of Members” was noted as potentially limiting CCSBT transparency. “Consideration should be given to removing processes to seek Member agreement to third party reporting about CCSBT activity”. As noted by one of the respondents, the 2008 Performance Review stated that the rules for the participation of observers in the work of CCSBT at the time were ‘quite restrictive and did not accord with then current standards¹¹. Specifically, it considered that Rule 3 of the Rules of Procedure on observer participation created an unduly restrictive process to admit observers, although a 50-day deadline for submission was an improvement, compared to the previous 100 days. Notwithstanding, the ability of a single Member to still block the participation of an observer, however still not actioned, remains too restrictive. Transparency should also be enhanced regarding non-commercially sensitive deliberations related to critically endangered species. Unfortunately, some Members seem to remain wary of NGO participation and the questions they ask, rather than seeing their participation as a strength.

40. How do you rate the transparency of CCSBT work, regarding public access to records, decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials, subject to the procedural rules on access to them? Mean rating, by groups: 3.9 (27 responses).

⁴⁴ [Some decisions are made through intersessional decision-making process/ circular, which is not publicly available, but these are for minor administrative matters, not for important decisions, like a revision of a resolution, etc.]



Unsurprisingly, the average rating (3.9) and the distribution of scores, with most (74.0%) of them being either 4 or 5, for this question, were very close to the previous one (respectively, 4.0 and 73.1%), indicating a good level of satisfaction of stakeholders, as well, with the transparency of CCSBT work, regarding public access to records, decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials.

The CCSBT has adopted the “Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT”⁴⁵. Under this rule, all documents/data/ information classified as “no risk” (including all meeting reports, specific decisions, scientific advice, aggregated data, etc.) are made publicly available in the CCSBT website. Access to papers and reports of all formal meetings of the Commission and its subsidiary bodies (e.g. EC, CC, ESC, ERSWG), together with most papers submitted to those meetings, can, therefore, be easily accessed on the public area of the CCSBT website, within a few weeks of the conclusion of the annual Commission meeting each year. Resolutions and Recommendations are also available on the website, however a bit haphazardly since they do not have any formal numbering system which would be useful for identifying and referring to them. Despite there is no published compendium of numbered active measures, they are also gathered and made available in a dedicated website page⁴⁶. Notwithstanding, decisions might be hard to find unless for those that have a good institutional knowledge or are aware of the fact that there is a Compendium (Access Database) that can be searched in the Private Area of the website, meaning it is not available to the general public. Furthermore, it is difficult to know which decisions are active or have been superseded unless someone has access to the compendium Access Database on the website or know that this can be inferred by looking at the CPG1 – MPRs document – which is essentially a list of current obligations. In summary, decisions are still too cryptic/ hard to find, which is not helpful for transparency purposes.

Transparency with respect to annual non-compliances, including the website location of the Corrective Actions table that includes Members that have over-caught SBT, is not ideal either and has quite a bit of room for improvement. Another shortfall mentioned by stakeholders was the requirement that meeting reports and papers not be made public until after the annual Commission meeting. Consequently, for some meetings it may take many months before reports and documents become public⁴⁷. On that specific issue, some of the respondents complained that “the records and papers of the meetings are not publicly available until after the Commission meeting each year, while in other RFMOs meeting papers are made publicly available in advance of the meetings”, arguing, thus, that CCSBT should seek greater

⁴⁵https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/CCSBT_Confidentiality_Rules.pdf

⁴⁶ <https://www.ccsbt.org/en/content/operational-resolutions-and-other-important-documents>

⁴⁷ [In special cases, in accordance with paragraph 5 and 7 of Rule 10 and paragraph 5 of Rule 6 of the CCSBT’s Rules of Procedure, meeting reports of subsidiary bodies and documents submitted to subsidiary bodies may be released before the annual meeting of the Commission.]

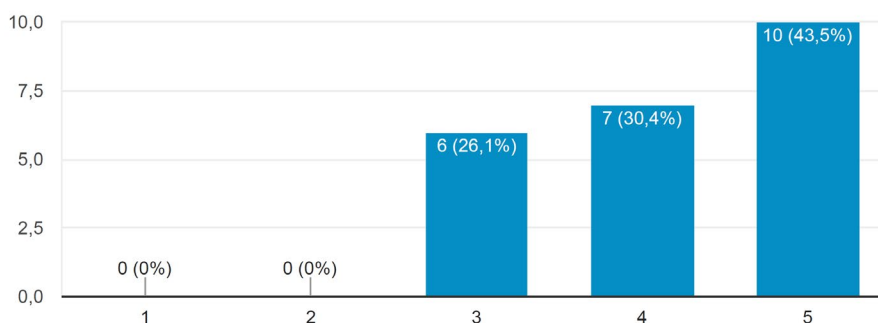
transparency, by rectifying this practice. Data transparency in CCSBT was also deemed to be stricter (harder to access) than in other t-RFMOs.

Another reason for concern regarding transparency in CCSBT were the two reports on farms and markets that were made confidential in 2006. Many subsequent papers (typically at least one each year) that referred to either of these two papers have thus also been classified as confidential and are not available to the public. Under that same rule (Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT), all documents/ data/information classified as non-public domain data (risk classification Low, Medium or High) can only be accessed by Extended Commission’s Members, CNMs or other RFMOs, through specific processes therein established, conditioned to the agreement of the data owner. Third parties, therefore, cannot have any access to them, unless the data owner (who originally provided them) authorize their release as its own decision (not as the CCSBT).

Some of the respondents, therefore, considered that while there has been some action to make meeting documents more public in the last few years, the associated reports and data are not yet made available in a sufficiently transparent and timely manner. Data and other relevant information upon which decisions are made, for instance, particularly in relation to stock assessments and ERS bycatch, are not available. If data on ERS bycatch were made available, it would facilitate transparent and collaborative analyses. As noted by one of the respondents, the previous Performance Review commented that “a strategy for dealing with ERS issues with a clear objective of improving the environmental performance of the fishery will provide transparency to the actions of the CCSBT and improve international perceptions of its effectiveness”¹¹. The data on species bycatch need to be made available, preferably unaggregated where there are no issues with commercial sensitivities. While the ERS data exchange started in 2013, there remains inconsistencies in reporting among RFMOs, besides not being available to the public or even to approved observers. If they were made available, independent assessments and verification of the scientific advice provided to the CCSBT would be made possible. Increased transparency and broader data sharing, therefore, would serve to improve trust in the CCSBT to manage the fishery sustainably. Finally, some concerns were also expressed that during the pandemic, the move to virtual meetings has in general caused a major loss of transparency for RFMOs.

T. Confidentiality

41. How do you rate CCSBT security and confidentiality standards and rules for sharing sensitive information and data? Mean rating, by groups: 4.2 (23 responses).



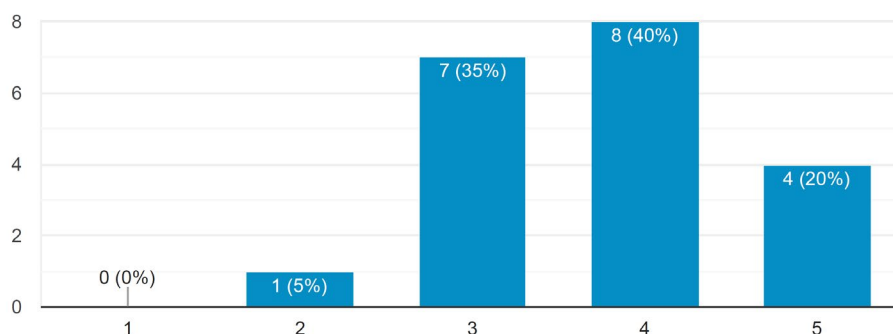
Judging from the responses to this question, with a mean by groups of 4.2, 73.9% ratings 4 and 5, and no score under “3”, most stakeholders seem to be very satisfied with CCSBT security and confidentiality standards and rules for sharing sensitive information and data. Again, as in the previous response, the “Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT”

was mentioned as the main guide for sharing data. According to some of the respondents, this rule includes a very strict confidentiality security policy, ensuring confidential data are properly controlled and protected against third party access. Consequently, at least in terms of security for sensitive information/ data, the current rule was considered to be clear, adequate and functioning well. In this regard, some of the respondents considered data security, as well as data sharing mechanisms, in CCSBT to be better than in other t-RFMOs. The right of Members to define confidential documents was also praised, as well as the standard procedure for examination of external papers adopted in 2019.

Others, nonetheless, pondered that, in general, the present regime has a bias towards confidentiality rather than favoring the transparent sharing of information and data. “The present rules are biased towards confidentiality at the cost of transparency”. Current rules on commercial sensitivity of data, for instance, allow Members not to share valuable information, resulting in uncertainties in reporting that are yet to be resolved after almost two decades. Despite key data for stock assessments are usually shared amongst scientists, some confidentiality rules (CDS, fine-scale catch and effort data) limit the quality of the scientific analyses that can be conducted by Members and by the ESC. Some of the respondents stated that, while the concerns of Members and the fishing industry more generally for confidentiality were understandable, these confidentiality requirements should be more balanced against the fact that they are accessing a community-owned resource, being, therefore, accountable to the global community.

U. Relationship to non-Members

42. How do you rate CCSBT cooperation between Members and non-Members, including through the adoption and implementation of procedures for granting cooperating status? Mean rating, by groups: 3.7 (20 responses).



Again, most of the respondents seem to be rather satisfied with CCSBT cooperation between Members and non-Members, since most of the responses (60%) got a 4 or a 5 rating, with an average by groups of stakeholders of 3.7. The procedure for granting Cooperating Non-Member (CNM) status to the CCSBT can be easily found at the website⁴⁸. The CCSBT considers Cooperating Non-Member status to be a transitional measure to full Membership. Two of the CCSBT’s past CNMs are now Members. CCSBT currently does not have any formal CNMs, but non-Members have often been invited to become a Member or CNM. The CCSBT regularly invites non-Members of relevance to its Compliance Committee (CC) and Extended Commission (EC) meetings. For example, the CCSBT invited China, Fiji, Mauritius, Namibia, Singapore and the USA to its CC and EC meetings, in 2020. Singapore and the USA usually

⁴⁸ <https://www.ccsbt.org/en/content/becoming-member-ccsbt>

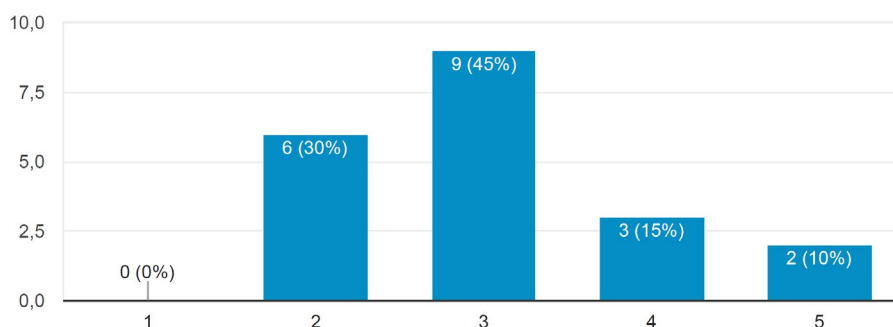
attend one or both of these meetings. The USA cooperates with CCSBT's CDS. Other States, however, rarely (if ever) attend CCSBT meetings.

The Compliance Committee has a standing agenda item on "Non-Member port and market States whose cooperation should be sought", and the EC has a standing agenda item on "Relationship with Non-Members". Through discussion under these agenda items, the Commission decides which non-Member states should be invited to the next meeting, and also the actions to be taken by the Secretariat/Members intersessionally, including sending a letter to seek joining the CCSBT as CNMs (or Member) and having bilateral discussion by Member(s). In case such a non-Member has an intention to become a Member or CNMs, they will need to follow the required procedure under the Convention or the CCSBT's Resolution to Establish the Status of CNM of the EC and the ESC. This mechanism has worked rather smoothly throughout CCSBT history, so the CCSBT process to seek cooperation by non-Member (including being NCM or Member) seems to be working well, being effective and transparent.

Besides, CCSBT proactively invites non-Members to CCSBT meetings and establishes communication with those that import SBT to clarify market data. Notwithstanding, some of the respondents commented that the efforts by the CCSBT to communicate with non-Members involved with SBT rarely elicit a response, although recognizing that some of these communications need to be done bilaterally by Members. Some non-Members having SBT potential by-catch, however, could indeed collaborate more with CCSBT. Despite the Secretariat has been very effectively communicating with non-Members, some of them simply do not respond to any invitation to attend the annual meetings, for instance.

V. Relationship to non-cooperating non-Members

43. How do you rate the extent of fishing activity by vessels of non-Members that are not cooperating with CCSBT, as well as measures taken by CCSBT to deter such activities? Mean rating, by groups: 3.0 (20 responses).



This question elicited a rather neutral response, with almost half of the scores (45%) being rated 3, the same value of the mean rating by groups of stakeholders (3.0). Some of the respondents commented that the potential fishing for, or bycatching of, SBT by non-cooperating non-Members (NCNMs) has always been a concern for the CCSBT. Catch and effort data from IOTC and WCPFC indicate that non-Member fleets conduct some fishing operations in areas where SBT can be caught. A Secretariat paper for the ESC (Secretariat Review of Catches; e.g. Attachment E of CCSBT-ESC/2008/04) suggested that several NCNMs' longliners operated in the same time and area when/ where Members' fleets targeting SBT were operating, an information that was also corroborated by AIS data. The CCSBT also has proof of SBT catch and transshipment by vessels of a particular NCNM, which is the fleet of most concern. That particular NCNM rarely responds to communications from the CCSBT but has recently taken legal measures to prevent, at least partially, fishing and retention of SBT by its vessels. Prior to this, CCSBT's main

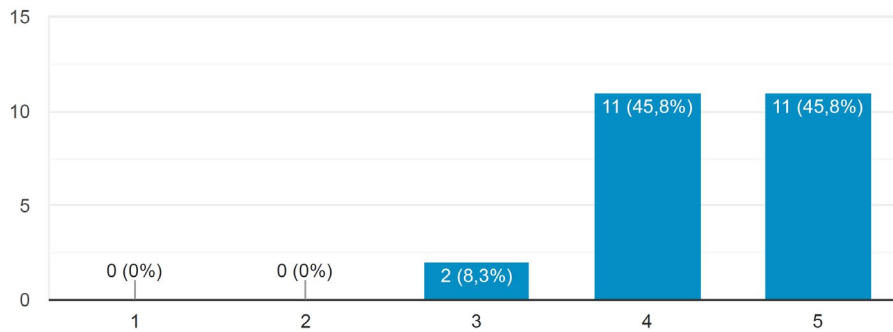
measure to deter fishing for SBT by non-cooperating non-Members (NCNMs) has been limiting access to Markets. CCSBT Members and Cooperating Non-Members must not allow SBT from non-authorized vessels or without a validated CDS document to enter their market. The main SBT market is Japan, so market access has worked as an important deterrent. However, as SBT catch rates improve with rebuilding of the stock and other markets consequently develop, CCSBT's market access deterrent is weakening.

On the other hand, as already mentioned in question 42, the EC regularly identifies non-Members which cooperation or participation as a Member of the EC the CCSBT should seek. The main approach the CCSBT has taken for these approximations has been sending a formal letter to those NCNM's governments. Another important approach, however, is contacting NCNMs through Members' bilateral relationships. As a result of such activities, one of the most important NCNM has implemented domestic regulations to prohibit SBT catch in certain area and time (month), as mentioned above. This may not fully cover SBT catch possibilities by that NCNM, and, so far, it has not been possible to confirm if that NCNM's regulation has worked effectively, but, at least, it does mean that some progress is being achieved. Furthermore, non-Member SBT catches are estimated by the ESC, using Members' catch rates and NCNMs' fishing effort data reported to other t-RFMOs, and a provision for these are included in the current MP, being accounted for within the estimation of the global total allowable catch (TAC). Such modelling strategy should render the MP robust enough, even in the event that those NCNM catch estimates are actually happening.

Some of the respondents, however, cautioned that these estimates of NCNM catches might be too low. Others commented that there were not sufficient measures in place to deter such activities and/or to verify that illegal fishing of SBT has indeed stopped, although genetic sampling of tissues during at-sea transshipments could greatly help to clarify that. CCSBT have no dedicated patrols. NCNMs, which seem to have caught SBT, usually do not respond to e-mails. Despite fishing from NCNMs, therefore, is a real concern and efforts have been made proactively by the Secretariat to contact them, little progress has been so far achieved, with no reliable data being consequently available on SBT catches by non-Members. It should be a priority of CCSBT, therefore, to get a better understanding of the non-Member catches going forward. There are other specific measures to deter non-Member fishing activity, which include the Catch Documentation Scheme and the listing of IUU vessels, but this is not a simple matter. Identifying and engaging with non-Members has occurred over the years but it requires the non-Member to respond to such engagement. This has not always been forthcoming. The overlapping areas where SBT is taken in the convention areas of other RFMOs further complicates this matter.

W. Cooperation with other RFMOs

44. How do you rate CCSBT cooperation with other RFMOs, including through the network of Regional Fishery Body Secretariats, as well as with other relevant international organizations? Mean rating, by groups: 4.4 (24 responses).



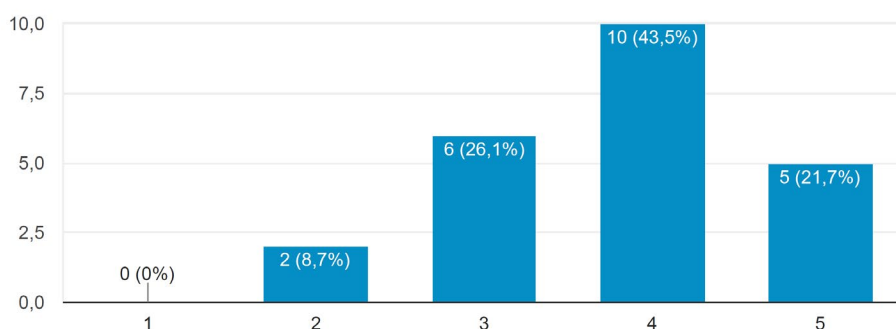
This question got only 4 and 5 ratings, except for two “3”, with an average of 4.4, indicating that stakeholders are largely satisfied with the CCSBT cooperation with other RFMOs. According to the respondents, there is a very good cooperation between the CCSBT Secretariat and the Secretariats of other RFMOs, particularly with the tuna RFMOs and CCAMLR. When necessary, the CCSBT has engaged in Memoranda of Cooperation/ Understanding (or similar) with other RFMOs to deepen cooperation, avoid duplication, and minimize the associated implementation costs for those that are required to comply with CMMs of the different t-RFMOs to which they are Members. CCSBT has agreements for general cooperation with CCAMLR, WCPFC and ACAP, agreements for cooperation on transshipments with ICCAT and IOTC, and a cooperative relationship with SPC in relation to its TUFMAN database platform. There is a particularly good communication between Compliance Managers and Executive Secretaries of the different Secretariats. Besides, the Regional Secretariat Network (RSN) was recognized as being useful for extending cooperation beyond just the tuna RFMOs, while the Tuna Compliance Network (TCN) is proving to be an excellent cooperation forum on compliance matters. Besides, a new Pan-Pacific Compliance Network is being developed and may further improve cooperation within the Pacific Ocean. Both the Tuna Compliance Network and the new Pan-Pacific Network are under the umbrella of the IMCSN (International Monitoring, Control and Surveillance Network).

During 2020, there was extensive correspondence and cooperation between many RFMO Secretariats in relation to plans and lessons learned in conducting business (particularly with regards to virtual meetings) during the COVID-19 pandemic. When the CCSBT considers new rules or revises existing ones, the Secretariat communicates to other RFMOs which have similar rules to ensure consistency. The CCSBT and related RFMOs have, therefore, kept good communication and relationship in various levels (personal, Secretariat, Commission, and through some established networks). While there are some barriers/ differences between RFMOs (e.g. data sharing, usage of seabird mitigation measures, scientific observer coverage target, etc.), they are a natural and unavoidable consequence of each RFMO having different mandates, Members, history/background, fishing vessel/gear and environmental conditions.

Some of the respondents, however, commented that there could be more cooperation with WCPFC and IOTC. Besides, despite the Secretariat has been keeping good cooperation with other RFMOs, given the recent increasing trend of web-based meetings across RFMOs, even closer cooperation has become necessary to avoid schedule crash cases which happened recently, for instance, between CCSBT-SC and ICCAT bluefin tuna meeting.

X. Participation and capacity building

45. How do you rate the participation of CCSBT Members in the work of the Commission and its subsidiary bodies? Mean rating, by groups: 3.8 (23 responses).



This question also received a positive assessment by most of the stakeholders, with 65,2% of ratings 4 or 5 and an average by groups close to 4 (3.8), indicating an overall satisfaction by the respondents, regarding the participation of CCSBT Members in the work of the Commission and its subsidiary bodies.

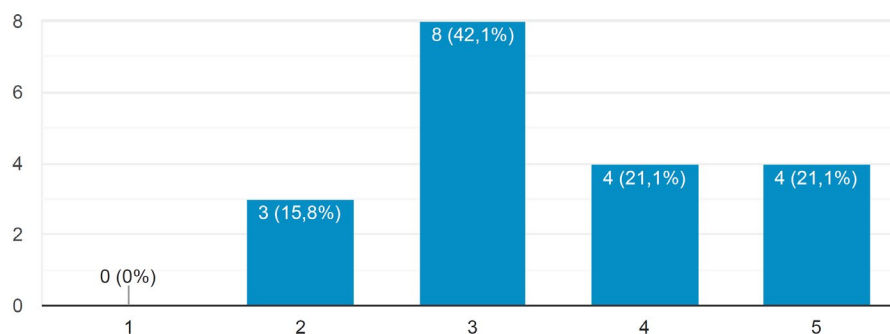
Each subsidiary body develops its own work program/ workplan (CC: up to next annual meeting, ESC: next three years, ERSWG: up to next meeting), including a timeframe and definition of responsibilities for undertaking the planned tasks (who should do what by when). The EC does not develop a formatted “workplan” because specific items are basically directed to the responsible subsidiary body or are recorded in the meeting report with clear attribution of responsibilities, as well (to Secretariat, to the Chair, to a given Member, etc.). In addition, some intersessional correspondence groups (mainly e-mail groups) have been recently established for specific themes. Those groups are led by a designated Member and basically all Members join them. A new group may be started soon by Member’s initiative (related to market analysis), even though this has not been directed by the EC or any subsidiary body, which seems to show that Members’ participation in the CCSBT’s work is becoming more active and advanced.

According to the views expressed by some of the respondents, “Members are given the same opportunity to participate in meetings” and “all of them have demonstrated a good level of participation in the work of the Commission and subsidiary bodies, in general”. Members have done their work specified in workplans well and have also reported their outcomes through their national report or in papers presented to the meetings, despite, in some cases, outcomes by Members’ work may not have been satisfactory. All Members usually provide the required annual reports to all meetings of the CCSBT and attend the Extended Commission (EC), the Compliance Committee (CC) and the Extended Scientific Committee meetings. Most of Members usually attend the Ecologically Related Species Working Group meetings, but not all. One Member has not participated in recent ERSWG meetings upon the justification that its fleet does not target SBT nor catch substantial amount of SBT and, consequently, according to that Member’s understanding, most ERS related requirements would not be applicable to it.

Some of the respondents, on the other hand, had a more negative perspective, considering the level of engagement of the various Members in the work of the CCSBT, including their participation in meetings (both before and during the meetings) to vary greatly, even amongst the developed Members, for a variety of reasons. “Only 2-3 key Members are proactive during the EC and CC Meetings”. Some pondered, however, that there were understandable reasons for this (for example, language barriers and, more recently, the impact of COVID-19). Others considered participation in the CC and in the EC to be high but skewed to some Members in the ESC. “An increased and more active participation and contribution at the ESC by some Members would be hugely beneficial”. Besides, according to some of the responses, Members are very non-pro-active when it comes to proposing new measures and/or revising existing measures, with this work falling disproportionately upon the Secretariat, which seems to have a much larger role in proactively proposing new measures and changes to existing ones than

in other RFMOs. Finally, as commented by one of the respondents, “all Members need to ensure they are committing resources not only to the Commission and subsidiary body meetings, but also to the work that is carried out intersessionally at the Commission’s request. Alternatively, they need to provide additional resources to the Secretariat to undertake this work”.

46. How do you rate the work done by CCSBT regarding capacity building and the institutional arrangements in place to facilitate the effective participation of developing States in the work of the Commission and its subsidiary bodies, including in positions of leadership? Mean rating, by groups: 3.4 (19 responses).

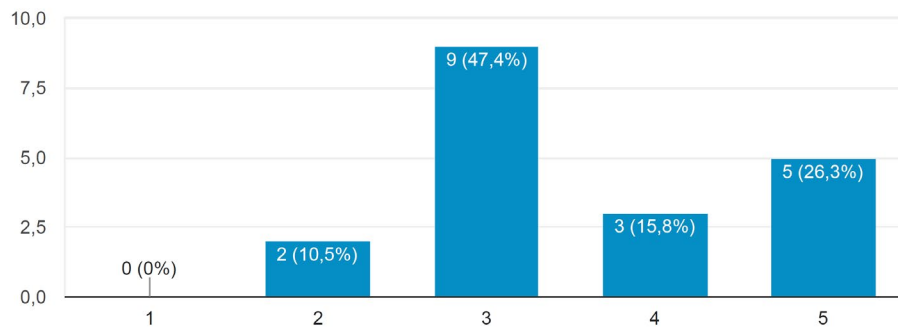


Stakeholders’ assessment of the work done by CCSBT regarding capacity building and the institutional arrangements in place to facilitate the effective participation of developing Members in the work of the Commission and its subsidiary bodies was predominantly neutral, with 42.1% of the responses with a “3” rating and an average by groups of 3.4.

As already mentioned at question 13 by some, the CCSBT does not have any systematic mechanism for capacity building for developing Members. However, there is some ongoing capacity-building activities in relation to science, through various works done in cooperation with other Members’ scientists, with some scientists from developing Members demonstrating a great capacity for data collection and analysis at ESC processes. Regarding compliance, Members have offered assistance for developing Members, when necessary, with the outcomes being reported to the CCSBT whenever it has happened. Some of the respondents also noted that there are provisions to facilitate effective participation of developing Members, for example, to provide assistance in the Corrective Actions Policy, and for rotational chairing of the Commission meeting. “The tradition of rotational hosting has given an opportunity for each Member, including developing ones, to be familiar with the CCSBT’s work”, “providing a broad range of knowledge and information regarding SBT and CCSBT”. The efforts usually undertaken by the Secretariat was also praised in this regard, considered to be always very keen to respond and provide assistance. Despite of these positive views, some of the respondents remarked that there was no capacity building program for Coastal States yet.

Y. Special requirements of developing States

47. How do you rate CCSBT recognition of the special needs of developing States and cooperation and provision of relevant assistance? Mean rating, by groups: 3.5 (19 responses).

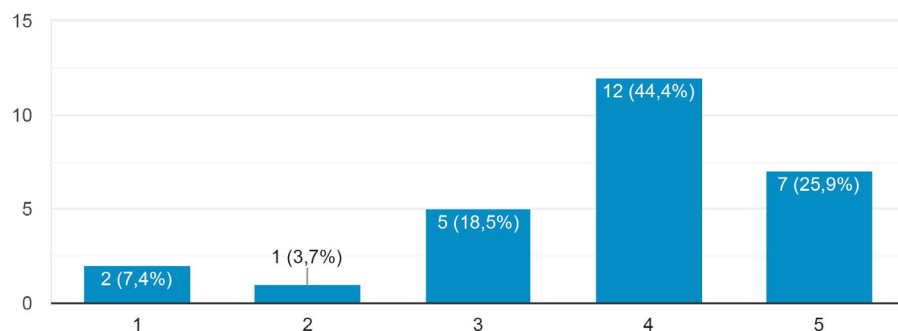


The average rating by stakeholders' groups (3.5) as well as the distribution of ratings given to this question, ranging from 2 to 5, were very close to the previous one, again indicating a rather neutral opinion of most of the respondents, with regard to CCSBT recognition of the special needs of developing Members and cooperation and provision of relevant assistance. The more detailed responses were also quite similar, with many of the respondents referring to their previous answers to questions 13, 23 and 46, largely repeating what they had already stated, particularly in the previous question (46).

Some of the respondents added that offers of assistance to developing Members are regularly forthcoming, particularly where the Quality Assurance Review program has identified areas of potential improvement, but these offers have not always taken up. Others recalled that there are specific provisions for developing Members (for example, in the Corrective Actions Policy), and financial assistance can be provided through the 'Assistance to Developing Members' expenditure category, although that has not been used in recent years. However, some of the respondents recognized that there is no specific measure or guidelines for how CCSBT should be recognizing the special needs of developing Members and providing assistance. "There is no capacity building program for Coastal Members, neither related to the transfer of science and technology to fully participate in the stock assessment process, nor for the transfer of knowledge to improve compliance level".

Z. Best practices

48. How do you rate CCSBT performance in comparison to other tuna RFMOs in relation to the adoption and/or implementation of conservation and management measures for target and non-target species, status of the resources under its purview, scientific processes and procedures, and adoption and implementation of MCS measures and compliance review procedures, and Kobe III recommendations? Mean rating, by groups: 3.7 (27 responses).



Almost half of the responses attributed a rating of 4 (44.4%) to this question, with most of the scores (70.3%) ranging between 4 and 5, with an average rating by groups of stakeholders equal to 3.7. Despite these figures do indicate an overall satisfaction by stakeholders regarding the CCSBT performance in comparison to other tuna RFMOs, many of the respondents commented that, in a way, this question was a kind of a broad summary of all the previous ones, making it, therefore, impossible to provide a clear-cut rating. Many explained, therefore, that their score was more an average of multiple ratings. “There are so many parts to this question that it is difficult to provide a simple score”. For example, for science on the target species, many of the respondents placed CCSBT above the other tuna RFMOs, while for science on non-target species, it was rated behind.

Regarding the adoption and/or implementation of conservation and management measures, the assessment provided by stakeholders was generally quite divergent between target (SBT) and non-target species (ERS). “The CCSBT performance in relation to target species is excellent and above other RFMOs, while relating to non-target species it is very poor”. Others considered that the CCSBT has demonstrated very good performance compared to other RFMOs, in terms of both science (in particular development and adoption of OM and MP) and compliance (in particular implementation of CDS) to accomplish the objectives of the Convention and to achieve the agreed rebuilding target for the SBT. Some of the respondents considered the scientific processes and procedures adopted by the CCSBT to be particularly good. Others, on the other hand, while agreeing that the scientific processes are satisfactory (see also responses to Question 10), opined that the quality of the data that are used in scientific analysis could be greatly improved by increasing observer coverage and ensuring compliance by Members with reporting requirements. Most of the respondents, however, expressed their satisfaction with the management of the SBT fishery via the quota system, placing it ahead of other RFMOs. “CCSBT has been leading in terms of its harvest strategy evaluation and adoption”. “CCSBT's Management Procedure is RFMO-leading”! Some of the respondents detailed their responses, explaining that despite various RFMOs have set conservation/ rebuilding targets for their target species, not so many stocks managed by them have shown such a great rebuilding trend as the SBT, which stock has shown steady rebuilding since the implementation of the MP (the stock in 2011 was estimated at 5.5% of initial TRO, improved to 13% in 2017, and to 20% in 2020). This is one of the best rebuilding trajectories in all species managed under RFMOs, with the inescapable conclusion that current CCSBT’s scientific process and CMMs have worked very well. For target species, therefore, CCSBT has been very successful in rebuilding the SBT stock, performing particularly well in comparison to other tuna RFMOs.

For non-target species, on the other hand, there seems to be room for significant improvement. According to some of the respondents, CCSBT has not been successful to effectively manage the impact of SBT fisheries on bycatch species, with its measures considered to be lagging behind those of IOTC, ICCAT and WCPFC. Some considered that, although there is a dedicated forum to address the ERS (the Ecologically Related Species Working Group), the advice usually gets diluted and has not been translated into the adoption and implementation of effective, binding CMMs for non-target species. This is particularly concerning, since CCSBT has the largest overlap of fishing effort with vulnerable seabirds, having, therefore, the highest seabird bycatch risk of all the tuna RFMOs. Notwithstanding, bycatch of seabirds, in some cases, is increasing, not being reduced, as reported in CC15 (see also response to question 17). Over the recent years, furthermore, the group has mainly focused on seabirds, with limited attention to other non-target species. Some of the respondents also said that part of the reason for CCSBT CMMs on ERS be lagging behind the other t-RFMOs was because, as commented by some at Question 2, the CCSBT has chosen to rely on other t-RFMO’s binding ERS measures rather than adopting

its own/unique binding measures to manage ERS, implying that revisions of the CCSBT's resolution on ERS are conditioned to changes/ adoption of measures by those other t-RFMOs, to ensure consistency. Notwithstanding, since all CCSBT Members are also Members or cooperating entities of the other related t-RFMOs, according to those respondents, there should be no functional difference in terms of implementation of measures by fleets. Some of them even considered seabird mitigation measures adopted by CCSBT to be more progressive than those from other t-RFMOs.

Some of the respondents, on the contrary, however, were highly critical of the CCSBT performance regarding the adoption and implementation of conservation and management measures for non-target species, presenting under this question a summary of many of the previous responses already given. As stated in response to Question 15, for instance, they highlighted the misalignment in 'balancing the management of SBT and ERS' with the functions, needs and priorities set by the CCSBT, particularly regarding seabirds. "There remains consistently poor implementation of seabird bycatch mitigation measures, and poor compliance". According to them, to overcome this shortcoming CCSBT should conduct and coordinate a specific scientific research program on ERS aimed at providing information to support the Commission's management objectives. Inertia within the CCSBT to adopt and implement CMMs to address ERS bycatch, including the required observer coverage to ensure compliance, after two decades, has seriously compromised its performance, in comparison to other tuna RFMOs, to effectively manage the bycatch of ERS. Despite repeated calls and scientific evidence have been presented to the CCSBT showing that observer coverage must be greater than 20% and closer to 100%, to allow an effective assessment of the status of the SBT fishery and to ensure compliance with CMMs, including those on ERS bycatch, no progress to increase that rate has been achieved so far. As already noted in the response to Question 2, in other similarly high-value fishery, such as the Patagonian toothfish, a 100% observer coverage has been enforced. When CMMs are complied with, there is negligible bycatch of non-target species, and the fishery is sustainable. The argument that the use of EM or increasing observer coverage is too costly was considered disappointing, given the financial value of SBT in the global market. To implement a greater observer coverage, ideally of 100%, and at a minimum of 20%, supported with electronic monitoring, in line with the adoption of clear and binding disincentives for non-compliance is the only way to rectify the presently very high seabird mortality in SBT fisheries.

Regarding compliance review procedures, some were of the view that other t-RFMOs have a more formal "compliance assessment process" and a Member of the CCSBT has suggested to consider similar process for the CCSBT, but no consensus has been reached so far, due to the divergent opinions on the utility and relevance of adopting such a strategy. Some of the respondents also found it difficult to distinguish the adoption and implementation of MCS measures and compliance review procedures between the different RFMOs. For example, only ICCAT and the CCSBT have a CDS, and only WCPFC has a centralized VMS. Others reminded that currently there are no standard for distinguishing between a serious non-compliance event and a minor one, being therefore important to CCSBT to clarify that. Besides, corrective actions have been restricted to over catch of SBT and not to the non-compliance of other CMMs, including those related to ERS. Furthermore, as already noted in Question 31, decisions are made through consensus, which has the potential to limit the corrective actions required, since it is very unlikely that a Member will agree with a penalty to be applied to itself. The timeframe between reviews - three years - was also considered too long, potentially delaying the implementation of corrective actions.

Regarding the Kobe process, some of the respondents recalled that recommendations related to CCSBT have been reviewed by past EC meetings and were addressed in various ways. The comparison with other

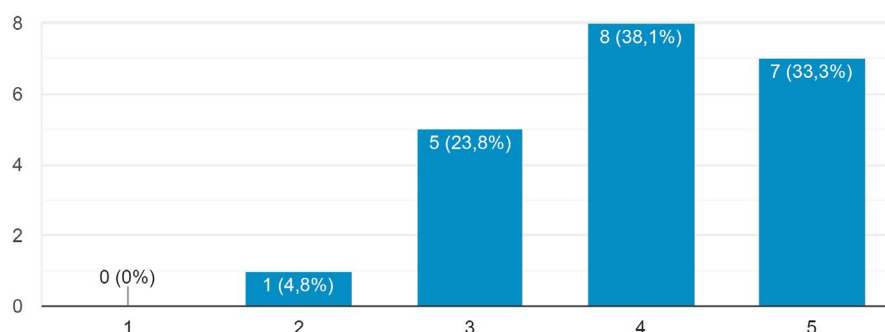
RFMOs, however, was considered to be difficult, due to their peculiarities and dissimilarities. Some years ago, for instance, the five tuna RFMO Secretariats provided tables for comparison of how each RFMO had implemented recommendations. They concluded, however, that the information was not comparable between the RFMOs because of the different ways the scoring was interpreted between Secretariats. Without extensive re-analysis, therefore, it is not possible to draw any conclusion regarding the level of implementation of Kobe recommendations by the different tuna RFMOs, in a comparative manner.

CCSBT is unique amongst tuna RFMO in only dealing with one species and being able to rely on the region-specific tuna RFMOs for treatment of non-target species. The single species focus and especially the single species stock recovery focus for more than a decade, coupled with small Membership and ITLOS history, has created a very different RFMO. CMM are few and their adoption and implementation has been relatively straightforward compared to those for other tuna RFMOs.

V. Financial and administrative issues

AA. Availability of resources, efficiency, cost effectiveness, Convention and Rules of Procedure

49. How do you rate the financial and other resources made available to CCSBT, to achieve its aims and to implement the decisions taken by the Commission? Mean rating, by groups: 4.0 (21 responses).



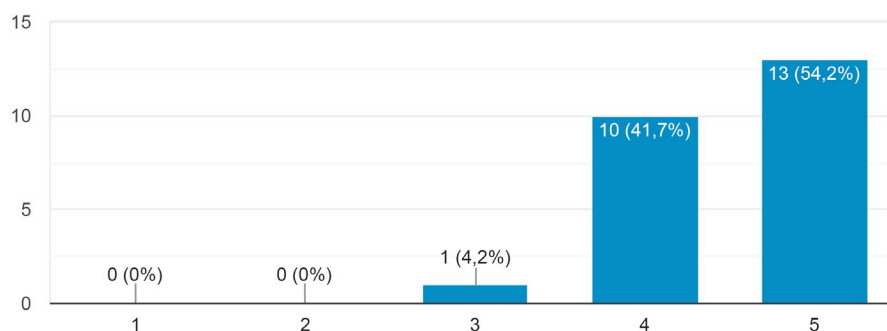
This question was again positively assessed by most of the respondents, achieving an average rating by groups of 4.0 and 71,4% of ratings either 4 or 5. Every year, the Commission decides the budget for the coming financial year. The Finance and Administration Committee under the Extended Commission examines the financial position of the CCSBT, which budget item should go, possible savings and contributions by Members, taking account the required resources, in particular for science programs. The Commission's general budget has been slightly increased every year (it means Members' contribution has increased as well), but Members have accepted those rises. Notwithstanding, as some of the respondents

commented, the CCSBT is always seeking to prevent unnecessary expenses and expenditure cuts are always sought in the budget approval process. However, sufficient funds are generally made available to conduct and implement the projects and functions agreed by Members. Of greater concern than the CCSBT's budget is likely whether CCSBT Members themselves have sufficient human resources to fully contribute to the functioning of the CCSBT. For example, many Members do not seem to have sufficient time to review and produce documents/ proposals for meetings. There are years when more resources are available (e.g., in 2020), and years when there are less (e.g., in 2019). The Commission and the FAC work well together to prioritize expenditures. Nonetheless, some large projects are occasionally compromised by lack of funding (for example, a reduced budget for the farming and market analysis, having to withdraw from reserves to fund the e-CDS trial, and the proposed new gene tagging project). The transition from the aerial survey to gene tagging showed how little financial flexibility exists within the CCSBT to accommodate significant projects.

Although funding is typically always available to carry out the basic functions necessary for the maintenance of essential processes there is often a reliance on individual Member funding to support initiatives aimed at improvement or innovation. Additionally, Members also make unilateral contributions for some specific tasks (for example, to cover some meeting expenses). Some processes, particularly in the ESC, rely on significant in-kind contributions from some Members to be effective. Some of the respondents, however, warned that it is always risky for the Commission to rely on such contributions. Nevertheless, routine work and necessary projects are usually funded by the regular budget and are rarely compromised by a lack of financial resources.

Comparatively, it seems that more ample financial and time resources are available to CCSBT than to other RFMOs. Some noted, though, that budget expenditure is more widely used by the scientific stock review process, than to support other areas, such as capacity building programs and compliance improvement. “The science and management procedure underpin a successful quota management system. This is important and is appropriately funded. Other areas, however, including MCS, observers, transshipment and independent verification, need additional resources”. Some of the respondents also commented that, fundamentally, the CCSBT Convention and financial processes reflect a time when the Membership consisted entirely of first world states/entities that were happy to accommodate individual projects, but this delivery model no longer reflects the current membership makeup.

50. How do you rate the efficiency and effectiveness of CCSBT, in managing its human and financial resources, including those of the Secretariat, to support Commission objectives and ensure continuity of operations, including through establishment of clear and transparent office policies, structures, roles and responsibilities, and lines of authority; effective internal and external communication; and other aspects of office planning and operations? Mean rating, by groups: 4.5 (24 responses).



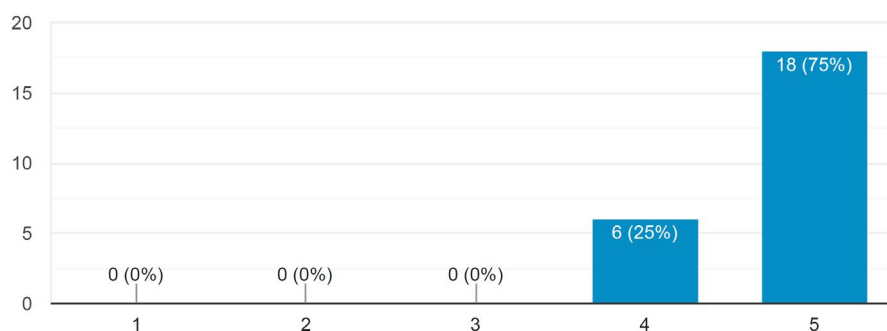
The ratings given to this question by the respondents, with an average of 4.5 and only one “3”, were the second highest, being only lower than the next one (4.7). These figures show that most of the stakeholders are highly satisfied with the efficiency and effectiveness of CCSBT, in managing its human and financial resources. The respondents were unanimous in praising the work of the Secretariat for running the CCSBT work effectively and efficiently, even though in a small number. “Given the limited resources, the Secretariat does a very professional job”. “The workings of the CCSBT Secretariat are efficient and always incredibly helpful”. “The hard work and quality of the Secretariat are outstanding”.

Compared to other t-RFMOs, the CCSBT Secretariat is very small, but yet very good at achieving objectives and planning. The continuation of all CCSBT meetings with full agendas (including a full stock assessment, running the Management Procedure, TAC setting and allocation) in 2020, despite the COVID-19 pandemic, is but another example of the CCSBT’s and its Secretariat’s ability to provide continuity of operations. However, being a small Secretariat, some office practices/ policies are probably less formal than those of larger organizations. Notwithstanding, according to some of the respondents, there may be some room to improve specific role/ workload sharing between staffs, despite the written job description in the contract for each position. This should be pursued, nonetheless, taking due account of efficiency, since some tasks are more effectively handled by one person.

Another area of potential improvement indicated by some of the respondents concerns the timing of the Commission Chair appointment. “Sometimes the late nominations of chairs can mean that the Secretariat is not able to work with he/she in preparing for the Annual Meeting”. To address this shortcoming, the duration of the chairing responsibilities should be extended⁴⁹. This would also prevent an undesirable lack of continuity between Commission Chairs. Some Commission Chairs may have little knowledge of CCSBT matters and may not have experience in chairing Commission meetings, and, therefore, to allow enough time for a proper coordination with CCSBT staff well in advance of meetings is much desirable. In the present system, consultation opportunities between the Executive Secretary and the Chair are limited. There is also no independent oversight of the Executive Secretary by the Chair of the Commission, which is the case in other RFMOs, and this should be rectified. Finally, some of the respondents alerted that the Commission needs to consider succession planning for key positions, including the Executive Secretary who has indicated will probably retire shortly.

51. How do you rate the support provided by the CCSBT Secretariat to the Commission? Mean rating, by groups: 4.7 (24 responses).

⁴⁹ Rule 4(1) of the CCSBT’s Rules of Procedure was amended to allow the CCSBT to “elect” the Chair and the Vice-Chair of the Commission meeting, rather than Members nominating them by rotation and also allows the elected Chair and Vice-Chair to be re-elected for an additional three one-year periods. To date, this mechanism has not utilised and consequently the Chair and the Vice-Chair have been nominated in rotation and for a single year.



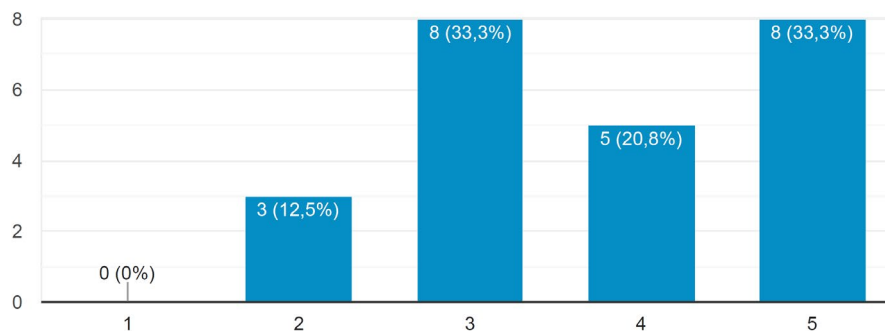
This question achieved the highest ratings of all in the entire questionnaire, with an average by groups of 4.7 and the vast majority (75%) of the respondents attributing to it a score of 5, showing a very high degree of satisfaction by stakeholders with the support provided by the CCSBT Secretariat to the Commission. Unsurprisingly, many of the commentaries given to this question were similar to those provided in the previous one, with all the respondents praising the quality and efficiency of the work done by the Secretariat. “The Secretariat is responsive and accommodating, and efficient and effective at maintaining systems and processes”. “The Secretariat is knowledgeable, proactive, helpful and effective”. “The Secretariat works well in supporting the Commission, especially in terms of their quality and timeliness of advice and preparation works”. “They provide high quality output in support of Commission operations”.

The functions of the CCSBT Secretariat specified by the Convention, the CCSBT Rules of Procedures and the Resolution to Establish an Extended Commission and an Extended Scientific Committee are:

- (a) receiving and transmitting the Commission’s official communications;
- (b) facilitating the collection of data necessary to accomplish the objective of the Convention;
- (c) preparing administrative and other reports for the Commission and the Scientific Committee;
- (d) preparing an annual report on the Secretariat’s activities for the annual meeting of the Commission.

The Secretariat, therefore, has various roles and regular tasks, including, for example, managing and implementing the Commission’s budget, handling communications between Members or other bodies, facilitating intersessional discussions between various bodies, hosting and managing CCSBT data bases and website, arranging CCSBT meetings (including preparation of various documents), running and managing CCSBT CMMs, developing electronic facilities (e.g. online data submission system, e-CDS, etc.), and so on. According to all responses, the Secretariat has carried out these duties efficiently and effectively, with some of the respondents considering the CCSBT Secretariat to be the most effective amongst all RFMOs. Some noted, however, that the Secretariat could do more to advance the systems and processes of the Commission, and that additional resources would further enhance the quality of the support it already provides to the Commission.

52. How do you rate the Convention of CCSBT? Mean rating, by groups: 3.6 (24 responses).

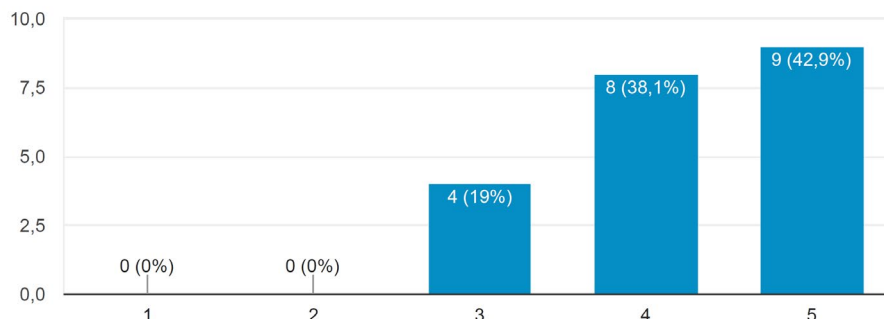


The ratings given by the respondents to this question ranged from 2 to 5, with an average of 3.6, indicating a moderate satisfaction by stakeholders with the CCSBT Convention. The convention pre-dates UNSFA and, therefore, some of the respondents opined that it could do well with an updating. Areas that could be considered in such update include: a) Alignment with UNSFA provisions; b) Inclusion of entities other than States (e.g. the EU and the Fishing Entity of Taiwan); c) Decision making procedures other than consensus; d) improved focus on ERS; and e) Improved dispute resolution procedures. According to those respondents, the CCSBT Convention is showing its age and needs a revision, particularly to deal with non-target species and the marine environment. This is being resisted by some Members, however, who fear the additional requirements this may impose. Notwithstanding, an updating of the Convention would allow CCSBT to have its own CMMs for ERS, to adopt punitive measures for Members that did not comply with them and to enhance transparency.

Others, on the other hand, disagreed, expressing the view that an updating of the Convention is not necessary. According to them, under the CCSBT convention, SBT stock status has been improving steadily and the Commission’s performance has been pretty good compared to other various organizations, including t-RFMOs. As the Convention for the Conservation of Southern Bluefin Tuna is relatively “old”, it naturally does not include some of the contemporary concepts and definitions used in fisheries management, such as the precautionary approach, the ecosystem approach, global warming, climate change and so on. Nonetheless, this has not prevented the Commission to carry out its work and to apply these concepts. For example, the Commission has adopted one of the most precautionary approaches for stock management among all t- RFMOs, i.e. the CCSBT MP, and also requested Members to comply with binding measures related to non-target species. Besides, despite the view of some that “conservation of non-target species” must receive the same importance as the SBT, they considered that this should not be the case since human life and seabird life are not on the same level of importance, and to try to do both things at once could result in failure to both. According to those respondents, therefore, the current convention of CCSBT has a very clear objective and is working well. They also commented that it would not be realistic to try to cover all elements that may be related to the SBT fishery in a single convention, recalling, in this regard, that all CCSBT Members are also contracting parties of several other international conventions, being bound by them, such as the London Convention (MARPOL Convention) for marine pollution, ILO-MLC for crew’s working condition, SOLAS convention for vessel/crew’s safety and so on. An apparent point of convergence of all the respondents, however, was the need to “open” the Convention to the participation of international organizations, such as the EU, and fishing entities. The Commission has overcome this issue by establishing an Extended Commission and an Extended Scientific Committee by means of a binding resolution. However, a Member of Commission may still upset all decisions by the Extended Commission at the very last minute of the Annual meeting. Another concern raised by some of the respondents was the requirement of consensus to make a decision, since it may

prevent the adoption of any measure against one of the Members, in cases of non-compliance, for instance. At least for the case of adopting a penalty due to non-compliance by a Member, therefore, a majority decision-making process should be allowed.

53. How do you rate the Rules of Procedure of CCSBT? Mean rating, by groups: 4.0 (21 responses).



The rates given by the respondents to the Rules of Procedure of CCSBT were consistently higher than those regarding the Convention, with an average by groups of 4.0 and 81% of the scores being either 4 or 5, meaning a good level of satisfaction by stakeholders. The Rules of Procedure (RoP) have been updated from time to time as the needs arise and no issues have been raised regarding inadequacies of the RoP. That said, there has never been a formal review of the RoP or a comparison of the CCSBT’s RoP with other organizations, so there may be improvements that could be made. Notwithstanding, all the respondents considered the RoP to be adequate and fit for purpose. “Rules are sufficient and provide useful guidance”. They were also considered to be more flexible and practical than those of some other RFMOs. Some also praised the “unwritten” rules, the practices that have been used by the organization to facilitate its work. “CCSBT is an adaptable modern organization, therefore, by having, for instance, an informal meeting prior to a formal meeting is a good means of communicating things that need to be raised even though they are not included in the meeting agenda”.
