

Commission for the Conservation of
Southern Bluefin Tuna



みなみまぐろ保存委員会

Report of the Sixth Annual Meeting Second Part

**21-23 March 2000
Canberra, Australia**

REPORT OF THE SIXTH ANNUAL MEETING
(Second Part)
21 to 23 March 2000

Agenda Item 1: Opening of Meeting

1.1 Adoption of Agenda

1. The Chair, Mr Peter Yuile of Australia opened the meeting and welcomed member delegations from Australia, Japan and New Zealand and observers from the Republic of Korea, the Republic of South Africa and Taiwan. The Chair noted that Messrs Hurry and Hausknecht were representing CCAMLR.

2. The agreed agenda and list of participants are at **Attachments A** and **B** respectively.

3. The Chair invited the observers to make comments on particular issues as they arose during the agenda.

1.2 Opening Statements

4. Opening statements by Australia, Japan, New Zealand, Korea, South Africa and Taiwan are at **Attachments C, D, E, F, G** and **H**.

Agenda Item 2: Relationship with Non-Members

2.1 Indonesia, Korea, South Africa and Taiwan

5. Australia and New Zealand noted the importance of securing the accession or formal cooperation of non-members fishing for SBT and expressed their desire to urgently pursue negotiations with key non-members. Australia and New Zealand noted that non-members had been reminded of their international obligations and of the need to take into account the quota reductions undertaken by CCSBT members, and their continued restraint. Both members acknowledged the cooperative measures that Korea and Taiwan had taken in voluntarily limiting their catch. New Zealand noted that as a result of the steps taken by the Commission to obtain cooperation there is no longer unrestrained access to the depleted SBT fishery.

6. Japan advised that since the last Commission meeting, it had undertaken further bilateral consultations with Korea to persuade it to accede to the Commission and encouraged it to accept the offer made by the Commission at its last meeting.

7. Korea advised that it regretted the position taken by the Commission in offering a quota of 1000 tonnes, referring to its position that a 1500 t quota more closely reflected Korea's catch. Korea also noted that a quota of 1000 tonnes was below their catches from 1996 to 1998 and any reduction below 1500 tonnes would place additional economic pressure on the industry at a time of economic depression. Korea explained that at the time 1000 tonnes had been requested, officials had not been aware of the current catch levels of their fishing fleet. Recent catch data indicated catches were in the order of 2000 tonnes and therefore in its view a quota of 1500 tonnes was reasonable. Korea stated that the increase in catch after Korea had proposed a 1000 tonne

allocation was not designed to increase Korea's allocation but was caused by the fall of the won in 1997.

8. On Indonesia, Australia advised there had been a positive meeting recently with Indonesian officials at an Indonesia-Australia fisheries workshop. The SBT issues discussed concerned the quantity of SBT taken by Indonesia, whether the catch was taken within the Indonesian EEZ, the size of vessels and whether the catch was taken as targeted-catch or as by-catch. Australia also advised that Indonesia also requested assistance to gather information on spawning season, location and depth at which spawning occurs, so that Indonesia could consider approaches to minimize the level of by-catch.

9. Australia noted also the catch of SBT was primarily taken as by-catch within the Indonesian EEZ by small longlining vessels (Australian scientific paper provides greater detail). There was a wide variety of estimates of catch, varying from an Indonesian industry estimate of 150 tonnes to 800 - 850 tonnes by the Indonesian government to 2500 by Australian scientists. While Indonesia has indicated interest in future membership of the Commission, according to Australia, Indonesia has concerns regarding compensation for catch reduction in the spawning grounds and the level of the membership fee. Also, there were a number of questions regarding the monitoring of Indonesian catch, which may be covered through port sampling. Australia and Japan expressed interest in working jointly on a government sampling program in Indonesia. Japan urged Australia to liaise with IOTC in improving information regarding Indonesia's catch of SBT, as at IOTC, it was decided to have port sampling that would provide more detailed data. Australia noted it is liaising with the IOTC and believes that early research in the spawning ground would be particularly useful.

2.2 Action Plan

10. Consideration was given to the draft Action Plan, Attachment L to the report of Commission meeting CCSBT6(1) held in November. Japan advised that it had taken a number of measures to address non-member and flag of convenience (FOC) vessels' catch, including monitoring of imports, seeking the cooperation of trading companies in excluding the importation of tuna from FOC operators and the heightening of consumer awareness through labeling of origin countries.

11. In relation to FOC vessels, it was noted that ICCAT had introduced trade restrictions on bluefin tuna etc. for FOC countries, and that ICCAT and IOTC had adopted a resolution to urge their Parties' importers to refrain from importing tunas taken by FOC vessels. Japan also suggested a special CCSBT meeting be held in June to discuss the identification of non-members who are not taking any steps towards cooperating with the CCSBT in accordance with procedures mentioned in the Action Plan.

12. Korea reiterated its concerns regarding what it saw as an excessive burden on its industry. It also expressed concern that as negotiations on quota were continuing and Korea had taken action to voluntarily restrain catches, it was too early to take action set out in the Action Plan. In addition, it considered that this action attempted to impose requirements on non-members beyond UNCLOS provisions. Commission members assured Korea of their intent to pursue further negotiations with Korea at the meeting and subsequently.

13. Members agreed on a Resolution to give effect to the Action Plan (**Attachment I**). In doing so, members recognised that specific procedures for implementation would need to be agreed

between members before any particular action could be taken under the Resolution. In executing aspects of the Action Plan, Australia and New Zealand stressed the critical importance of ensuring that any proposed measures are consistent with the members' obligations under international law, particularly those under the WTO instruments.

14. The Chair pointed out that the Resolution was not aimed at non-members that cooperate with the Commission and that it was not intended to undermine negotiations with non-members. The Resolution was intended to address the operations of non-members and vessels whose actions were undermining the Commission's management arrangements. The Resolution was intended to encourage non-members to join the Commission or cooperate with the management arrangements. Korea expressed concern that it was too early to take this approach when there had been a failure within the Commission to arrive at an agreed TAC.

15. Japan undertook to draft a letter of request, for consideration by members, to be sent out to non-members in accordance with the first operative paragraph of the Resolution.

Agenda Item 3 Implementation of the Trade Information Scheme

16. It was noted that the Commission had approved a Trade Information Scheme at CCSBT6(1), subject to resolution of some procedural arrangements. The Executive Secretary advised that details of the scheme approved at that meeting were sent to non-members identified by Japan as having exported SBT to Japan within the last 5 years, and to other relevant international fishery Commissions. Although the scheme had been circulated widely, it was noted that to date, only China had provided information on validation arrangements.

17. During the meeting Korea and Taiwan provided samples of seals and signatures for validation of statistical documents.

18. Taiwan indicated that while they had some reservations at CCSBT6(1) on its ability to comply with the 1 June starting date of the Scheme, they confirmed that arrangements would now be in place by 1 June.

19. New Zealand advised that the names of signatories that would be authorised and seals for validation of documents would be provided to the Secretariat shortly. Australia advised that the necessary documentation would also be provided shortly and requested some minor amendments to the statistical document to accommodate product exported from the tuna farms. Australia also advised that domestic arrangements for the introduction of the Scheme were being finalised and that the Australian Customs Service had been informed of its introduction. Australia stated that it saw the full commitment of all members to the TIS as very important. For this reason it was important that Japan fully participate in the scheme and provide the same level of information on its domestic catch that other parties are expected to provide.

20. Japan advised that, while it had been proposed that the Secretariat receive and process the raw data, Japan's view was that it was more appropriate for the importing country to process the raw data and then transmit that data to be maintained by the Secretariat. After discussion, the parties confirmed that the Secretariat should be responsible for compiling data and maintaining the database. Japan also advised of the progress for amendment of its relevant domestic regulations and the wide circulation of information relating to the scheme to industry and relevant commercial organizations.

21. Members discussed proposed changes to operational arrangements for the scheme and the request from Australia with a view to finalising before the end of the meeting. Members agreed to a finalized "Southern Bluefin Tuna Statistical Document Program" as attached (**Attachment J**).

Agenda Item 4 Secretariat Work Program

4.1 Schedule of Meetings

22. Members considered that arrangements for scheduling meetings had not been satisfactory and that there was a need to establish a fixed annual schedule so that meeting dates are set sufficiently far ahead to allow adequate preparation and the effective engagement of external scientists. Members considered that it was important to determine the Commission's priorities and a logical sequence and timing of meetings consistent with those priorities. Australia and New Zealand stressed the importance of convening a Scientific Assessment Process Workshop (SAPWS) to provide the basis for an improved scientific assessment process including the external panel, to be followed by a Management Strategy Workshop (MSWS) to provide an improved basis for management decisions by the Commission. Japan shared the same view on the importance of the SAPWS/MSWS. Japan especially stressed the importance of holding the SAPWS as soon as possible in order to restore the functioning of the scientific process of the Commission as early as possible so that the Commission would be able to set an agreed total allowable catch (TAC) for year 2001, noting that its original proposal had been to hold the SAPWS/MSWS in the late March and current proposal was late April. Japan explained its view on a meeting schedule for setting the TAC for 2001 by the end of November 2000. This schedule included a special meeting of the Commission to discuss identification of non-cooperative non-Members in accordance with the Action Plan, two meetings of the Experimental Fishing Program Working Group to discuss the design of EFP 2000 and another special meeting of the Commission to adopt the EFP 2000. New Zealand proposed that a meeting of the Ecologically Related Species Working Group should be held in 2000, given the last meeting was held in 1998. Japan considered that other meetings had a higher priority and it was more appropriate to schedule an ERS meeting in 2001.

23. Members agreed to hold the SAPWS and MSWS in the week of May 22 and May 29 respectively. The schedule after these meetings will be discussed among Members intersessionally.

4.2 Arrangements for Data Management

4.2.1 Trade Information Scheme

24. As part of efforts to improve the quality of information about catch and trade in SBT, the Commission intends to implement a Trade Information Scheme (TIS) that requires internationally traded SBT to be accompanied by approved documentation. The Commission parties wish to ensure that the TIS, and subsequent steps are taken to ensure that the Commission's conservation and management measures are not undermined, are transparent, non-discriminatory and consistent with their international obligations.

25. The Parties wish to share information on their respective monitoring regimes with a view to achieving transparency consistent with confidentiality requirements. To that end the Parties are to exchange information on their respective regimes that require the provision of aggregated catch effort data as a minimum standard, the monitoring of catch, landings and non-retention practice by

their vessels, their use of observer programs, licensing systems and other relevant elements of their compliance regimes.

26. The Parties decided that the Commission meeting following CCSBT6(2) would discuss the establishment of a Compliance Committee as appropriate to provide an appropriate forum for discussion of the Parties compliance arrangements and the activities of non-members whose vessels have been catching SBT in a manner which diminishes the effectiveness of the Commission's conservation and management measures. (Secretariat note: the report of CCSBT 4(1) states that "The Commission adopted the draft terms of reference (TOR) for the Compliance Committee (Attachment K)").

4.2.2 Fishery Data

27. Members agreed to establish a database for the purpose of information exchange with other regional fisheries management organizations, provision of information to the public, monitoring the Trade Information Scheme and provision of data for stock assessment to both Members and external scientists. Members also agreed to employ a database manager. To permit the early introduction of the database, members intensively discussed the terms of reference for the database and database manager, database format and data confidentiality requirements. A draft text of these issues to be discussed intersessionally is attached (**Attachment K**).

Agenda Item 5: Scientific Program

5.1 Selection of Chairs of SC/SAG and Advisory Panel

28. Members noted the list of external scientists selected as Chairs of the SAG and SC and members of the Advisory Panel as follows:

Chair of SC:	Andrew Penny
Chair of SAG:	John Annala
Members of Advisory Panel:	Rick Deriso
	Ana Parma
	Jim Ianelli
	Ray Hilborn

29. Having agreed on the list of external scientists, all members highlighted the need to progress the scientific issues as quickly as practicable. It was noted that one of the persons selected as a member of the Advisory Panel was not be available for a meeting of the Stock Assessment Process Workshop and the Executive Secretary was requested to clarify his availability as soon as possible and report the outcome to members. Australia expressed the view that if his availability was limited, members should consider selecting an alternate/alternative person. The parties agreed that the additional member of the Advisory Panel will be selected as soon as possible after CCSBT6(2), though it must not delay the SAPWS. Even after an additional member has been selected, the original members will continue to be members of the Advisory Panel and will be invited to participate in the Panel's activities.

5.2 Workshops

5.2.1 Report from the Peer Review Workshop

30. Reports of both the first and second round of the Peer Review Workshop were adopted as attached (**Attachment L and M**).

5.2.2 Arrangements for the Stock Assessment Process Workshop

31. Members agreed to hold a SAPWS commencing on May 22, 2000 in Japan. Terms of Reference and Agenda of the Workshop will be finalized intersessionally among Members.

5.2.3 Arrangements for the Management Strategy Workshop

32. Members agreed to hold MSWS commencing from May 29, 2000 in Japan. Terms of Reference and Agenda of the Workshop will be finalized intersessionally among Members.

5.3 Scientific Experimental Research Program

5.3.1 Experimental Fishing Program

33. Japan distributed a paper CCSBT/0003/20(**Attachment N**), Proposal for Joint Experimental Fishing Program (EFP) without prejudice to Japan's position on arbitration under UNCLOS Annex VII. The paper included the establishment of a Working Group, which would include external scientists of the Advisory Panel, to facilitate the planning of a joint EFP. As the paper was not available before the meeting Japan sought general comments with the view to more detailed consideration either out-of-session or at the next available meeting.

34. The Chair noted that the Heads of Delegation had reaffirmed the two-week rule: papers must be submitted two weeks ahead of the meeting in order to be the subject of substantive discussion.

35. Japan advised that the purpose of the proposal was to resolve the disagreements in stock assessment among Commission members. Japan's proposal was based on the consensus among parties at last year's EFPWG on a three year (1999-2001) duration of the EFP. To establish and progress the program, Japan proposed the program be set in consultation with the Advisory Panel and through consultation and a consensus of Commission members. To ensure adequate time was given to the design of the EFP 2000, Japan proposed that EFP Working Group promptly begin a discussion of the joint EFP. Japan suggested that it would be a practical way to start talking about joint EFP design for 2000 by allocating time during the Management Strategy Workshop, which would be held in late May.

36. Under the proposal, the joint EFP would be carried out during 2000 and 2001, commencing in August 2000. While Japan advised that it did not believe that previous programs had affected the SBT stock, an annual maximum limit of 1500 tonnes would be put in place, to achieve a consensus and to take account of Australia and New Zealand's position, in the spirit of cooperation and compromise. Were the limit to be unavoidably exceeded, in order to adhere to the EFP design and ensure the scientific reliability of resulting data, it was proposed that the excess would be taken from the national quota of the program participants in subsequent year.

37. Japan welcomed the comments of the other Parties and said it is prepared to take such comments into account in formulation of a revised proposal.

38. Australia and New Zealand thanked Japan for its proposal and advised that as they had not had time to examine it, they would do so intersessionally, with a view to providing comments at the next meeting of the Commission. On that understanding and without prejudice to Australia and New Zealand's position in the current Annex VII Arbitration, the following initial comments were made.

39. Australia noted that contrary to the view put forward by Japan, in Australia's view, there is no real difference between members of the Commission on the current status of the SBT stock. Australia noted also that in its view, it was accepted by all members of the Commission that the stock is at historically low levels and remains a cause for serious biological concern. Australia recalled that the disagreement with Japan relates to the future projections of the stock and reminded Japan that these differences could not simply be resolved by CPUE data as Japan argues. Australia reminded Japan that there are other uncertainties in the stock assessment that are very important to resolve and cause much more of the difference between Australia and New Zealand's projections and those of Japan.

40. In addition, Australia highlighted the need for a properly constructed scientific research program for SBT. In developing such a program, Australia noted that one element to be considered may be a small, scientifically valid EFP. Australia explained that in considering an EFP, tonnage is not the only issue. Australia would need to be convinced that an EFP is well designed, and is not, in reality, a front for more commercial fishing. In concluding, Australia urged Japan to consider with an open mind the suggestions for scientific research contained in Australia's paper entitled *Potential Future Research Activities for a Southern Bluefin Tuna Research Program* ('SBTRP').

41. New Zealand observed that while it had not had sufficient time to give detailed comment, it supported increasing knowledge of the SBT stock through sound scientific research and restated its commitment to resolving uncertainties. New Zealand stated that Japan's EFP proposal might not be the most effective way to achieve this objective. New Zealand noted its serious concern that the focus on consideration of an EFP and the imposition of a series of EFP meetings jeopardised the work of the parties directed at re-establishing the scientific process. New Zealand stated it was committed to allocating the necessary resources to that process to allow member scientists and the advisory panel to develop a renewed assessment for the Commission to use for management decisions.

42. Japan thanked Australia and New Zealand for their comments and replied that in its view, interpretation of CPUE data was the biggest uncertainty in stock assessment of SBT and it had been agreed by all members that it resulted in the difference of both current stock assessment and projections of future recovery among the parties. Japan further stated that all members have also agreed that steps should be taken to resolve the uncertainty in this area, and it did not expect a quick change of mind from Australia and New Zealand but did hope to make progress in a reasonably brief period of time. With respect to New Zealand's comment that this proposal jeopardized the 2000 scientific work process, Japan further explained its intention of the proposal to assist in the normalization of the stock assessment process. Japan also noted that some of the elements of Australia's proposal on the future scientific agenda have been included in the 1998 and 1999 EFPs and that an EFP should have a place in Australia's proposed agenda as well, since catch

data collected through the EFP are necessary for CPUE analysis. Japan's paper was left with Commission members for further consideration.

5.3.2 Others

43. Australia distributed paper CCSBT/0003/13 entitled, *Potential Future Research Activities for a Southern Bluefin Tuna Research Program* ('SBTRP') and provided a brief overview of the paper. Australia explained that the objective of its paper is to promote discussion on the establishment of an integrated program of scientific research on SBT, focused upon reducing key uncertainties and improving the basis for scientific advice on SBT. Australia noted that the paper sets out a list of potential on-going and future research activities that could be conducted under such a program. Australia noted that its paper had not been circulated two weeks prior to the meeting and advised that it would be pleased to discuss matters contained in the paper in greater detail intersessionally or at the next appropriate meeting.

44. Japan thanked Australia for circulating its proposal and offered preliminary comments on it. In order to make rapid progress toward normalisation of the scientific process, Japan considered it necessary to prioritise among possible research projects, rather than simply listing them. Japan noted that apart from proposed research on the spawning ground, Australia's proposal did not include any research involving the catch of SBT, such as a joint EFP, and further noted that research activities involving well-controlled catch were widely recognised as an important element of sound fisheries management. Japan stated that it would be happy to provide its own views about the establishment of both long term and short term research programs as well as a range of research needs as appropriate on later occasions.

45. In response to Japan's comments, Australia noted that its paper had been tabled in good faith in order to provide the Commission with options to address the areas of disagreement that exist and to assist members in finding a constructive way forward on scientific research. Australia expressed its disappointment that Japan had, in its comments on the paper, chosen to focus only on the issue of an EFP. Australia urged Japan to consider with an open mind research activities that might be included in a broader, integrated scientific program. Australia clarified that the list of potential future research activities contained in the paper had been developed having regard to the severely depleted state of the SBT and of the need to prevent further deterioration of the stock. Australia noted also that the list of potential research activities is not exhaustive and had been advanced in order to promote discussion. Australia's paper was left with Commission members for further consideration. New Zealand suggested the approach outlined in the Australian proposal which described a number of potential approaches that could be evaluated to determine the most effective means to reduce uncertainties in the assessment at least risk to the stock.

Agenda Item 6: Total Allowable Catch and National Allocation

46. Japan reiterated its position stated at the previous meeting that, based on the latest available stock assessment, the TAC should be set to include a component to cover catches by non-members as well as an additional 3000 tonnes above that already allocated to members. Japan urged that, in order to restore the functioning of the Commission, the TAC should be set for 2001, which would require meetings of the Scientific Committee and the Commission to be held in 2000 to meet this timetable. Japan also stated that all the members should make every effort to achieve this goal.

47. Australia noted that it had stated its position on the TAC at the first meeting and did not wish to revisit that statement. However, Australia noted that this was a critical area and that it was important to agree on a TAC if possible for 2001.

48. New Zealand noted it was important to implement the improvement to the scientific process to provide resource assessment in order to allow the Commission to determine a new TAC. While it would be preferable to be able to decide on a TAC in 2001, as proposed by Japan, it was important to provide adequate time so as not to jeopardise the scientific process. New Zealand expressed its continued concern about the current status of the SBT stock and recovery prospects and restated its view that reductions in overall catch were necessary. It also proposed that a TAC could be set on a three year basis; noting that stable catch levels would allow time to resolve scientific issues and focus Commission efforts on other important issues, including non members. New Zealand noted that, in the event the Commission was not able to agree on a TAC, reliance could be placed on the ITLOS ruling which stated that parties' catch should be restricted to the last agreed level. Members agreed to make every effort to set a TAC for 2001.

49. New Zealand advised that due to shortcomings in their administrative arrangements, the catch of New Zealand vessels exceeded the last agreed allocation level by 37 tonnes in 1999. New Zealand advised that administrative arrangements would be revised to minimise the chance of this occurrence happening again. The catch limit for 2000 would also be reduced by 37 tonnes to correct the situation.

50. Japan advised that the additional catch taken in the 1999 EFP of 1487 tonnes would be deducted from the 2000 catch in accordance with the ITLOS order.

Agenda Item 7: Other Conservation Measures

51. Japan proposed that consideration needed to be given to measures to protect spawning fish on the spawning grounds. While Indonesia and Taiwan longliners operated in these waters, Japan considered that it would be useful to be able to monitor the catch and to determine more accurately their catch data, biological parameters etc. The proposal included research to specify spawning area, depth, and period through the setting up of a joint scientific program with the expectancy that this would lead to appropriate management for the area.

52. Australia noted that its scientific paper (CCSBT/0003/13) proposed a joint survey on these grounds involving Indonesia, Australia and Japan. While Japan had proposed that this be looked at in a mid to long-term perspective, taking account of the IOTC's port sampling program, Australia noted a short term window of opportunity to include Indonesia in the program.

53. Japan noted that at CCSBT6(1), it had sought advice from Australia on action being taken to address reports that SBT was being taken as by-catch and discarded by Australian vessels operating off the east coast of Australia.

54. Australia clarified that those likely to catch SBT along the east coast were free to purchase or lease quota. Australia also noted that it would be introducing a system of rolling closures following the progression of migrating SBT along the east coast, from May 2000 through September 2000. Only fishers with 500 kilogram or more of quota could operate in the closed area during this time. This requirement would be lessened as SBT begin to move out from the coast. The location and movement of vessels along the east coast would be monitored through the requirement

that each boat carries an AFMA approved Vessel Monitoring System (VMS). Under Australia's current management arrangements for SBT any commercial fisher who takes SBT without quota faces heavy penalties.

55. Australia advised that it had asked its purse seiners whether they would agree to make their data available to the Commission at a 1x1 degree level of detail. Correspondence by AFMA with industry members on this matter was tabled for the Commission's information (CCSBT/0003/24 and CCSBT/0003/25). Australia further advised that some support had already been received from industry, and it was hoped that industry as a whole would support the proposal.

56. Japan reiterated earlier concerns with Australia's taking of small sized fish, as this was not, in Japan's view, consistent with the optimal utilization objective of the Commission. Agreement was sought from Australia and New Zealand to review measures for reducing the taking of small sized fish used by other tuna commissions and to instruct the Scientific Committee to study the effects resulting from taking small sized fish.

57. Australia observed that the situation in the managed SBT fishery differed considerably to that faced by other tuna commissions. Australia advised that the average age of Australian catch had increased from 2 years old to 3-4 years. This has been largely as a result of the development of SBT farming, which was originally developed with technical assistance from the Japanese tuna industry. It was also noted by Australia that recent studies indicated that the short to medium term effect on spawning stock of a tonne of fish of the size now being taken by Australia is likely to be less than a tonne of larger fish caught using long line.

58. Japan stated that it was aware that Australia has been taking steps to ensure the catch of small fish was limited. However, Japan is also aware that the actual number of Australia's catch has been increasing. Japan also stated that, in the international community, catch of small sized fish by purse seiners has been a great concern, and IOTC is preparing to place restrictions on such practice. Japan urged that the Commission should look into the issue further and should take a step following the example of other organizations.

59. Australia indicated that there were a number of scientific theories on which age class to best target and that this was a subject that would be reviewed and discussed over the next couple of years. In Australia's opinion given the 1997 age distribution of SBT catches, a tonne of SBT caught by the Australian surface fishery results in only a small percentage change in the parental biomass relative to a tonne caught by the Japanese long-line fishery. The Japanese longline fishery harvests older and spawning individuals, so, in Australia's view, its catches have immediate and medium-term impacts on the size of the parental biomass. Consequently, in Australia's view, the longline fishery has a greater impact on the estimated recruitment in the short to mid-term than the surface fishery.

60. Concern was raised by Japan with a recent ruling by the Environment, Resources and Development Court in South Australia against further expansion of tuna farming. In particular, Japan inquired as to the basis to the ruling. Japan particularly asked if the basis was protection of marine environment, scenery of farming sites, or other reasons. Japan also inquired as to reports of unlicensed tuna farmers.

61. Australia advised that the decision by the South Australian Environment, Resources and Development Court was based on a legal technicality. In relation to an appeal against tuna farming, the Court found that "an adaptive management approach, implemented by way of licence

conditions to achieve ecologically sustainable development...is one means by which [tuna farming] development could proceed in an ecologically sustainable manner." Further, the Court found that licensing under the Fisheries Act 1982 might provide for the "adaptive management approach" sought by the Court. However, the Court ruled that a fish farming licence cannot be amended once issued and that, while the practice has been for annual licenses, the Fisheries Act enables a licence by the Minister to be up to ten years in length. Thus the Court was not guaranteed an "adaptive management approach" would be in place. Given the lack of a guarantee, the Court said the precautionary principle dictated refusal of the development applications. The South Australian government has since enacted legislation to ensure that this "adaptive management approach" is in place. There was no question of unlicensed farmers.

Agenda Item 8: 2000 Budget

62. Members requested the Secretariat to prepare a draft budget taking account of the decisions during CCSBT6(2).

Agenda Item 9: Appointment of the Executive Secretary

63. Members noted that the initial period of appointment of the Executive Secretary expired on 26 January 2000 and that pending appointment of a new Executive Secretary after agreement on revised functions and responsibilities of the Secretariat and review of the salary level of the Executive Secretary, the current occupant would continue to undertake the duties of the position.

64. Japan noted that with the agreement that a data base be established and maintained the expected increase in staff in the Secretariat and membership of the Commission, and the need for the Secretariat to attend meetings of other international organizations, the level of the position needed to be reviewed. Australia agreed that the role of the Secretariat needed to be built up and where appropriate it should take over some of the activities now being undertaken by members.

65. The Commission agreed to the revised duties and selection criteria for the Executive Secretary at **Attachment O** and that the position be advertised in accordance with the arrangements agreed by the Commission in 1996.

66. Members also noted that Mr Mae, the Deputy Executive Secretary would be returning to Japan in April following the completion of his term of office in the Secretariat and that his replacement, Mr Kaneko, would be taking up duty in early May. Members expressed appreciation for the contribution made by Mr Mae to the work of the Commission and the Secretariat. Members wished him well in his new position in Japan.

Agenda Item 10: Confidentiality of Commission Documents

67. It was noted that this matter had been before the Commission since 1997 and that the current form of the proposed arrangements had been circulated in 1998 (**Attachment P**). Options were to make documents available for release unless the Commission indicated they should be restricted, or to restrict all documents unless there was agreement to release particular documents. Japan advised that it accepted the proposed arrangements circulated in 1998. Australia indicated that it would like to see members reach consensus on this issue given that this item had been under consideration by members for some considerable time. While acknowledging that this matter needed to be resolved, New Zealand advised that there was a need to ensure that the words of the proposal reflected the necessary confidentiality of some policy and commercially sensitive

information without restricting legitimate access to information about the work of the Commission. New Zealand supported a process whereby documents are available for release unless the Commission decided their dissemination should be restricted. New Zealand provided another proposed draft for confidentiality provisions (**attached as Annex 1**).

Agenda Item 11 Other Business

68. Members noted that the Executive Secretary had been invited to attend the 50th Anniversary of IATTC and the following Commission meeting and endorsed his attendance, subject to attendance not clashing with CCSBT requirements and any proposed statement being circulated to members beforehand for approval. New Zealand noted that it would be useful for the Secretariat to develop a list of meetings it proposed to attend in the upcoming year, and supporting information to allow the Commission to make decisions in advance on an annual program rather than on an ad hoc basis.

69. Japan sought advice from Australia and New Zealand on whether they would lift port access bans on Japanese vessels. It is Japan's view that it is appropriate to lift the ban in light of paragraph 90(1)(a) of the ITLOS order. Japan's particular concern was access to ports on a usual basis be allowed, for example, for the supply of water and treatment of illness among crew on fishing vessels etc.

70. Australia and New Zealand noted Japan's request. Both countries advised that the matter could be discussed on a bilateral basis and explained that access to ports was always available for genuine emergencies – indeed, it was an obligation under international law to allow it – Japanese vessels only needed to contact the relevant authorities. Japan stated that its request was not limited to emergency access. In response to the Japanese statement, Australia advised that it would contact Japan shortly.

71. Australia and New Zealand also noted that the ITLOS Orders did not require that they lift the port access bans. New Zealand advised that it needed to be sure that Japan had complied with, and would continue to comply with, the ITLOS Orders before contemplating lifting the ban.

72. Korea requested that a list of FOC vessels circulated during the meeting by Japan be amended to delete 7 Korean vessels incorrectly included in the list. Korea advised that it had nationalised all vessels last year and the continued inclusion of these vessels on the circulated list was incorrect and economically damaging for those companies. Japan advised that the list was in fact an ICCAT list and noted that Korea had already written to ICCAT seeking amendments to the list. Japan had asked for more information, which would be considered at the ICCAT meeting, and if contract parties were satisfied, the vessels would be deleted from the list.

Agenda Item 12: Adoption of the Report

73. The report of the meeting was adopted through correspondence out-of-session.

Agenda Item 13: Close of Meeting

74. The Commission agreed to adjourn the meeting.

Peter Yuile
Chair

List of Attachments

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Attachment A

Agenda Sixth Annual Meeting of the Commission (Second Part) 21 - 23 March 2000 Canberra, Australia

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11. Other Business
12. Adoption of Report
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CCSBT Resumed Sixth Annual Meeting
21-23 March 2000
Canberra, Australia

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Attachment C

Opening Statement by Australia

Australia welcomes the members of the CCSBT and the non-members to this important meeting of the CCSBT.

I do not intend to take up a lot of time with opening remarks this morning. However, there are a number of issues that I would like to raise and put on the record, as there would appear to be some issues and misapprehension to Australia's attitude and current position.

The first of these is port access to Japanese vessels. Yes there are current port bans on Japanese vessels they were imposed as a protest to a failure to agree a TAC and later to the Japanese EFP. It was a decision taken by the government of the day and the decision also included the removal of access for Japanese vessels to fish in the Australian EEZ under licence. It is incorrect to suggest that Australia in applying these bans in anyway that it would do so in breach of any international maritime laws and codes or rules that related to providing access to sick or injured seamen or to boats in distress. Australia complies with all of its obligations under International Law in this regard.

Should Watanabe –san, members of the JFA or other operators in the Japanese fleet have an issue or a concern with this then they are welcome to call me personally at anytime and I will work through the issue with them. Australia would welcome an opportunity to lift these bans but in order to do so we would want an assurance of some co-operation and normalisation in the CCSBT and a shift in attitude away from unilateral experimental fishing (and I will come to this later) that have led to the bans and the subsequent court actions.

I would welcome further discussion on this issue over the next 3 days with members of the JFA and industry to try to find a resolution on this issue.

I will work from the agenda.

Australia welcomes the presence here today of the formal delegation from Korea and regrets that the other parties were unable to send formal delegations to this important meeting. This is an important issue for the members of the CCSBT. We have, through our own restrictions and management, endeavoured to start a process of rebuilding this stock. We now are disappointed to see continued erosion of our efforts by non-parties and FOC vessels. This clearly can not continue. However, we welcome the opportunity to negotiate formally with Korea on accession.

We are pleased with the progress since the last meeting on the Trade Information Scheme. Australia also sees merit in the adoption of the Japanese Action Plan. However there are some issues that have to be finalised.

Australia welcomes a discussion on the scheduling of future meetings of the CCSBT. We also suggest that now we have engaged external scientists in the CCSBT that we program our meetings as the other commission do in advance and that we hold only one CCSBT meeting each year. Again this is consistent with the other Tuna Commissions. I believe it will lead to significant improvements it will be a more professional commission and lead to improvements in inter-sessional activity.

We are pleased that there has been some initial agreement on the arrangements for data management in the CCSBT Secretariat and agree that this should assist with the role of the external scientists and also assist the in country scientists.

Australia is pleased to see that the members of the CCSBT have agreed on the external chairs and members for the SC/SAG and the Advisory Panel. They are an impressive group of scientific advisers to the CCSBT and I note that this is their role.

Australia apologises for our inability to provide members with our paper on proposals for Scientific Research (SR). This we see as the most appropriate way to move forward on this issues as it provide a holistic and balanced perspective on the need for future research that attempts to target the major uncertainties in the fishery.

As we have not circulated this paper in advance and in line with the suggestions and requests of the parties at the last meeting to table papers for discussion at least 2 weeks in advance of the meeting, we accept and understand that this paper will not be discussed at this meeting. However, we will table it today and would welcome any thoughts on the concept prior to the next meeting.

On the issue of the EFP we note that it is again on the agenda and we note our comments made at the last meeting. Australia has stated, and this is reflected in the development of the SR paper that we are prepared to discuss the broad issue of SR that addresses key uncertainties in an overall program of approved research supported by the parties and the externals. This program might have a mix of elements and this might include a small, well-designed and scientifically valid EFP. However, the parties and the externals will need to weigh up the costs and benefits of that type of research against other important research areas that we could address.

Australia considers that all future attempts and proposals for scientific research must be rigorously evaluated and be shown to have scientific merit. Our firm view remains that the last two EFPs conducted unilaterally by Japan did not meet this criteria

There is clearly a range of important areas that the parties must focus their efforts to improve the functioning of the CCSBT. Australia believes that the SBT and the parties are best served through a fully functioning CCSBT and intends to put its effort for the next year into incorporating the external scientists in to the CCSBT, engaging the non-parties and in rebuilding the trust and co-operation within the CCSBT. This

will assist all parties in giving effect to their obligations under international law including UNCLOS and the 1993 Convention.

Australia has instituted a number of recent initiatives to improve our data collection and management of or SBT take and we believe we now have the most transparent process of any of the members. However we have and will continue to improve as technology and information systems develop and we welcome the commitment of the other members and non-members to this end.

I look forward to a positive and progressive meeting of the parties and please enjoy our fair city of Canberra.

Opening Statement of Japan

1. Japan, Australia, and New Zealand have been continuously discussing ways to realize the conservation and optimum utilisation of southern bluefin tuna through the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). As a result, the three countries have been successful to some extent in collecting various types of information, including biological parameters, on southern bluefin tuna. However, with respect to the stock assessment of southern bluefin tuna that constitutes the basis of conservation and optimum utilisation, no unified view has been achieved yet among the Parties. While this issue remains unresolved, catches by non-Party countries and entities have increased rapidly, further aggravating the situation surrounding the stock of southern bluefin tuna.

2. In the future, it is necessary to promote further cooperation not only among Parties but also with non-Party countries and entities for the future development of the CCSBT along the following two major lines: (1) normalization of the scientific process; and (2) taking measures to promote cooperation with the CCSBT by non-Party countries and entities.

3. I am happy to note that, at the CCSBT6 meeting last year, and at the Peer Review Workshop held immediately prior to that meeting, the Parties made outstanding progress, surpassing what had been achieved in previous years. The Parties agreed on the following three points:

- (1) Implementing a “trade information scheme” from June 1 this year;
- (2) Establishing an “Advisory Panel” consisting of external scientists which is empowered to give its own recommendations in case differences of opinions persist in the Scientific Committee over stock assessment and other issues, and appointing independent chairmen of the Scientific Committee and the Stock Assessment Group; and
- (3) Organizing a workshop designed to unify and simplify the stock assessment procedures (Stock Assessment Procedure Workshop).

Furthermore, at CCSBT6 last year, mutual understanding between the Parties and Republic of Korea/Taiwan was improved as a result of candid exchanges of views. In the meeting, the Parties also reached the consensus to address expeditiously the “action plan” proposed by Japan, which includes trade-related measures against non-cooperative non-Party countries and entities, with a view toward the CCSBT’s adopting the action plan.

4. Japan hopes that the resumed CCSBT6 will be fruitful and will not lose the momentum achieved last year toward improving the functioning of the CCSBT.

5. (Normalization of the scientific process)

The Parties have already achieved consensus on independent chairmen of the Scientific Committee and the Stock Assessment Group as well as members of the Advisory Panel. It is essential to make efficient use of the independent chairmanship and the panel in the years ahead.

Japan believes that work regarding the Stock Assessment Process Workshop should be advanced on a priority basis. For this reason, this Workshop should be constituted so that it can be convened as early as possible with the participation of the Advisory Panel and independent chairmen, and the integration and simplification of stock assessment procedures can be advanced in an efficient manner.

With a view to advancing the normalization of the scientific process and ensuring objectivity and transparency in stock assessment, the Secretariat should be given the function of collecting and managing data, equivalent to the level of other regional fisheries management organizations related to tuna. Further, as recommended by the Peer Review Report and Peer Review Workshop, efforts should be made to have positive cooperation with and objective advice from other fisheries management organizations, such as the IOTC and ICCAT.

6. (Measures to enhance cooperation with non-Party countries and entities)

It is the hope of the Government of Japan that measures to promote cooperation with non-Party countries and entities will be further strengthened, with cooperation from Australia and New Zealand.

With respect to the Republic of Korea, it is truly regrettable that negotiations have not been finalized regarding its allocation. The Republic of Korea has increased its catch without restriction while Japanese fishermen have operated within restrictive national allocations throughout the past decade. Such development is unreasonable and unacceptable. Cooperation by the Republic of Korea is critical to the strengthening of the CCSBT's functioning. We would like to urge the Republic of Korea to act flexibly in accepting a national allocation of 1,000 tons, which had been presented as an acceptable level by the Republic of Korea on more than one occasion during the period between 1998 to March 1999.

Japan hopes that Taiwan will be an active member of the CCSBT. With respect to the form of participation of Taiwan in the CCSBT, a constructive exchange of views took place concerning realistic solutions to this issue at the meeting of Head of delegates at the previous meeting. Japan hopes that this issue will be resolved at this meeting. In any case, Japan strongly hopes that Taiwan will voluntarily respect obligations stipulated under the Convention and will restrain its catch to the level suggested by the CCSBT.

Japan considers it crucial to adopt the "Action Plan" which Japan proposed at the previous meeting to enhance cooperation with non-Part countries and entities. The plan is modeled on a similar action plan adopted in 1994 at ICCAT (of which the United

States and the European Community are among the members), which was designed to ensure consistency with the provisions of the World Trade Organization Agreement.

We expect that the trade information scheme will promptly become effective in light of the decision at the previous meeting, and that implementation would be effective from June 1, 2000.

7. (TAC/EFP)

Total allowable catch (TAC) should be established taking into account the allocations for all Parties and non-Party countries and entities. In view of the CCSBT's inability to decide on TAC on the basis of stock assessment to date, Japan believes it is necessary that the scientific process be normalized by establishing a time-frame so that TAC can be established as soon as possible.

To advance the normalization of the scientific process, Japan hopes to present and discuss a plan for a Joint EFP for 2000–2001 to a Working Group established specifically for this purpose, in accordance with the agreement at last year's EFP Working Group on a three-year (1999–2001) scope for an EFP. Taking into account Australia and New Zealand's positions to achieve a consensus and in the spirit of cooperation, Japan proposes that an maximum catch of 1,500mt each year for the Joint EFP, which starts in 2000 and ends in 2001 be established, and that, in case the maximum catch is exceeded because of unavoidable factors such as scientific requirements, the excess be deducted from the subsequent year's national allocations for Parties who participate in the Joint EFP. In deducting such amount, the catch ratio of participating vessels will be the most important criterion.

8. (The issue of port access)

Port access is crucial for the supplying of water and treatment of illness among crews on fishing vessels. Japan believes Australia/New Zealand should lift, from a humanitarian viewpoint, their measures prohibiting call at their ports by Japanese tuna longline fishing vessels.

9. Finally, the Japanese delegation is committed to do its utmost to bring success to the present meeting, and hopes that discussion at this meeting will result in the further strengthening of cooperative relations among the Parties as well as the functioning of the CCSBT.

Opening Statement by New Zealand

Good morning and greetings to the delegations from Australia and Japan. The attendance of an observer from South Africa is appreciated and we extend a particular welcome to the representatives from Taiwan and Korea.

I will keep my opening comments brief recognising this is a resumed session of the Commissions 6th meeting. The parties have a solid foundation in respect of our commitment to sustainable harvest of SBT and the large measure of agreement we have on fundamental issues. This meeting provides an opportunity to find further common ground to enable progress on the key issues facing our Commission.

Although we are conscious of the rulings and instructions from ITLOS and the next legal steps, our intent at this meeting is to work with the other delegations to confirm mechanisms to have this Commission function effectively without intervention. For New Zealand our fundamental drive is to take the remaining steps to re-establish an effectively functioning Commission, and our assessment is that recent discussions have resulted in considerable progress toward this objective.

Because of the constrained timeframe for this two day Commission meeting we will need to work effectively, with the assistance of the Chair, to ensure that we have useful outcomes to report.

At this meeting, we should use the attendance of representatives from Korea and Taiwan to expeditiously move negotiations on the remaining steps toward achieving their commitment to the responsibilities and obligations of participation in the Commission. The Commission also needs to confirm the implementation of a trade information scheme and consider the subsequent implementation of measures to address any unwillingness to cooperate with the management arrangements of the Commission. Ultimately these mechanisms will not only ensure we obtain the data critical for assessment and management but will provide the incentives to encourage cooperation with the Commission by others fishing for SBT.

The members have agreed in principle on the mechanisms we intend to employ to resolve issues in the stock assessment and the scientific process used by the Commission. We need to endorse the outcomes agreed at the two working group meetings and implement a cost effective process to provide us with the assessment advice that is central to judicious management decisions. These improvements to the scientific process are central to allowing the agreed recovery targets to be reached through an improved management strategy and consequent improved procedures to set TACs.

As a result of recent events, the international community will closely examine the steps this Commission takes to resolve our differences and make progress on critical issues. We intend to make every reasonable effort to confirm progress at this meeting by applying flexibility and constructive compromise to find further areas of consensus between the three parties to the Commission.

Opening Statement by the Republic of Korea

Mr. Chairman, distinguished delegates, and ladies and gentlemen,

Korean delegation is delighted to attend the second part of the sixth CCSBT meeting. I would like to extend my appreciation to the members and secretariat for inviting my delegation.

On resuming our attendance to this meeting, my delegation is obliged to get reminded of the disappointing outcomes of the last November meeting in that our strenuous efforts to be a member of CCSBT was not rewarded as expected. However, we are pleased to note that during the inter-sessional period leading up to this meeting, dialogue between my government and CCSBT has been conducted through exchange of letters and more recently through exchange of senior-officials with Japan. We appreciate the secretariat's role in facilitation this dialogue.

My delegation is mindful of vigorous agenda that needs to be addressed in the next three days. So, we remain committed to our active engagement in the discussions of the agenda as well as continued negotiations for Korea's accession. In that context, let me lay out a few thoughts on a few issues of particular interest to my delegation.

As the starter, my delegation believes that the responsibility for the management and conservation of the SBT stocks falls commonly on all countries concerned regardless of its membership. It is in the interest of the CCSBT to ensure that major fishing countries are incorporated under its framework as early as possible. To that end, it is important that CCSBT and non-members can work out a fair and mutually satisfactory quota level, taking into account the respective socio-economic circumstances of each non-member.

Regarding the proposed action plan, my delegation believes that this proposal is counter-productive, particularly when it is applied to Korea. Considering Korea's active cooperation with commission's efforts for the conservation and management of SBT and Korea's track record of having been a responsible fishing country, the trade restrictive measures contained in the proposed action plan will only undermine the on-going negotiations between Korea and CCSBT. My delegation has strong reservation to any proposal which does not take fair account of Korea's sincere commitment to the commission's work.

Regarding the Trade Information Scheme, my delegation wishes to reiterate its willingness to fully cooperate in implementing the scheme as scheduled. In line with that, my delegation will register seals and signatures of Korea's national validation authorities at the secretariat during this meeting.

Mr. Chairman,

On the issue of Korea's accession, Korea has expressed her firm intention to join the CCSBT since 1996. Since that time on,. Korea has continuously participated in the commission meetings as well as scientific committee meetings; provided scientific information and statistics on a regular basis; withdrew longliners voluntarily from the convention area in 1999; and implemented annual catch limits at 1,600MT. Furthermore, Korea has no more FOC vessels engaged in tuna longline fishery as of November 1999.

As such, Korea shares with the members of the same goal of ensuring the conservation and optimum utilisation of SBT.

Mr. Chairman,

As our task ahead is challenging, it is all the more important that discussions in this meeting are conducted in an efficient and constructive manner. My delegation assure you of our full support to you. We are hopeful that under your competent chairmanship, this meeting will be able to lead to a mutually satisfactory conclusion of Korea's accession to the commission,. which has already been long overdue.

Thank you.

South African Opening Statement to Sixth Annual CCSBT Meeting

Mr. Chairman and Distinguished Delegates,

It is again an honour for South Africa to be invited as an observer to this, the Sixth Annual Commission Meeting of Parties to the Convention for the Conservation of Southern Bluefin Tuna. As you are aware, South Africa has considerable interest in the work of this Commission and its exemplary efforts aimed at conserving an extremely important and valuable resource.

Like all present here, South Africa is committed to responsible fishing to ensure the sustainable utilisation of the Ocean's bounty. As a developing country, we are deeply concerned by the current explosion of Illegal, Unregulated and Unreported fishing worldwide. Not only does this challenge those nations who fish responsibly; it also makes the work of Commissions such as this much harder.

Following the above, South Africa is indeed willing to do all in its power to ensure the sustainable utilisation of Southern Bluefin Tuna is promoted and realised. We offer our services wherever and whenever they may be required to ensure that this goal is the South African Government, despite very limited fiscal and human resources, is reviewing its position on acceding to the Convention for the Conservation of Southern Bluefin Tuna.

I thank you all for this opportunity to speak.

Thank you Mr. Chairman.

Opening Statement by Taiwan

I would like to say thanks to the CCSBT for inviting us to take part in this meeting.

As a tuna fishing country, we see the importance of conservation and management of tuna resources for the sustainable utilization. We also see that in order to achieve this goal, the common efforts among all countries concerned are essential.

For the purpose of the conservation of Southern Bluefin Tuna, we value the resolution made by the CCSBT in 1995, a voluntary measure of limiting annual catch of Southern Bluefin Tuna at 1,450 MT has been imposed in Taiwan by my government since 1996. We have done very hard in Taiwan to implement such measure, and the result was satisfied. We have submitted a report of “ Review of Taiwan SBT Fishery of 1998/99 ” to the Secretariat of CCSBT.

We also dispatch scientists to take care of the research on Southern Bluefin Tuna's conservation and the incidental catch of seabirds. We have issued the brochures that guide our fishermen how to prevent incidental catch of seabirds.

Also I would like to mention that the Agriculture Council of Taiwan has decided to implement “ the Trade Information Scheme ” from June 01 of this year. And the related regulations have been already announced on March 3.

I would like to repeat that we value what CCSBT has done to the conservation of Bluefin Tuna. For the same purpose, even Taiwan is not a party to the CCSBT, we do have made quite a lot of efforts for the conservation of tuna. We believe that these efforts made by us should be recognized and appreciated by all parties involved in fishing for SBT.

As one of major fishing nations in the world, we are highly concerned the conservation and management of tuna resources. Therefore we like to express our willingness to continue to work together with all parties of CCSBT to achieve the goal of the sustainable utilization of the valuable Bluefin Tuna.

Finally, I say thanks again for the invitation. Also we express our gratitude for the hospitality extended by the hosting countries-Australia.

ACTION PLAN

The Commission for the Conservation of Southern Bluefin Tuna (the Commission),

RECALLING that the objective of the Convention for the Conservation of Southern Bluefin Tuna (the Convention) is to ensure the conservation and optimum utilisation of southern bluefin tuna (SBT);

AWARE that a significant number of vessels registered to non-Parties to the Convention are catching SBT;

CONVINCED of the need for urgent action to ensure the effectiveness of the conservation measures for SBT in force from time to time;

AWARE of the strenuous efforts by Parties to encourage non-Parties to accede to the Convention or cooperate with the Commission;

RECALLING that under Article 15(4) of the Convention Parties are obliged to cooperate in taking appropriate action to deter non-Party fishing which could adversely affect the objective of the Convention,

resolves as follows:

1. The Commission requests non-Members catching SBT to cooperate fully with the Commission in implementing the measures applicable to Members for conservation, management and optimum utilisation of SBT (hereinafter referred to as “conservation and management measures”). The Commission also requests those non-Members to advise it of their actions taken in that regard.
2. The Commission will identify, at or before the Seventh, and then at each subsequent Annual Meeting of the Commission, those non-Members whose vessels have been catching SBT in a manner which diminishes the effectiveness of the conservation and management measures, based on the catch data compiled by the Commission, trade information and other relevant information obtained in ports and on fishing grounds.
3. The Chair of the Commission shall request those non-Members identified pursuant to paragraph 2 to rectify their fishing activities so as not to diminish the effectiveness of the conservation and management measures and to advise the Commission of their actions taken in that regard.
4. Members shall jointly and/or individually request non-Members catching SBT to cooperate fully with the Commission in implementing the conservation and management measures.

5. The Commission will review, at subsequent Annual Meetings as appropriate, actions taken by those non-Members to which requests have been made pursuant to paragraphs 3 and 4, and identify those non-Members which have not rectified their fishing activities.
6. The Commission may decide to impose trade-restrictive measures consistent with Members' international obligations on SBT products, in any form, from the non-Members identified pursuant to paragraph 5.

CCSBT
Southern Bluefin Tuna Statistical Document Program

1. Principle/General

- 1.1 For importation into the territory of a Member, all southern bluefin tuna shall be accompanied by a CCSBT Southern Bluefin Tuna Statistical Document. There is no waiver of this requirement.
- 1.2 Implementation of this Program shall be in conformity with relevant international obligations.
- 1.3 The Commission will review the implementation of this Program periodically in a timely manner to ensure the effectiveness and practicability of this Program.
- 1.4 The Commission requests the appropriate authorities of exporting countries/fishing entities to make the requirements under this Program known to their exporters.

2. Information Required

- 2.1 A standard CCSBT Southern Bluefin Tuna Statistical Document form along with its Instruction Sheet is at **Annex 1**. Countries/Fishing Entities are requested to use this form. While minimal modifications such as addition of translations may be made, the standard form should be adopted as far as possible and no information item may be omitted from the standard form.
- 2.2 The import of farmed tuna should be treated in the following way:
 - (a) The Southern Bluefin Tuna Statistical Document shall be validated by the authority of the country/fishing entity where the tuna was raised;
 - (b) In reporting import data collected by the Program under 5.2 to Members, the Executive Secretary shall record the amount of imported farmed fish separately from the rest of the imports for each country/fishing entity;
 - (c) When completing the CCSBT Southern Bluefin Tuna Statistical Document for farmed tuna, the name of the export country/fishing entity shall be indicated in item 1 of Export Section of each Document instead of “Flag Country/Fishing Entity of Capture Vessel”, and the name of the Tuna Farm shall be indicated in item 2 of Export Section of each Document instead of “Name of Vessel and Registration Number”; for item 6 (Description of Fish) of Export Section of each Document, “Gear Code” shall be “Farmed”, “Net Weight” shall be filled in with the raised products’ weight, and “Time of Harvest” and “Area of Catch” are not necessary to be filled in while other columns shall be filled in as in the

case of the normal Document;

- (d) Members shall maintain aggregated information on their tuna farms which raise exported tuna. The following information will be recorded: the name of the fishing vessel which caught the tuna for farming, the flag country/fishing entity of that fishing vessel, the gear code, the amount of original catch, the area of catch, the date of reception of tuna, and growth rate and mortality rate of fish through farming.
- (e) Members shall submit such information to the Secretariat every six months on average. Urgent requests for information outside this framework should be substantiated to the Commission by the requesting Member in order to minimise the burden of such requests.

3. Validation

- 3.1 The CCSBT Southern Bluefin Tuna Statistical Document shall be validated, in principle, by an official of the flag country/fishing entity of the vessel that harvested the tuna.
- 3.2 The requirement for validation of the Southern Bluefin Tuna Statistical Document by an official under 3.1 with respect to any member of the Commission may be met by an entity duly delegated by the authority of the flag country/fishing entity. The Member which utilizes a delegated entity should submit a certified copy of such delegation to the Executive Secretary.

4. Exchange of Information

- 4.1 If a Member modifies the standard Southern Bluefin Tuna Statistical Document form for its use, it shall provide to the Executive Secretary a copy of such modified form. The Executive Secretary shall provide the modified form to other Members and non-Members fishing and exporting southern bluefin tuna to Members.
- 4.2 Each Member shall provide to the Executive Secretary information on validation (e.g. type of validation, name of the organization which validates the documents, title of officials who validate the documents, sample impression of stamp or seal) and inform him of any change in a timely fashion. The Executive Secretary shall request information on validation from all non-Members fishing and exporting southern bluefin tuna to Members, and request them to inform him in a timely fashion of any change in the information provided.
- 4.3 The Executive Secretary shall maintain and update information specified in 4.1 and 4.2, and provide it to all Members and promptly circulate any changes.

5. Record and Report

- 5.1 Members which import southern bluefin tuna shall retain all original Southern Bluefin Tuna Statistical Documents received by them. They shall forward to the

Executive Secretary on a quarterly basis copies of all such Documents, but may omit the Import Section other than the final point of import and the date of import. The Executive Secretary shall compile the raw data from those Documents into an electronic database.

- 5.2 The Executive Secretary shall ensure the confidentiality of the raw data in its database and release to any country/fishing entity only the raw data relating to the Statistical Documents it validated. If a country/fishing entity requests raw data relating to another country/fishing entity, the Executive Secretary may release those data only with the latter's agreement.
- 5.3 The Executive Secretary shall report to the Commission on and circulate to all Members the data collected by the Program each year by 1 April for the period of 1 July - 31 December of the preceding year and by 1 October for the period of 1 January - 30 June of the current year. The format of the report is attached as **Annex 2**. The Executive Secretariat shall provide an electronic copy of the report to a designated authority of each Member.
- 5.4 On request by the Scientific Committee or another subsidiary body of the Commission, the Executive Secretary shall, with the approval of the Commission, provide to that body data collected by the Program more frequently or at a greater level of detail than specified in 5.3.
- 5.5 Upon receiving the import data mentioned in 5.3, Members that export SBT shall check their export statistics against them and report the results to the Commission. Where necessary, an exporting Member may obtain from the Secretariat a copy of any Statistical Document it validated, as forwarded to the Secretariat by the importing Member in accordance with 5.1.
- 5.6 The Commission instructs the Executive Secretary to request non-Members which are major importing countries/fishing entities of southern bluefin tuna to cooperate with implementation of the Program and to provide to the Commission data obtained from such implementation.

6. Re-export

- 6.1 A Member may validate a CCSBT Southern Bluefin Tuna Re-export Certificate (a standard form is attached as **Annex 3**) for southern bluefin tuna imported by that Member, to which a CCSBT Southern Bluefin Tuna Statistical Document or CCSBT Southern Bluefin Tuna Re-export Certificate is attached. The CCSBT Southern Bluefin Tuna Re-export Certificate shall be validated by an official or by an entity duly delegated by the authority of a Member to validate the CCSBT Southern Bluefin Tuna Statistical Document under 3.2. A copy of the original Southern Bluefin Tuna Statistical Document accompanying the imported southern bluefin tuna must be attached to CCSBT Southern Bluefin Tuna Re-export Certificate. The copy of original Southern Bluefin Tuna Statistical Document so attached must be verified by that official or by that entity duly delegated by the authority of a Member which validate the CCSBT Southern Bluefin Tuna Statistical

Document. When re-exported southern bluefin tuna is again re-exported, all copies of documents, including verified copy of a Statistical Document and Re-export Certificate which accompanied that southern bluefin tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Member. All copies of the Documents to be attached to that new Re-export Certificate must also be verified by an official or an entity duly delegated by the authority of a Member which validated the CCSBT Southern Bluefin Tuna Statistical Document.

- 6.2 Members which import southern bluefin tuna shall accept the Re-export Certificate set forth in 6.1 with attachments of all verified copies as required in 6.1.
- 6.3 Members that validate a Re-export Certificate in accordance with the procedure set forth in 6.1 shall require from the re-exporting southern bluefin tuna dealer necessary documents (e.g. written sales contracts) which are to certify that the southern bluefin tuna to be re-exported corresponds to the imported southern bluefin tuna. Members which validate a Re-export Certificate shall provide the flag country/fishing entity and importing country with evidence of this correspondence upon their request.
- 6.4 The Executive Secretary shall report on and circulate to all Members the data obtained from Re-export Certificates each year by 1 April for the period of 1 July - 31 December of the preceding year and by 1 October for the period of 1 January - 30 June of the current year. The format of the report is attached as **Annex 4**.
- 6.5 Members may accept a Re-export Certificate validated by a non-Member which has established a scheme substantially identical to the CCSBT Southern Bluefin Tuna Statistical Document Program and implements it in accordance with the requirements of the Program.
- 6.6 The provisions of 5.1 and 5.2 apply also to any Re-export Certificate required to be attached to a Southern Bluefin Tuna Statistical Document.

Annex 1

DOCUMENT NUMBER	CCSBT SOUTHERN BLUEFIN TUNA STATISTICAL DOCUMENT ? Captuer ? Farmed					
EXPORT SECTION:						
1. FLAG COUNTRY/FISHING ENTITY OF CAPTURE VESSEL						
2. NAME OF VESSEL AND REGISTRATION NUMBER (when available)						
3. INFORMATION ON OTHER FORMS OF CAPTURE (eg. Trap)						
4. PROCESSING ESTABLISHMENT (if applicable) NAME AND ADDRESS						
5. POINT OF EXPORT (CITY, STATE OR PROVINCE AND COUNTRY/FISHING ENTITY)						
6. DESCRIPTION OF FISH						
Product (a) F/FR	Type (b) RD/GG/DR/FL/OT	Time of Harvest (mm/yy)	Gear Code (c)	Area of catch (d)	Net Weight (kg)	No. of Fish (when RD, GG or DR)
(a): F=Fresh, FR=Frozen (b): RD=Round, GG=Gilled and Gutted, DR=Dressed, FL=Fillet, OT=Other (describe the type of product; _____.) (c): If the Gear Code is OT, describe the type of gear; _____. (d): Statistical Area of SBT (1 to 10) or Other Areas (11 to 13)						
7. EXPORTER CERTIFICATION <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>						
Name	Address	Signature	Date	Licence Number (if applicable)		
8. VALIDATION BY AUTHORITY <u>I validate that the information listed above is complete, true, and correct to the best of my knowledge and belief.</u>						
Name & Title	Signature	Date	Official Seal			
IMPORT SECTION:						
IMPORT SECTION <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>						
Importer Certification (Intermediate Country) (if applicable)						
Name	Address	Signature	Date	Licence No (if applicable)		
Importer Certification (Intermediate Country) (if applicable)						
Name	Address	Signature	Date	Licence No (if applicable)		
Importer Certification (Final Destination of Shipment)						
Name	Address	Signature	Date	Licence No (if applicable)		
Final Point of Import: City _____ State or Province _____ Country/Fishing Entity _____						

NOTE1 : If a language other than English is used in completing this form, please add the English translation on this document.
NOTE 2: In case of farmed fish, please refer to the italic part in the instruction sheet.

Southern Bluefin Tuna Statistical Document Instruction Sheet

If a language other than English is used in completing the form, please add the English translation on the Document.

Document Number

Fill in the document number allocated by the exporting country/fishing entity.

Title

Tick the appropriate box.

Export Section

1. Flag Country/Fishing Entity of Capture Vessel

Fill in the name of the country/fishing entity of the registration of the vessel that harvested the southern bluefin tuna in the shipment. This should be the same country/fishing entity as issued this Document. *In case of farmed fish, the name of exporting country/fishing entity should be filled in instead of the name of the country/fishing entity of the vessel.*

2. Name of Vessel and Registration Number (when available)

Fill in the name and registration number of the vessel that harvested the southern bluefin tuna in the shipment. *In case of farmed fish, the name of tuna farm should be filled in instead of the name and registration number of the vessel.*

3. Information of Other Forms of Capture (eg. Trap)

If the southern bluefin tuna in the shipment was caught by means other than the vessel (eg. Trap), fill in the means.

4. Processing Establishment

Fill in the name and address of the processing establishment which processed the southern bluefin tuna in the shipment (if applicable). If it is the same as the exporter, write "same as exporter".

5. Point of Export (City, State or Province and Country/Fishing Entity)

Identify the City, State or Province and Country/Fishing Entity from which the southern bluefin tuna was exported.

6. Description of Fish

The exporter must provide, to the highest degree of accuracy, the following information. NOTE: One row should describe one product type.

- (1) product: Identify the type of product being shipped as either FRESH (F) or FROZEN (FR),
- (2) type: Identify the type of product being shipped as either ROUND (RD), GILLED AND GUTTED (GG), DRESSED (DR), FILLET (FL) or OTHER form (OT); for OTHER, describe the type of products in the shipment,
- (3) time of harvest: Fill in the time of harvest (in month and year) of the southern bluefin tuna in the shipment; *in case of farmed fish, it is not necessary to fill in this column,*

- (4) gear code: Identify the gear type which was used to harvest the southern bluefin tuna using the list below; for OTHER TYPE, describe the type of gear; *in case of farmed fish, write "Farmed"*,

<u>GEAR CODE</u>	<u>GEAR TYPE</u>
BB	Baitboat
GILL	Gillnet
HAND	Handline
HARP	Harpoon
LL	Longline
MWT	Mid-water Trawl
PS	Purse Seine
RR	Rod and Reel
SPHL	Sport Handline
SPOR	Sport Fisheries Unclassified
SURF	Surface Fisheries Unclassified
TL	Tended Line
TRAP	Trap
TROL	Troll
UNCL	Unspecified Method
OT	Other Type

- (5) area of catch: Identify the area in which the southern bluefin tuna was harvested using numbers from 1 to 13 (see the map attached); *in case of farmed fish, it is not necessary to fill in this column,*
- (6) net weight: Net product weight in kilograms; *in case of farmed fish, fill in the raised product's weight,*
- (7) no. of fish: If type is RD, GG or DR, fill in the number of fish.

7. Exporter Certification

The person or company exporting the southern bluefin tuna shipment must provide his/her/its name, address, signature, date the shipment was exported, and dealer licence number (if applicable).

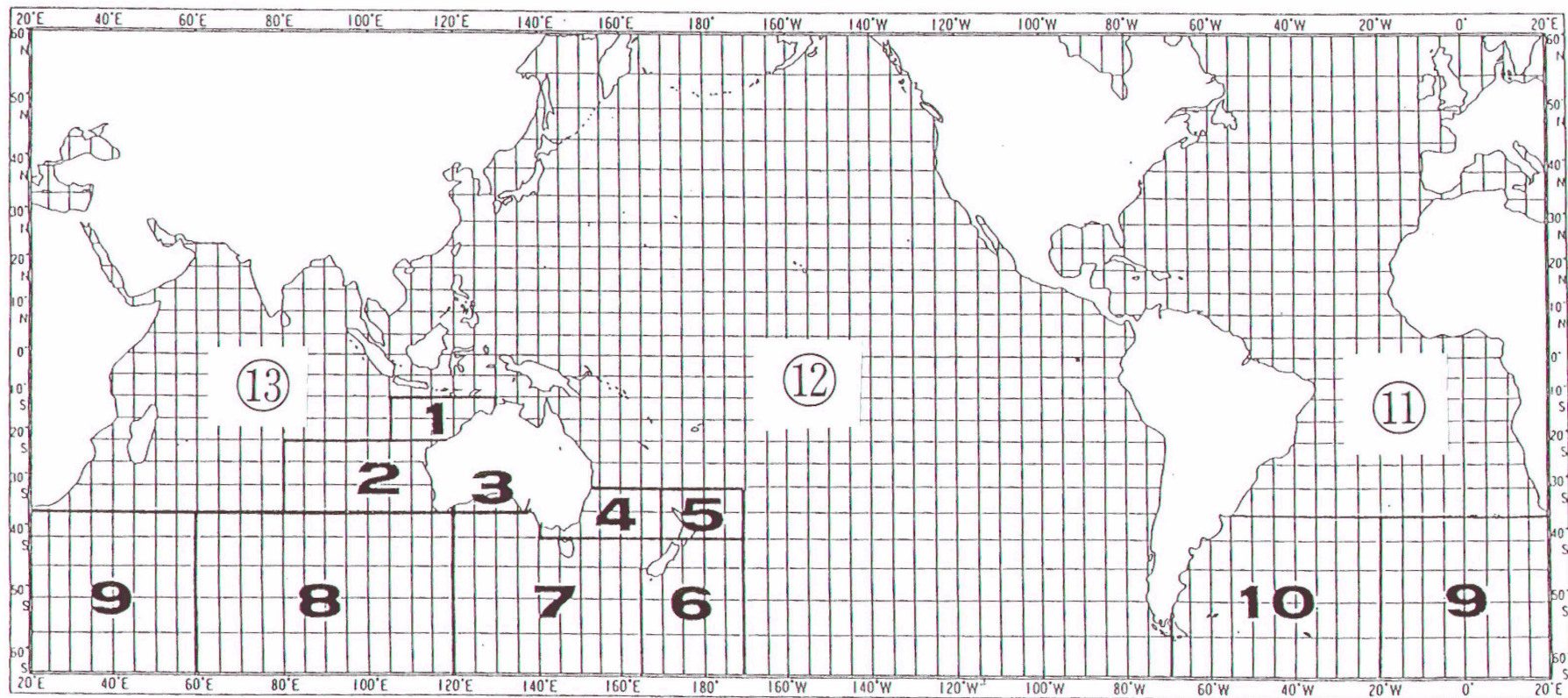
8. Validation by Authority

Fill in the name and full title of the official signing the Document. The official must be in the employment of the competent authority of the flag state/fishing entity of the vessel that harvested the southern bluefin tuna appearing on the Document. This requirement with respect to any Member of the Commission may be met by an entity duly delegated by the authority of the flag country/fishing entity. The Member which utilizes a delegated entity should submit a certified copy of such delegation to the Executive Secretary.

Import Section

The person or company that imports southern bluefin tuna must provide his/her/its name, address, signature, date on which the southern bluefin tuna was imported, licence number (if applicable) and final point of import. This includes imports into intermediate country (if applicable). For fresh and chilled product, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

Note: Instructions relating to farmed fish are written in italic letters.



Half-yearly Report of the CCSBT Southern Bluefin Tuna Statistical Document

Period ____ to ____, ____
 month month year

Import Country _____

Flag Country/ Fishing Entity	Area Code	Time of Harvest	Gear Code	Point of Export	Product F/FR	Type RD/GG/DR/FL/OT	Product Weight (kg)	No. of Fish

GEAR CODE

BB
GILL
HAND
HARP
LL
MWT
PS
RR
SPHL
SPOR
SURF
TL
TRAP
TROL
UNCL
OT

GEAR TYPE

Baitboat
Gillnet
Handline
Harpoon
Longline
Mid-water Trawl
Purse Seine
Rod and Reel
Sport Handline
Sport Fisheries Unclassified
Surface Fisheries Unclassified
Tended Line
Trap
Troll
Unspecified Method
Other Type (indicate the type of gear): _____

Product

F Fresh
FR Frozen

Type

RD Round
GG Gilled and Guttled
DR Dressed
FL Filet
OT Other

Area Code

1 to 10 SBT Statistical Areas
11 to 13 Other areas (the Atlantic, the Pacific
and Indian Ocean, respectively)

Annex 3

DOCUMENT NUMBER	CCSBT SOUTHERN BLUEFIN TUNA RE-EXPORT CERTIFICATE			
RE-EXPORT SECTION:				
1. RE-EXPORTING COUNTRY/FISHING ENTITY				
2. POINT OF EXPORT (CITY, STATE OR PROVINCE AND COUNTRY/FISHING ENTITY)				
3. PROCESSING ESTABLISHMENT (if applicable)				
NAME AND ADDRESS				
4. DESCRIPTION OF IMPORTED FISH				
Product (a) F/FR	Type (b) RD/GG/DR/FL/OT	Weight (kg)	Flag Country/ Fishing Entity	Imported Date
(a) F=Fresh, FR=Frozen				
(b) RD=Round, GG=Gilled and Guttled, DR=Dressed, FL=Fillet, OT=Other (describe the type of product; _____).				
5. DESCRIPTION OF RE-EXPORTING FISH				
Product (a) F/FR	Type (b) RD/GG/DR/FL/OT	Weight (kg)		
(a) F=Fresh, FR=Frozen				
(b) RD=Round, GG=Gilled and Guttled, DR=Dressed, FL=Fillet, OT=Other (describe the type of product; _____).				
6. RE-EXPORTER CERTIFICATION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.				
Name	Address	Signature	Date	Licence Number (if applicable)
7. VALIDATION BY AUTHORITY I validate that the information listed above is complete, true, and correct to the best of my knowledge and belief.				
Name & Title	Signature	Date	Official Seal	
IMPORT SECTION:				
IMPORT SECTION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.				
Importer Certification (Intermediate Country) (if applicable)				
Name	Address	Signature	Date	Licence no (if applicable)
Importer Certification (Intermediate Country) (if applicable)				
Name	Address	Signature	Date	Licence No (if applicable)
Importer Certification (Final Destination of Shipment)				
Name	Address	Signature	Date	Licence No (if applicable)
Final Point of Import: City _____ State or Province _____ Country/Fishing Entity _____				

NOTE 1: The organization/person which validates the Re-export Certificate should verify the copy of original CCSBT Southern Bluefin Tuna Statistical Document. Such a verified copy of original Southern Bluefin Tuna Statistical Document must be attached to the Re-export Certificate. When southern bluefin tuna is re-exported more than twice, all verified copies of concerned Re-export Certificates must be also attached to a Re-export Certificate.

NOTE 2: If a language other than English is used in completing this form, please add the English translation on this Document.

Half-yearly Report of the CCSBT Southern Bluefin Tuna Re-export Certificate

Period ____ to ____, ____ Import Country _____
 month month year

Flag Country/ Fishing Entity	Re-export Country	Point of Export	Product F/FR	Type RD/GG/DR/FL/OT	Product Weight (kg)

Attachment K

Terms of Reference for a Database and Database Manager for the CCSBT Secretariat (Version 5, 25 July 2000)

1. At the resumed Sixth Annual Meeting of the Commission for the Conservation of Southern Bluefin Tuna, it was decided that the Secretariat will maintain a database for the purposes of information exchange with other regional fisheries management organisations, provision of fisheries data for stock assessments to both Member and external scientists, monitoring the Commission's Trade Information Scheme and provision of information to the public.
2. The database format and requirements of the Commission shall be reviewed on a regular basis and with consideration of future stock assessment and other needs.
3. The database will comprise data on 1) catch, size and effort by area for stock assessment, 2) annual catch by country and gear and 3) trade statistics. Data formats are defined in **Attachment A**.
4. Data on tuna species other than southern bluefin tuna and other by-catch species, and other information required for the SBT stock assessment will be incorporated in the database if determined by the Commission in consultation with the Scientific Committee and Ecologically Related Species Working Group.
5. The principal duties of the Secretariat in relation to the database are :
 - i. Create and maintain the database;
 - ii. Facilitate submission of data from Parties and non-parties within a time frame established by the CCSBT;
 - iii. Inform the CCSBT Members if, data are not provided following the agreed formats or within the agreed time frames;
 - iv. Extract and reconfigure fishery data for use in the stock assessment following to the instructions from both Members and external scientists;
 - v. Provide data extracts and products in approved formats for public release, exchange with other fisheries organizations and approved research; and,
 - vi. Handle requests for full database access in accordance with an agreed procedure and confidentiality requirements.

6. The Secretariat, in consultation with the Scientific Committee and the Commission, will employ a database manager with expertise in database management, experience in fisheries statistics and knowledge of data requirements and processes involved in fisheries stock assessments. The database manager will maintain the database at the Secretariat, ensure effective communication on data issues among Members and the Secretariat, develop data products for distribution to Members, non-members, the public and other and liaise with the Stock Assessment Group and Scientific Committee. The data manager will meet requests from the Scientific Committee, Stock Assessment Group, fishery organizations and external scientists for data extracts and reconfigurations for stock assessment purposes.
7. The Secretariat will ensure that the data confidentiality requirements established by the Commission are adhered to. Data confidentiality requirements are detailed in Attachment B.
8. The Secretariat will ensure secure access to the database in accordance with generally accepted standards in the computing industry.
9. The Secretariat will produce database products in both printed and electronic form and at the appropriate level of aggregation, as defined in Attachment B, for distribution to other regional fisheries organisations and the public.
10. The Secretariat will include in the database appropriate information that it is able to compile on non-member catch, effort and size. The Secretariat will consult with the Scientific Committee and the Commission on the data to be included.

Attachment A

Database format for data maintained at the Secretariat of the CCSBT

1. Catch and effort by Area

Monthly catch (by number and weight) and effort by 1 x 1 degree for the surface fishery and 5 x 5 degree for longline [Format: method (LL/PS/PL/ML), year, month, country/party, area of aggregation, effort, effort unit, species, whole weight of retained fish, conversion factor, number of fish retained, raising factor and basis, and number of non-retained fish].(where possible)

2. Catch by Country

Annual (calendar and quota year) adjusted catches (by weight) for each country, with corresponding quota year dates for CCSBT members. All adjustment factors assumed should be noted with the data. [Format: Year, country/party, gear, calendar year total SBT catch in weight and number, quota year, start and end date of quota year, and quota year total SBT catch in weight and number, number of active boats].

3. Size data by Country and Area

A detailed format for the size data needs to be developed. The data need to include the information required to estimate the size composition of the total catch (eg. size of fish measured, number of fish measured, coverage, weighting factors, etc.). In the interim, the database should at least accommodate the size data that have been exchanged among the Parties in the past.

4. Trade statistics (NOTE: DATA REQUIREMENT TO BE CONFIRMED BY TIS WORKING GROUP)

Import and export information shall be available through the Trade Information Scheme, although the reliability of historical data will be variable. Information will be provided to identify potential weaknesses in historical data. [Historical data format when possible: year, month, country/party, source, importing party, exporting party, type of product, amount of product, other information. Current export format 1: document number, captured or farmed, flag country/entity/fishing entity of capture vessel, name of vessel and registration number, information on other forms of capture, processing establishment name and address, point of export. Current export format 2: document number, product (F/FR), product type (RD/GG/FL/OT), product type if OT, time of harvest (mm/yy), gear code, gear type is OT, Statistical Area of catch, net weight (kg), number of fish. Current import format: period from (mm/yy) to (mm/yy), import country, export flag county/entity/fishing entity, area code, time of harvest, gear code, gear type if OT, point of export, product, type, product type if OT, product weight, number of fish. Current re-export format 1 and 2 as per Trade Certification Scheme documents].

Attachment B

Data Confidentiality

Confidentiality required by the data source and providers must be respected for all data submitted to the CCSBT Secretariat. Policies and procedures to ensure confidentiality will include:

- The data held by the Commission will be available to the scientists involved in the Stock Assessment Group and Scientific Committee under the condition that the data are used only for stock assessment of southern bluefin tuna and that they shall not release or publish confidential data.
- The level of aggregation for public release of the catch-and-effort data for southern bluefin tuna shall be 1 x 1 for the surface fishery and 5 x 5 for the longline fishery and weighted length-frequency data (aggregated by 5 x 10 degree squares (LL) or Australian Fishing Area (surface fishery), unless the identity of an individual vessel can be determined within area and time strata. Where an individual vessel can be identified within a particular area and time, the data will be further aggregated by area or time to preclude identification. Individual party's confidentiality guidelines shall apply when necessary.
- The detailed trade information data submitted to the Secretariat database shall be available only to those that submitted data and those that exported fish covered by the data. The level of aggregation for the trade information data for public release data will be at the half-yearly level.
- The Secretariat shall be responsible for making the aggregated summaries of all data comply with the confidentiality requirements mentioned above.
- Databases will be protected through passwords and appropriate security arrangements.
- Access to the confidential data in the database maintained at the Secretariat may be granted to outside individuals only after written authorisation is obtained from the provider of the data. Requests for access to data must provide a summary of the proposed research, objectives and methods, and the intentions for publication.

March 21, 2000

Japanese Proposal for Joint Experimental Fishing Program

1. There exists considerable discrepancy among the Parties with respect to the current stock status of SBT. This is because there is increase in areas and seasons that are currently unfished, and thus stock assessment must rely on hypotheses concerning abundance in these areas and seasons.
2. In order to resolve such situation, Japan shall endeavor to improve the current stock assessment procedures through the Stock Assessment Process Workshop in which the Advisory Panel will also participate. Concurrently, Japan also firmly believes that the gathering of scientific information that is currently lacking is indispensable.
3. Based on previous discussions among the Parties concerning EFPs and in light of the expertise gained through implementing the 1998 and 1999 EFPs, Japan hereby proposes that the three Parties reach consensus with respect to conducting a Joint EFP as outlined below:
 - (1) A working group should be created to establish a Joint EFP with the participation of independent scientists as well as Japan, Australia, and New Zealand;
 - (2) Based on the consensus among Japan, Australia, and New Zealand at last year's EFP Working Group on a three-year (1999-2001) duration for the EFP, the Joint EFP should end in 2001, provided that (a) the data from the 1998 and 1999 EFP should be properly incorporated together with the data from the 2000 and 2001 Joint EFPs into the overall stock assessment analysis, and (b) an EFP of appropriate substance shall be carried out during 2000 as well as 2001.
 - (3) The working group should promptly begin a discussion of the Joint EFP, so that the Joint EFP may commence by August 2000 at the latest.
 - (4) In order to gather scientifically valid and statistically significant data, the Joint EFP design ideally should not determine the ceiling on the resulting catch level, because an EFP design first needs to set the number of operations required depending on the season and area to be surveyed. Japan believes that a reasonable EFP at a level previously proposed by Japan would not adversely affect the SBT stock in this regard. However, taking into account Australia's and New Zealand's positions, Japan proposes, to achieve a consensus and in the spirit of cooperation, that the maximum catch for this Joint EFP, encompassing CPUE research and a feasibility tagging survey conducted in conjunction with the CPUE component, be set at the level of 1500 tons each year of the 2000-2001 EFP, regardless of the area and season during which it is to be conducted. In order to establish continuity with the data gathered in the 1998 and 1999 EFPs, Japan is prepared to have Japanese vessels entirely carry out this CPUE and

tagging survey, despite the expected financial losses. However, recognizing that the actual catch may unavoidably exceed the maximum catch level set in order to adhere to the EFP design and ensure the reliability of the resulting data, Japan proposes that any excess above the maximum catch level would be deducted from the subsequent year's national allocations for Parties who participate in the Joint EFP. In deducting such amount, the catch ratio of participating vessels will be the most important criterion.

4. Japan welcomes the comments of the other Parties concerning this initial proposal and is prepared to take such comments into account in formulating a revised proposal.
5. This paper is presented without prejudice to Japan's legal position.

APPOINTMENT OF EXECUTIVE SECRETARY TO CCSBT

- (a) Should the post of Executive Secretary fall vacant, the most senior member of the professional staff of the Secretariat shall be designated Acting Executive Secretary pending the appointment of a new incumbent.
- (b) Any person designated Acting Executive Secretary shall enjoy the salary, allowances and other privileges appropriate to the post of Executive secretary for such time as the person occupies the post.
- (c) Advertisements shall be placed, or other actions taken, in each Member country with the purpose of attracting applications for the post of Executive Secretary. Any advertisements placed shall be identical in form detailing the selection criteria and shall be a charge to the Commission Member in whose country they are placed. For the propose of attracting applications for the post of Executive Secretary from as wide a field as possible, the advertisement shall be placed on the Commission's web site by the Secretariat.
- (d) Each Member of the Commission may nominate up to two nominees for the vacant post. Persons other than those so nominated shall be entitled to enter an application on their own behalf.
- (e) The Chair of the Commission shall, in consideration of the time available, determine the deadline for the applications and other processes leading to the short listing of candidates.
- (f) After the deadline set for applicants all curricula vitae, references and other documents submitted by applicants shall be circulated to Members of the Commission.
- (g) Each Member of the Commission shall rank the ten candidates they most favour in order of preference and submit this list to the Chairman of the Commission.
- (h) Upon receipt of all the Commission Members' preferences the Chairman shall aggregate individual applicants' rankings awarding 10 points for a first preference, 9 for a second, etc.
- (i) The five candidates with the highest aggregate scores shall be short listed for selection. Should the application of any candidate be withdrawn the next ranking candidate shall be substituted.
- (j) The candidates selected will be notified to the Members of the Commission, and the Chairman of the Commission shall make such arrangements for the final selection process as agreed after consultation with Heads of all Delegations in accordance with Article 7 of the Convention.
- (k) The travel expenses and per diem incurred by the candidates invited for final selection shall be reimbursed by the Commission except where the candidate is a nominee of a Member of the Commission.
- (l) The chosen candidate shall be notified at the earliest opportunity.
- (m) The Commission can consider a negotiated form of contract with the successful candidate for Executive Secretary within the UN standard and provided the monetary value of the contract

does not exceed the deemed monetary value of the equivalent UN arrangement.

SELECTION CRITERIA

1. familiarity with fisheries management affairs
2. experience or detailed knowledge of the operations of international and inter government organisations
3. demonstration of high level strategic skills, managerial experience and proven competence in such areas as:
 - i. selection and supervision of administrative, technical and scientific staff
 - ii. supervision and management of data, including trade data, and data and document exchange
 - iii. preparation of financial budgets and the management of expenditures
 - iv. organisation of meetings and provision of secretariat support for high level committees
4. demonstrated capacity to take initiative and work sensitively with members of the Commission
5. appropriate tertiary qualifications
6. appropriate language skills including complete fluency in either English or Japanese. An understanding of both English and Japanese for normal daily use is desirable.

ROLE OF THE CCSBT SECRETARIAT

The following role for the Secretariat is derived from the Convention (Article 10.3) with amendments and notes as approved by the Commission.

The Secretariat functions are prescribed by the Commission, and include the following:

- (a) facilitating the operation of the Commission and coordination between members
- (b) preparing strategic plans to guide the work of the Commission
- (c) receiving and transmitting the Commission's official communications
- (d) representing the Commission at meetings, forums and other venues as appropriate
- (e) arranging the translation of Commission documents from the official languages of the Commission into other official languages of the Commission
- (f) facilitating the collection, compilation, management and exchange of data necessary to accomplish the objectives of the Convention
- (g) preparing and circulating administrative, scientific and other reports for the Commission including that of the Scientific Committee and its working groups and sub-committees
- (h) providing secretarial services to Commission and scientific meetings and other meetings and workshops convened by the Commission
- (i) preparing annual or year books, reports, proceedings, statistical reports
- (j) preparing educational and promotional material about the CCSBT, the Commission and SBT

- (k) administering and reporting to the Commission on the financial and staffing resources of the Commission
- (l) gathering information on the fishery activities of non-members and distributing information on CCSBT activities to non-members in various forms under authorisation of the Commission
- (m) preparing strategic reports to help develop the functions of the Commission and the Secretariat after staff attend SBT and tuna related meetings.

Additional areas of responsibility can be defined in the future as the need arises.

Proposal to amend the Rules of Procedure

To replace the current Rule 10 by the following.

Rule 10

Report

1. The Executive Secretary shall prepare a report of every annual and special meeting of the Commission. The report of an annual meeting shall include a summary of Commission activities since the previous annual meeting of the Commission. The Executive Secretary shall provide a draft report to the Commission for its adoption subject to amendment prior to the end of the annual or special meeting.
2. Where an annual or special meeting is adjourned, the Executive Secretary may be requested by the Commission, to prepare a report of the meeting prior to the adjournment. In this case, the Executive Secretary shall provide a draft report to the Commission for its adoption subject to amendment, prior to the adjournment of the meeting. Rules applying to an annual or special meeting shall also apply to an adjourned meeting.
3. Every subsidiary or advisory body shall adopt a report prior to the close of its meeting and submit its report to the next Commission meeting.
4. Subject to Rule 10.6, a report of a meeting of the Commission shall become public when that report is adopted and a report to the Commission of a subsidiary or advisory body shall become public when the report of the meeting of the Commission to which the report of that subsidiary or advisory body was submitted, is adopted.
5. Documents, including drafts of text, submitted to a meeting of the Commission or a subsidiary or advisory body shall not be made available to the public without the authority of the author, and if the author is a representative of a member, without the authority of that member.
6. Notwithstanding the provisions in paragraph 4, the Commission shall not published a report, or its nominated parts, of a meeting of the Commission or a subsidiary or advisory body, where a Member has requested that it not be published. The request is to be made before the end of the meeting or the adjournment of the meeting at which the report was adopted.
7. Unless the Commission decides otherwise, a Member may circulate prior to a meeting of the Commission, copies of documents or reports of any subsidiary or advisory bodies that are to be considered at that meeting to individuals or organizations within the Member's country with whom a Member considers it necessary to consult. The Member shall obtain the necessary undertaking from such individuals or organizations to treat the said documents or reports as confidential and not to release them to the public or to the media until such time as they become public documents.
8. Documents submitted to a meeting of the Commission or a subsidiary or advisory body and reports of a meeting of the Commission or a subsidiary or advisory body shall be distributed at no cost to members and observers. Printed copies of public documents and reports shall be available to the public at a price determined by the Executive Secretary to recover the cost of printing and distribution. Electronic copies of Commission reports shall be made available on the Internet.

Note: revision from CCSBT/9709/24 underlined.

Proposal to amend the Rules of Procedure

To replace the current Rule 10 by the following.

Rule 10

Report

1. The Executive Secretary shall prepare a report of every annual and special meeting of the Commission. The report of an annual meeting shall include a summary of Commission activities since the previous annual meeting of the Commission. The Executive Secretary shall provide a draft report to the Commission for its adoption subject to amendment prior to the end of the annual or special meeting.
2. Where an annual or special meeting is adjourned, the Executive Secretary may be requested by the Commission, to prepare a report of the meeting prior to the adjournment. In this case, the Executive Secretary shall provide a draft report to the Commission for its adoption subject to amendment, prior to the adjournment of the meeting. Rules applying to an annual or special meeting shall also apply to an adjourned meeting.
3. Every subsidiary or advisory body shall adopt a report prior to the close of its meeting and submit its report to the next Commission meeting.
4. Subject to Rule 10.6, a report of a meeting of the Commission shall become available for release outside the Commission when that report is adopted. A report to the Commission of a subsidiary or advisory body shall become public following the meeting of the Commission to which the report of that subsidiary or advisory body is submitted, unless the Commission decides otherwise.
5. Documents submitted to a meeting of the Commission, or a subsidiary or advisory body, shall be made available for release outside the Commission following the meeting of the Commission to which the report of that subsidiary or advisory body is submitted, unless the author, and if the author is a representative of a member, that member, identifies that there are reasons to consider restricting the release of a document. In that event the Commission may decide it is appropriate to restrict release.
6. Notwithstanding the provisions in paragraph 4, a member may request that a document or its nominated parts, of a meeting of the Commission or a subsidiary or advisory body, is not made available for release. The request is to be made before the end of the meeting or the adjournment of the meeting at which the report was adopted. In that event the Commission may decide it is appropriate to restrict release of a document or nominated parts of a document.
7. Unless the Commission decides otherwise, a Member may circulate prior to a meeting of the Commission, copies of documents or reports of any subsidiary or advisory bodies that are to be considered at that meeting to individuals or organizations within the Member's country with whom a Member considers it necessary to consult. The Member shall obtain the necessary undertaking from such individuals or organizations to treat the said documents or reports as confidential and not to release them to the public or to the media until such time as they become public documents.
8. Documents submitted to a meeting of the Commission or a subsidiary or advisory body and reports of a meeting of the Commission or a subsidiary or advisory body shall be distributed at no cost to members and observers. Printed copies of public documents and reports shall be available to the public at a price determined by the Executive Secretary to recover the cost of printing and distribution. Electronic copies of Commission reports shall be made available on the Internet.