

Commission for the Conservation of  
Southern Bluefin Tuna



みなまぐろ保存委員会

# **Report of the Performance Review Working Group**

**3 - 4 July 2008  
Canberra, Australia**

## **Report of Performance Review Workshop**

**3-4 July 2008**

**Canberra, Australia**

### **Opening of meeting**

Mr Brian Macdonald declared the meeting open and welcomed all participants.

The list of participants is at **Attachment 1**.

### **Review of the Second Draft of the Performance Review Working Group Report**

The working group agreed to the final text at **Attachment 2** subject to any final comments on facts from Korea, Taiwan and Indonesia.

The members agreed that selection of an independent assessor be referred to the Special Meeting of the Commission to be held on 6 July 2008.

### **Other business**

There was no other business.

### **Closure of meeting**

The meeting was closed at 4:30 pm on 4 July 2008.

## **List of Attachments**

### Attachment

- 1 List of Participants
- 2 Self Assessment: Report of the Performance Review Working Group

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3 – 4 July 2008  
Canberra, Australia**

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**PART ONE**

**Self Assessment**

**Report of the Performance Review  
Working Group**

**July 2008**

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## Abbreviations and Acronyms

CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CC	Compliance Committee
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CITES	Convention on International Trade in Endangered Species
Convention	Convention for the Conservation of Southern Bluefin Tuna
CPUE	Catch per Unit Effort
EC	European Community
ECCSBT	Extended Commission for the Conservation of Southern Bluefin Tuna (includes the fishing entity of Taiwan)
EEZ	Exclusive Economic Zone
EFP	Experimental Fishing Program
ERS	Ecologically Related Species
ERSWG	Ecologically Related Species Working Group
ESC	Extended Scientific Committee
FAC	Finance and Administration Committee
FAO	Food and Agriculture Organisation
FAO-COFI	Food and Agriculture Organisation's Committee on Fisheries
FOC	Flag of Convenience (vessel)
IGO	Inter-Governmental Organisation
Independent chairs	Independent chairs of the SC and the SAG
ITLOS	International Tribunal on the Law of the Sea
IUU	Illegal, Unregulated, Unreported fishing
MP	Management Procedure
NEAFC	North East Atlantic Fisheries Commission
PRWG	Performance Review Working Group
RFMO	Regional Fisheries Management Organisation
SAG	Stock Assessment Group
SBT	Southern Bluefin Tuna
SC	Scientific Committee
SRP	Scientific Research Program
TAC	Total Allowable Catch
TIS	Trade Information Scheme
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	United Nations Fish Stocks Agreement

## 1 Executive summary

The Performance Review Working Group made the following recommendations:

### **Status of living marine resources**

*The CCSBT, its members and cooperating non-members, should:*

- *support best endeavours of the ESC to recreate historical catch and catch per unit of effort series for the fishery but give maximum priority to accurate reporting and validation of future catch and effort.*
- *make the maximum effort to implement the items which have been identified and prioritized by the Extended Scientific Committee in the CCSBTs Scientific Research Program (Attachment 9 of the SC12 Report*
- *determine management objectives and rebuild strategy consistent with UNSFA requirements to guide future scientific assessments*
- *develop and implement a strategy to address the impacts of SBT fisheries including the collection and sharing of data between CCSBT members and Secretariats of other RFMOs.*

### **Data collection and sharing**

*Unproductive effort should not be applied to measures to improve the poor data from the past. The prospects of success appear to be low. Effort must now be focussed on improving data collection and reporting through full and urgent implementation of the conservation and management measures adopted by the CCSBT at its annual meeting in 2006.*

*The CCSBT could improve its data collection and sharing by ensuring that:*

- *all Members and Cooperating Non-Members fulfil the current requirements, which are described Section 4.3.2*
- *clear standards are set of the level of detail and the type of data provided by members, in order to ensure the science process has the information it requires*
- *appropriate data which meets the minimum UNFSA requirements are collected from all Members and Cooperating Non-Members.*
- *Commercial confidentiality should no longer limit the access to data within the CCSBT . Members should make every effort to ensure that domestic constraints on data provision will not undermine the conservation and management efforts by CCSBT.*
- *Members and Cooperating Non-Members fully comply with the confidentiality agreements and provisions within the CCSBT*

## Introduction

*Some RFMOs have adopted a process whereby members provided detailed information to the Secretariat who then does the necessary analysis and provides that information to members in an acceptable format. This might be a process worth discussing further taking into account the cost-effectiveness especially because the CCSBT already has the advisory panel for its scientific process.*

*While ensuring that all data needs are met, harmonisation across 5 tuna RFMOs would help prevent duplication of reporting obligations, and streamline requirements through the use of appropriate data sharing mechanisms. There is an opportunity for the CCSBT to harmonise its data collection and sharing requirements with the other four tuna RFMOs.*

*It is worth noting here that despite the considerable work which the Secretariat and Members currently put into running and maintaining the TIS, it is at present of probably only limited value because the TIS does not incorporate all catches (i.e. domestic landings from commercial vessels and recreational catch). Further, there is not currently a way of independently verifying monthly or annual catch reports of Members and Cooperating Non-Members, although an expanded TIS as is being worked towards could fulfil this purpose. The implementation of a full catch documentation scheme is recommended for urgent implementation.*

### **Quality and provision of scientific advice**

*It is recommended that the current structure of the Extended Scientific Committee, especially, the independent chairs and advisory panel, should be maintained.*

*It is recommended that, in the circumstances the CCSBT now finds itself in, scientific effort should achieve a better balance between SBT and ERS. In light of the requirement to focus on future information with which to assess the stock status of SBT, the number and skill sets of independent experts required in support of the scientific process should be reviewed. Further, the need for a management procedure for the fishery in the short term should be reconsidered in light of the alternative approach of periodic stock assessments using the agreed operating model.*

### **Adoption of conservation and management measures**

*The CCSBT should continue to make conservation and management measures which are consistent with scientific advice from the Extended Scientific Committee.*

*The CCSBT should develop a strategic plan plus a management plan to implement minimum standards for the fishery.*

### **Capacity management**

*No action is recommended in terms of capacity management other than for the Commission to take up with Indonesia the capacity for temporal and spatial closures in the SBT spawning ground.*

### **Compatibility of management measures**

*The CCSBT's arrangements in relation to catch limits and national allocations are compatible between high seas and in areas under national jurisdiction. The CCSBT should continue to ensure that measures are compatible.*

### **Fishing allocations and opportunities**

*The CCSBT's arrangements are satisfactory for the moment and do not need any amendment.*

*Once long term allocations are finalised among members, including the CCSBT 1 MoU, the CCSBT should consider moving to national allocations based on alternative principles, such as proportional allocations, rather than set tonnages.*

### **Flag state measures**

*All members and cooperating non-members should continue to take all necessary actions to ensure compliance with conservation and management measures adopted by the CCSBT.*

### **Port state measures**

*Bearing in mind the need to avoid duplication of effort, the "FAO technical Consultation on Port State Measures" meeting which was held in Rome on 23-27 June 2008, provides the Commission with some guidance on a preferred model when considering implementation of any port state measure.*

### **Monitoring, control and surveillance**

*As the CCSBT does not have its Convention area and SBT migrates into the other tuna RFMOs' areas of jurisdiction, the CCSBT should cooperate with the other tuna RFMOs to optimise harmonisation; improve global effectiveness; and avoid duplication of work.*

*The CCSBT should prioritise the development of MCS in the context of a compliance plan.*

### **Follow up on infringements**

*The CCSBT should, as a minimum, establish agreed rules on the treatment of overcatch (requirement of payback).*

*Ideally, the CCSBT should establish a range of penalties in relation to all conservation measures.*

### **Cooperative mechanisms to detect and deter non-compliance**

## Introduction

*All Members and Cooperating Non-Members should submit their national reports to the CCSBT.*

*The CCSBT allocate sufficient time to the CC and the Extended Commission to allow them to complete both routine and development work each year.*

### **Market related measures**

*The CCSBT should implement a CDS as matter of urgency.*

*Pending implementation of a CDS, all members and cooperating non-members should be required to implement the TIS.*

*The CCSBT should monitor all market and port states and encourage compliance with CCSBT monitoring and trade measures.*

### **Decision making**

*Consensus decision making does mean that some decision making is delayed but the Commission could also consider that some day to day operational decision making could be devolved to the Chair or the Executive Secretary (by unanimous decision of the Commission).*

### **Dispute settlement**

*No recommendation*

### **Transparency**

*The CCSBT and its members should improve openness by better publication of the rules for observers. One possible option would be to put the information about the current arrangements to accept observers on the CCSBT website.*

### **Relationship to cooperating non-members**

*No change is recommended*

### **Relationship to non-cooperating non-members**

*No change is recommended*

### **Cooperation with other RFMOs**

*There are significant opportunities for the CCSBT to work more closely with and to harmonise measures with other RFMOs, especially with the other tuna-RFMOs, and this should be a priority area for the CCSBT.*

### **Special requirements of developing states**

## Introduction

*No change is necessary*

### **Availability of resources for RFMO activities**

*The Secretariat should maintain an efficient and cost effective operation.*

*The CCSBT should consider whether establishing a position at the secretariat to provide policy and management advice would be a useful way of addressing the current gap that exists taking into account cost effectiveness of such post. For example, the CCSBT could request the secretariat to come up with options for a priority management or policy issue for CCSBT to consider rather than relying on members to table papers in an ad hoc manner as currently occurs. This new capacity, coupled with the direction and common vision which would be provided by a CCSBT strategic plan (and a management plan) could greatly improve the functioning and performance of the CCSBT.*

### **Efficiency and cost effectiveness**

*The Secretariat has run efficiently and effectively. This should be continued.*

## 2 Introduction

### 2.1 Background

The international community has called for better performance by Regional Fisheries Management Organisations (RFMOs) in managing high seas fish stocks. One initiative resulting from these calls has been the concept of reviewing the performance of RFMOs. Discussion on performance reviews has occurred at many international meetings including the 2006 United Nations General Assembly, the UN Fish Stocks Agreement Review Conference, the Food and Agriculture Organisation's Committee on Fisheries (FAO/COFI), and the joint tuna RFMOs meeting in Kobe, Japan (the Kobe meeting).

States involved in these discussions committed to initiating performance reviews of the RFMOs of which they are members. One RFMO, the North East Atlantic Fisheries Commission (NEAFC), has already completed a performance review<sup>1</sup> and many other performance reviews are currently underway<sup>2</sup>.

### 2.2 Joint meeting of the five tuna RFMOs, Kobe, Japan (2007)

The discussion at the Kobe meeting<sup>3</sup> focused in detail on how the tuna RFMOs could respond to these commitments.

At that meeting it was agreed that benefits could be obtained from developing a common approach to performance reviews across the five tuna RFMOs, and with that in mind, it was agreed that:

- the five tuna RFMOs should have reviews of their performance conducted in accordance with a common methodology and common set of criteria
- reviews should be conducted by a team of individuals drawn from the RFMO secretariat, members of the RFMO, and outside experts
- the results of the performance review should be presented to the tuna RFMO in question for consideration and possible action. The results should also be made available on the RFMO website

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<sup>1</sup> Completed in November 2006 and available at <http://www.neafc.org/news/docs/performance-review-final-edited.pdf>

<sup>2</sup> Including the Commission for the Conservation of Antarctic Marine Living Resources, Western and Central Pacific Fisheries Commission, and the Indian Ocean Tuna Commission.

<sup>3</sup> The Joint RFMO meeting was held on 22-26 January 2007 and included representatives from the following five major tuna RFMOs: Commission for the Conservation of Southern Bluefin Tuna (CCSBT); Inter-American Tropical Tuna Commission (IATTC); International Commission for the Conservation of Atlantic Tunas (ICCAT); Indian Ocean Tuna Commission (IOTC); and Western and Central Pacific Tuna Commission (WCPFC).

## Introduction

- the performance reviews should commence as soon as practicable following the development of a performance review framework (subsequently completed, refer to discussion below)
- tuna RFMOs should decide on the timing of their first performance review and on follow-up reviews with a view to having them every 3-5 years.

After the Kobe meeting, United States Ambassador David Balton led an informal process that resulted in the development of a common set of criteria for the five tuna RFMOs to consider when undertaking performance reviews—this self assessment of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) uses the criteria developed in that process.

### **2.3 Commission discussions**

The general concept of modernising and improving the functioning of the CCSBT was discussed at the thirteenth meeting of the CCSBT (CCSBT 13) in October 2006 with the meeting report recording that:

*“Members also agreed that there is an immediate need to modernise the CCSBT, with a view to improve its efficiency and effectiveness.*

*Participants at both the UNFSA Review Conference and the Ministerial High Seas Taskforce on IUU Fishing have agreed that performance reviews of RFMOs are required urgently. Further, the upcoming joint meeting of tuna RFMOs to be held in Kobe, Japan, is expected to promote the institutional strengthening of those organisations responsible for managing highly migratory fish stocks.*

*Taking these issues into account, and noting that reviews have now been launched in other RFMOs, Members decided that an intersessional working group together with the Secretariat carry out a full internal review of the CCSBT. Each Member may nominate one person for the working group and the working group and the Secretariat provide a set of recommendations at CCSBT 14 for improving the effectiveness and efficiency of the Commission, consistent with world’s best practice.”*

Partly because the common methodology and criteria for performance review of five tuna RFMOs was agreed in July 2007, little progress was made until CCSBT14 (October 2007), where the CCSBT agreed the terms of reference and the process for a performance review (Attachment A).

### **2.4 Terms of reference**

The terms of reference for the performance review set out the composition of the Performance Review Working Group (PRWG), the process for carrying out the review, timeframes, the qualifications necessary and a timetable for selecting the independent experts, and the criteria against which the performance assessment should be made.

### **2.5 Performance review working group**

The PRWG consists of one participant from each of the ECCSBT’s members, and a participant from the CCSBT Secretariat. Ms Ingrid Jamieson has played the role of coordinator among the PRWG.



## Introduction

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The CCSBTs performance review has two parts:

- Part one—a self assessment of the CCSBT by the PRWG, excluding the independent expert(s)
- Part two—a review by the independent expert(s) of the self assessment report completed in stage one

This report is the result of the self assessment in stage one and will be distributed to the independent expert(s) for their review.

Once part two is complete both the self assessment report and the independent expert(s) report(s) will be prepared for distribution to the CCSBT for its consideration and for publication on the CCSBTs website after CCSBT 15 (October 2008).

### **2.6 Structure of self assessment report**

This self assessment report is broken into sections that correspond directly with the criteria for the performance review found in the terms of reference for the performance review in Attachment A. At the start of each of the five “areas”—conservation and management, compliance and enforcement, decision making and dispute resolution, international cooperation, financial and administrative issues—a timeline is provided of the key events in the CCSBT’s history relating to that area. This self assessment then provides a summary of the history and context relating to the “general criteria” followed by a section describing the current situation and providing information for each of the “detailed criteria”. Finally, the PRWG provides comments on the general criteria and recommendations for future work to improve the CCSBTs performance.

### 3 Context

#### 3.1 Southern Bluefin Tuna

Southern bluefin tuna (SBT) (*Thunnus maccoyii*) are large, fast swimming, pelagic fish found throughout the southern hemisphere, mainly in waters between 30 and 50 degrees south, but only rarely in the eastern Pacific.

The only known breeding area is in the Indian Ocean, south-east of Java, Indonesia. SBT can live for up to forty years, reach a weight of over 200 kilograms, and measure more than two metres in length.

There is some uncertainty about the size and age when on average they become mature. This is the subject of current research by CCSBT members. The available data suggests that it is around 1.5 metres and no younger than eight years. Mature females produce several million or more eggs in a single spawning period.

Breeding takes place from September to April in warm waters south of Java. The juveniles migrate south down the west coast of Australia. During the summer months (December-April), they tend to congregate near the surface in the coastal waters off the southern coast of Australia and spend their winters in deeper, temperate oceanic waters. Fish older than five years are seldom found in near shore surface waters.

As SBT breed in the one area (south of Java) and wherever they are found, they are managed as one breeding stock.

#### 3.2 Fisheries

Southern bluefin tuna are very valuable and their primary market is the Japanese Sashimi market. Because of the high fat content of SBT flesh, premium prices can be obtained in the Japanese market. The total value of the SBT global fishery is estimated to be about \$AUD1 billion.

Except for the catch by Australian fishers, the main method used for catching SBT is longline fishing. This method involves using long lengths of fishing line with many hooks. The SBT caught are mainly frozen at very low temperatures (-60C) and either unloaded at intermediate ports and shipped to markets in Japan or unloaded directly at markets in Japan.

The Australian component of the fishery mainly uses the purse seine method. This is a net that encloses a school of fish. However, rather than landing the fish, the fish are towed to waters near the Australian mainland and placed in floating cages anchored to the ocean floor. The tuna are then fattened for several months and sold direct to Japanese markets as frozen or chilled fish.

### 3.3 The Convention

The Convention for the Conservation of Southern Bluefin Tuna (the Convention) was signed by Australia, New Zealand and Japan in May 1993 and entered into force a year later (Attachment B).

The object of the Convention is to ensure, through appropriate management, the conservation and optimum utilisation of SBT<sup>4</sup>.

An interesting feature of the Convention is that it does not have a geographical area—it applies to SBT<sup>5</sup> in all oceans, including the spawning ground south of Java, Indonesia. Where the CCSBT overlaps with other RFMOs, the CCSBT has had agreements or MOU (Memorandum of Understanding) with these RFMOs which clarify that the CCSBT has primary competence for the management of SBT.

The Convention established the CCSBT and describes how it operates and functions<sup>6</sup>. The functions of the CCSBT include—collecting information, deciding on a total allowable catch (TAC) and its allocation, deciding on additional measures, agreeing an annual budget, and encouraging accession by other states<sup>7</sup>.

The Convention also established the scientific committee (SC)<sup>8</sup> and provided for the establishment of the CCSBT Secretariat<sup>9</sup>.

Dispute resolution provisions are provided in the Convention and details for an arbitral tribunal to be constituted pursuant to the Convention are given in the Annex<sup>10</sup>.

### 3.4 CCSBT

Membership of the CCSBT is only open to States.<sup>11</sup> To facilitate the participation of fishing entities, the CCSBT established the ECCSBT and the ESC in 2001.<sup>12</sup> Fishing entities may be admitted as members of the ECCSBT and the ESC, and the fishing entity of Taiwan was so admitted in 2002. Membership of the ECCSBT and the ESC also includes all parties to the Convention.

The ECCSBT and the ESC perform the same functions as the CCSBT and the SC respectively, with each member having equal voting rights. Decisions of the ECCSBT which are reported to the CCSBT become decisions of the CCSBT unless the CCSBT agrees otherwise.

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<sup>4</sup> Article 3, the Convention

<sup>5</sup> Article 1, the Convention

<sup>6</sup> Article 6, the Convention

<sup>7</sup> Articles 6–8, 11, 13, the Convention

<sup>8</sup> Article 9, the Convention

<sup>9</sup> Article 10, the Convention

<sup>10</sup> Article 16 and the Annex, the Convention

<sup>11</sup> Article 18, the Convention

<sup>12</sup> See the *Resolution to Establish and Extended Commission and an Extended Scientific Committee* (adopted at the Seventh Annual Meeting (18 – 1 April 2001) and revised at the Tenth Annual Meeting (7 – 10 October 2003)).

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Any decision of the Commission that affects the operation of the ECCSBT or the rights, obligation or status of any individual member within the ECCSBT should not be taken without prior due deliberation of that issue by the ECCSBT.

Currently the ECCSBT consists of six members and three cooperating non-members.

### *Members*

Japan  
Australia  
New Zealand  
Republic of Korea  
Fishing entity of Taiwan (member of the ECCSBT only)  
Indonesia

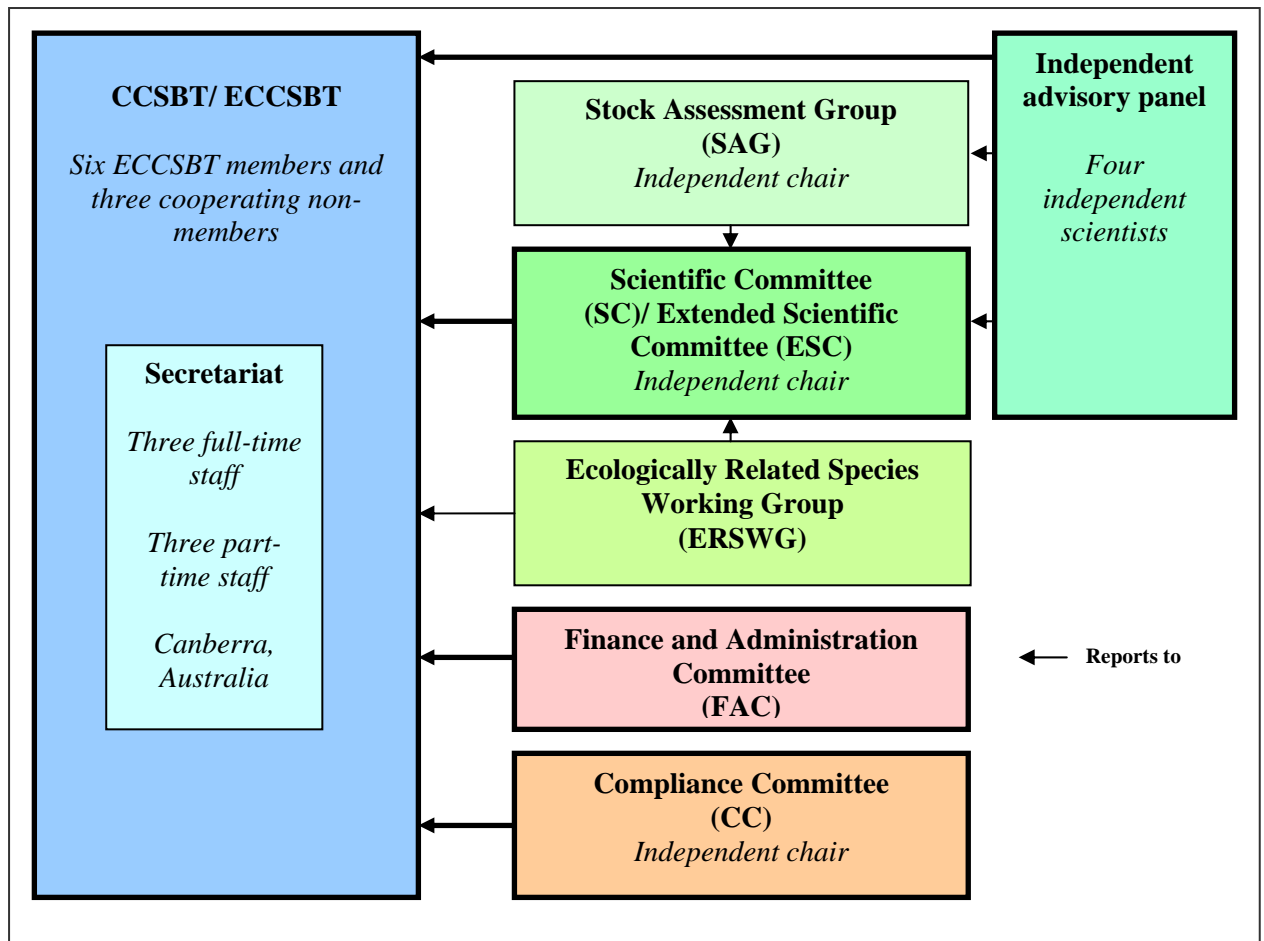
### *Cooperating Non-Members*

Philippines  
South Africa  
European Union

The CCSBT has five subsidiary bodies which provide advice on their areas of expertise—the Scientific Committee (SC)/ Extended Scientific Committee (ESC), Stock Assessment Group (SAG), Ecologically Related Species Working Group (ERSWG), Compliance Committee (CC), and the Finance and Administration Committee (FAC). A panel of independent scientists (the independent advisory panel) also sit in on the SC and SAG meetings and are able to provide advice directly to the CCSBT if required.

The diagram below shows the relationships between the CCSBT, its subsidiary bodies, and the Secretariat.

## Conservation and management



## 4 Conservation and Management

### 4.1 Timeline of key events

**1993**      **Convention signed - May 2003**  
Australia  
Japan  
New Zealand

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**1994**      **First Commission meeting of the CCSBT (23-27 May 1994)**  
**Agreement on quota allocation for the 94-95 fishing year**  
Japan - 6,065 t  
Australia - 5,265t  
New Zealand – 420t

Mechanism agreed for **future adjustments** to national allocations

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**1995**      **First meeting of Scientific Committee**

**Management strategy agreed**  
CCSBT agreed to manage the SBT stock by adjustment of catch levels and discouragement of fishing which increased the catch of small fish

**Terms of Reference for the Ecologically Related Species Working Group (ERSWG) adopted.**

**First meeting of the ERSWG**

**Agreement on quota allocation for the 95-96 fishing year**  
Japan – 6,065 t  
Australia – 5265 t  
New Zealand – 420 t

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**1996**      **Agreement to work on a timetable for an Experimental Fishing Program (EFP) to help address uncertainties in knowledge about the stock status.**

Agreement for CCSBT to develop a **coordinated position regarding proposed listings of SBT in Convention on International Trade in Endangered Species (CITES) Appendix.**

Agreement to a **data collection and exchange program** which gave effect to Article 8 (1) of the Convention.

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Agreement for members to submit **annual reports on fishing activity** in an agreed format.

**Agreement on quota allocation for the 96-97 fishing year**

Japan – 6,065 t

Australia – 5265 t

New Zealand – 420 t

Taiwan voluntarily restricted its annual catch to no higher than 1,447 tonnes (please refer to section 5.4.1 of the report of CCSBT3.)

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**1997**

CCSBT adopted a recommendation from the ERSWG which ‘requires **mandatory use by all Commission parties of Tori poles in all long-line SBT fisheries below 30 degrees south**’ in order to mitigate the effects of SBT fishing on seabirds.<sup>13</sup>

**No agreement on a global TAC for 97-98**

The CCSBT could not agree on a global TAC and national allocations.

Australia and New Zealand agreed to maintain catch at 1996-97 levels

Agreement to conduct **stock assessments on an annual basis** in the context of stock status uncertainty.

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**1998**

**No agreement on a global TAC for 97-98**

The CCSBT could not agree on a global TAC and national allocations and consideration is left over to subsequent meeting.

**No agreement on a global TAC for 97-98**

At its second meeting in 1998, the CCSBT could not agree on a global TAC and national allocations for 97-98.

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**1999**

Adoption of **recommendations concerning the collection of data, and in relation to ERS, ‘Guidelines for Design and Deployment of Tori Lines’**

**No agreement on a global TAC for 99-00**

The CCSBT defers setting a global TAC and national allocations until the EFP dispute is resolved. Australia and New Zealand advise they will limit catch to existing levels.

**Rules agreed for the submission for documents to meetings of the Commission and subsidiary bodies**

**Agreement to establish a Trade Information Scheme** with implementation in June 2000.

Arrangements agreed for the **creation of an independent panel of scientists** to assist with its scientific processes and independent chairs for the scientific committees.

**No agreement on a global TAC for 99-00**

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<sup>13</sup> The decision is documented in the ‘Report of the Fourth Annual Meeting – First Part’ (8-13 September 1997 Canberra, Australia) at agenda item 10.2 p. 8 and Attachment U.

## Conservation and management

At its subsequent meeting in 1999, the CCSBT could not agree on a global TAC and national allocations for 99-00.

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- 2000** Adoption of a recommendation from the independent scientific panel for a **scientific research program**.
- No agreement on global TAC for 00-01**  
The CCSBT could not agree on a global TAC and national allocations for 00-01.
- 
- 2001** Scientific Committee advised that **at current catch levels there was an equal probability of stock decline or improvement**.
- Agreement on a Scientific Research Programme involving**
- a tagging program
  - development of a management procedure
  - stock assessment arrangements.
- No agreement on global TAC for 01-02**  
The CCSBT could not agree on a global TAC and national allocations for 01-02.
- 
- 2002** Scientific Committee advised that there was **no change in the stock status advice** provided in 2001.
- Focus on Indonesian Catch Monitoring**  
It was agreed to hold a workshop into the monitoring of the SBT catch in Indonesia. The CCSBT was concerned to have accurate estimates of the Indonesian catch which targeted the spawning grounds of the fishery.
- No agreement on a global TAC for 02-03**  
The CCSBT could not agree on a global TAC and national allocations for 02-03.
- Data Security Policy accepted**  
The CCSBT accepted recommendations concerning the security of data to be provided to the Secretariat. The purpose was to give confidence to members that confidential data would be protected.
- 
- 2003** Agreement to **implement standards for CCSBT Scientific Observer Program**.
- Scientific Committee advised that there had been **no dramatic change in stock status since 2001 and there was no reason to change the advice** given at that time.
- Agreement on a global TAC 2003-04**  
The CCSBT agreed to a global TAC for members of 14,030 tonnes allocated among members:
- Japan – 6,065 t
  - Australia – 5,265 t
  - Republic of Korea – 1,140 t
  - Taiwan – 1,140 t
  - New Zealand – 420 t
- For non-members the allocations were:



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Indonesia – 800 t  
Others – 100 t

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**2004** Scientific Committee advice that **under current catch levels the probability of further stock decline was greater than in 2001.**

**Agreement on a global TAC 2004-05**

The CCSBT agreed to a global TAC of 14,030 tonnes allocated among members:

Japan – 6,065 t  
Australia – 5,265 t  
Republic of Korea – 1,140 t  
Taiwan – 1,140 t  
New Zealand – 420 t

For non-members the allocations were:

Indonesia – 800 t  
Philippines – 50 t  
South Africa – 30 t

**Further work on the Management Procedure**

The CCSBT instructed the Scientific Committee to complete its work on the management procedure for consideration at CCSBT12.

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**2005** **Scientific Committee reported deterioration in stock status** and advised that at current catch levels there was a 50% chance that stock levels would decline to zero. A reduction in the global TAC of 5,000 tonnes in 2006 or 7,260 tonnes in 2007 would result in a 50% probability of avoiding further decline.

**No agreement on a global TAC 2005-06**

There was no agreement on a global TAC but it was agreed catch limits for members and cooperating non-members would not exceed levels agreed for 2004-05.

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**2006** **Adoption of the management procedure recommended by the Scientific Committee.**

**Agreement to introduce monthly catch reporting** from 1 January 2006.

**Scientific Committee advised that an immediate reduction in catch below current levels was required.**

**CCSBT Compliance Committee formally sat for the first time and updated Terms of Reference at CCSBT13 (Miyazaki, Japan)**

**Agreement on global TAC and national allocations for 2007-09**

As part of interim management measures the CCSBT agreed to a three year global TAC for members and non-members of 11,810 t, which was allocated to as follows:

Member allocations:

Japan – 3,000 t (quota set for five years until at least 2011, pending a review)  
Australia – 5,265 t  
Republic of Korea – 1,140 t  
Taiwan – 1,140 t  
New Zealand – 420 t

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Cooperating non-member allocations:

Indonesia – 750 t

Philippines – 45 t

South Africa – 40 t

European Union – 10 t

Both the Republic of Korea and Taiwan agreed to limit their catch to 1,000 tonnes for the three year period.

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**2007**

**Agreement on global TAC and national allocations for 2008-09**

The CCSBT confirmed the decisions taken in 2006.

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### **4.2 Status of living marine resources**

#### **4.2.1 Background**

Southern bluefin tuna were heavily fished in the past, with annual catch reaching 80,000 tonnes in the early 1960s. Heavy fishing resulted in a significant decline in the numbers of mature fish and the annual catch began to fall rapidly.

By the mid-1980s it was apparent that the SBT stock was at a level where management and conservation was required and there was a need for a mechanism to limit catches.

From 1985 the main nations fishing for SBT at that time, Australia, Japan and New Zealand voluntarily agreed to apply strict quotas to their fishing fleets to enable the rebuilding of the stock.

In 1994 these arrangements were formalised with the signing of the Convention and the establishment of the CCSBT and the SC<sup>14</sup>.

The SC's main role is to assess and analyse the status and trends of the population of SBT and report and make recommendations to the CCSBT.<sup>15</sup>

Two important working groups relate to the SC:

- the Stock Assessment Group (SAG). This was established to carry out technical evaluation functions including reviewing any new information on the SBT stock and updating the stock assessment.
- the Ecologically Related Species Working Group (ERSWG) which was established to provide information and advice on issues relating to species associated with SBT with specific reference to:
  - a) species (both fish and non-fish) which may be affected by SBT fisheries operations
  - b) predator and prey species which may affect the condition of the SBT stock.

The ERSWG reports to the CCSBT through the SC.

Both the SC and the ERSWG met for the first time in 1995 while the SAG first met in 1998. The ESC and the SAG meet once a year and the ERSWG generally meets every two years.

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<sup>14</sup> Articles 6-9, the Convention

<sup>15</sup> Article 9(2), the Convention

## 4.2.2 Current situation

### Status of major fish stocks under the purview of the RFMO in relation to maximum sustainable yield or other relevant biological standards

The major fish stock under the purview of the Convention is SBT.<sup>16</sup>

The current status of the SBT stock was summarised at the last ESC meeting in 2007.

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**SOUTHERN BLUEFIN TUNA SUMMARY**  
(global stock)

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<b>Maximum Sustainable Yield</b>	<b>Not estimated</b>
<b>Current (2005) Catch</b>	<b>Reported to be 15,690t<sup>17</sup>, although review of SBT farming and market data suggests that this may be an underestimate.</b>
<b>Current Replacement Yield</b>	<b>Not estimated</b>
<b>Current Spawner Biomass</b>	<b>112,272 - 166,312 t</b>
<b>Current Depletion</b>	<b>SSB<sub>2006</sub> / SSB<sub>K</sub> : 0.101 - 0.127<sup>1</sup></b>
<b>Current Management Measures</b>	<b>Global TAC for Members and Cooperating Non-Members of 11,060t plus a provision of 750t for Indonesia</b>

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In 2006, the CCSBT considered information that catches over the past 10–20 years may have been substantially under-reported and the implications that had for the historical data record maintained by the CCSBT. This uncertainty in the historical catch and Catch per Unit Effort (CPUE) for SBT has made it difficult to run a full stock assessment.

Instead, the SBT Operating Model was used to evaluate a range of possible past under-reported catch scenarios and to investigate the potential effect of these scenarios on current understanding of the state of the SBT stock. The SC reported that:

The scenarios are consistent with the 2005 SAG report regarding overall stock status and suggest the SBT spawning biomass is at a low fraction of its original biomass and well below the 1980 level as well as below the level that could produce maximum

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<sup>16</sup> Article 3, the Convention, provides that “the objective of this Convention is to ensure through appropriate management, the conservation and optimum utilisation of southern bluefin tuna”.

<sup>17</sup> The 15,690 t amount was the catch reported to CCSBT for 2005 and does not account for possible unreported over-catch. Nor does it report retrospective estimates of IUU fishing. See Attachment 5 of the 2007 Scientific Report for further details (Members only version of the report). This data was first presented in 2006, the last year that a stock assessment was completed. The results of the assessment in 2006 remained unchanged in 2007. The next full stock assessment is in 2009.

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sustainable yield. Rebuilding the spawning stock biomass would almost certainly increase sustainable yield and provide security against unforeseen environmental events. Recruitments in the last decade are estimated to be well below the levels in the period 1950-1980. All scenarios suggest that recruitment in the 1990s fluctuated with no overall trend. Analysis of several independent data sources and scenarios indicate low recruitments in 2000, 2001, and probably also in 2002 and 2003, although the low estimates of 2003 class strength is inconsistent with the Japanese length frequency data from 2006.

In 2006, the CCSBT adopted a TAC for most members for 2007-2009 (2007-2011 in the case of Japan) that was only to be reviewed if exceptional circumstances emerged in relation to the stock. During the three year fixed-TAC period the ESC and the SAG are focussing on reducing uncertainty in the data upon which the SBT stock assessment is based with the intention of conducting a full stock assessment in 2009.

The absolute abundance of the stock, the trends in spawning stock biomass and the trends in recruitment are the critical areas for the status of the stock so currently the SCs efforts are focussed on:

- (i) *CPUE modelling work*—analysing how past CPUE data can be useful, developing wider CPUE indices, and describing changes between the 2006-2007 and 2007-2008 season.
- (ii) *Management procedure*<sup>18</sup>—developing a management procedure that is robust to a range of possible overcatch scenarios.
- (iii) *Fisheries indicators*—reviewing the current fisheries indicators to address any changes in stock status.

The priorities for the CCSBTs Scientific Research Programme (SRP) are examined and agreed at the 12th meeting of Extended Scientific Committee (September 2007)<sup>19</sup>, which is contained in Attachment C of this report.

### **Trends in the status of the major fish stock (SBT)**

Because of uncertainty in the past possible underreported catch levels, it is not possible to determine exact trends in the status of the SBT stock over time.

### **Status of species that belong to the same ecosystems, or are associated with or dependent upon, the major target stock**

Seabirds, sharks, marine mammals and other tuna species are known to interact with both purse seine and longline SBT fisheries.

The ERSWG has not assessed the status of any ERS. Instead, the ERSWG does review documents from Members and/or observers on stock status of ERS. Examples of documents submitted to the ERSWG for consideration include:

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<sup>18</sup> For a description and discussion of the management procedure refer to para 4.4.2 (ii) and (iii).

<sup>19</sup> Paragraph 70- 112 of the ESC12 report.

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- CCSBT-ERS/0707/15: Comparison of CPUE standardization methods for the main pelagic shark species caught in the high sea SBT longline fishery
- CCSBT-ERS/0111/16: Population changes and biology of the Wandering Albatross *Diomedea exulans* at the Auckland Island
- CCSBT-ERS/9806/14: An assessment of the conservation status of albatrosses
- CCSBT-ERS/0111/48: Global status of albatrosses and macronectes and procellaria petrels

### **Trends in the status of those species**

As mentioned above, the ERSWG has not investigated the trends in the status of ERS. Instead, the ERSWG does review documents from Members and/or observers on stock status of ERS.

### **4.2.3 Performance Review Working Group comment and recommendations – status of living marine resources**

Comment:

*Southern bluefin tuna*

The estimates of the depletion of the spawning stock biomass suggest that, in terms of outcomes, the CCSBT has not been successful in managing SBT.

In addition, due to the uncertainty in past underreported catch, the data holdings of the CCSBT are compromised and their utility for scientific stock assessment to inform management decisions is significantly diminished. Nonetheless, the ESC, including independent advisory panel, has sought to provide the Extended Commission with the best scientific advice possible on the status of the SBT.

In this context the CCSBT should resist the temptation to unnecessarily look back at past failures and concentrate on the future. It now has a sound basis for doing so:

- Responses to the unreported catch difficulty should result in a substantial reduction in fishing effort beginning in 2007 from actual historical levels if members do implement their undertakings. The CCSBT must begin the collection of data, in which it can have confidence for stock assessment activity.
- Membership and cooperating non-membership of the CCSBT includes virtually all current fishing effort and should mean that the management actions of the CCSBT are not eroded

The CCSBT should also give serious consideration to whether it wishes in the short term to proceed with the development of a management procedure for the fishery. This will require considerable investment and may not in fact be useful as originally thought in removing the debate from the catch limit setting process. The CCSBT may be better placed to base its decisions making on periodic full assessments of the SBT stock and on establishing a rebuild strategy (see discussion in s 4.5.3)

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In the short term, consideration should be given to strengthening efforts in reviewing the current fisheries indicators used to identify any changes in stock status.. The SC needs to be able to provide `reliable indicators in support of mid/long term rebuilding plans.

### *Ecologically related species*

The CCSBT has not done any work on directly assessing the status of ERS species (although it does review papers provided by Members) and there may be good reasons why it would not (e.g. lack of capacity, other priorities, limited expertise). In order to be performing effectively however, the CCSBT needs to at the very least assess and have ongoing monitoring of the risks and impacts of SBT fisheries on ERS species and adopt an appropriate mitigation strategy to address those risks and impacts (either directly or in conjunction with other RFMOs). This work should be prioritised in the future and the CCSBT should work closely with the other relevant RFMOs to harmonise the rules that apply and to agree any necessary data sharing. A strategy for dealing with ERS issues with a clear objective of improving the environmental performance of the fishery will provide transparency to the actions of the CCSBT and improve international perceptions of its effectiveness.

The number of members in CCSBT is much smaller than those in the other RFMOs (IATTC, IOTC, ICCAT, WCPFC and CCAMLR). Also, the CCSBT could deal with ERS in relation with SBT fisheries only, while the other RFMOs can deal with ERS issues in relation to fisheries in their areas of jurisdiction regardless of the target species. However, it needs to be recognised that many SBT fisheries operate at higher latitudes than other tuna fisheries where there are some different ERS issues. Therefore, when assessing the status of ERS, the CCSBT should cooperate with the other RFMOs.

### Recommendations:

The CCSBT, its members and cooperating non-members, should:

- support best endeavours of the ESC to recreate historical catch and catch per unit of effort series for the fishery but give maximum priority to accurate reporting and validation of future catch and effort.
- make the maximum effort to implement the items which have been identified and prioritized by the Extended Scientific Committee in the CCSBTs Scientific Research Program (Attachment 9 of the SC12 Report
- determine management objectives and rebuild strategy consistent with UNSFA requirements to guide future scientific assessments
  
- develop and implement a strategy to address the impacts of SBT fisheries including the collection and sharing of data between CCSBT members and Secretariats of other RFMOs.

### **4.3 Data collection and sharing**

#### **4.3.1 Background**

Articles 5 and 8(1) of the Convention relate to collecting and sharing data on SBT.

The CCSBT has established six broad data reporting requirements—scientific data, national reports, trade data, monthly catch reporting, reporting of quota versus catch, and information on vessels authorised to fish for SBT.

As the data collection and reporting requirements developed the CCSBT recognised the need to establish a data manager position at the CCSBT Secretariat to deal with this information. In 2000 the CCSBT agreed to establish and fund this position.

#### **4.3.2 Current situation**

##### **Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account UNSFA Annex 1**

The six broad categories of data reporting requirements are described below:

##### *(i) Scientific Data*

The scientific data reporting requirements of the CCSBT, including details of the data and timelines, are defined each year in the report of the ESC. These requirements are known as the “data exchange” requirements<sup>20</sup>. These requirements and the progress in achieving these requirements are also provided in the data exchange section of the private area of the CCSBT web site.

The scientific data exchange requirements are specified for each CCSBT member, cooperating non-member, the CCSBT Secretariat and other countries/organisations where relevant. Types of data to be exchanged include total catch by fleet, catch and effort, catch at size (and age), research data (such as tag/recapture and various survey indexes) and a variety of processed data such as CPUE indices and data for the CCSBT’s Operating Model.

In most cases, only the most recent calendar year of data (plus other years that have changed) need to be provided for the data exchange. Data for previous years are maintained on the CCSBT database. The majority of the data exchange is scheduled to occur in April and May. The format for providing the data differs between members, but the data must be provided in the identical format as provided by that member in the previous year unless the new format and test data in the new format is provided to the Secretariat by 31 January.

##### *(ii) Formal National Reports*

The CCSBT members are required to present formal national reports to annual meetings of the Commission and to meetings of the ESC and the ERSWG. The

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<sup>20</sup> The data exchange requirements for 2008 are detailed in Attachment 11, Report of the Twelfth Meeting of the Scientific Committee. Link available at [http://www.ccsbt.org/docs/pdf/meeting\\_reports/ccsbt\\_14/report\\_of\\_SC12\\_public\\_version.pdf](http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_14/report_of_SC12_public_version.pdf)



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specific national reporting requirements for these meetings are shown at Attachment D and include a variety of summary data, such as total numbers of seabirds incidentally caught (for the report to the ERSWG).

Depending on the meeting being held, these reports must be submitted four weeks prior to the meeting or at the meeting prior to the item being discussed. The ECCBST and ESC meetings are held annually, but the ERSWG is usually held only every second year. The last ERSWG meeting was held in July 2007, and the CCSBT did not decide the timing of the next ERSWG meeting at the 2007 annual meeting.

### (iii) *Statistical Document Program (Trade Information Scheme)*

The CCSBT Trade Information Scheme (TIS) imposes four basic data reporting requirements on members and cooperating non-members<sup>21</sup>:

- Completing a CCSBT TIS form for each export of SBT. Information on this form includes—a document number, whether the SBT was captured or farmed, flag, vessel name, processor, point of export, destination, month of harvest, gear, area of catch, net weight, number of fish, exporter, date of export, validator, import date and import country. The CCSBT TIS does not presently capture some imports (i.e import by EC member countries)
- For farmed SBT, providing six monthly aggregate reports containing information such as the flag, name of catching vessels, gear, amount of original catch, area of catch, date of reception of tuna, and the growth and mortality rate through farming.
- Providing copies of TIS forms that came with SBT imports to the Secretariat on a quarterly basis (the end of March, June, September and December).
- Providing an electronic list of exports to the Secretariat with information including—the document number, whether the SBT was captured or farmed, date of export, net weight and destination country.

The TIS has other reporting requirements such as validation information, but these are for operation of the scheme as opposed to being “data” and are therefore not described here.

One Cooperating Non-Member, namely EC, informed the CCSBT that EC will not implement the TIS because EC thinks that this obligation would introduce an unjustifiable bureaucratic burden on EC member states<sup>22</sup>.

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<sup>21</sup> The full details of the CCSBT TIS program can be obtained at: [http://www.ccsbt.org/docs/pdf/about\\_the\\_commission/trade\\_information\\_scheme.pdf](http://www.ccsbt.org/docs/pdf/about_the_commission/trade_information_scheme.pdf)

<sup>22</sup> Letter from Mr. John Spencer to the CCSBT Chairperson dated June 19, 2008

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### *(iv) Monthly Catch Reporting*

The monthly catch reporting requirements of the CCSBT<sup>23</sup> require members and cooperating non-members to provide the Secretariat with the total catch for the month and the cumulative total catch for the year to date, and that this information should be provided to the Secretariat no later than the last day of the following month.

One cooperating non-member, namely EC, informed the CCSBT that under the EC reporting procedures the ECit cannot comply with this reporting requirement.

### *(v) Reporting of initial quota allocations and final catches by company, quota holder or vessel*

At CCSBT13<sup>24</sup>, it was decided that members and cooperating non-members shall provide: (a) the yearly quota and catch allocation arrangements by company, quota holder or vessel; and (b) the final catch against quota by company, quota holder or vessel at the completion of a vessel's fishing period or fishing year. However, in the case where members and cooperating non-members manage through an "Olympic" system they shall only be required to report the details in "(b)".

In practise, Australia and New Zealand have chosen to report this information by company/quota holder, while the other members and cooperating non-members are reporting this information by vessel.

The timeframe for reporting this information<sup>25</sup> is that item "(a)" should be provided within two months of the start of the quota year of that member and item "(b)" should be provided within six months of the end of the quota year/fishing season of that member.

### *(vi) Authorised vessel list*

The CCSBT maintains a list of vessels authorised to fish for SBT. Vessels not on the list which catch SBT are deemed to have undertaken Illegal, Unregulated, Unreported (IUU) fishing.

Members and cooperating non-members are required to provide information including the flag, name, callsign, registration number, gear, type and size of vessel as well as details of the authorised period and owner and operator etc<sup>26</sup>.

Members and cooperating non-members are required to notify the Secretariat of any additions, deletions or changes to this record at any time such changes occur. The majority of notifications tend to occur in bulk before expiry of the authorised periods

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<sup>23</sup> For requirements see paragraphs 96 and 97 of the Report of the Twelfth Annual Meeting of the Commission. See [http://www.ccsbt.org/docs/pdf/meeting\\_reports/ccsbt\\_12/report\\_of\\_ccsbt12.pdf](http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_12/report_of_ccsbt12.pdf)

<sup>24</sup> See paragraphs 39 and 40 of the Report of the Thirteenth Annual Meeting of the Commission at: [http://www.ccsbt.org/docs/pdf/meeting\\_reports/ccsbt\\_13/report\\_of\\_CCSBT13.pdf](http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_13/report_of_CCSBT13.pdf)

<sup>25</sup> This was agreed through intersessional discussion between Members and the Secretariat held from 27 November 2006 to 21 December 2006 inclusive.

<sup>26</sup> The resolution on the authorised vessel list can be found at: [http://www.ccsbt.org/docs/pdf/about\\_the\\_commission/Ammended\\_resolution\\_on\\_authorised\\_24m\\_vessel\\_list.pdf](http://www.ccsbt.org/docs/pdf/about_the_commission/Ammended_resolution_on_authorised_24m_vessel_list.pdf)

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or after quarterly reminders from the Secretariat. These bulk notifications add significant efficiencies for the Secretariat's processing of these data.

A standard electronic format (in Excel) is used by members and cooperating non-members to provide updated vessel list data.

**Extent to which RFMO members and cooperating non-members, individually or through the RFMO, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner**

Please refer to the discussion above.

The CCSBT sets a TAC and allocates that TAC among members who are responsible for ensuring that there is no breach of their allocation by their fishers. Acceptance of full member compliance with these requirements has led to the conclusion that real time catch monitoring would not provide an additional advantage to the fishery's management.

However, information suggesting substantial under-reporting of SBT catches over the past 10-20 years provided the impetus for CCSBT to adopt resolutions in 2006 focusing on compliance measures which are aimed at helping ensure the accuracy of data being supplied by members. These resolutions are discussed in section 5 of this self assessment.

The collection, sharing, accuracy and timeliness of data delivery by RFMO members and cooperating non-members differ for the six categories of data identified above.

### *(i) Scientific Data*

These data are sent to the CCSBT Secretariat. Most of these data are posted to the Data Exchange section of the private area of the CCSBT web site within 24 hours of receipt (with a simultaneous e-mail notification to members and cooperating non-members) so that the data are available to member scientists for use in analyses and assessments conducted prior to the September scientific meetings.

Most of the data are also loaded and maintained in the CCSBT Database. An annual dump of relevant data from the main CCSBT database to a smaller MS-Access database is made in January of each year and this is distributed to CCSBT members and cooperating non-members on a data CD. The CD also includes non-loaded data from past data exchanges together with documentation of the database, including details of any changes to the data on the database.

Following the annual meeting of the CCSBT, agreed components of these scientific data (total catches, catch and effort and catch at size) are posted to the public area of the CCSBT web site<sup>27</sup> and are provided to FAO as part of CCSBT's partnership agreement in relation to the Fisheries Resources Monitoring System (FIRMS).

### *(ii) Formal National Reports*

There is no specific processing of the summary data included in formal national reports to the various CCSBT meetings. However, this information is closely

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<sup>27</sup> <http://www.ccsbt.org/docs/data.html>

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examined by the CCSBT members. National reports that are provided to the Secretariat prior to the meetings are circulated via the private area of the CCSBT web site. This is usually done within 24 hours of receipt and with a simultaneous e-mail notification to members. Other national reports are circulated at the meeting. The national reports to the annual CCSBT meeting are included as attachments to the report of the CCSBT meeting and this report is placed on the public area of the CCSBT web site once it is finalised. National reports to the ESC and ERSWG meetings are held by the Secretariat and are available on request by the public after the respective annual meeting of the CCSBT, provided that the specific report has not been ruled as being confidential<sup>28</sup>.

### *(iii) Statistical Document Program (Trade Information Scheme)*

All data from the TIS is sent to the Secretariat. The aggregate six monthly farm summaries are immediately e-mailed to members and cooperating non-members.

TIS forms from importers are entered onto the database and electronic lists from exporters are loaded into the database. The accuracy and completeness of all information is checked and all problems are followed up with the exporters and importers as is required according to the TIS Scheme<sup>29</sup>. The Secretariat also conducts reconciliations between import and export document on a six monthly basis as specified in the TIS<sup>30</sup>. Any discrepancies between the import and export information, including any missing documents are followed up with the importer and/or exporter.

The Secretariat produces six monthly TIS reports in the format provided in the TIS<sup>31</sup>. These reports are only sent to a designated authority of each member<sup>32</sup>. Subsets of the reports are posted to the public area of the CCSBT web site on an annual basis<sup>33</sup>. In the future, summary information from the TIS will also be provided to the ESC.

The Secretariat also includes a summary of compliance with the reporting requirements of the TIS scheme in its report to annual meetings of the CC.

### *(iv) Monthly Catch Reporting*

On the first day of each month (or the first working day if this is not possible), the Secretariat posts the updated monthly catch reports to the private area of the CCSBT Web site and provides a simultaneous e-mail notification of the update to members and cooperating non-members. Where information is provided to the Secretariat after the due date, the private area of the web site is updated within 24 hours and another e-mail notification is sent to members.

The monthly catch report data on the private area of the CCSBT web site contains information for each month since January 2006 when monthly catch reporting commenced. This includes (for each member and cooperating non-member) the original monthly catch reported, the date the original monthly catch was reported and

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<sup>28</sup> See Rule 10 of the Rules of Procedure of the Commission  
at: [http://www.ccsbt.org/docs/pdf/about\\_the\\_commission/rules\\_of\\_procedure\\_of\\_the\\_commission.pdf](http://www.ccsbt.org/docs/pdf/about_the_commission/rules_of_procedure_of_the_commission.pdf)

<sup>29</sup> Section 3, Annex 5, Trade Information Scheme

<sup>30</sup> Section 5.10, Trade Information Scheme

<sup>31</sup> Annexes 2, 2a and 4, Trade Information Scheme

<sup>32</sup> Section 5.3, Trade Information Scheme

<sup>33</sup> Section 5.3, Trade Information Scheme

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the cumulative catch for the year reported at that date. The original monthly catches are occasionally revised, so the latest revision of each monthly catch is also included.

A copy of the monthly catch report data is also included in the Secretariat's report to annual meetings of the CC.

(v) *Reporting of initial quota allocations and final catches by company, quota holder or vessel*

The Secretariat loads the respective information to the private area of the CCSBT web site the day after the due dates for the data<sup>25</sup> or on receipt of the data, whichever is first.

(vi) *Authorised vessel list*

On receipt of updated data, the Secretariat loads the data to the database and then downloads a web version of this database to the "CCSBT Authorised Vessel List" page<sup>34</sup> on the public area of the CCSBT web site.

This information is used by members and cooperating non-members to fulfil their obligations under part 8 of the authorised vessel list resolution<sup>26</sup> such as requiring that SBT imports be accompanied by TIS documents validated for the vessels on the CCSBT authorised vessel list. The Secretariat also checks all TIS documents to determine whether the vessel was authorised to fish for SBT at the time that its catch was taken.

Activity associated with the authorised vessel list is also included in the Secretariat's report to annual meetings of the CC.

**Extent to which fishing data and fishing vessel data are gathered by the RFMO and shared among members and other RFMOs**

Please refer to the discussion above.

In relation to observer data, this is collected by members and cooperating non-members in accordance with the CCSBT scientific observer program standards, but that information is not currently shared by members and cooperating non-members unless it is included in papers submitted by that member to the scientific committee or its working groups.

**Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required**

CCSBT has acted to address gaps in scientific data. For example, the CCSBT tagging program was conducted from 2002 to 2007 with over \$4.0 million to address the issue of fishing mortality in this fishery.

Gaps in collection and exchange of ERS data have been identified and attempts to resolve these have failed in the past.

These remain unresolved and there are currently no processes in train to resolve them.

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<sup>34</sup> The CCSBT Authorised Vessel List page is located at: <http://www.ccsbt.org/docs/search.cfm>

### **4.3.3 Performance Review Working Group comment and recommendations – data collection and sharing**

#### Comments:

The suite of data collection and sharing agreed to by the CCSBT for SBT would seem, in principle, sufficient for the management of the fishery. In practice, this has not been implemented very well. Past collected data, including catch and effort level, has been uncertain for many years. However, the ability to comprehensively analyse fisheries' data would be significantly improved if it was provided at an operational level.

Because of different capacities in members the ability to collect and report data may vary and should be recognised when establishing data reporting requirements.

One Cooperating Non-Member does not comply with the current requirements, which are described Section 4.3.2.

#### Recommendations:

Unproductive effort should not be applied to measures to improve the poor data from the past. The prospects of success appear to be low. Effort must now be focussed on improving data collection and reporting through full and urgent implementation of the conservation and management measures adopted by the CCSBT at its annual meeting in 2006.

The CCSBT could improve its data collection and sharing by ensuring that:

- all Members and Cooperating Non-Members fulfil the current requirements, which are described Section 4.3.2
- clear standards are set of the level of detail and the type of data provided by members, in order to ensure the science process has the information it requires
- appropriate data which meets the minimum UNFSA requirements are collected from all Members and Cooperating Non-Members.
- Commercial confidentiality should no longer limit the access to data within the CCSBT . Members should make every effort to ensure that domestic constraints on data provision will not undermine the conservation and management efforts by CCSBT.
- Members and Cooperating Non-Members fully comply with the confidentiality agreements and provisions within the CCSBT

Some RFMOs have adopted a process whereby members provided detailed information to the Secretariat who then does the necessary analysis and provides that information to members in an acceptable format. This might be a process worth discussing further taking into account the cost-effectiveness especially because the CCSBT already has the advisory panel for its scientific process.

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While ensuring that all data needs are met, harmonisation across 5 tuna RFMOs would help prevent duplication of reporting obligations, and streamline requirements through the use of appropriate data sharing mechanisms. There is an opportunity for the CCSBT to harmonise its data collection and sharing requirements with the other four tuna RFMOs.

It is worth noting here that despite the considerable work which the Secretariat and Members currently put into running and maintaining the TIS, it is at present of probably only limited value because the TIS does not incorporate all catches (i.e. domestic landings from commercial vessels and recreational catch). Further, there is not currently a way of independently verifying monthly or annual catch reports of Members and Cooperating Non-Members, although an expanded TIS as is being worked towards could fulfil this purpose. The implementation of a full catch documentation scheme is recommended for urgent implementation.

### **4.4 Quality and provision of scientific advice**

#### **4.4.1 Background**

With the Convention's entry into force in 1994, the SC was established and the tripartite science process that had existed between Australia, Japan and New Zealand was formalised. The SC first met in 1995 and has met annually since then.

The first working group of the SC, the ERSWG, was established early on in the history of the CCSBT. It had its first meeting in 1995. The SAG followed in 1998 when the CCSBT separated the observing and analysing functions from the interpreting and advising functions. The SAG reports to the SC and the ERSWG terms of reference provide that it also reports to the SC, but in practice, it reports directly to the CCSBT.

In 2001 the ESC was established to provide for participation by the fishing entity of Taiwan.

An important feature of the CCSBT science process is the role played by both the independent chairs of the SAG and the SC, and the advisory panel. These roles were established following recommendations of a group of independent stock assessment and scientific fishery advisers who were asked by the CCSBT to evaluate its science processes and methods.<sup>35</sup>

The independent chairs of the SAG and the SC draft meeting agendas, direct discussions to ensure good scientific principles are observed, facilitate consensus, and carry out other activities as chair the meetings<sup>36</sup>.

The advisory panel participate in all meetings of the SAG, SC and other scientific meetings. Their role is to help consolidate parties' views to facilitate consensus and their views are incorporated in SAG/SC reports. They also provide their own views on stock assessments to the SC and CCSBT.

#### **4.4.2 Current situation**

**Extent to which the RFMO receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment**

The terms of reference for the SC<sup>37</sup>, SAG<sup>38</sup>, ERSWG<sup>39</sup>, and the advisory panel describe in more detail the roles of the bodies described in this report.

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<sup>35</sup> The link to the Report of the 1998 Peer Review Panel is available at <http://www.ccsbt.org/docs/stock.html>

<sup>36</sup> The terms of reference for the advisory panel, and a role description for the independent Chairs of the SC/SAG were agreed in Attachment O, Sixth Annual Meeting (first part) link available at [http://www.ccsbt.org/docs/meeting\\_r.html](http://www.ccsbt.org/docs/meeting_r.html). Also available in Attachment E.

<sup>37</sup> The terms of reference for the SC are found in article 9, the Convention

<sup>38</sup> The terms of reference for the SAG can be found in Report of the Sixth Annual Meeting, First Part, link available at [http://www.ccsbt.org/docs/meeting\\_r.html](http://www.ccsbt.org/docs/meeting_r.html)



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(i) *The Scientific Committee and the Extended Scientific Committee*

Each year the SC meets, receives advice from its working groups, and then produces advice to the CCSBT on the status of the stock and potential implications of various management decisions on the stock status.

The table below provides a summary of the advice from the SC to CCSBT relating to stock status and management advice for the years 2001–2007.

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<sup>39</sup> The terms of reference for the ERSWG can be found in the Terms of Reference for Subsidiary Bodies. Link available at <http://www.ccsbt.org/docs/eco.html>. Also found in Attachment D.

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Year	Summary of stock status	Summary of management advice
<b>2001</b> ESC 6  <i>Assessment Year</i>	<ul style="list-style-type: none"> <li>• Spawning stock size well below levels in 1980 and earlier and has declined further since then, with a possible upturn in recent years</li> <li>• Consistent indications of a decline in recruitments with recruitments in the 1990s less than half those in earlier years</li> <li>• Stock biomass roughly stable since the mid-1990s</li> </ul>	<ul style="list-style-type: none"> <li>• At current catch levels the probability of the spawning stock being larger in 2020 than it is today is about 50%, with an equal probability the stock will be smaller in 2020.</li> <li>• At current catch levels there is little chance that the SBT spawning stock will be rebuilt to the 1980 levels by 2020, and substantial catch reductions would be required to achieve that goal.</li> </ul>
<b>2002</b> ESC 7	<ul style="list-style-type: none"> <li>• No evidence of substantial changes and no reason to undertake a full model based stock assessment</li> </ul>	<ul style="list-style-type: none"> <li>• No change</li> </ul>
<b>2003</b> ESC 8	<ul style="list-style-type: none"> <li>• No dramatic change in stock status since the 2001 assessment</li> <li>• Number of indicators consistent with a marked decline in recruitment in 1999 and 2000.</li> <li>• Trends in recent recruitment remain a key uncertainty in provision of stock status advice</li> </ul>	<ul style="list-style-type: none"> <li>• No change</li> <li>• Noted concern that if preliminary recruitment indicators of a marked decline in recruitment since 1999 are confirmed this would have major implications for conclusions regarding the status of the stock and its potential to rebuild.</li> </ul>
<b>2004</b> ESC 9  <i>Assessment year</i>	<ul style="list-style-type: none"> <li>• Stock size and pattern of recruitment similar to 2001 assessment, but indications of low recruitment from 1999-2001 and indications of changes in age distribution and possible decline in abundance of the spawning stock in Indonesian waters</li> <li>• SBT spawning biomass is at a low fraction of its original biomass and well below the 1980 biomass.</li> <li>• Stock estimated to be well below the level that produces maximum sustainable yield.</li> <li>• Recruitments in the last decade estimated to be well below the levels in the period 1950-1980.</li> <li>• Assessments estimate stable recruitment in the 1990's but very low</li> </ul>	<ul style="list-style-type: none"> <li>• Probability of further stock decline under current catch levels judged to be greater than in 2001 when an increase or decline under current catches was considered equally likely</li> <li>• CCSBT could continue to work on the a Management Procedure (MP), focus on monitoring recruitment trends, and conduct a full analysis of recruitment indicators in 2005. If indicators suggested no marked change in recruitment then use MP to govern TAC changes. If indicators show a marked reduction in recruitment, adopt TAC reductions which would likely be substantial to arrest stock decline and lead to rebuilding.</li> <li>• CCSBT could adopt a TAC reduction as soon as possible. The ESC</li> </ul>

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	<p>recruitments in 1999 or 2000</p> <ul style="list-style-type: none"> <li>• Indicators provide evidence of a markedly lower recruitment from 1999 to 2001</li> <li>• Discussion that a plausible interpretation of indicators could suggest that spawning stock has declined in average age and may have declined significantly in abundance, contrasting to the assessment models perspective of a largely stable spawning stock over the past decade which has slightly increased over the last four years</li> </ul>	<p>could not advise what level would provide for specified probabilities of rebuilding, but advised that any TAC reduction would increase the probability of stock recovery under all recruitment scenarios.</p>
<p><b>2005</b> ESC 10</p>	<ul style="list-style-type: none"> <li>• The indicators of recruitment suggest markedly lower recruitment in at least 2000 and 2001 with some indication that recruitment in 1999 was also weak.</li> <li>• Highly likely that current catch levels will result in further declines in spawning stock and exploitable biomass, particularly because of recent low recruitments</li> </ul>	<ul style="list-style-type: none"> <li>• Recommendations that CCSBT adopt a MP combined with a reduction in the annual assumed global catch (14930t) for 2006 (by 5,000t), or 2007 (by 7,160t).</li> <li>• That the MP be set so that there is a 90% probability that the 2022 biomass will be at or above the 2004 biomass.</li> </ul>
<p><b>2006</b> ESC 11</p>	<ul style="list-style-type: none"> <li>• Because of the uncertainty in historical catch and and Catch per Unit of Effort (CPUE) a series of alternative scenarios that encompass a range of possible circumstances was evaluated. The outcomes of the scenarios and management consequences were consistent with each other and with the 2005 advice that overall stock status is at a low fraction of its original biomass and well below the 1980 level as well as below the level that could produce maximum sustainable yield.</li> <li>• The primary implication of higher catch levels In the scenarios compared to the assumed catch history is that estimated total spawning stock size is more than double that assessed in 2005.</li> <li>• Reviews of Japanese SBT market anomalies and Australian SBT farming anomalies raise serious doubts on the reliability of the catch and CPUE indicators, this interpretation on many of the indicators is more difficult than in previous years</li> </ul>	<ul style="list-style-type: none"> <li>• To ensure a high probability of sustainability and rebuilding of the SBT spawning stock requires: <ul style="list-style-type: none"> <li>—An immediate catch reduction below 14, 925t to decrease the probability of further stock declines</li> <li>—Immediate action to restore confidence in estimates of total catch and CPUE series. Improved monitoring of recruitment and of the Indonesian fishery</li> <li>—An interim management procedure needs to be adopted within the next 2-5 years, with a full management procedure thereafter designed to ensure a high probability of stock rebuilding.</li> </ul> </li> </ul>

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<b>2007</b> ESC 12	<ul style="list-style-type: none"><li>• No new model-base assessment in 2007. The indicators did not show any appreciable sign of change in stock status.</li></ul>	<ul style="list-style-type: none"><li>• Because the TAC was set for 2007-2009 and no changes are anticipated until 2009, the SAG will need to consider available information in 2009 and use scenario modelling to evaluate the impact of different future catch levels on stock status.</li><li>• To ensure a high probability of the stock rebuilding, all unreported and under-reported catches must be eliminated, and a management procedure needs to be adopted as a basis to provide advice in 2011 or 2012 when catch quotas will be considered by CCSBT.</li></ul>
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(ii) *The Stock Assessment Group*

The SAG was established in 1998 to separate the technical evaluation and advisory roles of the SC. The main tasks of the SAG include reviewing information on stock structure and biology of SBT and updating the stock assessment. Each year it prepares a report on the biology, stock status, and management of SBT which is then used by the SC when formulating its advice.

The SAG has also played a significant role in the development of the management procedure. A management procedure is a set of rules agreed in advance to dictate how the TAC for the SBT fishery would be adjusted as data becomes available. Since the agreement to develop a management procedure in 2000 there have been many management procedure and SAG meetings to further develop the details.

(iii) *Management Procedure Workshops*

In 2000 the Commission agreed that a management procedure should be developed with three components—a list of data as inputs, a model to process the data, and rules to translate the output into a TAC.

A workshop on developing a management procedure was first held in 2002 but efforts to refine and develop the details continued in a series of meetings ending in 2005 with the adoption of the final management procedure<sup>40</sup>. Key elements of the agreed management procedure were:

- To be introduced with a 5,000 tonne reduction in TAC
- Based on a simple “Fox” model
- Uses Japanese longline CPUE and indices of recruitment as input data
- Provided generally smoother and less variable TAC outcomes
- The management procedure would be operated to ensure there is an estimated 90% probability that the 2022 biomass will be at or above the 2004 biomass
- Provision for review of performance

The Independent Review of the Australian Farm Operations and the Independent Review of Japanese Southern Bluefin Tuna Market Data Anomalies during 2006 suggested that SBT catches may have been substantially under-reported over the past 10–20 years and the impact of unreported catches on the estimates of past total catch and CPUE have meant that the management procedure needs re-evaluating.

In the absence of exception circumstances, no stock assessment is required during 2008 (three year fixed TAC), so the annual SAG meeting has been converted to a management procedure workshop instead so that this re-evaluation work can continue.

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<sup>40</sup> Refer Attachment 6, Report of the Tenth Meeting of the Scientific Committee, link available at [http://www.ccsbt.org/docs/meeting\\_r.html](http://www.ccsbt.org/docs/meeting_r.html)

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### (iv) *The Ecologically Related Species Working Group*

The ERSWG provides information and advice on issues relating to species associated with SBT.

As described in section 4.2.2, the ERSWG does not carry out assessments on the status of ERS species or provide advice on the status of these stocks to the ESC or CCSBT, rather ERSWG reviews papers submitted by members and/or observers on the status of ERS and gives suggestions on possible mitigation measures for the Extended Commission.

The ERSWG has established national reporting requirements (Attachment D (iv)), provided advice on research priorities for mitigation measures, drafted educational pamphlets on sharks and seabirds for fisheries involved in the SBT fishery<sup>41</sup>, and (through the CCSBT) agreed the use of tori poles in all long-line fisheries below 30 degrees south.

Recently, the work of the ERSWG has been a contentious issue between members. At the last meeting of the ERSWG in July 2007, participants could not reach agreement on advice to the CCSBT regarding draft recommendations on ERS data collection and provision, reducing incidental bycatch of seabirds, and the conservation and sustainable utilization of sharks taken in SBT fisheries and so the ERSWG referred the following matters to CCSBT:

- Whether or not the CCSBT can make binding resolutions on ERS;
- Whether the ERSWG should monitor the effect of farming on ERS; and
- How to proceed with the draft recommendations.

The debate on the role of the ERSWG at CCSBT is captured in the following text taken from the report of the meeting<sup>42</sup>:

“Extensive discussion was held in relation to the guidance requested of the EC by ERSWG 7. That status of this discussion is summarised as follows:

- Whether the CCSBT can make binding measures for ERS related issues: This was discussed in both plenary and heads of delegation without agreement,. Some members believed CCSBT could adopt binding resolutions, while other members expressed their view that the CCSBT could not adopt binding resolutions. The meetings did not reach consensus.
- Whether the ERSWG should monitor the effects of farming on ERS. Australia states its view on this, but the meetings could not reach consensus.
- How to proceed with the six draft resolutions from ERSWG 7. The meeting did not have substantial discussion on this issue.”

At the time of drafting this self assessment, the future of the ERSWG is uncertain because of disagreement among members on whether CCSBT can make binding resolutions on ERS and whether the ERSWG should monitor the effects of farming on ERS.

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<sup>41</sup> The link to the pamphlets is available at <http://www.ccsbt.org/docs/eco.html>

<sup>42</sup> Paragraphs 158-167, CCSBT 14 Report.

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The effects of SBT fishing on the marine environment have not been examined by the ESC.

### (v) *Observer programme*

The CCSBT has agreed the scientific observer programme standards<sup>43</sup> which members must implement for fleets catching SBT. Standards have target observer coverage of 10% and data set to be collected. Currently observer data is maintained by members and not maintained as a data set managed by the Secretariat. The Scientific Observer Program was implemented from 2002, and its implementation of the first 5 years (2002-2006) was reviewed at the 12<sup>th</sup> meeting of the Extended Scientific Committee in September 2007<sup>44</sup>. Discussions are taking place in the Compliance Committee about the potential for an international observer programme for the CCSBT.

### **4.4.3 Performance Review Working Group comment and recommendations – quality and provision of scientific advice**

#### Comment:

The current process for developing and providing scientific advice on SBT from the Extended Scientific Committee to the CCSBT is an excellent model which has helped improve the integrity of the CCSBTs scientific process. Access to highly competent national scientists has been available and is reflected in the abundance and quality of scientific papers presented to the various CCSBT scientific forums. The independent panel and chair arrangements have added further support to this process and militated against the tendency of member scientists to modify their advice for reasons associated with their national interests.

At times the independent panellists have appeared reluctant to provide alternative advice directly to the CCSBT. However, it is difficult to see how this arrangement could be improved in practice. The existing system should be retained, but there is potential to refocus the scientific procedure and reduce the number of independent experts involved.

The same level of competence and scientific effort has not been applied to the management of other living marine resources associated with the fishery. These have largely been ignored by the CCSBT. While members can all point to arrangements they have applied unilaterally within their fishing fleets to address non-target species, this has done little to improve the international perception of inaction in this area.

#### Recommendations:

It is recommended that the current structure of the Extended Scientific Committee, especially, the independent chairs and advisory panel, should be maintained.

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<sup>43</sup> The link to observer programme standards is available at <http://www.ccsbt.org/docs/about.html>

<sup>44</sup> Paragraph 91-93, ESC12 report.

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It is recommended that, in the circumstances the CCSBT now finds itself in, scientific effort should achieve a better balance between SBT and ERS. In light of the requirement to focus on future information with which to assess the stock status of SBT, the number and skill sets of independent experts required in support of the scientific process should be reviewed. Further, the need for a management procedure for the fishery in the short term should be reconsidered in light of the alternative approach of periodic stock assessments using the agreed operating model.



### **4.5 Adoption of conservation and management measures**

#### **4.5.1 Background**

The Convention provides for the adoption of binding conservation and management measures in article 8 (3):

For the conservation, management and optimum utilisation of southern bluefin tuna:

- (a) the Commission shall decide upon a total allowable catch and its allocation among the parties unless the Commission decides upon other appropriate measures on the basis of the report and recommendations of the Scientific Committee referred to in para 2(c) and (d) of Article 9; and
- (b) the Commission may, if necessary, decide upon other additional measures.

Conservation and management measures are adopted by consensus of ECCSBT members.

#### **4.5.2 Current situation**

**Extent to which the RFMO has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available**

(i) *Target stocks*

*Total allowable catch (TAC)*

The primary conservation measure of the CCSBT is the setting of a total allowable catch and national allocations for members<sup>45</sup>. Catch allocations are also set for cooperating non-members and observer countries.

There is a history of the CCSBT failing to agree on a TAC and national allocations. Before the CCSBT had the advisory panel and independent chairpersons to ESC and SAG, CCSBT had had difficulties in agreeing on scientific advice at the ESC and SAG. Also, national interests rather than stock status have often dominated the decision making process at the Extended Commission. With revelations of overcatch and scientific advice from the ESC, including indisputable indications of further declines in stock status, CCSBT agreed on a reduced TAC in 2006.

The TAC adopted in 2006 for 2007-2009 was 11,810 tonnes (TAC reduction of 3,115 tonnes) which is within a range of TACs providing a 50% probability that the biomass in 2014 (when the spawning biomass is projected to become lowest) would be greater than the biomass in 2004 and a 50% probability that the biomass in 2022 would be 1.3 times greater than the biomass in 2004<sup>46</sup>.

In order to contribute to the recovery of SBT stock, Taiwan and Republic of Korea undertook to maintain their actual catch at the level below 1,000t respectively for the

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<sup>45</sup> Article 8, paragraph 3, the Convention

<sup>46</sup> Table 2 of the 11<sup>th</sup> Extended Scientific Committee Report

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minimum of 3 years.

This will result in an actual catch level below 11,530 tonnes for a three year period.

### *Trade information scheme (TIS)*

The CCSBT implemented a TIS for SBT in 2000. This requires all members and cooperating non-members of the ECCSBT to ensure that all imports of SBT are to be accompanied by a completed TIS document, endorsed by an authorised competent authority in the exporting country, and include the details of the name of fishing vessel, gear type, area of catch, dates etc. Shipments not accompanied by this form must be denied entry by members and cooperating non-members.

The Secretariat maintains a database for monitoring catches and trade and reconciliation of these forms is conducted against electronic lists of exports submitted by members and cooperating non-members. This in effect provides independent validation of flag states catches, which are exported to CCSBT members. For farmed products the TIS provides validation of quantity of product traded, however, it does not provide verification of tonnage caught. Domestic catch landed in the flag state is not covered by the TIS.

### *Approved vessel list*

The CCSBT has adopted a measure under which members and cooperating non-members agree not to allow the import of any SBT caught by a vessel not on the CCSBT authorised vessel list. This measure only became operational some years after its adoption and its effect was immediate in encouraging accession to the Convention by Indonesia. Indonesia became a member of the CCSBT on 8 April 2008.

### *Compliance measures*

In response to the reviews of SBT farming and market data during 2006 which suggested that SBT catches may have been substantially under-reported over the past 10-20 years, CCSBT adopted draft resolutions on three further compliance measures—a catch documentation scheme, a vessel monitoring system, and regulation of transshipments by large scale fishing vessels.

Despite further work on these draft resolutions in 2007, they have not yet been adopted by the CCSBT.

### *(ii) Non-target species*

Sea birds, sharks and other tunas are known to interact with both purse seine fisheries and long line fisheries for SBT.

The CCSBT agreed to adopt the recommendations from ERSWG in 1997, which included that the Commission require mandatory use by all Commission members and non-members of tori lines in all long-line SBT fisheries south of 30 degrees south<sup>47</sup>. Subsequent to this decision, in 1999 the Commission adopted 'Guidelines for Design and Deployment of Tori Lines'. This no longer represents best practice in seabird mitigation.

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<sup>47</sup> Paragraph 10.2 and Attachment U of the CCSBT4(1) report

## Conservation and management

At the last meeting of the ERSWG in July 2007, participants could not reach agreement on draft recommendations on ERS data collection, reducing the bycatch of seabirds, and the conservation and sustainable utilization of sharks and referred three questions to the CCSBT to provide advice on (see discussion in section 4.4.2(iv))

### **Extent to which the RFMO has applied the precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of the precautionary reference points**

There is no reference to the precautionary approach in the Convention (which entered into force pre-UNFSA). Nonetheless, the CCSBT has decided to implement the precautionary approach in its management of the SBT resource through the MP (Management Procedure). The MP has some aspects of the precautionary approach.

### **Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks**

Currently the SBT spawning stock is at a low fraction of its original biomass and well below the 1980 level as well as below the level that could produce maximum sustainable yield. The TAC adopted in 2006 for 2007-2009 (11,810 tonnes) is within a range of TACs providing a 50% probability that the biomass in 2014 would be greater than the biomass in 2004 and a 50% probability that the biomass in 2022 would be 1.3 times greater than the biomass in 2004.

The only specific reference point adopted by the CCSBT in the past was the management objective of returning the spawning stock biomass to the 1980 level by 2020. On a number of occasions the CCSBT discussed the relevance of this objective in the light of scientific advice on stock status but it has not been formally rescinded. The objective is acknowledged as being unachievable and is no longer used by the CCSBT as a reference point.

Considering the past possible failure of data collection as mentioned earlier, it may be better for the CCSBT to re-assess the current specific management objective for the spawning stock biomass.

As indicated by the current TAC, in recent years the CCSBT has adopted the more generalised objective of preventing further decline in the spawning stock biomass.

While this objective has underpinned decision making, it is not formally documented, although it is evidenced in the 2006 decision when comparisons of the biomass in both 2014/2004 (short/medium-term performance statistic) and 2022/2004 (long-term performance statistic) were made when comparing the impacts of future alternative catch levels across the scenarios<sup>48</sup>.

### **Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries**

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<sup>48</sup> Tables 3-5, Report of the Seventh Meeting of the Stock Assessment Group. Link available at [http://www.ccsbt.org/docs/meeting\\_r.html](http://www.ccsbt.org/docs/meeting_r.html)

## Conservation and management

Not applicable.

### **Extent to which the RFMO has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems**

The ERSWG's role is to provide information and advice on issues relating to species associated with SBT. For discussion of the work of the ERSWG refer to 4.4.2(iv) and 4.5.2(ii). The wider impacts of SBT fishing on the living marine resources and marine ecosystems have not been considered by the CCSBT or its subsidiary bodies.

### **Extent to which the RFMO has adopted measures to minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques**

The ERSWG provides information and advice on issues relating to species associated with SBT. For discussion of the work of the ERSWG refer to sections 4.4.2(iv) and 4.5.2(ii).

CCSBT has not adopted any measures to minimise pollution, waste, discards, or catch by lost or abandoned gear. However, members may have committed to other international agreement or may have national legislation that applies to their vessels.

### **4.5.3 Performance Review Working Group comment and recommendations – adoption of conservation and management measures**

Comments:

The CCSBT has adopted, by consensus, some important conservation and management measures for SBT, such as a TAC, national allocations, a Trade Information Scheme, and an approved vessel list.

The PRWG received the following comments from the independent chairperson of the Extended Scientific Committee, Dr. John Annala:

While the ESC does not make any direct comments concerning whether “the decisions of CCSBT are consistent with the annual scientific advice”, in my own view the decisions made by CCSBT in 2006 and 2007 largely follow the recommendations of the ESC in those two years.

The CCSBT has adopted a TAC and has allocated that TAC among members and cooperating non-members. When compared to progress in some other RFMOs, that is a notable achievement. However, the setting of the TAC has to some degree been established with reference to the national allocations provided to members in the past. The CCSBT can now move towards separating the TAC decision from allocation decisions and should agree that once the long term allocations are finalised, the CCSBT could consider moving to alternative allocation principles for the TAC, rather than set tonnages.

## Conservation and management

Most There are no agreed management principles (e.g. the precautionary and ecosystems approaches, efficient use, best scientific information, maintaining biodiversity, and minimising effects on the marine environment) guiding management decisions. Equally, there are no management objectives or standards setting a rebuild strategy for the SBT stock. Better definition (based on scientific advice) of criteria for 'optimum utilisation' will assist in this regard. Finally, there is no monitoring or evaluation of performance against objectives. All these components need to be developed and could form part of a CCSBT management plan. Japan, Australia, New Zealand, the Republic of Korea, (and the European Community and South Africa) are all parties to UNFSA.

UNFSA provides the minimum standards which RFMOs should meet. While the Convention was adopted pre-UNFSA, to ensure it is performing effectively, the CCSBT should satisfy those UNFSA standards.

The parties to the Convention could review the Convention and modernise it to UNFSA standards. While this could be a worthwhile exercise, the same outcomes could be achieved more efficiently through means such as development of a CCSBT strategic plan plus a management plan adopting and implementing these minimum standards.

A good way of ensuring appropriate institutional support for the Commission is to adopt a management plan for SBT. This would set out a clear and common understanding of what the CCSBT hopes to achieve with the SBT fishery and how that will be accomplished. It might include the following:

- Objectives or targets for all key fishery management issues, including:
  - Stock management;
  - Environmental issues;
  - Participatory rights; and
  - Compliance
- The standards to be met in achieving objectives;
- A series of management measures or strategies to achieve the overall objectives or targets;
- Appropriate performance indicators
- Implementation of appropriate monitoring and reporting mechanisms; and
- A feedback loop for evaluating and reviewing the contents of the plan.

Recommendations:

The CCSBT should continue to make conservation and management measures which are consistent with scientific advice from the Extended Scientific Committee.

The CCSBT should develop a strategic plan plus a management plan to implement minimum standards for the fishery.

### **4.6 Capacity management**

#### **4.6.1 Background**

The CCSBT has focussed on agreeing a global TAC and allocating that TAC, rather than limiting the capacity fishing for SBT. Members decide how much fishing capacity and effort is appropriate for their allocation.

#### **4.6.2 Current situation**

##### **Extent to which the RFMO has identified fishing capacity levels commensurate with long-term sustainability and optimum utilisation of relevant fisheries**

The CCSBT has used TACs and national allocations as its fundamental management tool. In this context it has not been necessary to also consider controls in fishing capacity. However, members have used capacity management measures as part of their individual domestic responses to managing declines in national allocations. These have been reported to the CCSBT in national reports and have been discussed.

Specific attention has been given to fishing by Indonesia in the spawning ground and in the migratory pathways to the spawning ground. In particular the CCSBT has discussed the increase in Indonesian fishing capacity arising from the importation of vessels from other flag states, re-registration of these vessels and transferring ownership to Indonesian fishing companies.

Resolution of the Indonesian fishing capacity issue has been fraught. . Indonesia views the increase in capacity as capital investment to improve economic activity. Indonesia also claims that SBT are by-catch in a much more substantial fishery targeted at tropical tunas and billfish, which makes it difficult to deal with SBT issues without compromising its broader fishing interests.

For example, New Zealand introduced SBT into its quota management system on 1 October 2004. A rationalisation of effort in the fishery was an immediate effect of this change in management.

##### **Extent to which the RFMO has taken actions to prevent or eliminate excess fishing capacity and effort**

See answer above.

#### **4.6.3 Performance Review Working Group comment and recommendations – capacity management**

Comments:

Given the nature of the SBT fishery – mainly high seas fishing by industrial fleets from countries with well developed fishing administrations – management by TACs and national allocations would seem to be the most effective measure. Management measures associated with capacity reduction are best left to members' domestic arrangements where national legal structures and structural adjustment measures can be effectively implemented.

## Conservation and management

As a member, Indonesia now has greater responsibility for managing their component of the SBT fishery. The other members with industrial fleets and well developed fisheries administrations should explore options for assisting Indonesia recognising its status as a developing State and the by-catch nature of its SBT fishery.

Indonesia has offered to consider the implementation of time and spatial closures of its longline fisheries if the CCSBT can identify the areas and times concerned. This should be pursued with some vigour in the context of Indonesia's accession to the CCSBT.

### Recommendations:

No action is recommended in terms of capacity management other than for the Commission to take up with Indonesia the capacity for temporal and spatial closures in the SBT spawning ground.

### **4.7 Compatibility of management measures**

#### **4.7.1 Background**

Southern bluefin tuna are highly migratory species found on the high seas and the waters of states. The main coastal and fishing states for SBT are either members or cooperating non-members of the CCSBT and the TAC applies to members irrespective of where the fish is caught.

#### **4.7.2 Current situation**

##### **Extent to which measures have been adopted as reflected in UNFSA Article 7**

The main conservation and management measures adopted for SBT are compatible between states and between high seas and the waters of national jurisdiction including the TAC, member allocations, TIS, approved vessel list, and the use of tori lines south of 30 degrees.

Additional conservation and management measures not adopted by CCSBT are applied by members on their vessels and include VMS, ERS mitigation measures, documentation schemes, port inspections and high seas patrol programs.

#### **4.7.3 Performance Review Working Group comment and recommendations – compatibility of management measures**

Comments:

The CCSBT has been considering an integrated MCS system, which should be applied to high seas and areas under national jurisdiction in order to maintain compatibility. There will be on-going requirements for compatibility between members with respect to minimum standards set by the Commission.

Recommendations:

The CCSBT's arrangements in relation to catch limits and national allocations are compatible between high seas and in areas under national jurisdiction. The CCSBT should continue to ensure that measures are compatible.



### **4.8 Fishing allocations and opportunities**

#### **4.8.1 Background**

Setting the TAC and allocating that TAC among members has been the crucial management measure adopted at the annual meeting of the CCSBT. All decisions, including the TAC and its allocation, can be taken by consensus.

The Convention provides that the CCSBT shall decide on a TAC and its allocation and it also described the matters that CCSBT shall take into account when allocating that TAC. They are set out in article 8 (4):

- a) Relevant scientific evidence
- b) The need for orderly and sustainable development of SBT fisheries
- c) The interests of Parties through whose exclusive economic or fishery zones SBT migrates
- d) The interests of Parties whose vessels engage in fishing for SBT including those which have historically engaged in such fishing and those which have SBT fisheries under development
- e) The contribution of each Party to conservation and enhancement of, and scientific research on, SBT
- f) Any other factors which the Commission deems appropriate

During 1997-2003, members were unable to agree a TAC or how to allocate that TAC, but since 2003, allocations have been agreed each year. The current allocations will remain in place until 2009.

New members have joined CCSBT over time and the TAC and national allocations to those new members have had to be agreed.

#### **4.8.2 Current situation**

**Extent to which the RFMO agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants as reflected in UNFSA Article 11**

When the CCSBT was established in 1994, membership did not cover all the relevant coastal states (e.g. Indonesia and South Africa) and did not include other fishing nations (the Republic of Korea and the Fishing Entity of Taiwan), although as early as the second Commission meeting in 1995, Republic of Korea, Indonesia and the fishing entity of Taiwan attended as observers.

The Republic of Korea acceded to the Convention in 2001, the Fishing Entity of Taiwan's membership of the ECCSBT became effective in 2002, and Indonesia acceded to the Convention in April 2008.

Between 1989 and 2001 the TAC remained at 11,750 tonnes and allocations to members remained at the 1989 levels (Australia 5265 tonnes, Japan 6065 tonnes, and New Zealand 420 tonnes). In 2001 the concept of a global TAC, taking into account

## Conservation and management

the catch of other non-members was supported, but the national allocations of that global TAC could not be agreed.

When the Republic of Korea and the fishing entity of Taiwan acceded to the Convention their allocations were added to the previous TAC along with allocations to other non-members as illustrated in the table below.

	1994	1996	1997	2002	2003	2004	2006/7
Japan	6065	6065	6065		6065	6065	3000
Australia	5265	5265	5265		5265	5265	5265
New Zealand	420	420	420		420	420	420
Republic of Korea					1140	1140	1140
Taiwan				1140*	1140	1140	1140
Indonesia					800	800	750
Philippines						50	45
South Africa						30	40
European Union							10
Other					100		
<b>Total (tonnes)</b>	<b>11,750</b>	<b>11,750</b>	<b>11,750</b>		<b>14,930</b>	<b>14,030</b>	<b>11,810</b>

\*Taiwan made a statement to the Commission on its intention to cooperate with the CCSBT in the management and conservation of the SBT fishery and this is recorded at **Attachment F**. In response, the Executive Secretary on behalf of the Chair made the following statement on behalf of the Commission:

“Taiwan undertook immediately to voluntarily restrict its annual catch of SBT to a maximum of 1140 tonnes pending the completion of its domestic legal processes required to give effect to its membership of the Extended Commission.”

At CCSBT 13 members agreed to a global catch limit for 2007-2009 of 11,810 tonnes.

The TAC set in 2006 will only be reviewed before 2009 if exceptional circumstances emerge in relation to the stock. The allocations from 2006 are fixed to 2011 for Japan and to 2009 for other members. The allocations amongst cooperating non-members have only been set for 2008.

The CCSBT has agreed to simultaneously implement all steps of a memorandum of understanding reached at CCSBT 1 relating to the national allocations for Australia, New Zealand and Japan from the 2010 fishing year. In this respect the national allocation of New Zealand will be raised to either 1000 tonnes or 6% of the global quota, whichever is greater.

At CCSBT 14 the 2006 catch limit and allocation decisions of CCSBT 13 were confirmed.

Earlier this year, Indonesia acceded to the Convention, but CCSBT is yet to formally agree on its allocation as a member. At the time of its accession to the Convention, Indonesia’s allocation of the global TAC was 750 tonnes.

On application the Philippines, South Africa and the European Union have been accorded formal cooperating non-member status of the CCSBT with agreed catch limits of 45 tonnes, 40 tonnes and 10 tonnes respectively. These allocations were

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consistent with catch histories and the reductions in national allocations taken by members in the past.

The current membership and cooperating non-membership of the CCSBT now incorporates virtually all fishing activity for SBT.

Because allocation principles are described in the Convention, the UNFSA allocation criteria have not been a formal consideration during allocation decisions to existing members or to new members. However, the Convention's provisions are not inconsistent with that of UNSFA.

### **4.8.3 Performance Review Working Group comment and recommendations – fishing allocations and opportunities**

Comments:

As mentioned above, the Convention itself contains provisions for the setting of a TAC and national allocations as a primary role for the CCSBT. CCSBT has performed less than satisfactorily in this area until 2006. The CCSBT should improve its accountability for decision making and move towards separating the TAC decision from allocation decisions. Once long term allocations are finalised among members (including the CCSBT 1 MoU), the CCSBT should consider moving to national allocations based on alternative principles, rather than set tonnages.

Currently, the CCSBT's membership and cooperating non-membership includes almost all known catch of SBT. In the event of new entrants, the existing arrangements would provide an appropriate mechanism for engaging these entrants as members or cooperating non-members.

Recommendations:

The CCSBT's arrangements are satisfactory for the moment and do not need any amendment.

Once long term allocations are finalised among members, including the CCSBT 1 MoU, the CCSBT should consider moving to national allocations based on alternative principles, such as proportional allocations, rather than set tonnages.

## 5 Compliance and enforcement

### 5.1 Timeline of key events

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1997	<b>Agreement on the terms of reference for the Compliance Committee</b>
2000	<b>Resolution to give effect to the Action Plan</b> The CCSBT formally adopts resolution to establish initiate Action Plan  <b>Commencement of the Trade Information Scheme</b>
2001	<b>Agreement to target five countries</b> under the Action Plan which have been identified as undertaking IUU fishing <ul style="list-style-type: none"><li>• Belize</li><li>• Honduras</li><li>• Equatorial Guinea</li><li>• Cambodia</li><li>• Indonesia</li></ul>
2002	<b>The Philippines and Seychelles were identified under the Action Plan</b>
2003	<b>Agreement to suspend activity under the Action Plan</b> in the light of its apparent success in combating IUU fishing  <b>Resolution on Illegal, Unregulated and Unreported Fishing and Establishment of a CCSBT Record of Vessels over 24 metres authorised to fish for Southern Bluefin Tuna</b> The resolution requires members and cooperating non-members to ensure their vessels are not engaged in IUU activities and not to import fish taken by vessels not on the authorised vessel list.

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## Decision-making and dispute settlement

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**2004**      **Amendment of the authorised vessel list resolution** to remove the 24 metre threshold from 1 July 2005

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**2006**      **First meeting of the Compliance Committee** where high priority areas for work were agreed.

**CCSBT 13 adjourned while the Compliance Committee Working Group worked on** developing resolutions on these priority areas and *draft* resolutions were adopted on the following compliance measures and agreed to continue working on refining and implementing the measures:

- A Catch Documentation Scheme
- A Vessel Monitoring System
- Regulation of transshipments by large scale fishing vessels

Agreement to arrangements for the provision of information regarding the yearly quota and catch allocation systems

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**2007**      **Compliance Committee Working Group meeting** was held intersessionally to work further on the draft resolutions and other MCS measures

**Second meeting of the Compliance Committee** held. A resolution on VMS was adopted by the CC (subsequently not adopted by the CCSBT) and there was agreement to further work on developing a CDS.

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### 5.2 Flag State duties

#### 5.2.1 Background

The main flag state duties of the CCSBT are found in article 5 of the Convention. It provides, *inter alia*, that each party to the Convention shall take all action necessary to enforce the Convention and to ensure compliance with the TAC, its allocation, and any additional measures adopted by the CCBST.

Article 15 (2)-(3) is also interesting in that it provides some guidance on the control of nationals and also requires parties to take appropriate measures to prevent their vessels reflagging to flags of convenience.

The resolution on Illegal, Unregulated and Unreported Fishing (IUU) and the establishment of a CCSBT Record of Vessels over 24 metres authorised to Fish for Southern Bluefin Tuna (the IUU and authorised vessels resolution) requires members and cooperating non-members to ensure that their flagged vessels do not engage in IUU fishing activities for SBT<sup>49</sup>. Under the IUU and authorised vessel resolution, flag states are also required to take action to ensure that owners and operators of their fishing vessels are not engaged in or associated with fishing by non-authorised vessels, and to ensure that they can exercise effective control and take punitive action against the owners.

In addition to the provisions in the Convention and the IUU and authorised vessel resolution, members and cooperating non-members also have obligations under international instruments to which they are parties.

- Japan, Australia, New Zealand, the Republic of Korea, Indonesia, the European Community, South Africa and the Philippines are all parties to the United Nations Convention on the Law of the Sea (UNCLOS).
- Japan, Australia, New Zealand, the Republic of Korea, the European Community and South Africa are parties to the United Nations Fish Stocks Agreement (UNFSA).
- Japan, Australia, New Zealand, the Republic of Korea, and the European Community have accepted the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the FAO Compliance Agreement).

#### 5.2.2 Current situation

**Extent to which RFMO members are fulfilling their duties as flag states under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other**

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<sup>49</sup> The link to the IUU and authorised vessel list resolution is available at <http://www.ccsbt.org/docs/management.html>

## Decision-making and dispute settlement

### **international instruments, including, inter alia, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable**

The CCSBT has considered information that there has been significant overcatch of SBT by members, which prompted the following remarks in previous CCSBT meetings:

....Members of the CC recognised that extensive levels of unreported catch demanded a significant improvement in the measures needed to better monitor catch and raise the levels of compliance with the conservation and management measures of the CCSBT<sup>50</sup>.

...Current difficulties in management of the SBT fishery by the CCSBT revealed that these measures been inadequate and not been effective even though at the time the measures were agreed it was felt they were adequate and that a better system of monitoring all elements of the fishery is necessary<sup>51</sup>

Overtake information prompted the establishment of the CC in 2006 and also work to commence on improved compliance measures. Progress on these commitments will be discussed throughout this section.

The formal CCSBT process for monitoring flag state compliance is by way of reports from the secretariat and members to the CC.

Before each CC meeting, the secretariat prepares a report on compliance with measures by members and cooperating non-members. The report focuses on compliance with reporting requirements and not with the accuracy of the information that is provided.

In the two CC meetings so far the only issue that has arisen in this report has been the non-compliance by the European Commission with its obligations as a cooperating non-member.

Members and cooperating non-members also prepare reports which are submitted both the CCSBT and the CC meetings. The template for those reports is provided in Attachment D(i). Members and cooperating non-members then ask questions about the reports if any arise.

Japan changed its domestic management system for SBT in April 2006. The new management system includes (1) individual quota to fishing vessels, (2) requirement of tagging on each SBT caught, (3) requirement of landing at the eight designated ports, (4) inspection of all SBT landing by governmental officials, and (5) prohibition of obtaining, possessing, selling and/or buying illegally caught SBT<sup>52</sup>.

In response to the request from the Extended Commission, Australia undertook to commence a robust and credible experiment in 2007 to ensure that the actual catch level of its farming operations can be properly monitored and reported to the Commission<sup>53</sup>.

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<sup>50</sup> Paragraph 31, CCSBT 13 report

<sup>51</sup> Paragraph 24, Report of the 1<sup>st</sup> Compliance Committee meeting

<sup>52</sup> Attachment 4, the first Compliance Committee meeting report

<sup>53</sup> Paragraph 71, CCSBT 13 report

### **5.2.3 Performance Review Working Group comment and recommendations – flag State duties**

During the development of an integrated MCS strategy the CCSBT will need to decide on the balance between increased flag state responsibilities and centralised MCS systems administered by the Secretariat. Primary accountability for complying CCSBT measures lie with the flag state. Some domestic systems have been significantly improved since revelations of unreported catch in the fishery. There is now an urgent need for CCSBT to finalise longer term MCS arrangements centred on harmonised arrangements under a CDS.

Recommendation:

All members and cooperating non-members should continue to take all necessary actions to ensure the compliance with conservation and management measures adopted by the CCSBT.



## **5.3 Port State measures**

### **5.3.1 Background**

The Convention does not specifically provide for port state measures. It does provide for the CCSBT to adopt additional measures for the conservation, management and optimum utilisation of SBT (article 8(3)(b)) and it does require parties to take all action necessary for the enforcement of the TAC, its allocation, and any of the additional measures adopted.

### **5.3.2 Current situation**

**Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3**

The IUU and authorised vessels resolution requires members and cooperating non-members to take measures to prohibit the landing of SBT by fishing vessels not entered on the authorised vessel list.

The CCSBT has not adopted any further port state measures. The CC considered the importance of port state measures at CC1 (October 2006), CCWG1 (April 2007), and CC2 (October 2007), but there was no consensus to New Zealand's proposal for a way forward on Port State measures at the second Compliance Committee meeting (October 2007) and no further progress has been made since.<sup>54</sup>

Members may apply their own measures to vessels fishing for SBT that arrive in their ports.

The 27<sup>th</sup> meeting of FAO Committee on Fisheries agreed to commence negotiations on a new legally binding instrument on port state measures.<sup>55</sup>

### **5.3.3 Performance Review Working Group comment and recommendations – port state measures**

Port State measures are a crucial link in the chain of effort to combat IUU fishing and there is a need for a consistent and coordinated approach to port inspections. In considering a suite of integrated monitoring, control and surveillance (MCS) measures, the port State measure is the final important link in the through-chain traceability and accountability process from the point of kill to the retail market.

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<sup>54</sup> Paragraphs 69-75 of the CC2 Report. Link available at [http://www.ccsbt.org/docs/meeting\\_r.html](http://www.ccsbt.org/docs/meeting_r.html)

<sup>55</sup> Paragraph 68, COFI 24 report

## Decision-making and dispute settlement

### Recommendation:

Bearing in mind the need to avoid duplication of effort, the “*FAO Technical Consultation on Port State Measures*” meeting, was held in Rome on 23-27 June 2008, provides the Commission with some guidance on a preferred model when considering implementation of any CCSBT Port State measure.

## **5.4 Monitoring, control, and surveillance (MCS)**

### **5.4.1 Background**

At the first meeting of the CC in 2006, information about significant levels of overcatch of SBT was being considered by the CCSBT. The CC agreed that there were four priority areas for the CCSBT to focus on to help mitigate the chances of this occurring again:

- Catch Documentation Scheme (CDS) together with individual tagging
- Transshipment
- International Observer Program (IOP)
- Vessel Monitoring system (VMS)

### **5.4.2 Current situation**

**Extent to which the RFMO has adopted integrated MCS measures (e.g. required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes)**

The CCSBT currently has the following MCS measures:

VMS—The CCSBT adopted a resolution on VMS in 2006. The resolution requires Members and Cooperating Non-Members to implement their VMS systems for fishing vessels catching SBT<sup>56</sup>. In addition, another draft VMS resolution was agreed at CC in 2007, but subsequently not adopted at the CCSBT 14 meeting.

- Observers—there are no international observer coverage requirements. There is however, an agreed CCSBT Scientific Observer Program Standard with a target of 10% observer coverage (national and/or international observers).
- TIS—a system is in place which requires members of the ECCSBT to ensure that imports of SBT are accompanied by a completed TIS document. Shipments not accompanied by this form must be denied entry by members and cooperating non-members.
- Transshipments— a draft resolution was adopted at CCSBT 13<sup>57</sup>. Boarding and Inspection schemes—there is no scheme. Japan, Australia, New Zealand, the Republic of Korea, the European Community and South Africa are parties to UNFSA which has a boarding and inspection scheme.

The CC has acknowledged that the current MCS measures are inadequate (see above), however limited progress has been made on the priority areas agreed in 2006 at CC1.

### **5.4.3 Performance Review Working Group comment and recommendations – monitoring, control and surveillance**

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<sup>56</sup> Attachment 10 of the Report of CCSBT13

<sup>57</sup> Attachment 11 of the Report of CCSBT13

### **Catch Documentation Scheme (CDS):**

CCSBT made a binding agreement at CCSBT13 to adopt a CDS at CCSBT14. Key principles for the CDS were agreed at CCSBT12. A CDS was not adopted at CCSBT14.

In lieu of agreement to a CDS at CCSBT14, both Australia and Japan agreed to separately trial their respective CDS proposals in their domestic fisheries and report to the Compliance Committee (CC) in 2008. The CC will review these reports and identify weaknesses, practicality, effectiveness, and areas of improvement and report to CCSBT15<sup>58</sup>. New Zealand agreed to produce a consolidated CDS proposal for consideration by members.

In April 2006, Japan introduced a new tagging system for SBT. Other members and cooperating non-members agreed to endeavour to trial SBT tagging programs either individually or cooperatively. Given that CCSBT14 recommended that an analysis<sup>58,59</sup> (see above comment) be conducted of the CDS trails, it would be useful for the CC to conduct a comprehensive review and audit of tagging management systems to identify areas of improvement.

In June 2008, the European Community mandated electronic traceability systems in its latest regulations intended to combat illegal fishing, meaning any seafood imports to Europe must allow control authorities to track its entire history and supply chain - effectively amounting to an electronic CDS for Atlantic bluefin tuna only. The aim is to be able to trace the fish throughout the entire value chain from suppliers to customers.

ICCAT has introduced a CDS for Atlantic bluefin tuna and this system is available as reference for harmonisation for a CDS for the CCSBT.

### **Transshipment:**

A transshipment measure was agreed at CCSBT13 (2006) for implementation on 1 July 2008.

Issues were raised at CCSBT14 over the implementation date for the CCSBT transshipment arrangements with some members expressing concern over their inability to meet the deadline. The 1 July 2008 date has been missed and the regional observer program was not initiated by the Secretariat.

### **Vessel Monitoring Scheme:**

Most CCSBT members report that a VMS is already being used on their vessels, but so far no agreement has been reached to adopt a centralised CCSBT VMS. Proposals have been agreed by the<sup>60</sup> Indian Ocean Tuna Commission (IOTC) and the Western and Central Pacific Fisheries Commission (WCPFC) for centralised systems. Most CCSBT members are also members of the WCPFC and the IOTC.

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<sup>58</sup> CCSBT14, para 75

<sup>59</sup> CCSBT14 para 75

<sup>60</sup> Resolution 06/03 of the 10<sup>th</sup> session of the IOTC

## Decision-making and dispute settlement

A VMS measure was not agreed at CCSBT14 because some members stated concerns about data security and confidentiality because of the recent infringements of confidentiality agreements. The CCSBT has a *Data Confidentiality Policy* (CCSBT10 report/2003, Attachment 13) to deal with the release of data from the CCSBT central database, which could be amended to address these concerns.

A VMS that is not centralised has limited effectiveness. It should be noted that CCAMLR has adopted a centralised VMS.

### **Observers:**

It is not necessary to consider further assessments of a CCSBT observer program as the conceptual work was undertaken and agreed by members at CCSBT10 (2003)<sup>61</sup> and is contained within the '*CCSBT Scientific Observer Program Standards*'

Acknowledging the 2007 Kobe commitment to consistent ROP standards, the CCSBT should align its observer program with those of other RFMOs which also have an observer program such as CCAMLR and the IOTC.

### **IUU List (negative list):**

At CCSBT14, members agreed in principle to an IUU fishing vessel list. Following the example of IUU vessel lists of other RFMOs, such a list would record the names of vessels that members agree have seriously breached the management measures of the CCSBT. Following listing on the CCSBT IUU vessel list it would be illegal to allow the landing of catch from such vessels and other sanctions could also be applied under the CCSBT Action Plan. CCSBT members have indicated general support for establishing an IUU fishing vessel list providing that the existing (positive) authorised vessel list remains in place and appropriate mechanisms are in place to add and remove vessels from the list negative list.

### **Boarding and Inspection:**

Japan, Australia, New Zealand, the Republic of Korea, the European Community and South Africa are State parties to the United Nations Fish Stocks Agreement (UNFSA) and are obliged by that agreement to adopt boarding and inspection procedures within the Commission.

All members of the CCSBT are members of the WCPFC and are bound by the WCPFC boarding and inspection regime when operating in that Convention area on the high seas. This is a model that could be followed in the context of harmonisation<sup>62</sup> but the CCSBT does not have a convention area and the necessary arrangements for an inspection and boarding program would be complex because they would cover all oceans.

### **Other:**

MCS measures are only properly effective at addressing IUU if there is a comprehensive integration of measures. CCSBT should consider how the MCS measures work together and identify gaps or loopholes that facilitate IUU.

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<sup>61</sup> CCSBT10 report, para 34

<sup>62</sup> Guidance provided by 2007 Joint RFMO meeting

### **Recommendations**

As the CCSBT does not have its Convention area and SBT migrates into the other tuna RFMOs' areas of jurisdiction, the CCSBT should cooperate with the other tuna RFMOs to optimise harmonisation; improve global effectiveness; and avoid duplication of work.

The CCSBT should prioritise the development of MCS in the context of a compliance plan.

### **5.5 Follow-up on infringements**

#### **5.5.1 Background**

#### **5.5.2 Current situation**

##### **Extent to which the RFMO, its members, and cooperating non-members follow up on infringements to management measures**

It remains the flag state's responsibility to follow up on infringements of conservation and management measures by its vessels and/or nationals.

The CCSBT has no provisions for penalising infringements of its measures by members and cooperating non-members. When CCSBT Members or Cooperating Non-Members overfish their allocations of the TAC, the CCSBT has a practice that they pay back that overcatch from their national allocations in following years.

A paper which would formalise this process and establish agreed rules about the reparations for taking more than allocated was considered at the CCSBT 14 meeting, but remains to be finally agreed partly because the paper was not examined by the ESC. Therefore, this issue will be examined at the ESC (September 2008) and then at the Extended Commission (October 2008).

Regarding the conservation and management measures which require Members to do bureaucratic work, such as TIS (Statistical Document Program) and CCSBT Record of Vessels, the CCSBT has paid little attention on implementations/infringements by Members and Cooperating Non-Members.

#### **5.5.3 Performance Review Working Group comment and recommendations – follow up on infringements**

##### **Recommendation**

The CCSBT should, as a minimum, establish agreed rules on the treatment of overcatch (requirement of payback).

## Decision-making and dispute settlement

Ideally, the CCSBT should establish a range of penalties in relation to all conservation measures.

## **5.6 Cooperative mechanisms to detect and deter non-compliance**

### **5.6.1 Background**

The CCSBT has established a CC and developed an authorised vessel list to help monitor, detect, and deter non-compliance.

### **5.6.2 Current situation**

**Extent to which the RFMO has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g. compliance committees, vessel lists, sharing of information about non-compliance)**

The CCSBTs CC meets annually to:

- monitor, review and assess compliance with conservation and management measures
- exchange compliance information
- report and provide recommendations to the CCSBT on addressing non-compliance.

In its second year, the CC also held an intersessional meeting to progress work on the compliance measures committed to at CCSBT 13. Descriptions of this progress are provided in sections 4.1.2 and 5.4.1 and 5.4.2.

All Members and Cooperating Non-Members are required to submit their national reports to the Extended Commission. The Compliance Committee uses the national report to examine compliance, but there was no national report submitted by Cooperating Non-Members at the CCSBT14 (October 2007) and CCSBT 13 (October 2006).

The CCSBT has an authorised vessel list which is publicly available on the CCSBT website at <http://www.ccsbt.org/docs/search.cfm>. Members and cooperating non-members provide information on their authorised vessels to the Secretariat so that it is up-to-date. Members and cooperating non-members will not validate trade documents or accept SBT imports from vessels not on the authorised list.

### **Extent to which these mechanisms are being effectively utilised**

Since the first meeting of the CC in 2006 it has focussed on the development of an integrated MCS and has not to date undertaken routine assessment of member and cooperating non-member compliance with CCSBT measures

### **5.6.3 Performance Review Working Group comment and recommendations – cooperative mechanisms to detect and deter non-compliance**

Recommendation:



## Decision-making and dispute settlement

All Members and Cooperating Non-Members should submit their national reports to the CCSBT.

The CCSBT allocate sufficient time to the CC and the Extended Commission to allow them to complete both routine and development work each year.

## **5.7 Market-related measures**

### **5.7.1 Background**

The CCSBT implemented a TIS for SBT in 2000 but it has only been effective at tracking international trade. In the past two years the CC has discussed extending the TIS to a CDS by incorporating the landing of all fish within that system regardless of whether they are traded domestically or internationally. Members were not able to agree the details of a CDS at CC1 or CC2 and work on developing a CDS continues.

The CCSBT's IUU and authorised vessel list resolution requires members and non-members to only validate statistical documents for fishing vessels on the authorised list, and to only allow imports from vessels on the authorised list.

### **5.7.2 Current situation**

#### **Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States**

The CCSBT requires members and cooperating non-members to deny entry of SBT shipments from vessels not on the authorised list or those not accompanied by an approved TIS form.

The Secretariat maintains a database for monitoring catches and trade and reconciliation of these forms is conducted against electronic lists of exports submitted by members and cooperating non-members.

#### **Extent to which these market-related measures are effectively implemented**

In the view of the CCSBT Secretariat the TIS scheme is an effective system for tracking internationally traded SBT by members. It covers a large proportion of the trade and has feed back loops that maintain its integrity. The incomplete production of the documentation of the system are largely of a technical nature that do not compromise its integrity.

### **5.7.3 Performance Review Working Group comment and recommendations – market related measures**

If a SBT is caught by a CCSBT member country and landed for sale in that country, it is deemed to be domestic catch and not a "trade". It is becoming increasingly important to monitor all catch and trade in SBT because of the new SBT markets that are developing. With a CDS, data would be collected for all SBT taken and landed providing a view of all global SBT catch, which is not possible with the TIS.

## Decision-making and dispute settlement

### Recommendation:

The CCSBT should implement a CDS as matter of urgency.

Pending implementation of a CDS, all members and cooperating non-members should be required to implement the TIS.

The CCSBT should monitor all market and port states and encourage compliance with CCSBT monitoring and trade measures.

## 6 Decision-making and dispute settlement

### 6.1 Timeline of key events

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1993	<b>Australia, Japan and New Zealand sign the Convention for the Conservation of Southern Bluefin Tuna—Convention enters into force in 1994</b> Dispute resolution provisions are contained in article 16
1994	Agreement is reached on <b>method for adjusting national allocations</b> in the event of an increase in the TAC
1997– 2002	<b>No agreement on a global TAC or national allocations</b>
1999	The <i>Southern Bluefin Tuna Cases</i> between Australia and New Zealand and Japan commence  Arrangements agreed for the <b>creation of an independent panel of scientists</b> to assist with scientific process
2003	<b>CCSBT10 (October 2003) agreed to TAC</b>
2005	<b>Rules of Procedure amended to allow decisions to be taken intersessionally</b> through electronic communication  <b>Agreement to adopt a management procedure</b>  <b>In the absence of a formally set TAC, the Commission agreed that members' national allocations for 2006 would not exceed the levels agreed for 2005.</b>

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### **6.2 Decision making**

#### **6.2.1 Background**

Article 7 of the Convention requires decisions of the CCSBT to be taken by unanimous vote of members present at the CCSBT meeting.

The rules of procedure require a quorum of two-thirds of members at a CCSBT meeting and subsidiary bodies have no decision making powers.

#### **6.2.2 Current situation**

**Extent to which RFMO has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner**

Current practice is for the Chair to ascertain whether consensus exists for decisions, but the rules of procedure provide for votes to be taken with a show of hands or with a roll call should a member request it.

It is normal practice for all important decisions to be taken at a meeting of the CCSBT. However, out of session decision making can also occur using electronic media and this is done for less important day to day operational activity.

The CCSBT's Rules of Procedure provide for the record of its annual meetings and subordinate bodies to be placed in the public domain. Non-publication is by exception.

#### **6.2.3 Performance Review Working Group comment and recommendations – decision making**

Comment:

Consensus decision making forms the basis of all the CCSBTs decisions. This cannot be changed unless the Convention is amended.

However, consensus decision making has led to some sub-optimal outcomes for the Commission and members might consider how they manage the decision making process to improve the timeliness and effectiveness of decisions, particularly those that relate to the status of the SBT stock.

Recommendation:

Consensus decision making does mean that some decision making is delayed but the Commission could also consider that some day to day operational decision making could be devolved to the Chair or the Executive Secretary (by unanimous decision of the Commission).

### 6.3 Dispute settlement

#### 6.3.1 Background

Disputes amongst members of the CCSBT prevented the adoption of a TAC for SBT or the allocation of that TAC from 1997–2002<sup>63</sup>.

In 1998 Australia and New Zealand objected to an experimental fishing programme (EFP) commenced by Japan involving the taking of SBT over and above national allocations. After the parties failed to reach agreement under article 16(1) of the Convention, Australia and New Zealand sought to settle the dispute through the compulsory dispute resolution provisions of UNCLOS (Part XV).

In 1999 Australia and New Zealand commenced arbitration proceedings against Japan under UNCLOS (Annex VII)<sup>64</sup>. Pending the establishment of the Arbitral Tribunal under Annex VII of UNCLOS, Australia and New Zealand each also filed a request for provisional measures with the International Tribunal for the Law of the Sea (ITLOS). In August 1999, ITLOS prescribed certain provisional measures.

In 2000, the Arbitral Tribunal found that it did not have jurisdiction over the case, because the CCSBT Convention's dispute resolution procedures excluded the compulsory binding dispute settlement procedures in UNCLOS.

#### 6.3.2 Current situation

##### **Extent to which the RFMO has established adequate mechanisms for resolving disputes**

The Convention provides a framework for the settlement of disputes in article 16 which provides:

1. If any dispute arises between two or more of the Parties concerning the interpretation or implementation of this Convention, those Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.
2. Any dispute of this character not so resolved shall, with the consent in each case of all parties to the dispute, be referred for settlement to the International Court of Justice or to arbitration but failure to reach agreement on reference to the International Court of Justice or to arbitration shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 above.
3. In cases where the dispute is referred to arbitration, the arbitral tribunal shall be constituted as provided in the Annex to this Convention. The Annex forms an integral part of the Convention.

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<sup>63</sup> SBT TAC was agreed by Members at CCSBT10 (2003).

<sup>64</sup> *Southern Bluefin Tuna case (Australia and New Zealand v Japan) (Jurisdiction and Admissibility)* (2000) 39 ILM 1359 and for the provisions measures decision see *Southern Bluefin Tuna Cases (New Zealand v Japan; Australia v Japan) (Provisional Measures)* 1999 38 ILM 1624.

## Decision-making and dispute settlement

The key situation in which the Convention's dispute resolution provisions have been used was in the SBT cases.

The UNFSA (article 30(2)) applies the dispute resolution settlement provisions of UNCLOS part XV to any dispute between states parties to UNFSA concerning an RFMO to which they are parties relating to straddling or highly migratory stocks, including any dispute concerning the conservation and management of these stocks.

### **6.3.3 Performance Review Working Group comment and recommendations – dispute settlement**

Comment:

The CCSBT dispute resolution provisions require disputing members to agree to proceed to binding dispute resolution. This has the potential to bind members into a stalemate with no avenue for achieving resolution other than continuing to talk. The report on 'Recommended Best Practices for RFMOs'<sup>65</sup> has recognised that this situation is not appropriate for an RFMO. However to change the dispute settlement arrangements of the CCSBT would require amendment of the Convention

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<sup>65</sup> Page 125-126 - Recommended Best Practices for Regional Fisheries management Organisations  
Chatham House

### 7 International cooperation

#### 7.1 Timeline of key events

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1993	<b>Australia, Japan and New Zealand sign</b> the Convention for the Conservation of Southern Bluefin Tuna—Convention enters into force in 1994
1996	<b>Agreement to approach Republic of Korea, Indonesia and Taiwan</b> to encourage involvement with the CCSBT
1997	<b>Agreement on a response</b> to requests to suspend fishing <b>Agreement on a policy</b> on non-members fishing for SBT
1999	<b>Adoption of an Action Plan to encourage accession to the CCSBT</b> The plan was targeted at Republic of Korea, Taiwan and Indonesia  <b>Agreement to write to Republic of Korea and Taiwan seeking commitment to join the CCSBT</b>  <b>Resolution adopted urging members to adopt measures to discourage SBT fishing by FOC vessels</b>  <b>Resolution adopted calling on distant water fishing fleets to reduce the size of their fleets</b>  <b>Commencement of process to establish trade certification scheme</b>
2000	<b>Resolution to initiate Action Plan</b>
2001	<b>Resolution creating the Extended Commission and Extended Scientific Committee</b> allowing the full participation of the fishing entity of Taiwan  <b>Rules of Procedure amended</b> to make full publication of reports the norm and confidentiality the exception  <b>The republic of Korea becomes a member</b>
2002	<b>The Fishing Entity of Taiwan becomes a member</b> of the Extended Commission and the Extended Scientific Committee
2003	<b>Resolution to establish the status of cooperating non-member</b>  <b>Amendments made to the rules of confidentiality</b>

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## International Cooperation

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**2004**

**The Philippines becomes a cooperating non-member**

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**2006**

**South Africa becomes a cooperating non-member**

**The European Union becomes a cooperating non-member**

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**2008**

**Indonesia accedes to the Convention**

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## International Cooperation

### 7.2 Transparency

#### 7.2.1 Background

The Convention recognises that the CCSBT can invite non-members, inter-governmental or non-governmental organisations to observe meetings of the CCSBT and the SC.

The CCSBTs rules of procedure provide more details of the process for observers attending the CCSBTs meetings (rule 3), and also for the publication of reports from the CCSBTs meetings (rule 10)<sup>66</sup>. The CCSBTs rules of procedure are publicly available, and it has been put on the CCSBT web site since year 2001

#### 7.2.2 Current situation

**Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9**

Observers may be invited from States that have an interest in the SBT fishery, inter-government bodies or non-government organisations. Non-government organisations are treated slightly differently in that they must apply to attend.

Application of rule 3 has resulted in on-going attendance by observers from States with an interest in the fishery, all of which are now members or cooperating non-members. In the first five years, there were some observers from other RFMOs but more recently such bodies have declined to attend.

The ERSWG had an observer from an inter-governmental organization at the second meeting (June 1997). It also has had observer(s) from non-governmental organizations(s) since the 6<sup>th</sup> meeting (February 2006).

Prior to 2000, no observers from non-government organisations attended the CCSBT's meetings. Since 2000, the Secretariat has received enquiries from non-government organisations to attend. These were not progressed because the enquiry was made outside the notice period of 100 days prior to the meetings as required by rule 3. However, even when the enquiry was made outside the notice period, the Executive Secretary made his best efforts to accommodate such requests from non-governmental organization while following the Rules of Procedure, through informally asking a CCSBT Member to include participants from non-government organisations into its national delegation.

The CCSBT has never rejected requests from non-governmental organizations to attend CCSBTs meetings.

**Extent to which the RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion**

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<sup>66</sup> The link to CCSBTs rules of procedure can be found at <http://www.ccsbt.org/docs/about.html>

## International Cooperation

Rules governing the publication of reports are set down in rule 10 of the CCSBT's rules of procedure.

In operation, the CCSBT publishes all reports, including those of subsidiary bodies, after the annual meeting of each year. There are provisions in rule 10 for members to seek to have a report, or part of a report, regarded as confidential and not be published. Reports of the Scientific Committee up to 2000 have not been published because of the application of this arrangement.

Since 2000, all reports have been published with a small number of minor exceptions relating to parts of a report.

Each year the CCSBT provides a report on the biology, stock status and management of SBT to the other tuna RFMOs and FIRMS. Each year, the CCSBT's website is updated with the latest decisions of the Commission as well as with relevant data.

In 2007, the CCSBT confirmed that reports of the Japanese Market Review and the Australian Farm Review produced in 2006 would remain confidential.

### **7.2.3 Performance Review Working Group comment and recommendations – transparency**

Comment:

Current arrangements are fair and transparent. However, the arrangements, including CCSBT Rules of Procedure might not be popular among possible observers, such as non-governmental organizations.

Recommendations:

The CCSBT and its members should improve openness by better publication of the rules for observers. One possible option would be to put the information about the current arrangements to accept observers on the CCSBT website.

### **7.3 Relationship to cooperating non-members**

#### **7.3.1 Background**

The Convention provides for new members with an interest in the SBT fishery (defined as actively fishing or having SBT migrating through its EEZ) to accede to the Convention by depositing an instrument of accession with the Convention's Depository, which is the Government of Australia.

The CCSBT has also passed a resolution to establish the status of cooperating non-member which is achieved through invitation from the CCSBT.

The three original signatories to the Convention (Australia, Japan, and New Zealand) realised early on the importance of getting the relevant coastal states (e.g. Indonesia and South Africa) and other fishing nations (e.g. Republic of Korea and Taiwan) involved in the CCSBT.

These states attended early meetings as observers and there were even some principles developed for allocating the TAC to new members<sup>67</sup>. Bilateral discussions and negotiations took place with Republic of Korea, Taiwan, Indonesia, and South Africa.

In 2000, the CCSBT action plan was adopted and the TIS scheme was introduced placing pressure on those outside the CCSBT system to join.

The action plan requests non-members catching SBT to cooperate with the CCSBT, provides that the CCSBT will identify at each annual meeting those non-members involved in fishing for SBT and request that they cooperate fully with the CCSBT. It also provides for the imposition of trade-restrictive measures on non-members identified under the action plan. There have been four resolutions under the action plan relating to Cambodia, Honduras, Equatorial Guinea, Belize (twice) and Indonesia.

A description of the TIS is provided in section 4.5.2.

#### **7.3.2 Current situation**

**Extent to which the RFMO facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status**

The CCSBT's six members are Japan, Australia, New Zealand, Taiwan, Republic of Korea and Indonesia and its three cooperating non-members are the European Community, South Africa, and the Philippines.

Members enjoy the full rights and obligations of membership. They can vote, are bound by conservation and management measures, and pay contributions. Cooperating non-members can participate in the business of the CCSBT, are bound

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<sup>67</sup> Annex 6, CCSBT 2 report, which provides the calculation based on past catch records agreed and refers to the allocation principles contained in the Convention.

## International Cooperation

by conservation and management measures, but they do not pay contributions and they cannot vote. Cooperating non-member status is seen as a temporary state on the transition from being a non-member to becoming a full member of the CCSBT and it is reviewed annually based on adherence to conservation and management activities.

The main coastal states and fishing nations for SBT are all either members or cooperating non-members of the CCSBT and the action plan has not been invoked in the past two meetings.

### **7.3.3 Performance Review Working Group comment and recommendations – relationship to cooperating non-members**

Comment:

The current system to accept cooperating non-members is adequate. It provides cooperating non-members with full involvement in CCSBT activities; receiving catch allocations consistent with the rules applying to members.

The CCSBT's arrangements do not require cooperating non-members to make a financial contribution which is often a barrier to participation by developing states in RFMOs.

Recommendations:

No change is recommended

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### **7.4 Relationship to non-cooperating non-members**

#### **7.4.1 Background**

In responding to this question Indonesia has been excluded. While it has not been a formal cooperating non-member, it was cooperating and participating in the activities of the CCSBT. Indonesia acceded to the Convention in April 2008.

#### **7.4.2 Current situation**

**Extent of fishing activity by vessels of non-members that are not cooperating with the RFMO, as well as measures to deter such activities**

From 1989 catch was being reported from a range of States who were outside the current group of the CCSBT's members and cooperating non-members. The catch reached a maximum of around 400 tonnes (3% of the TAC) in the late 1990s.

In response to what appeared to be a growing problem of flag of convenience (FOC) fishing and the CCSBT introduced the TIS and commenced an action plan against a list of identified FOC States (see discussion in paragraph 7.3.1). The CCSBT also introduced a list of vessels authorised to fish for SBT and members agreed not to land SBT from vessels not on the CCSBT list. Only members and cooperating non members may place vessels on the CCSBT list.

These activities have been successful in deterring fishing by States outside the management and conservation measures of the CCSBT. In 2005 and 2006 there was nil catch reported by these sources.

#### **7.4.3 Performance Review Working Group comment and recommendations – relationship to non-cooperating non-members**

Comment:

The CCSBT has been effective in dealing with the problem of non-cooperating non-members and no change is necessary.

Recommendations:

No change is recommended

### **7.5 Cooperation with other RFMOs**

#### **7.5.1 Background**

The Convention obligates CCSBT to cooperate with other RFMOs and Inter-Governmental Organisations (IGO) which have similar objectives to get the best available information to help further the objective of the Convention and also to avoid duplicating work.<sup>68</sup> The Convention stipulates that the CCSBT can make arrangements with inter-governmental organisations for this purpose.

#### **7.5.2 Current situation**

##### **Extent to which the RFMO cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats**

Both the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Indian Ocean Tuna Commission (IOTC) have formally recognised that the CCSBT has competence to manage SBT. Until 2007, the CCSBT and the IOTC have been actively cooperating in the estimation of the Indonesian SBT catch.

The Western and Central Pacific Fisheries Commission (WCPFC) has a Memorandum of Understanding with the CCSBT which recognises that the CCSBT is the appropriate body to manage SBT and sets out annual information sharing requirements.

The CCSBT has been unable to agree on arrangements with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) concerning SBT fishing in CCAMLR's convention area.

Cooperation with other RFMOs is determined by operational needs mostly in the form of data sharing. Generally RFMOs do not liaise on a day to day basis although the Executive Secretaries do have an informal network.

The tuna RFMOs have agreed to construct and maintain a global list of registered vessels. Development of the global list is continuing with a focus on the creation of a unique identifier for each vessel. The CCSBT is active in this process.

The CCSBT has been an active participant in the Tuna RFMO meetings, which commenced in Kobe, Japan in January 2007.

#### **7.5.3 Performance Review Working Group comment and recommendations – cooperation with other RFMOs**

Comment:

There are significant opportunities for the CCSBT to work more closely with and to harmonise measures with other RFMOs and this should be a priority area for the CCSBT. Cross cutting issues affecting all the tuna RFMOs include ERS mitigation,

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<sup>68</sup> Article 12, the Convention.

## International Cooperation

impacts of fishing on the environment, and data collection. See also comment in 4.3.3.

### Recommendations:

There are significant opportunities for the CCSBT to work more closely with and to harmonise measures with other RFMOs, especially with the other tuna-RFMOs, and this should be a priority area for the CCSBT.



### **7.6 Special requirements of developing States**

#### **7.6.1 Background**

Indonesia, the Philippines and South Africa are the three countries participating in the CCSBT that can be defined as developing States.

#### **7.6.2 Current situation**

**Extent to which the RFMO recognises the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5**

The Convention does not differentiate between the needs of developing and developed states, but in practice CCSBT does recognise these needs. Before becoming a member, Indonesia was given financial assistance to attend CCSBT meetings from the general budget of the CCSBT.

The decision to create the status of formal cooperating non-member was motivated in large part by the recognition that full membership was financially difficult for developing states. It has allowed participation without the obligation to make a financial contribution.

**Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26**

Developed CCSBT members have also been involved in providing assistance to developing states involved in SBT. Australia and Japan have provided support including financial assistance to maintain a system to allow estimation of the Indonesian SBT catch.

Other bilateral programs administered by the CCSBT members have also been developed to help build capacity in fishery administration.

#### **7.6.3 Performance Review Working Group comment and recommendations – special requirements of developing states**

Recommendation:

No change is necessary

## 8 Financial and administrative issues

### 8.1 *Timeline of key events*

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1995	<b>Adoption of financial regulations</b> <b>Adoption of staff regulations for the Secretariat</b>
1996	<b>Adoption of headquarters agreement creating a permanent Secretariat</b>
1997	<b>Agreement on Terms of Reference for the Finance and Administration Committee</b> <b>Adoption of financial controls</b> <b>Adoption of a logo establishing a recognisable symbol for CCSBT</b>
2000	<b>Agreement to establish and fund a Database manager for the CCSBT Secretariat</b>

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## **8.2 Availability of resources for RFMO activities**

### **8.2.1 Background**

The annual operating budget for the CCSBT is approximately \$AUD 1.3–1.7 million per year.

The Convention provides that CCSBT must decide an annual budget and that the contributions from that budget are calculated as follows<sup>69</sup>:

- a) 30% of the budget shall be divided equally among all the parties
- b) 70% of the budget shall be divided in proportion to the nominal catches of SBT among all the Parties

The CCSBT has agreed it is desirable that increases in members' contributions to the CCSBT's annual general budget should be maintained within 10% of the previous year's contribution.<sup>70</sup>

### **8.2.2 Current situation**

#### **Extent to which financial and other resources are made available to achieve the aims of the RFMO and to implement the RFMOs decisions**

The general operating budget agreed for the CCSBT in 2008 is \$AUD1.65 million (Attachment G). This is a 4.9% increase in member's contributions from 2007.

A special budget of around \$0.6 million was operated between 2002 and 2006 to finance a SBT tagging program as part of the CCSBT's SRP (Attachment H).

With additional resources, more of the scientific research plan could be funded and the CCSBT Secretariat could provide more operational support for the fishery's administration. For example, the management of a catch document scheme and VMS monitoring should those resolutions be adopted by the CCSBT.

### **8.2.3 Performance Review Working Group comment and recommendations – availability of resources for RFMO activities**

Comment:

To date the CCSBT has been adequately funded for its activities. Any decisions to improve performance by funding research directly or by enhancing the Secretariat's role in the fishery's day-to-day administration would require additional funding and adjustment of roles.

Recommendations:

The Secretariat should maintain an efficient and cost effective operation.

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<sup>69</sup> Article 11, the Convention

<sup>70</sup> Paragraph 10, report of CCSBT10

## Financial and administrative issues

The CCSBT should consider whether establishing a position at the secretariat to provide policy and management advice would be a useful way of addressing the current gap that exists taking into account cost effectiveness of such post. For example, the CCSBT could request the secretariat to come up with options for a priority management or policy issue for CCSBT to consider rather than relying on members to table papers in an ad hoc manner as currently occurs. This new capacity, coupled with the direction and common vision which would be provided by a CCSBT strategic plan (and a management plan) could greatly improve the functioning and performance of the CCSBT.

### 8.3 Efficiency and cost-effectiveness

#### 8.3.1 Background

Financial and staff regulations have been adopted by the CCSBT providing a framework within which the financial and administrative function of the CCSBT operate. Under the financial regulations, financial rules have been adopted to provide for budget control during the financial year.

The CCSBT has also established a Finance and Administration Committee (FAC) to provide advice to the CCSBT on finance matters including expenditure trends, the draft budget for the year, and the contributions required from members.

#### 8.3.2 Current situation

##### Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat

The CCSBT Secretariat has four full-time staff – Executive Secretary, Deputy Executive Secretary, Data Manager, and Office Administrator. This is the smallest secretariat of all the tuna RFMOs.

For comparison the following table provides information on other selected tuna-RFMOs. All financial figures are in Australian dollars.

	<b>CCSBT</b>	<b>ICCAT</b>	<b>WCPFC</b>
Full time staff	4	26	8
Staff costs	\$692,000	\$2,750,000	\$1,490,000
Administrative costs	\$166,000	\$340,000	\$435,000
Vessel list costs	\$10,000	na	\$22,000
Vessel list staff	0.1	na	1.5
Official languages	2	3	1
Translation staff	0.4	6	0
No. of stocks managed	1	9	4 tunas+marlins+swordfish
Managed stock catch	15,690 t	202,000t	2,200,000t
Value of catch	\$1 billion	na	\$4.3 billion

It is difficult to assess the efficiency and effectiveness of the CCSBT Secretariat compared to other RFMOs. The IATTC is not a comparable organisation and the other RFMOs have bigger membership bases. The IOTC and the WCPFC also operate in isolated developing countries, which influences their staffing levels and profiles. Nonetheless, based on the above table, it seems that the efficiency and effectiveness of the CCSBT Secretariat is high among the five tuna RFMOs.

As regards its secretariat support role, the current staffing could not be reduced without impacting services to members.

## Financial and administrative issues

### **8.3.3 Performance Review Working Group comment and recommendations – efficiency and cost-effectiveness**

Comment:

The Secretariat has run efficiently and effectively. This should be continued.