



Developing a Common Definition of Attributable Catch

Compliance and Implementation Issues

Paper presented to the 9th Meeting of the Compliance Committee
(CC9)

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1 Introduction

This paper was prepared in support of the overall objective agreed by the Extended Commission (EC) at CCSBT20, to develop a common definition of attributable catch (refer section 9.1 of the meeting report of CCSBT20). The paper seeks to identify any potential compliance and implementation issues that may arise as part of this shift to a common definition.

2 Background

Each Member and Co-operating Non-Member (CNM) of the Extended Commission has an obligation to take the necessary steps to ensure that its level of catch complies with its national allocation.¹ These obligations support the common vision that southern bluefin tuna stocks are managed at a biomass level that supports the maximum sustainable yield, and the risks of fishing for SBT are mitigated.²

Recognising uncertainties around all sources of unaccounted catch mortality, the EC agreed to develop a common definition of the “Attributable SBT Catch” for all Members and CNMs that would include all sources of mortality. As a first step the EC asked the CC to develop by 2014 a common definition of the “Attributable SBT Catch” taking into account the importance of including all sources of mortality, and for Members to consider and commit to a timetable for its implementation commencing in 2015 with annual reporting to the EC.³

During the third meeting of the Compliance Committee Working Group (CCWG3) held in Yeosu, Korea, it was agreed that New Zealand would develop a paper focused on compliance and implementation issues associated with adopting a definition of the Attributable SBT Catch based on all sources of mortalities⁴ for consideration at the 9th meeting of the Compliance Committee (CC9).

Previously agreed resolutions have defined all sources of mortality as follows:

“all sources of mortality” shall be understood to include, but not be limited to, discards and recreational fishing, including the fate –live and vigorous; moribund; dead – of these sources of southern bluefin tuna⁵

Last year’s Commission report provided further guidance by stating that the sources of mortality should include:

- Unreported or uncertainty in retained catch by Members, for example:
 - surface fisheries,
 - artisanal catch,
 - non-compliance with existing measures (e.g. catch over-run);
- Mortality from releases and/or discards;

¹ Resolution on the Total Allowable Catch and Future Management of Southern Bluefin Tuna (adopted at the Sixteenth Annual Meeting – 20-23 October 2009)

² Strategic Plan for the Commission for the Conservation of Southern Bluefin Tuna – August 2011

³ Report of the Twentieth Annual Meeting of the Commission - 14-17 October 2013

⁴ Report of the Third Meeting of the Compliance Committee Working Group - 7-11 April 2014

⁵ Resolution on Reporting all Sources of Mortality of Southern Bluefin Tuna (Adopted at the Nineteenth Annual Meeting – 1-4 October 2012)

- Recreational fisheries;
- Catches by non-Members;
- Research Mortality Allowance; and
- Any other sources of mortality that the ESC is able to provide advice on (including depredation).

3 Potential Issues

3.1 UNREPORTED OR UNCERTAINTY IN RETAINED CATCH BY MEMBERS

As part of their obligations to ensure that the level of catch complies with their national allocation, members must have robust systems in place that will limit the potential for unreported catch of southern bluefin tuna. However, no system can entirely eliminate all sources of offending or misreporting and members must therefore account for this additional level of mortality as part of their national allocation.

By its very nature, illegal catch is extremely difficult to quantify and members will likely have to rely on estimates based on recent investigations or intelligence gathering. Members should apportion part of their allocation to cover this unavoidable level of undeclared mortality and maintain effective monitoring systems in place to ensure that the level of offending does not surpass that which has been set as part of the allocation.

In some cases, however, the misreporting or uncertainty will be the result of a systemic problem in the fishery and may be more readily quantifiable using existing sources of information. Systemic overcatch should not be considered as an additional source of mortality but is in fact non-compliance with existing obligations and should be dealt with using the guidelines for corrective actions.⁶

For developing member states, there may be capacity based constraints which have led to unreported or uncertainty in catch. These issues will need to be addressed as part of any attempt to manage the level of mortality involved.

3.2 MORTALITY FROM RELEASES AND/OR DISCARDS

Uncertainty surrounding the level of mortality from releases and/or discards comes from a number of sources and therefore creates some unique implementation and compliance issues. Some of the uncertainty can be attributed to a lack of information on the survival rate associated with releases in particular fisheries. Incorporating these mortalities within a common definition of attributable catch will require all members to apply the best available information when developing a credible estimate of mortality. We note the considerable amount of work already undertaken by members in this area.⁷ Other existing information sources include observer information and fisher reporting. Using this information, members and CNMs can estimate a level of discard related mortality which can then be monitored against a defined limit. The variability of this type of mortality requires members and CNMs to set a conservative allowance in order to avoid exceeding their overall allocation.

⁶ Corrective Actions Policy, Compliance Policy Guideline 3.

⁷ For example, Itoh, Tomoyuki, Suzuki and Sakai, *Mortality estimation for southern bluefin tuna released and discarded from Japanese longline fisheries*, CCSBT-ESC/1409/BGD 03, and Patterson, H. and Hansen, S. *Post-release survival in tuna and tuna-like species in longline fisheries*, CCSBT-ESC/1409/14

Incorporating release or discard mortality within attributable catch may also create potential behavioural changes that may impact on compliance with existing reporting obligations. This may in turn require improved monitoring and surveillance to ensure compliance with reporting obligations and maintain confidence in the data.

3.3 RECREATIONAL FISHERIES

One of the difficulties associated with the incorporation of recreational catch within a common definition of attributable catch is the lack of information surrounding the activities of this sector. Recreational fishers are typically not as well monitored as their commercial counterparts making accurate estimates of removals more difficult. However, a large body of research is available to draw on in this field and quite sophisticated techniques are available for estimating recreational catches (as well as the uncertainties associated with such catches).

As with other sources of mortality, members are best to allot a conservative amount to recreational catch and monitor available information to ensure that recreational extraction does not exceed this allocation.

As an example, New Zealand has always set an allowance for recreational catch that is much higher than the reported catch in recognition of the fact that these catch levels may not reflect the full extent of the recreational catch. This also reflects the variation from year to year since recreational catch is also more likely to be influenced by environmental factors.

3.4 CATCHES BY NON-MEMBERS

The potential catch by Non-Cooperating Non-Members (NCNMs) has become a growing area of concern for the CCSBT with members making coordinated efforts to engage key players in the global tuna fishery. Estimating the size of this catch is difficult since much of the information required is not held by CCSBT or its members. Sources of data on NCNM catches include global catch statistics, market investigations, and monitoring, control, and surveillance activities. Close liaison with other RFMOs and with NCNMs, including through bilateral and multilateral engagement, is also likely to be important. Some work in this area is already taking place as part of the sensitivity analysis requested of the ESC.⁸ It should be noted that catch from CNMs is assumed to be fully reported to the secretariat and this item primarily concerns catch from NCNMs.

Catch from NCNMs differs from the other sources discussed earlier in this paper in that the mortality cannot be assigned to parties who have immediate obligations to the CCSBT.⁹ The question of how non-member catch should be incorporated into the common definition of attributable catch and therefore the global TAC as set by CCSBT can be addressed in a number of ways. The simplest option may be to use a similar approach as to that recently taken for the research mortality allowance whereby the mortality is taken from the TAC recommended by the MP. Making an allocation for NCNMs catch as part of the global TAC should make it easier to accommodate the introduction of new members in the future since their allocation would theoretically be removed from this total and would not necessarily result in a reduction to existing members' allocations.

Accurate reporting by NCNMs may also be an issue since southern bluefin tuna carries more stringent requirements (i.e. catch documentation scheme) than other tuna species. Operators from NCNM countries may be more likely to report southern bluefin as a similar tuna species

⁸ J. Larcombe, *Fleet overlap in the IOTC area*, CCSBT-ESC/1409/13

⁹ Although signatories to UNCLOS have a broad duty to cooperate in the management of living resources on the High Seas (Article 118), that duty is not as explicit as the obligations placed on members and CNMs under the Resolution on the Total Allowable Catch and Future Management of Southern Bluefin Tuna.

as a means of circumventing these requirements. This situation adds uncertainty when trying to estimate catch based on data that may be subject to underreporting. It is therefore critical that the Extended Commission identify key markets for SBT beyond those of members and CNMs and seek the cooperation of those market states. It should be noted that incorporating this source of mortality into a common definition of attributable catch within CCSBT is unlikely to influence this type of misreporting.

3.5 RESEARCH MORTALITY ALLOWANCE

As part of the process to account for all mortalities in the southern bluefin tuna fishery, a decision to include research mortality allowances within the TAC from 2015 was made at CCSBT20. There are no implementation or compliance issues associated with this decision.

3.6 ANY OTHER SOURCES OF MORTALITY

The ESC has not provided any advice on other sources of mortality which need to be considered as part of this initial analysis.

4 Conclusion

The CCSBT and its members should be commended for their willingness to take this significant step forward as an Extended Commission and agree to institute a common definition of attributable catch that takes into account all sources of mortality. As shown in this paper, there are various issues that must be considered in making this important change; however, most of these can be dealt with using simple management tools and techniques. We hope that this paper will better inform the discussions that are planned as part of the Compliance Committee as we develop an implementation timetable for 2015.