



CCSBT-ERS/1905/08 (Rev 1)

## Update to the CCSBT's 'Resolution to Align CCSBT's Ecologically Related Species measures with those of other RFMOs'

### Introduction

The CCSBT adopted the 'Resolution to Align CCSBT Ecologically Related Species measures with those of other tuna RFMOs' at its 25<sup>th</sup> Annual Meeting in October 2018.

Paragraph 5 of the Resolution tasks the Secretariat to annually update the list of ERS Measures contained in Annex I before the CCSBT Extended Commission Meeting according to any decisions taken on ecologically related species at the Annual Meetings of the IOTC, WCPFC, and ICCAT. Paragraph 7 of the Resolution states that '*The Secretariat shall annually present a report to the CCSBT Compliance Committee on the implementation of the ERS Measures, for the sole purpose of the provision of information for Members and Cooperating Non-Members*'.

This paper provides a draft revision to the Resolution and a proposed format for the report to the Compliance Committee.

### Proposed Changes to the Resolution

A draft revised Resolution is provided at **Attachment A**. The changes have been tracked from the original document and are summarised below.

Changes to ERS measures in the area of competence of the IOTC:

- Added new Resolution 18/02 On management measures for the conservation of blue shark caught in association with IOTC fisheries.

Changes to ERS measures in the convention area of the WCPFC:

- Noted that Resolution 2008/03 on the Conservation and Management of Sea Turtles is to be replaced by CMM 2018/04 on 1 January 2020;
- Removed Resolution 2017/06 - Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds, which is replaced by Resolution 2018/03;
- Added new Resolution 2018/03 - Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds, that replaces 2017/06; and
- Added Resolution 2018/04 - Conservation and Management Measure of Sea Turtles, noting that this takes effect on 1 January 2020, when it replaces CMM 2008-03.

Changes to ERS measures in the convention area of the ICCAT:

- Added Recommendation 2018-06 that will replace 2016-13 on 21 June 2019, unless there is an objection before then.

The preamble to the CCSBT Resolution indicates that it is focused on seabirds and other species such as sea turtles, sharks and cetaceans. Consequently, the following new Resolutions of IOTC and WCPFC have not been included in the updated CCSBT Resolution:

- Resolution 18/05 On management measures for the conservation of billfishes: striped marlin, black marlin, blue marlin and Indo-Pacific sailfish;
- Resolution 2018/01 – Conservation and Management Measure for bigeye, yellowfin and skipjack tuna in the Western and Central Pacific Ocean; and
- Resolution 2018/02 - Conservation and Management Measure for Pacific Bluefin tuna.

The ERSWG is invited to review the proposed changes to the CCSBT Resolution.

### **Proposed Report by the Secretariat to the Compliance Committee**

As mentioned above, paragraph 7 of the Resolution states that *‘The Secretariat shall annually present a report to the CCSBT Compliance Committee on the implementation of the ERS Measures, for the sole purpose of the provision of information for Members and Cooperating Non-Members’*. Paragraph 72 of the report of EC25 clarifies that *‘the report provided by the Secretariat would be a simple report of numbers and species by Members for the past 3 years, derived from Members annual reports and submitted ERS data, and did not require additional submission from Members.’*

**Attachment B** contains a proposed format for the required data summary. The ERSWG is invited to provide comments and/or suggested changes to this data summary that is proposed to be provided to the Compliance Committee.

**Prepared by the Secretariat**

**Resolution to Align CCSBT's Ecologically Related Species measures  
with those of other tuna RFMOs**

*(Adopted at the Twenty Fifth Annual Meeting – 18 October 2018)*

The Extended Commission for the Conservation of Southern Bluefin Tuna,

*Recalling* the decision made at the 5<sup>th</sup> Strategy and Fisheries Management Working Group Meeting to develop a binding Ecological Related Species (ERS) measure for Commission for the Conservation of Southern Bluefin Tuna (CCSBT) Members without duplicating the effort of other tuna RFMOs by creating a CCSBT Resolution that requires CCSBT Members to follow the ERS measures of other relevant tuna RFMOs,

*Noting* the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* and the need to cooperate and ensure consistency between conservation and management measures in the different tuna regional fisheries management organisations,

*Concerned* that some seabird species, notably some albatrosses and petrels, are threatened with global extinction,

*Mindful* that fishing for Southern Bluefin Tuna can also cause incidental harm to other species such as sea turtles, sharks and cetaceans,

*Further recalling* the requirement in Article 5(2) of the Convention for the Conservation of Southern Bluefin Tuna that the Parties shall expeditiously provide to the CCSBT data on, *inter alia*, ecologically related species,

*Determined* to mitigate incidental harm to ecologically related species caused by fishing for Southern Bluefin Tuna,

*Noting* the importance of harmonising conservation and management measures with other organisations responsible for managing international fisheries, as agreed at the Kobe Meeting of Joint Tuna RFMOs on 26 January 2007,

*Reaffirming* the recommendation at the seventh meeting of the Ecologically Related Species Working Group (ERSWG) held in Tokyo from 3 to 6 July 2007, that Members and Cooperating Non-Members will provide national reports on their interactions with ecologically related species in Southern Bluefin Tuna fisheries to the ERSWG, Agrees in accordance with paragraph 3(b) of Article 8, that:

1. For the purposes of this CCSBT Resolution:
  - a) the 'Area of Competence of the Indian Ocean Tuna Commission' is that described in Article 2 of the *Agreement for the Establishment of the Indian Ocean Tuna Commission*;
  - b) the 'Convention Area of the Western and Central Pacific Fisheries Commission' is that described in Article 3 of the *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*;

- c) the ‘Convention Area of the International Commission for the Conservation of Atlantic Tunas’ is that described in Article 1 of the *International Convention for the Conservation of Atlantic Tunas*;
  - d) An Area defined in paragraphs a) – c) above is an “Area of Competence” and are collectively the “Areas of Competence”;
  - e) ‘ERS Measures’ mean all measures relating to ecologically related species in force in *the Indian Ocean Tuna Commission (IOTC)*, *the Western and Central Pacific Fisheries Commission (WCPFC)*, *the International Commission for the Conservation of Atlantic Tunas (ICCAT)*, as adopted and amended from time to time, as contained in Annex I;
  - f) Member or Cooperating Non-Member means a Member or Cooperating Non-Member of the Extended Commission of the CCSBT.
2. This Resolution shall apply to all vessels on the ‘CCSBT Record of fishing vessels authorised to fish for Southern Bluefin Tuna’ in the Areas of Competence. Each Member and Cooperating Non-Member shall ensure that such vessels flying its flag and fishing for Southern Bluefin Tuna in an Area of Competence comply with all ERS Measures in force in that Area of Competence (whether or not the Member or Cooperating Non-Member is a member of the tuna RFMO in which the ERS Measures were adopted).
  3. Where Areas of Competence overlap, Members and Cooperating Non-Members shall elect which applicable RFMO’s ERS Measures to apply.
  4. Each Member and Cooperating Non-Member shall ensure that effective action is taken in response to a vessel flying its flag that fails to comply with the obligations contained in the ERS Measures when fishing for Southern Bluefin Tuna in an Area of Competence. If a Member or Cooperating Non-Member of the Extended Commission undertakes fishing for Southern Bluefin Tuna in an Area of Competence of a Convention of which it is not a Member, that Member or Cooperating Non-Member shall report, if any, such actions relating to the relevant ERS Measures to the Compliance Committee of the CCSBT, unless the compliance of that Member or Cooperating Non-Member with such ERS measures is assessed in the appropriate body of that Convention.
  5. The CCSBT secretariat will annually update the list of ERS Measures contained in Annex I before the CCSBT Extended Commission Meeting according to any decisions taken on ecologically related species at the Annual Meetings of the IOTC, WCPFC, and ICCAT.

6. Except in the case of WCPFC, Members and Cooperating Non-Members that have formally objected to an ERS Measure in the relevant tuna RFMO, and who, by reason of that formal objection and the operation of the tuna RFMO's decision-making rules, are not bound by that ERS Measure, are exempted from applying that ERS Measure when fishing for Southern Bluefin Tuna in the applicable Area of Competence. In the case of WCPFC, Members and Cooperating Members that have sought a review of a decision on an ERS measure in accordance with Article 20, paragraph 6 of the *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean* are exempted from applying that ERS Measure when fishing for Southern Bluefin Tuna in the applicable Area of Competence until the Measure becomes binding.
7. The Secretariat shall annually present a report to the CCSBT Compliance Committee on the implementation of the ERS Measures, for the sole purpose of the provision of information for Members and Cooperating Non-Members.

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## Annex I: The ERS Measures

### *Area of Competence of the IOTC*

- a) Resolution 12/04 On the conservation of marine turtles;
- b) Resolution 12/06 On reducing the incidental bycatch of seabirds in longline fisheries;
- c) Resolution 12/09 On the conservation of thresher sharks (family Alopiidae) caught in association with fisheries in the IOTC area of competence;
- d) Resolution 13/04 On the conservation of cetaceans;
- e) Resolution 13/05 On the conservation of whale sharks (*Rhincodon typus*);
- f) Resolution 13/06 On a scientific and management framework on the conservation of shark species caught in association with IOTC managed fisheries;
- g) Resolution 17/05 On the conservation of sharks caught in association with fisheries managed by IOTC;
- h) Resolution 18/02 On management measures for the conservation of blue shark caught in association with IOTC fisheries.;

### *Convention Area of the WCPFC*

- g)i) Resolution 2008/03 on the Conservation and Management of Sea Turtles (*to be replaced by CMM 2018/04 on 1 January 2020*);
- h)j) Resolution 2010/07 - Conservation and Management Measure for Sharks;
- i)k) Resolution 2011/04 - Conservation and Management Measure for Oceanic Whitetip Sharks;
- j)l) Resolution 2012/04 - Conservation and Management Measure on the protection of whale sharks from purse seine operations;
- k)m) Resolution 2013/08 - Conservation and Management Measure for Silky Sharks;
- l)n) Resolution 2014/05 - Conservation and Management Measures for Sharks;
- ~~Resolution 2017/06 - Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds.~~
- o) Resolution 2018/03 - Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds;
- m)p) Resolution 2018/04 - Conservation and Management Measure of Sea Turtles. (*takes effect on 1 January 2020, when it replaces CMM 2008-03*)

### *Convention Area of the ICCAT*

- n)q) Resolution 95-02 on cooperation with the Food and Agriculture Organization of the United Nations (FAO) with regard to study on the status of stocks and by-catches of shark species;
- o)r) Resolution 03-10 on the shark fishery;
- p)s) Recommendation 04-10 concerning the conservation of sharks caught in association with fisheries managed by ICCAT;

- ~~q)t~~ Resolution 05-08 on circle hooks;
- ~~r)u~~ Supplemental Recommendation 07-06 Concerning Sharks;
- ~~s)v~~ Recommendation 07-07 on Reducing Incidental By-Catch of Seabirds in Longline Fisheries;
- ~~t)w~~ Recommendation 09-07 on the Conservation of Thresher Sharks Caught in Association with Fisheries in the ICCAT Convention Area;
- ~~u)x~~ Recommendation 10-06 on Atlantic Shortfin Mako Sharks Caught in Association with ICCAT Fisheries;
- ~~v)y~~ Recommendation 10-07 by ICCAT on the Conservation of Oceanic Whitetip Sharks caught in Association with fisheries in the ICCAT Convention Area;
- ~~w)z~~ Recommendation 10-08 on Hammerhead Sharks (family *Sphyrnidae*) caught in Association with Fisheries Managed by ICCAT;
- ~~x)aa~~ Recommendation 10-09 on the By-catch of Sea Turtles in ICCAT Fisheries;
- ~~y)bb~~ Recommendation 11-08 on the Conservation of Silky Sharks Caught in Association with ICCAT Fisheries;
- ~~z)cc~~ Supplemental Recommendation 11-09 on Reducing Incidental By-Catch of Seabirds in ICCAT Longline Fisheries;
- ~~aa)dd~~ Recommendation 11-10 on Information Collection and Harmonization of Data on By-catch and Discards in ICCAT Fisheries;
- ~~bb)ee~~ Recommendation 12-05 on Compliance with Existing Measures on Shark Conservation and Management;
- ~~ee)ff~~ Recommendation 13-10 on Biological Sampling of Prohibited Shark Species by Scientific Observers;
- ~~dd)gg~~ Recommendation 13-11 Amending Recommendation 10-09 on the By-Catch of Sea Turtles in ICCAT Fisheries;
- ~~ee)hh~~ Recommendation 14-06 on Shortfin Mako Caught in Association with ICCAT Fisheries;
- ~~ff)ii~~ Recommendation 15-06 on Porbeagle Caught in Association with ICCAT Fisheries;
- ~~gg)jj~~ Recommendation 16-12 on Management Measures for the Conservation of Atlantic Blue Shark Caught in Association with ICCAT Fisheries;

~~hh)kk~~ Recommendation 16-13 on Improvement of Compliance Review of Conservation and Management Measures regarding Sharks Caught in Association with ICCAT Fisheries. Recommendation 18-06 to replace Recommendation 16-13 on Improvement of Compliance Review of Conservation and Management Measures Regarding Sharks Caught in Association with ICCAT Fisheries (enters into force on 21 June 2019, when it replaces CMM 2016-13, unless there is an objection before then).

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### Proposed summary report for submission to annual meetings of the Compliance Committee

(The observer coverage has been calculated as the percentage of fishing effort that was observed for all strata (year \* statistical area \* Member) where the species was captured regardless of whether a mortality of that species occurred.)

Member	ERS Species Group	Observed Mortalities			Observer Coverage			Estimated Total Mortalities		
		2015	2016	2017	2015	2016	2017	2015	2016	2017
Australia	Blue shark	9	10	6	8%	12%	11%	94	83	50
	Shortfin mako	6	3	17	8%	13%	11%	71	23	69
	Porbeagle shark	0	1	8	-	12%	11%	0	11	8
	Other sharks	1	4	9	8%	12%	11%	13	37	62
	Turtles	0	0	0	-	-	11%	-	-	0
	Other albatrosses	1	0	0	8%	-	-	13	-	-
	Unidentified albatrosses	0	0	2	-	-	14%	-	-	14
Whales	0	0	0	-	-	11%	-	-	0	
Indonesia	Blue shark	124	77	158	-	-	-	-	-	-
	Shortfin mako	1	1	34	-	-	-	-	-	-
	Other sharks	146	186	69	-	-	-	-	-	-
	Turtles	0	11	0	-	-	-	-	-	-
	Dark coloured albatrosses	0	0	1	-	-	-	-	-	-
	Other albatrosses	0	0	0	-	-	-	-	-	-
	Other seabirds	0	0	18	-	-	-	-	-	-
	Unidentified seabirds	7	0	0	-	-	-	-	-	-
Japan	Blue shark	1423	2741	4083	14%	16%	13%	10901	24585	36812
	Shortfin mako	167	98	110	14%	16%	13%	1044	942	812
	Porbeagle shark	388	289	683	14%	17%	13%	2804	2549	8575
	Other sharks	53	66	200	14%	17%	13%	346	266	1254
	Turtles	0	0	0	15%	20%	16%	0	0	0
	Large albatrosses	54	38	20	18%	22%	13%	311	188	141
	Dark coloured albatrosses	35	52	1	18%	17%	18%	181	677	6
	Other albatrosses	596	629	179	14%	17%	13%	3724	2979	1149
	Unidentified albatrosses	64	160	138	14%	17%	13%	543	2224	859
	Other seabirds	137	267	356	14%	16%	13%	859	1320	2227
Unidentified seabirds	10	1	6	14%	28%	18%	73	4	34	
Korea	Blue shark	52	53	808	15%	21%	18%	381	258	4449
	Shortfin mako	4	5	8	15%	21%	18%	31	24	44
	Porbeagle shark	8	8	137	15%	21%	18%	50	39	754
	Other sharks	3	3	107	15%	21%	18%	18	15	589
	Large albatrosses	2	2	0	15%	21%	-	14	10	-
	Dark coloured albatrosses	3	5	0	17%	21%	-	18	24	-
	Other albatrosses	20	118	1	15%	21%	18%	121	575	6
	Giant petrels	0	16	0	-	21%	-	-	78	-
	Other seabirds	4	3	0	17%	21%	-	23.6639	15	-
New Zealand	Blue shark	1267	1188	1018	34%	19%	20%	10592	6667	5340
	Shortfin mako	60	98	63	34%	19%	20%	652	571	341
	Porbeagle shark	174	352	381	34%	19%	20%	2044	1931	1980
	Other sharks	82	15	30	34%	19%	20%	286	87	151
	Turtles	0	0	0	-	16%	18%	-	0	0
	Large albatrosses	1	2	1	4%	19%	23%	23	11	6
	Other albatrosses	15	92	19	34%	19%	20%	152	389.2221	87
	Unidentified albatrosses	3	0	3	9%	-	20%	38	-	20
Giant petrels	2	10	10	48%	24%	20%	24	43	51	
Taiwan	Blue shark	539	1567	804	10%	17%	10%	6596	11254	7903
	Shortfin mako	56	71	54	10%	17%	12%	521	411	423
	Other sharks	28	29	91	10%	17%	12%	277.9575	188.8387	732
	Large albatrosses	0	0	1	-	-	12%	-	-	9
	Dark coloured albatrosses	7	5	1	11%	17%	12%	56	33	9
	Other albatrosses	13	10	4	11%	21%	12%	107	52	33
	Giant petrels	0	1	1	-	15%	11%	-	6.5804	9
Other seabirds	0	0	2	-	-	13%	-	-	15	
South Africa	Blue shark	114	198	593	97%	41%	42%	116	342	10484
	Shortfin mako	87	132	567	97%	41%	42%	89	856	7796
	Other sharks	0	0	2	100%	63%	42%	0	0	2
	Turtles	0	0	0	-	63%	-	-	0	-
	Other albatrosses	0	0	1	97%	63%	100%	0	0	1