

COMPLIANCE COMMITTEE

Future Priorities for Strengthening the Compliance Regime

Proposal

1. The purpose of this paper is to consider the remaining options and priorities for compliance measures that could be progressed by the Compliance Committee. The work to develop the initial three highest priority measures, Catch Documentation Scheme (CDS), Vessels Monitoring System (VMS) and Transshipment (large scale vessels), is nearing completion.

Introduction

2. Since the 12th meeting of the Commission for the Conservation of Southern Bluefin Tuna (the Commission) and the initial Compliance Committee meeting, significant progress has been made on developing pragmatic arrangements on the three compliance measures.
3. The Transshipment resolution, agreed at CCSBT13, and the VMS and CDS resolutions are nearing completion, and Members need to finalise implementation details.
4. To continue this momentum, New Zealand believes it is timely to consider the merits of other compliance measures. Such measures should complement these initial three measures in supporting the Commission's work to manage Southern Bluefin Tuna (SBT).
5. Commission conservation and management measures are binding on Members and Co-operating Non-Members. There is, therefore, an expectation that states will implement robust domestic compliance and enforcement arrangements that ensure their nationals comply with these measures. The primary obligations to achieve compliance lies with flag and port states, however, the Commission may require Members to participate in certain common or centralised compliance procedures and systems to verify these obligations are being met and to, more broadly, counteract illegal fishing by Non-Members.
6. While the Compliance Committee can provide advice to the Commission on the efficacy of flag and port state and centralised and common compliance measures, it is for the Commission to determine the balance between these measures based on that advice. While not explicitly stated, the Commission has common objectives aimed at 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, these should remain the focus of Compliance Committee advice.
7. To this end Members and Co-operating Non-Members should, in their annual reports to the Compliance Committee, provide a full description of their flag and port state compliance measures including any changes and non-compliance detected in the last year.

Other Compliance Measures: Evaluation of Options

8. The key to continuing the current progress of the Commission in strengthening compliance with SBT management measures is to:
 - a. Identify measures that support the management (including science and compliance) objectives and principles arising from existing Commission decisions.
 - b. Evaluate 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 provide wider benefits for management and scientific decision-making.
 - c. Establish a robust process to monitor and report on implementation of, and compliance with, conservation and management measures.
 - d. Establish a robust process to monitor the effectiveness of the compliance measures in supporting the Commission's conservation and management objectives.

Objectives and Principles

9. 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.
 - a. Ensures 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 Member's operational practicalities associated with fishing, farming, processing, distribution and marketing of SBT.

Discussion of Future Compliance Committee Work

10. The following two sections (A and B) are designed to provide a basis for the Compliance Committee to consider its future work programme.
11. A, below, is a summary of possible future compliance measures and their contribution to support SBT management.
12. B, below, is work required for the Compliance Committee to ensure implementation and compliance with agreed conservation and management measures.
13. Both sections are aimed at ensuring CCSBT has assurance that their management and compliance measures remain effective and current as international law and best practices evolve.

A. Evaluation of Compliance Measures

14. 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.

¹ Different levels of confidence can be applied to individual tools

- a. Observer Programmes
- b. SBT Farming Compliance
- c. Port State Measures
- d. Registers – Vessels/Support Vessel Register and Farm
- e. Control of Nationals
- f. Boarding and Inspections
- g. Market Measures
- h. DNA Sampling

15. Annex A provides brief points on each of the measures in this list; their relative benefits and key dependency with other measures. This table has been designed as background to assist the Compliance Committee discussion on its future priorities.

16. Key points to consider when evaluating, and where relevant, prioritising, each measure include:

- a. the type and value of the information provided as a means of verifying base information (relevant to all Commission needs – management decisions including science and compliance)
- b. the degree to which each 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 Member involvement in the SBT supply chain, ability to monitor, what could represent 'best practice', cost, harmonisation opportunities
- d. realistic and effective timeframes to develop and implement the measure

B. Consideration of Compliance Committee Procedures and Systems

17. The first Compliance Committee meeting took place in 2006. Work has focused on initial compliance measures to improve Member's confidence that conservation and management measures are being implemented and adhered to. The performance of the Commission in this regard is being scrutinised by a wider global audience.

18. New compliance measures require the Compliance Committee to consider its own procedures and systems to monitor:

- o implementation;
- o compliance and non-compliance; and
- o the effectiveness or need for review of any measures.

19. The following points are some suggested areas for discussion by the Compliance Committee to inform future work priorities.

- i) All relevant data and information produced as a consequence of implementing Commission compliance measures should be identified. Policies, procedures and protocols should be in place to allow transparent decisions to be made on protection of, access to, and dissemination of, data and information compiled by the Commission. There is opportunity to harmonise and cooperate with other RFMOs.

This would include information arising from implementing compliance measures e.g. VMS data, inspection reports, but would extend to information and evidence in support of investigations of non-compliance, and the need for relationships with other tuna RFMOs.

- ii) Procedures and templates for transparently monitoring implementation, compliance/non-compliance and the effectiveness of compliance tools including:

- content requirements for annual country reports relating to compliance measures and information;
 - minimum standards and procedures to identify and evaluate compliance and responses to non-compliance.
- ii) The need for mechanisms to allow for the periodic review of compliance measures to determine their:
- suitability to support changing/evolving management needs;
 - effectiveness (cost and derived benefit) over time; and
 - relevance with changing technology, fishing practices etc.
- iv) Identify procedures and systems to complete implementation of agreed transshipment resolutions or the near final VMS resolution.
- v) Consider the implications of the current and future work and procedures of the Compliance Committee fit within the current Terms of Reference.

Recommendation

20. The Compliance Committee is invited to discuss additional compliance tools and the necessary supporting systems and procedures as outlined in this paper and Annex A. Such discussion would inform the future work programme and priorities for the Compliance Committee.

ANNEX A: *Evaluation of Compliance Measures*

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 observer programmes must be independent of the fishery. Provide a range of information for scientific, management and monitoring of compliance. Also allow monitoring of effectiveness of compliance measures but changes in fisher behaviour once an observer is on board can detract from this verification process. If independent flag state observers are used they can act as verification of flag state activity.</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 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.</p> <p>Dependency: Transshipment, Catch Tracking (CDS)</p>
SBT Farming Compliance	<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>Provides 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 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. 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: 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.</p>
Vessel Register	Provides relevant information about vessels and operators authorised to fish for, or	Benefit:

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Support Vessel Register	<p>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 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>Supports monitoring to verify reported activity/catch. Provides transparent process. Can be harmonised with other RFMO approaches.</p> <p>Dependency: Transshipment, Catch Tracking (CDS), Port State Measures, Control of Nationals</p>
Farm Register	<p>Provides relevant information about authorised SBT farms including catch of SBT and allows mechanism to manage trade of SBT from unauthorised farms.</p> <p>Procedures for authorised farms could consider process to maintain register of authorised SBT farms including those that should not be permitted to be involved in SBT farming and the process and criteria for authorisation or removal/refusal to authorise.</p>	<p>Benefit: Supports monitoring to verify reported activity/catch. Typically links to standard domestic regime so reduces 'new' implementation costs.</p> <p>Dependency: Catch Tracking (CDS), 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. 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 of compliance and the effectiveness of compliance measures.</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.</p> <p>Dependency: Catch Tracking (CDS), Port State Measures, Control of Nationals</p>
Market Measures	<p>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>	<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.</p>

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		Dependency: Catch Tracking (CDS), Control of Nationals
DNA Sampling	May provide information identifying accuracy of SBT 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. Sampling programme can deter misreporting.	Benefit: Supports monitoring to verify reported catch of SBT and bycatch. Promotes confidence in the effectiveness of CCSBT. Can be harmonised with other RFMO approaches. Dependency: No key dependency but could provide supporting information under several measures

