

**ERSWG Chair's Report on the Joint Meeting of Tuna RFMOS on  
the Implementation of the Ecosystem Approach to Fisheries  
Management**

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Alexander Morison

Chair, Ecologically Related Species Working Group

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## Summary

I attended, as the representative for the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Joint Meeting of Tuna RFMOs (t-RFMOs) on the Implementation of the Ecosystem Approach to Fisheries Management, held at the FAO Headquarters in Rome, 12-14 December 2017. The report of this meeting, including its objectives, participants, presentations by each t-RFMO, and conclusions are provided separately.

This report to CCSBT contains my personal perspective on the meeting, the key messages I took from it, and some implications for CCSBT and especially for the future work of the Ecologically Related Species Working Group (ERSWG), which I have chaired since March 2012. In particular, it reflects on the different nature of CCSBT compared to other t-RFMOs, which have specific areas of competence that are specified in their Conventions, and how this has affected internal and external views about the Commission's role in managing the broader impacts of fishing for SBT, which was the subject of the Rome meeting.

The meeting reaffirmed for me that a key issue that still needs resolution is the extent to which CCSBT should adopt its own binding conservation measures to reduce impacts on ecologically related species. CCSBT has not yet adopted any such measures and has been subject to both internal and external criticism for not doing so. Some of this criticism, however, is based on misunderstandings of the obligations already in place for CCSBT members based on their membership of other t-RFMOs, in whose waters they fish when catching SBT. Nevertheless, there are good reasons why, for some ERS at least, it may be appropriate and beneficial for CCSBT to develop its own binding conservation measures. It would be helpful for the ERSWG to consider all species that are caught with SBT and decide which are its responsibility to assess and manage and which are more appropriately within the jurisdiction of another t-RFMO. This could provide a focus for its future workplan, as well as help it avoid inappropriate expectations and criticism for a lack of action by CCSBT.

## Outcomes of the Joint Meeting on EAFM

Readers should consult the meeting report for a formal record of the meeting. The following are my personal views about the meeting. Overall it was a useful forum for providing an overview of approaches and progress in the different t-RFMOs, for meeting representatives from the other t-RFMOs who are dealing with similar issues and for putting CCSBT's position in perspective.

The following are the key messages that I took from this meeting:

1. The meeting itself and the progress reported by other t-RFMOs indicates that there is an increasing commitment and progress towards fully implementing EAFM.
2. CCSBT would need to continue to engage with this process if it aims to harmonise approaches to management of tuna resources.
3. The CCSBT must decide how it can best contribute to EAFM but factors to be considered include
  - (i) the spatial overlap of fishing for SBT with other t-RFMOs,
  - (ii) the relatively small range of species reported to CCSBT compared to other t-RFMOs, and
  - (iii) the relatively large potential impact on some ERS, such as seabirds, from fishing for SBT.
4. Options include, a fully independent EAFM analysis of the CCSBT fishery, or supporting other t-RFMO's EAFM activities, including, where appropriate, by providing results of assessments undertaken by CCSBT (e.g. potentially of seabirds).
5. There is a toolbox of support material available through FAO website that would assist in progressing EAFM analyses by CCSBT.
6. Undertaking an EAFM "assessment" will not involve a substantial amount of additional work and initially requires a compilation and evaluation of existing data.
7. Such an assessment is especially initially mainly a management planning exercise, including the identification of explicit objectives, so it must be initiated at a Commission level and cannot be delegated for completion by the ERSWG or ESC. It will, however, be informed by data and will be an iterative process among the different groups (Commission, ERSWG, ESC).
8. There are plans for a second EAFM workshop (proposing same dates in 2017) to further progress this matter, but this is likely to involve different participants (Commission chair or other key person, with invites to members).

## CCSBT's progress on EAFM

As outlined in the background information on CCSBT presented to this workshop (in the Appendix) its Convention text makes no references to an ecosystem approach to fisheries management although the Strategic Plan does include proposed actions to revise the Convention text and Management Procedure to consider this.

Some other t-RFMOs have already made more progress towards an explicit consideration of EAFM than CCSBT. Furthermore CCSBT has been subject to criticism in some reviews, including in a new paper presented at the Rome meeting and co-authored by Dr Juan-Jordá et al. Some of this criticism reflects the additional work that CCSBT has acknowledged it needs to do; some, however, is based on a misunderstanding of the CCSBT's mandate and its difference to other t-RFMOs. For example,

there seems to be an expectation that CCSBT should have developed measures to address bycatch of species such as swordfish, despite there being little evidence that it is a bycatch of fishing for SBT.

### **CCSBT's mandate compared to other t-RFMOs**

CCSBT does not have a Convention Area. The CCSBT's mandate is defined as the activity of fishing for SBT and not by any specific area. Furthermore, all members of CCSBT are also members of the other t-RFMOs in whose waters they fish (with the single exception of the Fishing Entity of Taiwan in the IOTC). This has implications for how its progress on EAFM should be assessed.

Firstly, the overlap between CCSBT and other t-RFMOs means that the conservation and management measures that are effectively in place in any particular area are either those of CCSBT or those of the relevant area-based t-RFMO. CCSBT does not need have its own binding measures in place for there to be binding measures on vessels fishing for SBT (with the one exception mentioned above). Furthermore, a lack of a measure from CCSBT does not necessarily mean that there is a gap in governance.

A number of previous evaluations of CCSBT's performance against make assumptions about its mandate that are not supported by the Convention text or any other documents. Responsibilities have been allocated to different t-RFMOs and it is only fair to make a judgement against those allocated responsibilities. CCSBT has responsibility for the impacts of fishing for SBT; other t-RFMOs have responsibilities for fishing for other tunas and billfish with their specific Convention areas. A challenge that still remains is for CCSBT to better demarcate the limits to its responsibilities, and especially to provide evidence about the nature of fishing for SBT and the impacts that are specific to this type of fishing. Any such impacts are most appropriately addressed by CCSBT; impacts of other fishing are best left to the overlapping t-RFMO to address.

## **Issues for CCSBT and the ERSWG to consider**

The following are what I see as some potential implications for CCSCT and the ERSWG to consider, given the material that was presented and discussed at the Rome meeting.

### **What is extent of CCSBT's responsibility for bycatch mitigation?**

At the Rome meeting Dr Juan-Jordá presented a draft of a paper that reviewed the performance of t-RFMOs against a common set of criteria on their progress in implementing the ecological component of EBFM. This review, CCSBT's performance review (Garcia and Koehler 2014) and others (e.g. Gilman 2011, Gilman et al. 2012, 2013) have raised a number of concerns about what they considered to be a the failure of CCSBT to implement appropriate management measures for various types of bycatch. Two particular areas of concern that have been raised and are described below to indicate that there is a need for additional data on fishing for SBT and also that, for some ERS, CCSBT does need to take steps to improve its management of impacts.

#### *Billfish*

Readers of reviews of CCSBT's performance would be forgiven for considering that there is a problem with the bycatch of billfish in the SBT fishery. It is informative to track back through these reports to identify the source of this concern.

Cited by Dr Juan- Jordá :” CCSBT has not assessed any billfish, shark, or other finfish species” “No management measures have been adopted or are under discussion by CCSBT or its Scientific Committee to minimize the impacts of fisheries on billfishes”. The paper cites Garcia and Koehler (2014).

Garcia and Koehler (2014): “The comprehensive analysis by Gilman et al. (2012) have assessed CCSBT’s overall performance in that regard at 24%, of the performance of the best t-RFMO for that criteria (CCAMLR) indicating room for improvement. The main problem seems to be with the pelagic longline SBT fishery and its incidental catch of seabirds (primarily albatrosses and large petrels), sharks, sea turtles, and small swordfish.”

Gilman et al. (2012): “In summary, potential problematic bycatch/discards in CCSBT-managed fisheries, identified via studies other than ecological risk assessments, are seabirds, sea turtles, sharks, and small swordfish in pelagic longline southern bluefin fisheries (CCSBT, 2008a; Gilman, 2011).”

Gilman 2011: “Best practice measures to mitigate longline bycatch of small swordfish should be considered.” The author provides no explanation as to why these measures should be considered for the SBT fishery.

CCSBT (2008) Contains a single reference to billfish: “Indonesia also claims that SBT are by-catch in a much more substantial fishery targeted at tropical tunas and billfish”.

So the ongoing concern over CCSBT’s lack of action on billfish seems to have originated either from a statement that fisheries that target such species may catch SBT as a bycatch or from a more general concern derived from bycatch in longline fisheries that target other tuna species. The currently agreed data exchange for the ERSWG does not required data on billfish bycatch, so there are no data available on the level of billfish bycatch that arises from fishing for SBT and the legitimacy of the calls for additional conservation measures cannot be confirmed or refuted. This lack of publicly available data is reflected in the concerns raised by Garcia and Koehler (2014) but has yet to be addressed by CCSBT.

### *Seabirds*

Unlike the situation for billfish, for seabirds the ERSWG has taken a number of steps that reflect an agreement about the importance of the issue of seabird bycatch from fishing for SBT. It has

- Required that catches of seabirds be reported to the ERSWG under the agreed Data Exchange
- Provided specific recommendations about best-practice mitigation measures and the urgent requirement for more effective mitigation measures to be implemented by SBT fishers
- Held an additional technical meeting on the effectiveness of seabird mitigation measures
- Approached other t-RFMOs with the offer of taking leadership on seabird bycatch (with mixed responses).

Apart from a requirement to use tori poles in all long-line SBT fisheries below 30 degrees south, CCSBT has not adopted any binding measures for seabirds, however, relying instead on the measures that the other area-based t-RFMOs have put in place. As noted above, these measures are

also binding on CCSBT members because of their membership of the other t-RFMOs, with the exception of the Fishing Entity of Taiwan described above. Nevertheless, the activities and advice of the ERSWG may lead to no change to fishing practices, and hence produce no reduction in seabird mortality, if the advice does not lead to measures that are mandatory for CCSBT members .

### ***The need for demarcation of responsibilities with area-based t-RFMOs***

The two issues discussed above, highlight the issue of what exactly is the SBT fishery and what are the proper boundaries of concern for CCSBT and its ERSWG. The definition of the SBT fishing used in the ERSWG's data exchange is "all fishing effort by authorised vessels where SBT is targeted or caught". This definition is broad and includes fishing effort that is directed at catching SBT and fishing effort for which SBT may be only an irregular bycatch. It should allow the identification of all species which are taken during fishing for SBT. Annual reports provided to the ERSWG are expected to include details of catches of all species (seabirds, finfish, mammals and reptiles) and allow the ERSWG to make assessments as to which species should receive attention. To date, however, reports have usually included data on a small suite of species (seabirds, turtles and some sharks). It is not clear if this reflects the actual extent of catches or whether this is a selected subset of the bycatch.

Once the ERSWG has confidence that it has data on the catches of all species caught by SBT fishing (as defined in the Data Exchange) it should review its priorities for action by explicitly considering which species belong in its domain and which are better addressed by the relevant area-based t-RFMO, and which might require joint action. Relative catch levels in the two would be relevant to this decision as would whether the catch is taken from fishing directed at SBT or other species.

For example, if the catch of billfish arises mainly from fishing that targets tropical tunas it is these fleets, and the t-RFMOs that manage them, that bear the responsibility for addressing these impacts. It should not be considered to be part of CCSBT's responsibility to assess the status of such species or to implement suitable conservation and management measures.

Following the same logic, however, if fishing for SBT comprises the main source of mortality of a species or group, then CCSBT should take the responsibility for assessing risks and formulating appropriate management measures. It is clear that SBT fisheries (and the longline fishery in particular) overlap substantially with the distribution of seabirds and are responsible for a much larger proportion of the total mortality than fisheries for tropical tunas. CCSBT should therefore accept the responsibility for ensuring that binding measures for seabirds are effective across their range. Accepting responsibility for addressing such impacts on seabirds is the trade-off that could allow other responsibilities to be correctly and explicitly assigned elsewhere.

A process should be followed for all species caught by SBT fishing using agreed criteria to determine the most appropriate agency for each, or whether measure might need to be developed jointly. Developing and defining an explicit description of CCSBT's responsibilities for ERS would provide a focus for its future workplan, as well as help it avoid inappropriate expectations and criticism for a lack of action.

## References

CCSBT (2008). Part One. Self Assessment. Report of the Performance Review Working Group. Deakin West, Australia.

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Gilman, E.; Passfield, K. and K. Nakamura, K. (2012). Performance assessment of bycatch and discards governance by Regional Fisheries Management Organizations. Gland, Switzerland. IUCN CEM Lenfest Program: ix+484 p.+ CD-ROM.

Gilman E.; Passfield, K. and Nakamura K. (2013). Performance of regional fisheries management organizations: ecosystem-based governance of bycatch and discards. Blackwell, Fish and fisheries. DOI: 10.1111/faf.12021.



## Appendix: Responses to Questions provided to EAFM workshop.

The following are questions posed by the workshop organisers, and the responses for CCSBT which I drafted in consultation with the CCSBT Executive Secretary.

### Agenda Item 2. Review of RFMO EBFM experiences – CCSBT Responses.

#### ***What is the understanding of the EAFM in your organization?***

There is no explicit recognition of the EAFM in the CCSBT convention, which has only one objective: “The objective of this Convention is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna.”

There is, however, reference to “ecologically related species” (ERS) which are defined as “living marine species which are associated with southern bluefin tuna, including but not restricted to both predators and prey of southern bluefin tuna”.

No specific objectives are given which the Commission must achieve for ERS, but under Article 5 members are required to

- Provide fishing catch and effort statistics and other data relevant to the conservation of southern bluefin tuna and, as appropriate, ERS
- Cooperate in the collection and exchange of data and samples relevant for scientific research on ERS

Article 8 states that the commission shall

- Collect and accumulate scientific information, statistical data and other information relating to ERS

Article 9 states that the CCSBT’s Scientific Committee shall

- report to the Commission its findings or conclusions, including consensus, majority and minority views, where appropriate, on the status of ERS.

An Ecologically Related Species Working Group (ERSWG) was formed in 1995 to provide advice to the Commission, with Terms of Reference that require it

- To provide information and advice on issues relating to ERS
- To monitor trends and review existing information and relevant research on ERS
- To provide recommendations on data collection programs and research projects
- To provide advice on measures to minimise fishery effects on ERS
- To provide advice on other measures which may enhance the conservation and management of ERS
- To co-operate and liaise with relevant experts, scientists (from Convention parties and elsewhere) and inter-governmental and non-governmental organisations, in data collection and analysis on ERS.

It should be noted that the CCSBT Convention was adopted in 1994, and as such it predates some more recent international agreements that set modern principles and/or standards for fisheries management, including the United Nations Fish Stocks Agreement (UNFSA).

More recently the Strategic Plan (see below) of the Extended Commission (the Commission plus Fishing Entities and Regional Economic Integration Organisations) has recognised that there is an opportunity to incorporate modern principles and/or standards of fisheries management (e.g. precautionary approach, ecosystem-based management).

***Has it been explicitly embraced by the organization?***

As noted above, there is no explicit reference to EBFM in the CCSBT Convention.

Nevertheless, a resolution was passed in 2011 containing a “Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna”. The Resolution included the direction that

“The Extended Commission and/or its subsidiary bodies as appropriate will undertake an assessment of the risks to ecologically related species posed by fishing for southern bluefin tuna. The Extended Commission will consider how these risks are mitigated by the adoption of measures described at section 2 [those of the IOTC, the WCPFC and the ICCAT], and will consider whether any additional measures to mitigate risk are required.”

The intent of the resolution was confirmed in 2016, by the Extended Commission which “directed the ERSWG, at its 2017 meeting, to specifically examine seabird bycatch mitigation measures currently in place in the ‘spatially-based’ RFMOs and the best available information on the distribution and population status of seabirds and provide advice to ESC22 and EC24 on whether these mitigation measures should be strengthened, and if they should be strengthened, how they should be strengthened.”

The Goals and Strategies identified in the CCSBT Strategic Plan are explicit recognition of the need to address the ecosystem approach to fisheries.

CCSBT has also been an active participant in the Kobe process including meetings specifically directed at addressing ecosystem impacts through the Technical Bycatch Working Group.

***Who is responsible for developing an implementation plan for the EBFM approach?***

The Extended Commission is responsible for the development of such plans.

The ERSWG is the group within CCSBT with the mandate to consider and provide advice on the broader impacts of fishing for SBT.

The Strategic Plan approved by the Extended Commission includes the following relevant items.

		Priority	Short term		Medium term		Long term
			2016	2017	2018	2019	2020++
7.3(i)	Review Convention text (if Member/s propose such negotiations) and, where appropriate, incorporate modern fisheries management principles and/or standards through decisions of the Commission e.g. in reviewing Management Procedure; measures to manage ERS (noting the latter option may be more efficient)	Medium			•	•	
	<ul style="list-style-type: none"> <li>Review parameters for the Management Procedure that ensure the precautionary approach is applied and that <b>ecosystem</b>-based management is incorporated as appropriate</li> <li>Task the SC with incorporating modern fisheries management principles and/or standards that have not yet been included in its work</li> <li>Review decisions of the Commission to ensure modern fisheries management principles and standards are incorporated</li> </ul>			• <sup>6</sup>			
					•	•	
							• <sup>7</sup>
7.3(ii)	Formalise the ongoing role of the Strategy and Fisheries Management Working Group (SFMWG), including to ensure modern fisheries management standards are incorporated into the Commission's decision making. <ul style="list-style-type: none"> <li>Clearly define the on-going role of the SFMWG, its name, terms of reference and its chairing arrangements as part of the review at 7.1(vii)</li> <li>Include provision in the terms of reference for the SFMWG for incorporating modern fisheries management standards into its advice to the Commission</li> </ul>	Medium			•	•	

<sup>6</sup> The "Medium" priority suggests that this should be conducted in 2018-2019. However, it would be best to review the parameters of the MP as part of the review of the MP scheduled for 2017. Other parts of this work (e.g. **ecosystem**-based management) might be better scheduled for the next review of the MP (6 years later).

<sup>7</sup> A review of the CCSBT's decisions in relation to modern fisheries management standards and principles was conducted as part of the 2014 Performance Review of the CCSBT. It would be sensible and efficient to conduct the next review of decisions as part of the next performance review of the CCSBT.

### ***Has a subcommittee been tasked with the responsibility?***

The Extended Scientific Committee and the ERSWG have responsibilities for relevant strategies. No subcommittee has been given the task of developing an overall EBFM framework.

### ***In what way does your strategic plan support the implementation of EBFM?***

See above

### ***Describe the role that scientists, managers, the Commission and other stakeholders play in developing the EBFM approach?***

Scientists on the ERSWG have a role to provide advice on EBFM consistent with the Terms of Reference given above.

The Extended Commission is the ultimate decision-making body responsible for resolutions that may contain recommendations or measures that are binding on members.

### ***What are the dimensions of the framework, their components and required steps for implementation?***

See the extract of the Strategic Plan above.

### ***Have management objectives been defined with respect to the components of your framework?***

Goals and Strategies have been identified but no specific management objectives have been defined.

### ***What steps have you taken to operationalize your conceptual management objectives?***

As noted above, management objectives have not been defined so no steps can yet be taken.

### ***How will the EBFM framework be used within your organization?***

Any proposed framework would be considered by the ERSWG and could form the basis of recommendations to the EC, through the Extended Scientific Committee.

***What are the impediments to developing and implementing the framework?***

It is too early to say what impediments might be encountered within the CCSBT in developing and implementing any EBFM framework.

Historically, there has been a lack of consensus among members as to the role of CCSBT in addressing issues beyond those stated in its single objective to “ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna”.

There is now acceptance, however, that is articulated in the Strategic Plan, of the need for more modern fisheries management standards to be incorporated into the EC’s decision making.