



CCSBT/0607/05

4. Relationship with CCAMLR

Purpose

To advise the CCSBT on developments in relation to fishing for SBT in the CCAMLR Convention Area.

Background

At its 2005 annual meeting, the Extended Commission agreed that it should have an arrangement with CCAMLR concerning the management of fishing for southern bluefin tuna in the CCAMLR Convention Area. The Executive Secretary wrote to CCAMLR in October 2005 seeking development of such an arrangement and the proposal was considered by CCAMLR at its annual meeting in November 2005.

The terms of an agreement required by CCAMLR were conveyed to the Executive Secretary after the CCAMLR annual meeting and the Executive Secretary has replied indicating the issues raised by CCAMLR need to be discussed by the Extended Commission. A copy of this exchange of correspondence is attached.

The CCAMLR requirements for fishing for southern bluefin tuna in the CCAMLR Convention Area are broadly summarised below:

1. full details of the vessels authorised to fish for southern bluefin tuna to be provided to CCAMLR
2. the CCSBT will not authorise any vessel on the CCAMLR IUU vessel list
3. the provision of automatic satellite-linked VMS reports
4. application of CCAMLR's measures on plastic packaging bands
5. application of CCAMLR's provisions for the minimisation of incidental seabird mortality consistent with the nature of fishing for southern bluefin tuna
6. submission of data on catch, by-catch and incidental mortality of seabirds consistent with CCAMLR arrangements
7. compliance with CCAMLR's system of inspection, which includes at sea inspections
8. observer coverage
9. actions related to IUU fishing

Of this list, items 3,4,6,7 and 8 are management issues where new or significant change to CCSBT management and conservation measures would be required.

Context

A number of options are presented in this paper for the Extended Commission to consider. Consideration of these options would be undertaken in the following context:

- Article 12 of the Convention requires cooperation with other intergovernmental organisations and this has occurred with ICCAT, IOTC and the WCPFC, where there is overlap or shared interests.
- Four of the CCSBT members, Australia, Japan, New Zealand and Korea are members of CCAMLR and have agreed to the conservation and management measures of that body.
- To some degree CCAMLR's measures reflect a purpose more associated with the protection of a unique environment than the CCSBT, where the purpose of its creation related more to the commercial international exploitation of a high seas fishery.
- The common interest with CCAMLR is not significant:
 - Only 10 vessels are listed with CCAMLR from CCSBT members – Australia (2), Japan (2), New Zealand (4) and Korea (2).
 - Very little fishing for southern bluefin tuna has occurred in the CCAMLR Convention Area, although in the last two years the catch has increased. Fishing in this area largely ceased in 1984 and that until 2004, the total catch in most subsequent years was less than 1 tonne. There were larger catches of about 25 tonnes in 2004 and 75 tonnes in 2005. The catch in 2005 was reported by Japan and the Philippines. The catch in recent years has occurred mainly in the area 60-65° east, 45-50° south.

Options

Three options are presented for consideration by the Extended Commission. They are not recommendations but represent a set of responses to give a view of the range of possible responses available to the Extended Commission:

- i. Agree to the CCAMLR request with application of an agreement with CCAMLR specified for an area where fishing for SBT was possible (say 30-80° east, 45-50° south).
- ii. Decline the request and members cease fishing in the CCAMLR Convention Area

- iii. Propose a compromise arrangement, which would reflect current CCSBT management and conservation arrangements.

Option (i)

Even though the amount of fishing effort and number of vessels involved is relatively small, this option would be onerous for the CCSBT unless the CCSBT wished to implement the management and conservation measures in its own right. It would probably require for the area and vessels involved:

- the introduction of a VMS system managed by the Secretariat
- specific CCSBT action on plastic packaging bands for application across the fishing fleet
- an extension of the current tori line decision and other mitigation actions to reflect the specifics of the CCAMLR resolution
- increased data provision to the CCSBT database to include by-catch and incidental seabird mortalities
- agreement to at sea inspection arrangements
- 100% observer coverage

Option (ii)

This option might be considered if the demands of Option (i) were judged by the Extended Commission to be too difficult in the context of the limited fishing activity involved.

It would require some form of decision by the Extended Commission to prohibit fishing in the CCAMLR Convention Area.

Option (iii)

This option represents a possible response where the intent of the CCAMLR requirements is met, but without the CCSBT adopting any new systemic measures. The structure of the option is presented against the nine CCAMLR requirements set out in the background section of this agenda paper. An explanation for each proposal is shown in red type in brackets in each item.

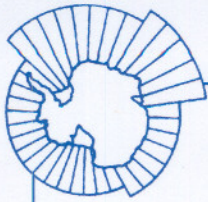
1. the CCSBT authorised list would be provided to CCAMLR (This list is already maintained)
2. the CCSBT would agree not to authorise any vessel on the CCAMLR IUU vessel list (The Secretariat would establish a routine in the authorised vessel list system that would prevent a vessel on the CCAMLR list from being added to the CCSBT list. There would be some costs associated with the arrangement's development.)
3. the CCSBT Secretariat would advise CCAMLR when a vessel was intending to fish in the CCAMLR Convention area and when the vessel had left the area. (A system for members to inform the Secretariat of these two dates would

have to be set in place. It would not involve operating a VMS system during the time the member's vessel was in the CCAMLR Convention Area and would not be a real time system. Such an arrangement would inform CCAMLR of the fishing presence and its duration, which is the purpose of the VMS system.)

4. an undertaking would be given that any plastic packaging bands would not be jettisoned in the CCAMLR Convention area (The CCAMLR arrangement is to ban this packaging material for securing bait boxes in the Convention Area and with other restrictions on the use of similar packaging for other on-board purposes. A CCSBT offer not to dispose of the packaging material would secure the same outcome)
5. the CCSBT would require Member vessels fishing in the CCAMLR Convention Area to observe the CCSBT's instructions on the application of tori poles and the general guidance given in its pamphlets on mitigating the impact of fishing on seabirds (This is not as comprehensive as the CCAMLR provision and would lack compulsion. It would not however require new arrangements to be adopted for seabird mitigation. Alternatively, the CCAMLR requirement could be mandated if members thought it appropriate and a reasonable extension of the existing CCSBT arrangement)
6. at the end of the fishing cruise in the CCAMLR Convention Area, the Secretariat would report on a 5°X5° basis the southern bluefin tuna catch, by-catch and incidental mortality of seabirds (This would require a new catch reporting arrangement to operated by the CCSBT with some costs. The masters of the vessels concerned would have to be instructed to record the necessary data as observers would not be present. However, some of this material is already collected, so the additional data requirement may not be too onerous)
7. the CCSBT would agree to vessel inspection (This offer would reflect the fact that vessel inspection in the CCAMLR area is already supported by the four members common to the two organisations)
8. the CCSBT observer standards would apply (100% observer coverage would be very difficult in the circumstances of the southern bluefin tuna longline fishery in the Indian Ocean. Agreement to the catch reporting requirements in 6 above could be cited as a reason to relax this requirement of CCAMLR)
9. the various actions the CCSBT has undertaken and are currently in place would be explained (The response would cite all of the measures the CCSBT has taken – Action Plan, Trade Documentation Scheme, Authorised Vessel List, etc – as a demonstration of the CCSBT's determination to stop IUU fishing)

For consideration

Prepared by the Secretariat



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8 November 1005

Mr Brian Macdonald
Executive Secretary
CCSBT
PO Box 37
Deakin West ACT 2600

Dear Mr Macdonald,

Thank you for your letter of 19 October 2005 advising that the Commission for the Conservation of Southern Bluefin Tuna ('CCSBT') had agreed at its 2005 annual meeting that it should enter into an agreement with the Commission for the Conservation of Antarctic Marine Living Resources ('CCAMLR'). Your letter was discussed by CCAMLR at its annual meeting in October/November 2005.

CCAMLR noted that there is an overlap between the responsibilities of CCAMLR and CCSBT. CCAMLR is responsible for the management and conservation of all Antarctic marine living resources within the CAMLR Convention Area, while CCSBT has responsibility for the management and conservation of southern bluefin tuna throughout its range. CCAMLR therefore very much welcomed the approach from CCSBT to conclude an agreement to ensure that fishing activities in relation to southern bluefin tuna within the CAMLR Convention Area are appropriately managed and to clarify the respective roles of CCAMLR and CCSBT in this respect. In particular, CCAMLR would welcome the opportunity to discuss measures to reduce incidental mortality of CAMLR Convention Area seabirds due to fishing of southern bluefin tuna.

CCAMLR considered that the appropriate way to progress this matter would be the establishment of an ad hoc working group comprised of members from the CAMLR and CSBT Commissions, which would meet as soon as possible. The aim of the group would be to establish an agreement in relation to fishing for southern bluefin tuna within the CCAMLR Convention Area. CCAMLR would hope to have such an agreement as soon as possible.

In the interim, CCAMLR requires the following measures:

- (i) CCSBT will advise the CCAMLR Secretariat of the names, Flag States, owners, operators, call signs and Lloyds/IMO numbers of all vessels licensed by CCSBT Parties to fish for southern bluefin tuna;
- (ii) CCSBT will not license any vessels on the CCAMLR IUU Vessel Lists to fish for southern bluefin tuna (and CCAMLR will reciprocate should CCSBT adopt such lists);

- (iii) CCSBT will require all vessels licensed to fish for southern bluefin, in respect of fishing activities for southern bluefin tuna within the Convention Area, to:
 - (a) submit automatic satellite-linked VMS reports in accordance with Conservation Measure 10-04 to the CCSBT Secretariat;
 - (b) apply Conservation Measure 25-01 on use and disposal of plastic packaging bands;
 - (c) apply Conservation Measure 25-02 (minimisation of incidental mortality of seabirds), except those provisions relating to line weighting;
 - (d) submit to the CCSBT Secretariat data on catch, by-catch and incidental mortality of seabirds in a manner consistent with the data requirements of CCAMLR;
 - (e) comply with the CCAMLR System of Inspection, including allowing compliance inspections at sea within the CAMLR Convention Area;
- (iv) CCSBT will forward to the CCAMLR Secretariat all reports received under paragraph (iii) above.

Without prejudice to further development of the agenda for the working group, CCAMLR would also wish to discuss the following issues, with a view to concluding a final agreement as soon as possible:

- (i) effective measures to reduce the incidental mortality of seabirds, appropriate to the methods used to fish for southern bluefin tuna;
- (ii) observer coverage;
- (iii) illegal, unregulated and unreported fishing.

If the CCSBT is content with this approach, I would be grateful if you could contact me to discuss arrangements for a meeting.

Yours sincerely,



Dr Denzil G.M. Miller
Executive Secretary



28 April 2006

Dr Denzil Miller
Executive Secretary
CCAMLR
PO Box 213
North Hobart
TASMANIA 7002

Dear Dr Miller

Thank you for your letter concerning an agreement between CCAMLR and the CCSBT over fishing for southern bluefin tuna in the CCAMLR Convention Area.

The management measures specified in your letter are significantly different to those applied by the CCSBT on its Members and Cooperating Non-members. In addition, the CCSBT has Members and Cooperating Non-members which are not members of CCAMLR. An agreement between the two organisations will therefore require detailed consideration by both Commissions and the matter has been listed by the CCSBT for discussion at a Special Meeting on 18-19 July 2006.

In these circumstances, I am unable to respond to your letter with a CCSBT position at this stage. I hope to be able to do so after the Special Meeting.

However, to facilitate further consideration of this matter I have listed below some observations on how the CCSBT might be able to respond to CCAMLR's requirements in the context of its current management measures. My observations respond to the numbering in your letter.

- (i) The CCSBT maintains an authorised vessel list that would comply with CCAMLR's request except for the provision of a Lloyds/IMO number. However, the CCSBT register contains additional information such as length, tonnage and registration number that help to uniquely identify a vessel.

This list clearly identifies the vessel and is in the public domain. I would think that the CCSBT vessel list is sufficient for CCAMLR purposes.

The CCSBT vessel list includes vessels from the Fishing Entity of Taiwan and the Philippines, which do not have a relationship with CCAMLR. It would therefore be necessary for CCAMLR to accept that these vessels are authorised to fish for southern bluefin tuna in the CCAMLR Convention Area.

- (ii) The Convention for the Conservation of Southern Bluefin Tuna requires the Commission to cooperate with other regional fisheries organisations. The Commission's resolution establishing its authorised vessel list also provides for cooperative mechanisms. In this context, recognition of the CCAMLR IUU fishing vessel list could form part of a cooperation agreement.
- (iii) My comments on this element of your letter are made in a context where fishing in the CCAMLR Convention area for southern bluefin tuna is relatively minor. The northern boundary of the CCAMLR Convention area is generally well below the latitudes of commercial fishing for southern bluefin tuna by CCSBT Members and Cooperating Non-members. The CCSBT Secretariat's records of reported catch show that fishing in the CCAMLR Convention Area largely ceased by 1984 and that until 2004, the total southern bluefin tuna catch in most subsequent years was less than 1 tonne and every year had a total catch of less than 3 tonnes. There was a larger catch in 2004 of about 25 tonnes, mainly in the area 60-65° east, 45-50° south.
 - (a) CCSBT Members maintain VMS systems on their fleets but I am unable to comment on whether those systems are compatible with the requirements of CCAMLR's Conservation Measure 10-04. If the CCSBT Secretariat was to report to CCAMLR as suggested in your letter, it would require additional resourcing. An alternative might be for vessels fishing for southern bluefin tuna to report directly to CCAMLR using CCAMLR's existing arrangements and for CCAMLR to subsequently notify the CCSBT Secretariat.

Whatever arrangement might be agreed, it would require CCSBT consideration and decision. VMS has not been on the agenda of the CCSBT in recent years.

- (b) The CCSBT has no equivalent conservation measure to CCAMLR's Conservation Measure 25-01. The issue is part of the terms of reference of the CCSBT Ecologically Related Species Working Group, where the broad issue of jettisoning waste has been discussed. However, the specific matter of plastic packaging bands has not been brought before the Working Group for attention.

It is my understanding that the CCSBT members have been participating in a generalised global response to fish responsibly including jettisoning material that is damaging to the environment. However, formal compliance with the terms of Conservation Measure 25-01 would require a decision by the CCSBT. I will therefore place the issue before the CCSBT at the Special Meeting in July 2006 as part of the appropriate agenda item.

- (c) The CCSBT has put in place measures to mitigate the effects of fishing for southern bluefin tuna on associated seabirds. Use of tori poles was mandated in 1999 for any fishing below 30° south. A copy of the guidelines for implementing this decision are attached.

The CCSBT has also instituted a publicity campaign to educate fishers on seabird mitigation measures. This material has been circulated to all vessels fishing for southern bluefin tuna and has been produced in four languages. A copy of the text of the English version of this material is also attached.

These arrangements do not duplicate the CCAMLR provisions, which are far more elaborate. However, in the context of the very low level of fishing effort, they are targeting the same mitigation effect. Would it be possible for CCAMLR to accept that the CCSBT's arrangements are sufficient?

- (d) Currently, in terms of catch reporting the CCSBT only requires monthly catch reports by Members and Cooperating Non-members. Monthly catch reports are not stratified by area and the system would have to be modified if fishing in the CCAMLR Convention Area was to be identified.

Comprehensive data on by-catch and incidental mortality of seabirds is not maintained by the CCSBT Secretariat.

To respond to CCAMLR in the form required for fishing in the CCAMLR Convention Area, would require a decision by the CCSBT. I will include the issue in the material to be prepared for the agenda item for the Special Meeting in July 2006.

- (e) The CCSBT does not have any provisions relating to systems of inspection. Compliance with this CCAMLR requirement will also need to be considered by the CCSBT.
- (iv) If the CCSBT were to agree to implement the measures outlined in (iii) above, the CCSBT Secretariat could be the vehicle for the provision of that information.

Your letter raised two other matters, which have not been addressed in the comments outlined above – observer coverage and IUU fishing.

As regards observer coverage, the CCSBT has asked the CCSBT Secretariat to prepare a discussion paper on the establishment of an International Observer Program. This will be considered by the CCSBT at its next Annual Meeting in October 2006.

The CCSBT has instituted a number of measures to prevent IUU fishing of southern bluefin tuna:

- Agreement to an Action Plan which is aimed at identifying unauthorised catch and provides for trade restrictive action to be taken against identified countries.
- Implementation of a trade documentation scheme which requires all exports of southern bluefin tuna to be accompanied by a CCSBT trade document
- The maintenance of a list of vessels authorised to fish for southern bluefin tuna, which provides only for listing by Members and Cooperating Non-members. CCSBT trade documents are invalid if the fish have not been caught by a vessel on the CCSBT approved list. Fish caught by vessels not on the list are deemed by the CCSBT to have been caught illegally and Members and Cooperating Non-members are not permitted to import the product.

At the CCSBT's last Annual Meeting in October 2005 the CCSBT discussed reports of anomalies in Japanese market data and Australian tuna farming operations, which may suggest some unreported fishing. Reviews have been initiated to assemble and analyse all available information and the outcome of these reviews will be discussed at the CCSBT Special Meeting in July 2006.

In all of these circumstances I suggest we wait until after the CCSBT Special Meeting before initiating any further work on an agreement between CCAMLR and CCSBT. At this time I will have the CCSBT's considered view on the issues CCAMLR has raised.

Yours Sincerely

A handwritten signature in blue ink that reads "Brian Macdonald". The signature is written in a cursive style.

Brian Macdonald
Executive Secretary