

COMPLIANCE COMMITTEE

Identification of Options and Priorities for Future Compliance Measures

Proposal

1. The work of the Commission for the Conservation of Southern Bluefin Tuna (the Commission) to develop and implement its initial three highest priority compliance measures, Catch Documentation Scheme (CDS), Vessel Monitoring System (VMS) and Transshipment (large scale vessels), is nearing completion.
2. The purpose of this paper is to outline options and priorities for additional compliance measures for discussion by the Compliance Committee. The options are provided in a framework aimed at promoting discussion on the way each option could complement and strengthen the compliance measures already adopted by the Commission. This discussion would complement any proposal to develop a monitoring, control, and surveillance strategy if this approach was adopted as part of the Commission's strategic plan.
3. The outcome of the discussion is agreed recommendations to the 2009 Commission meeting on the additional compliance measures to be developed in the 09/10 Compliance Committee work programme.

Introduction

4. Since the 12th meeting of the Commission and the initial Compliance Committee meeting, significant progress has been made on developing pragmatic arrangements for the three compliance measures. The Transshipment resolution aimed at large scale carriers, and the VMS, and CDS resolutions are being implemented.
5. To continue this momentum, New Zealand believes it is timely to consider the merits of other compliance measures. The highest priority measures would be those that best complement the initial three measures and hence collectively provide the greatest additional assurance as to the integrity of the Commission's key management objectives and measures for Southern Bluefin Tuna (SBT).
6. Commission conservation and management measures are binding on Members and Co-operating Non-Members. There is, therefore, an expectation that states and fishing entities will implement robust domestic compliance and enforcement arrangements that ensure their nationals comply with these measures. While the primary obligation to achieve compliance lies with flag, port and market states, the Commission may agree Members and Co-operating Non-Members need to participate in some common or centralised compliance procedures and systems to ensure the integrity of the measures is not impacted by illegal fishing by Non-Members.
7. The Compliance Committee can provide advice to the Commission on the efficacy of flag, port, and market state measures and any centralised or common compliance measures. These would be the measures selected from the full suite of options that are likely to be the most effective and relevant to the nature of the SBT supply chain. Based on that advice, the Commission can determine the optimal balance between these measures.
8. While not explicitly stated at this time, current Commission objectives are assumed to include ensuring the primary conservation and management measures (the Total

Allowable Catch and national allocations) are adhered to and that any illegal fishing is deterred. Subject to the development of additional management objectives by the Commission, including through its adoption of a strategic plan, these should remain the focus of Compliance Committee advice.

Evaluating Effective Additional Options for Compliance Measures

9. The key to continuing the current progress of the Commission in strengthening compliance with SBT management measures is to have an effective compliance and enforcement framework that will:
 - a. Identify measures that best support the management (including science and compliance) objectives and principles arising from existing Commission decisions.
 - b. Evaluate additional compliance measures taking account of factors such as:
 - implementation costs and benefits;
 - ability to maximise the effectiveness of the VMS, CDS and Transshipment measures currently being progressed;
 - ability to optimise wider benefits for management and scientific decision-making;
 - opportunities for promotion of compliance.
 - c. Establish a robust, transparent process to monitor and report on implementation of, and compliance with, conservation and management measures and to identify reasons and actions taken where non-compliance occurred.
 - d. Establish a robust, transparent process to monitor the effectiveness of the compliance measures in supporting the Commission's conservation and management objectives.

Objectives and Principles

10. Drawing on Commission and Compliance Committee documents and meetings, the following are some of the principles/objectives that could guide discussion of the benefits of a range of compliance measures, and their relative priorities. While these principles and objectives may be refined as part of the Commission's future consideration of a strategic plan, the following are suggested in the interim to avoid delays in future work on effective compliance measures:
 - a. Ensure the integrity of reported catch information used in scientific and management processes.
 - b. Provide a transparent process to demonstrate effective implementation and the effectiveness of the CCSBT compliance measures.
 - c. Provide confidence that the management measures implemented by the Commission are being complied with, to acceptable agreed levels¹.
 - d. Consider harmonisation across tuna Regional Fisheries Management Organisations (RFMOs) to reduce cost but maximise benefit.
 - e. Consider best practice approaches that are cost effective and fairly and equitably reflect Members' operational practicalities associated with fishing, farming, processing, distribution and marketing of SBT.

Discussion of Future Compliance Committee Work

The following section is designed to provide a basis for the Compliance Committee to consider future compliance measures that may be recommended to the Commission. The possible future compliance measures are described in terms of their relative contribution to supporting SBT management.

¹ Different levels of confidence can be applied to individual tools

11. In developing agreed options to progress, the Compliance Committee should consider:
- a. Practicality for implementation, including:
 - i. integration with existing measures and Commission reporting requirements,
 - ii. harmonisation across tuna RFMOs where this is relevant and desirable for optimum benefit, and
 - iii. mechanisms to review the effectiveness of implementation and the measure itself.
 - b. Practical timeframes for developing and implementing measures
 - c. Procedures and templates for transparently monitoring compliance/non-compliance and the effectiveness of compliance tools including:
 - i. content requirements for annual country reports relating to compliance measures and information;
 - ii. minimum standards and procedures to identify and evaluate compliance and responses to non-compliance.
 - d. The need for mechanisms to allow for the periodic review of compliance measures to determine their:
 - i. suitability to support changing/evolving management needs;
 - ii. effectiveness (cost and derived benefit) over time; and
 - iii. relevance with changing technology, fishing practices etc

Evaluation of Additional Compliance Measures

12. The following list of measures has been drawn from previous papers to the Commission and/or the Compliance Committee. These represent measures commonly considered by RFMOs.
- a. Observer Programme
 - b. SBT Farming Monitoring
 - c. Port State Measures
 - d. Registers – Vessels/Support Vessel Register
 - e. Control of Nationals
 - f. Boarding and Inspections
 - g. Market Measures
 - h. DNA Sampling
13. Annex A provides brief points on each of the measures in this list; their relative benefits and key dependencies with other measures. This table has been designed to assist the Compliance Committee discussion on its future priorities.
14. Key points to consider when evaluating, and where relevant, prioritising, each measure include:
- a. the type of information likely to be produced as an output from implementing each measure and its contributing to verifying [management, science and compliance) information used in Commission decision making
 - b. the degree to which each measure complements VMS, CDS, Transshipment measures e.g. provides information/ability to act in key points of the SBT supply chain
 - c. practical implementation issues e.g. Members' domestic regimes, relevance to differing involvement in the SBT supply chain, ability to monitor, what could represent 'best practice', cost, harmonisation opportunities

- d. relationship and ability to support broader international compliance frameworks
- e. realistic and effective timeframes and mechanisms to develop and implement the measure.

Recommendation

15. . It is recommended that the Compliance Committee:

- a. discuss the additional compliance tools in the context of the principles and objectives outlined in this paper and Annex A;
- b. agree the most effective combination of additional compliance measures that best supports the Commissions management objectives; and
- c. includes these additional measures on the future Compliance Committee work programme to be recommended to the Commission..

ANNEX A: Evaluation of Compliance Measures Previously Proposed at Compliance Committee Meetings

Compliance Measures	How the measures impacts on monitoring of compliance (wild and farm)	Benefit / other measures where there is a key dependency
Observer Programme	<p>Flag state observers provide a range of information for scientific and management purposes as well as monitoring of compliance. Allows monitoring of effectiveness of compliance measures. If independent state observers, can act as verification of flag state activity but can detract from verification process as fisher behaviour can change on observed trips.</p> <p>Main focus is at point of catch so provides a link from this point for both farm and direct supply to market for verification of information. Most effective means with which to monitor fish and non-fish bycatch. Could be linked to future technology developments as they occur e.g. video cameras.</p> <p>High cost associated with observer programmes.</p>	<p>Benefit: Supports monitoring to verify reported locations/activity, catch and bycatch. Can be harmonised with other RFMO approaches. Can develop or reflect best practice. Already required to meet obligations under agreed CCSBT Scientific Observer Program Standards and the Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna.</p> <p>Dependency: Transshipment, Catch Tracking (CDS)</p>
SBT Farming Monitoring	<p>Provides information on farming activity and the SBT transferred to/from farms.</p> <p>Focuses on distinct element of the SBT supply chain to provide the link between catch and landing for processing and/or marketing. Considers measures allowing accurate recording of catch against national allocations for farming as individual fish are not weighed at the time of capture. Provides a means to most accurately estimate weight (with verifiable standard) for farmed fish.</p>	<p>Benefit: Supports monitoring to verify reported activity and catch. Can develop/reflect best practice.</p> <p>Dependency: Catch Tracking (CDS), Registers – Farm</p>
Port State Measures	<p>Provide a range of information that can relate to all stages of SBT supply chain for monitoring of compliance, supporting investigations and disrupting the product flow/revenue stream from illegal fish.</p> <p>Focuses on later elements of supply chain from landing (including transshipments) and export/imports. Fits with species where there is a more complex and varied product flow.</p> <p>Allows states to manage access to ports and, separately, access to port services to: support monitoring of activity, gathering information to investigate possible illegal activity, prevent or disrupt/interfere distribution of illegal fish/products.</p>	<p>Benefit: Supports monitoring to verify reported activity/catch and other possible management aspects such as gear requirements for mitigation of impacts on Ecologically Related Species . Links to standard domestic regimes already in place, reducing 'new' implementation costs. Can be harmonised with other RFMO approaches. Can reflect developing international best practice.</p> <p>Can be applied by Non-Members in support of Commission conservation and management measures.</p> <p>Dependency:</p>

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		<p>Transshipment, VMS, Catch Tracking (CDS), Registers – Vessel/ Support Vessel and Farm, Control of Nationals</p> <p>Current FAO process to negotiate a Port State Measures instrument now concluded with a final Convention to be formally adopted at the FAO conference in November 2009.</p>
Vessel Register/ Support Vessel Register	<p>Provides relevant information about vessels and operators authorised to fish for, or supporting, SBT fishing and related parts of the flow of SBT and SBT products.</p> <p>Enhancements to the current authorised vessel procedure could consider process to: identify authorised and active SBT fishing and support operations, criteria and process for removal/refusal to authorise vessels for involvement in all relevant parts of the product flow of SBT.</p>	<p>Benefit: Supports monitoring to verify reported activity/catch and supports implementation of Port State Measures. Provides transparent process. Can be harmonised with other RFMO approaches.</p> <p>Dependency: Transshipment, Catch Tracking (CDS), Port State Measures, Control of Nationals</p>
Control of Nationals	<p>Promotes existing international obligations for responsible action by Flag States and Port States, strengthening the potential effectiveness of the measures to implement and monitor SBT product flow. Centralised measures may assist some states in this regard.</p> <p>Covers statements to encourage awareness and compliance with CCSBT measures. Difficult in apply to some aspects of non-commercial fishing.</p>	<p>Benefit: Promotes confidence in the effectiveness of CCSBT and provide the opportunity for transparency as to the expectations and responsibilities of Commission members and Co-operating Non-Members. Can be harmonised with other RFMO approaches.</p> <p>Dependency: Reinforces responsible action for all measures</p>
Boarding and Inspection	<p>Provides range of information for monitoring compliance and the effectiveness of compliance measures. Can be used to identify need for further 'education' to address emerging risks.</p> <p>Mainly focused at harvest point of supply chain and in that regard supports information on catch that may be destined directly for market or for farms. Could include farm inspections.</p>	<p>Benefit: Supports monitoring to verify reported locations/activity/catch of authorised/unauthorised operators. Can be harmonised with other area based RFMOs. Links to standard domestic regimes already in place, reducing 'new' implementation costs. For most benefit provides information that can be used as part of a discrepancy checking process.</p> <p>Dependency:</p>

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		Catch Tracking (CDS), Port State Measures, Control of Nationals
Market Measures	Provides link to range of information provided at earlier phases of the supply chain to support monitoring of compliance and the effectiveness of the compliance measures.	<p>Benefit: Supports monitoring to verify reported activity/catch. Promotes confidence in the effectiveness of the Commission/flag states and port states. Can be harmonised with other RFMO approaches. For most benefit provides information that can be used as part of a discrepancy checking process.</p> <p>Dependency: Catch Tracking (CDS), Control of Nationals</p>
DNA Sampling	<p>May provide information to verify accuracy of species reporting at time of catch and through to processed states. High costs means need to evaluate viability of the range of possible methods and most effective/cost effective approach.</p> <p>Sampling programme can deter species misreporting.</p>	<p>Benefit: Supports monitoring to verify species reporting of SBT, other tunas and bycatch. Promotes confidence in the effectiveness of CCSBT. Can be harmonised with other RFMO approaches.</p> <p>Dependency: No key dependency but could provide supporting information for several measures</p>