

**Draft Resolution to
Align CCSBT Ecologically Related Species measures with those of other tuna RFMOs**
(Prepared by the European Union and New Zealand)

Explanatory memorandum – CCSBT Ecologic Related Species Conservation and Management Measures

CCSBT members at the 5th Strategy and Fisheries Management Working Group Meeting held in Canberra from the 6 to the 9 March 2018 agreed that one possible way of implementing binding ERS measures for CCSBT Members without duplicating the effort of other tuna RFMOs is to create a CCSBT Resolution that requires CCSBT Members to follow the ERS measures of the relevant tuna RFMOs. It was agreed that such a proposal would be prepared for consideration at CCSBT 25. One member noted that it would positively consider the proposal although its final position would be subject to internal consultations including legal scrutiny.

Resolution to Align CCSBT Ecologically Related Species measures with those of other tuna RFMOs

The Extended Commission for the Conservation of Southern Bluefin Tuna,

Recalling the decision made at the 5th Strategy and Fisheries Management Working Group Meeting to develop a binding Ecological Related Species (ERS) measure for Commission for the Conservation of Southern Bluefin Tuna (CCSBT) Members without duplicating the effort of other tuna RFMOs by creating a CCSBT Resolution that requires CCSBT Members to follow the ERS measures of other relevant tuna RFMOs,

Noting the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* and the need to cooperate and ensure consistency between conservation and management measures in the different tuna regional fisheries management organisations,

Concerned that some seabird species, notably albatrosses and petrels, are threatened with global extinction,

Mindful that fishing for Southern Bluefin Tuna can also cause incidental harm to other species such as sea turtles, sharks and cetaceans,

Further recalling the requirement in Article 5(2) of the Convention for the Conservation of Southern Bluefin Tuna that the Parties shall expeditiously provide to the CCSBT data on, *inter alia*, ecologically related species,

Determined to mitigate incidental harm to ecologically related species caused by fishing for Southern Bluefin Tuna,

Noting the importance of harmonising conservation and management measures with other organisations responsible for managing international fisheries, as agreed at the Kobe Meeting of Joint Tuna RFMOs on 26 January 2007,

Reaffirming the recommendation at the seventh meeting of the Ecologically Related Species Working Group (ERSWG) held in Tokyo from 3 to 6 July 2007, that Members and Cooperating Non-Members will provide national reports on their interactions with ecologically related species in Southern Bluefin Tuna fisheries to the ERSWG,

Agrees in accordance with paragraph 3(b) of Article 8, that:

1. For the purposes of this CCSBT Resolution:

1. the ‘Area of Competence of the Indian Ocean Tuna Commission’ is that described in Article 2 of the *Agreement for the Establishment of the Indian Ocean Tuna Commission*;
2. the ‘Convention Area of the Western and Central Pacific Fisheries Commission’ is that described in Article 3 of the *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*;
3. the ‘Convention Area of the International Convention for the Conservation of Atlantic Tunas’ is that described in Article 1 of the *International Convention for the Conservation of Atlantic Tunas*;
4. the ‘Convention Area of the Inter-American Tropical Tuna Convention’ is that described in Article 3 of the *Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica*;

each an “Area of Competence” and collectively, the “Areas of Competence”;

5. ‘ecologically related species’ is defined in accordance with Article 2 of the Convention on the Conservation of Southern Bluefin Tuna; and
 6. ‘ERS Measures’ mean all measures relating to ecologically related species in force in the *Indian Ocean Tuna Commission (IOTC)*, the *Western and Central Pacific Fisheries Commission (WCPFC)*, the *International Commission for the Conservation of Atlantic Tunas (ICCAT)*, [and the *Inter-American Tropical Tuna Commission (IATTC)*], as adopted and amended from time to time, as contained in Annex I.
2. This Resolution shall apply to all vessels on the ‘CCSBT Record of fishing vessels authorised to fish for Southern Bluefin Tuna’ in the Area of Competence of the Indian Ocean Tuna Commission, the Convention Area of the Western and Central Pacific Fisheries Commission, the Convention Area of the International Convention for the Conservation of Atlantic Tunas [and the Convention Area of the Inter-American Tropical Tuna Convention]. When fishing for Southern Bluefin Tuna in an Area of Competence, all vessels referred to in paragraph 2 shall apply all above mentioned tuna RFMOs ERS Measures in force in that Area of Competence¹.
 3. Where Areas of Competence overlap, Members and Cooperating Non-Members shall elect which applicable RFMO’s ERS Measures to apply.
 4. Each Member and Cooperating Non-Member shall ensure that effective action is taken in response to a vessel flying its flag that fails to comply with the obligations contained in the ERS Measures when fishing for Southern Bluefin Tuna in an Area of Competence.

¹ Vessels flying the flag of the Fishing Entity of Taiwan when fishing for Southern Bluefin Tuna in the Area of Competence of the Indian Ocean Tuna Commission (IOTC) shall also apply ERS Measures in force in IOTC, except when applying the discharge foreseen in paragraph 4.

5. The CCSBT secretariat will annually update the list of ERS Measures contained in Annex I before the CCSBT Extended Commission Meeting according to any decisions taken on ecologically related species at the Annual Meetings of the IOTC, WCPFC, IATTC, and ICCAT.
6. Members and Cooperating Non-Members that have objected to an ERS Measure in the relevant tuna RFMO are exempted from applying that ERS Measure when fishing for Southern Bluefin Tuna in the applicable Area of Competence.
7. Members and Cooperating Non-Members can apply additional and/or more stringent compatible measures than those listed in Annex I to vessels flying their flag.
8. Members and Cooperating Non-Members will report annually to the Compliance Committee of the Extended Commission on the action they have taken pursuant to this Resolution.
9. This Resolution shall be reviewed by the Extended Commission no later than [2020], taking into account the views of the Extended Scientific Committee and the Ecologically Related Species Working Group.
10. The Ecologically Related Species Working Group is requested to complete a review of the Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna by no later than [2020] taking into account the adoption of this Resolution.

Annex I: The ERS Measures

Area overlapping with the Area of Competence of the IOTC

1. Resolution 12/04 On the conservation of marine turtles;
2. Resolution 12/06 On reducing the incidental bycatch of seabirds in longline fisheries;
3. Resolution 12/09 On the conservation of thresher sharks (family Alopiidae) caught in association with fisheries in the IOTC area of competence;
4. Resolution 13/04 On the conservation of cetaceans;
5. Resolution 13/05 On the conservation of whale sharks (*Rhincodon typus*);
6. Resolution 13/06 On a scientific and management framework on the conservation of shark species caught in association with IOTC managed fisheries;
7. Resolution 17/05 On the conservation of sharks caught in association with fisheries managed by IOTC.

Area overlapping with the Convention Area of the WCPFC.

8. Resolution 2008/03 on the Conservation and Management of Sea Turtles;
9. Resolution 2010/07 - Conservation and Management Measure for Sharks;
10. Resolution 2011/03 - Conservation and Management Measure to Address the Impact of Purse Seine Activity on Cetaceans;
11. Resolution 2011/04 - Conservation and Management Measure for Oceanic Whitetip Sharks;
12. Resolution 2012/04 - Conservation and Management Measure on the protection of whale sharks from purse seine operations;
13. Resolution 2013/08 - Conservation and Management Measure for Silky Sharks;
14. Resolution 2014/05 - Conservation and Management Measures for Sharks;
15. Resolution 2017/06 - Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds.

Area overlapping with the Convention area of the ICCAT

16. Resolution 95-02 on cooperation with the Food and Agriculture Organization of the United Nations (FAO) with regard to study on the status of stocks and by-catches of shark species;
17. Resolution 03-10 on the shark fishery;
18. Recommendation 04-10 concerning the conservation of sharks caught in association with fisheries managed by ICCAT;
19. Resolution 05-08 on circle hooks;
20. Supplemental Recommendation 07-06 Concerning Sharks;
21. Recommendation 07-07 on Reducing Incidental By-Catch of Seabirds in Longline Fisheries;
22. Recommendation 09-07 on the Conservation of Thresher Sharks Caught in Association with Fisheries in the ICCAT Convention Area;

23. Recommendation 10-06 on Atlantic Shortfin Mako Sharks Caught in Association with ICCAT Fisheries;
24. Recommendation 10-07 by ICCAT on the Conservation of Oceanic Whitetip Sharks caught in Association with fisheries in the ICCAT Convention Area;
25. Recommendation 10-08 on Hammerhead Sharks (family *Sphyrnidae*) caught in Association with Fisheries Managed by ICCAT;
26. Recommendation 10-09 on the By-catch of Sea Turtles in ICCAT Fisheries;
27. Recommendation 11-08 on the Conservation of Silky Sharks Caught in Association with ICCAT Fisheries;
28. Supplemental Recommendation 11-09 on Reducing Incidental By-Catch of Seabirds in ICCAT Longline Fisheries;
29. Recommendation 11-10 on Information Collection and Harmonization of Data on By-catch and Discards in ICCAT Fisheries;
30. Recommendation 12-05 on Compliance with Existing Measures on Shark Conservation and Management;
31. Recommendation 13-10 on Biological Sampling of Prohibited Shark Species by Scientific Observers;
32. Recommendation 13-11 Amending Recommendation 10-09 on the By-Catch of Sea Turtles in ICCAT Fisheries;
33. Recommendation 14-06 on Shortfin Mako Caught in Association with ICCAT Fisheries;
34. Recommendation 15-06 on Porbeagle Caught in Association with ICCAT Fisheries;
35. Recommendation 16-12 on Management Measures for the Conservation of Atlantic Blue Shark Caught in Association with ICCAT Fisheries;
36. Recommendation 16-13 on Improvement of Compliance Review of Conservation and Management Measures regarding Sharks Caught in Association with ICCAT Fisheries.