

COMPLIANCE COMMITTEE

Strengthening the compliance regime

Purpose

The purpose of this paper is to provide examples of the range of compliance tools available for strengthening the compliance regime for the Commission for the Conservation of Southern Bluefin Tuna (the Commission). It also suggests ways of ensuring that appropriate compliance tools are selected.

Introduction

One of the functions of the Compliance Committee (CC), as expressed in the CC's terms of reference, is to make recommendations to the Commission on new compliance measures, including measures to address non-compliance. The CC must also monitor, review, and assess compliance with all conservation and management measures, and report on the implementation of the compliance measures adopted.

Recent allegations of over catch of southern bluefin tuna (SBT) by Commission members have highlighted the need for the CC to consider which compliance tools are needed to provide high levels of confidence that the management measures of the Commission are being complied with.

New Zealand believes that the CC needs to work in a transparent, objective, and pragmatic way in developing an operative and effective compliance regime.

Establishing an improved compliance regime

The key to establishing a strengthened compliance regime will be:

- establishing clear compliance objectives for the CC
- assessing compliance priorities
- determining the levels of confidence required for the different management measures
- analysing possible compliance tools and assessing them against the objectives, priorities, and costs of adopting them
- establishing robust review processes to assess member compliance and the compliance regime

Establishing clear compliance objectives

The independent chair of the CC (the Chair) has asked members to consider for discussion at CC1, how the CC might develop compliance objectives.

Examples of such objectives have been provided by the Chair and include "assurance of the integrity of reporting catch against allocation, information requirements of effective reporting, integrity of information systems used, verification of information reported, the monitoring of arrangements, etc".

Assessing compliance priorities

Agreeing on compliance priorities and the relative importance of conservation and management measures will provide a sound basis by which the appropriate compliance tools can be selected and assessed.

Determining the levels of confidence required for different measures

Where certainty is needed for management purposes a higher level of confidence is required that the selected compliance tools are delivering that certainty. For some management measures however, a lesser level of certainty may be acceptable. The veracity required for each measure will need to be determined.

Analysing potential compliance tools

The compliance objectives and priorities discussed above will be key in providing a framework against which members can assess potential compliance tools.

Establishing a review processes

An important component of any compliance system is a review process that provides a means by which levels of compliance with the measures, and the effectiveness of the measures themselves, can be assessed and reported.

Examples of potential compliance tools

Listed below are examples of compliance tools that could be adopted, or, if already in place, refined by the CC to meet the CC needs.

The list is by no means exhaustive. We suggest the CC look much wider at all the tools provided for in international fisheries law, adopted by other Regional Fisheries Management Organisations, and new methods or technologies that might be suitable.

Catch Documentation Scheme (CDS)

A comprehensive CDS is a means by which to track fish from their capture through to the point of sale with the reliance being on landings with verification that fish is from a certified source. In the CCSBT context, a CDS would be most effective in assisting with the determination of the global catch and potentially provide a barrier to IUU fish reaching markets.

Vessel Monitoring System (VMS)

A VMS provides information on where a vessel is at a point in time and, if historical data is captured, where it has been. A VMS is most useful for monitoring area closures or fine scale management of a fishery but has limited ability to determine if a vessel is fishing. It can be very effective when used in conjunction with other measures.

Observers

Having observers on board vessels at sea provides a very effective means for collecting a broad range of information for both management and compliance purposes. The effectiveness and confidence obtained from observers as

compliance and management tool is increased when the observers are independent and are placed on a high percentage of the vessels in the fleet.

Catch Reporting

Reporting catch data through the use of catch logs is an essential tool for gaining a comprehensive picture of what is occurring in the fishery. Catch reporting is a key component for verifying CPUE and the catch taken from the fishery, both in terms of SBT and bycatch.

Tagging for market

Tagging programmes provide valuable information that contributes to the determination of the global catch and aids in the collection of size data on the species.

Video Monitoring

Using cameras to monitor at sea operations on fishing vessels is an effective measure for monitoring catch levels, by-catch and to a lesser extent size of fish. Effectiveness can be enhanced when interfaced with GPS and when combined with other electronic sensors.

Monitored Landings

Monitoring landings by vessels in port or at sea (through transshipment) is an effective mechanism for verifying catches and documentation, which aids in determining the global catch and supports other measures in place such as a CDS.

Market Inspections

Market inspections provide for a degree of verification of the catch taken from the fishery and does allow for limited collection of size data. Much of this would require a detailed understanding of the particular market.

Review

Establishing a review process has the potential to provide a measure of transparency and quality assurance that compliance tools adopted by the Commission are being complied with by members. Reviews could also cover the integrity of processes and systems, or could be more substantive and test the accuracy of information contained within those systems.

Conclusion

This paper provides a starting point for discussions by the CC on appropriate and effective compliance tools that will best support the conservation and management measures of the Commission.

It is New Zealand's belief that a strengthened compliance regime, incorporating the key aspects outlined in this paper will give the CC a solid basis from which make recommendations to the Commission, assisting the Commission in meeting its objective of the conservation and optimum utilisation of the global SBT fishery.