



CCSBT-EC/1910/13

## Potential changes to CCSBT's measures for Ecologically Related Species (ERS)

### Introduction

The CCSBT adopted the “Resolution to Align CCSBT Ecologically Related Species measures with those of other tuna RFMOs” (the “ERS Resolution”) at its 25<sup>th</sup> Annual Meeting in October 2018.

Paragraph 5 of the ERS Resolution tasks the Secretariat to annually update the list of ERS Measures contained in Annex I of the Resolution before the annual Extended Commission (EC) meeting according to any decisions taken on ERS at the annual meetings of the IOTC<sup>1</sup>, WCPFC<sup>2</sup>, and ICCAT<sup>3</sup>. In addition, the ERS Resolution potentially makes some past ERS decisions of the CCSBT redundant, including:

- The CCSBT's 1997 decision to require the use of Tori poles below 30 degrees south together with CCSBT's 1999 guidelines for the design and deployment of Tori lines; and
- The CCSBT's “Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna” (the “ERS Recommendation”), which was last updated in 2011.

This paper:

1. Proposes a draft update to the ERS measures in the ERS Resolution;
2. Recommends ending the CCSBT's separate requirement to use Tori lines south of 30°S and incorporating the Tori pole requirement within the ERS Resolution for when fishing outside Areas of Competence as defined in that Resolution; and
3. Proposes some changes to the CCSBT's ERS Recommendation.

### 1. Proposed update to the ERS Resolution

The CCSBT's ERS Resolution requires updating to include the latest versions of the IOTC, WCPFC and ICCAT ERS measures. The changes that are of relevance to the CCSBT include:

- For IOTC
  - Addition of the new Resolution 18/02 On management measures for the conservation of blue shark caught in association with IOTC fisheries; and
  - Addition of the new Resolution 19/03 On the conservation of mobulid rays caught in association with fisheries in the IOTC Area of Competence (*comes into force on 29 October 2019*).
- For WCPFC
  - Addition of Resolution 2018/03 on Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds, that replaces 2017/06.

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<sup>1</sup> Indian Ocean Tuna Commission.

<sup>2</sup> Western and Central Pacific Fisheries Commission.

<sup>3</sup> International Commission for the Conservation of Atlantic Tunas.

- Addition of Resolution 2018/04 on Conservation and Management Measure of Sea Turtles to take effect on 1 January 2020, at which time it replaces CMM 2008-03; and
- For ICCAT
  - Addition of Recommendation 18-06 to replace Recommendation 16-13 on Improvement of Compliance Review of Conservation and Management Measures Regarding Sharks Caught in Association with ICCAT Fisheries.

A proposed update to the ERS Resolution that addresses the above changes is provided in Annex I of **Attachment A** for consideration by the EC. The proposed changes to the Resolution are tracked in the attachment.

The preamble to the ERS Resolution indicates that it is focused on seabirds and other species such as sea turtles, sharks and cetaceans. Consequently, the following new Resolutions of the IOTC and WCPFC have not been included in the proposed update of the ERS Resolution:

- Resolution 18/05 On management measures for the conservation of billfishes: striped marlin, black marlin, blue marlin and Indo-Pacific sailfish;
- Resolution 19/05 On a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna, and non-targeted species caught by purse seine vessels in the IOTC Area of Competence;
- Resolution 2018/01 – Conservation and Management Measure for bigeye, yellowfin and skipjack tuna in the Western and Central Pacific Ocean; and
- Resolution 2018/02 - Conservation and Management Measure for Pacific Bluefin tuna.

## 2. Proposed changes to CCSBT’s requirement for Tori poles south of 30°S

In 1997, the CCSBT agreed that it “*Requires mandatory use by all Commission parties of Tori poles in all long-line SBT fisheries below 30 degrees south*”. This decision is still active.

With the adoption of the ERS Resolution in 2018, CCSBT Members are also required to follow the seabird mitigation measures of IOTC, WCPFC and ICCAT in those Areas of Competence. This requires the use of two out of three mitigations measures (Tori lines, line weighting, or night setting) below either 25 or 30 degrees south depending on area.

The combination of CCSBT’s 1997 Tori pole decision and the ERS Resolution effectively means that CCSBT Members have a reduced choice of options and must use Tori poles plus one of the two other measures required from the ERS Resolution.

To provide Members with the full choice of seabird mitigation measures intended by the IOTC, WCPFC and ICCAT, it is recommended that:

1. The CCSBT’s 1997 Tori pole decision be discontinued.
2. The CCSBT’s 1999 guidelines for the design and deployment of Tori lines be discontinued as more up to date requirements exist through the ERS Resolution.
3. A new paragraph be inserted into ERS Resolution to require Tori poles to be used when fishing outside the Areas of Competence. This provides a status quo situation requiring the use of Tori poles outside the Areas of Competence once the 1997 Tori pole decision is discontinued. The new paragraph is paragraph 3 in **Attachment A**.

### **3. Proposes changes to the CCSBT's ERS Recommendation**

Adoption of the CCSBT's ERS Resolution means that parts of the CCSBT's ERS Recommendation have potentially become redundant. In particular, the original paragraph 2 of the ERS Recommendation (see **Attachment B**) is no longer required for species of relevance to the CCSBT because those species are now covered by the new binding ERS Resolution. Paragraph 2 of the ERS Recommendation is only required if it considered necessary to cater for those species that were not considered sufficiently relevant to include in the ERS Resolution.

A proposed update to the ERS Recommendation is provided at **Attachment B** for consideration of the EC. The update assumes that the original paragraph 2 of the Recommendation is no longer required and makes other related updates to the Resolution.

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

(Adopted at the Twenty ~~Fifth~~ Sixth Annual Meeting – ~~18-14-17~~ October 2019)

The Extended Commission for the Conservation of Southern Bluefin Tuna,

*Recalling* the decision made at the 5<sup>th</sup> 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 some 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:
  - a) 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*;
  - b) 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*;

- c) the ‘Convention Area of the International Commission for the Conservation of Atlantic Tunas’ is that described in Article 1 of the *International Convention for the Conservation of Atlantic Tunas*;
  - d) An Area defined in paragraphs a) – c) above is an “Area of Competence” and are collectively the “Areas of Competence”;
  - e) ‘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)*, as adopted and amended from time to time, as contained in Annex I;
  - f) Member or Cooperating Non-Member means a Member or Cooperating Non-Member of the Extended Commission of the CCSBT.
2. This Resolution shall apply to all vessels on the ‘CCSBT Record of fishing vessels authorised to fish for Southern Bluefin Tuna’ in the Areas of Competence. Each Member and Cooperating Non-Member shall ensure that such vessels flying its flag and fishing for Southern Bluefin Tuna in an Area of Competence comply with all ERS Measures in force in that Area of Competence (whether or not the Member or Cooperating Non-Member is a member of the tuna RFMO in which the ERS Measures were adopted).
3. When fishing outside Areas of Competence, Members and Cooperating Non-Members shall use Tori poles in all long-line SBT fisheries below 30 degrees south.
- ~~3.4.~~ Where Areas of Competence overlap, Members and Cooperating Non-Members shall elect which applicable RFMO’s ERS Measures to apply.
- ~~4.5.~~ 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. If a Member or Cooperating Non-Member of the Extended Commission undertakes fishing for Southern Bluefin Tuna in an Area of Competence of a Convention of which it is not a Member, that Member or Cooperating Non-Member shall report, if any, such actions relating to the relevant ERS Measures to the Compliance Committee of the CCSBT, unless the compliance of that Member or Cooperating Non-Member with such ERS measures is assessed in the appropriate body of that Convention.
- ~~5.6.~~ 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, and ICCAT.

6.7. Except in the case of WCPFC, Members and Cooperating Non-Members that have formally objected to an ERS Measure in the relevant tuna RFMO, and who, by reason of that formal objection and the operation of the tuna RFMO's decision-making rules, are not bound by that ERS Measure, are exempted from applying that ERS Measure when fishing for Southern Bluefin Tuna in the applicable Area of Competence. In the case of WCPFC, Members and Cooperating Members that have sought a review of a decision on an ERS measure in accordance with Article 20, paragraph 6 of the *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean* are exempted from applying that ERS Measure when fishing for Southern Bluefin Tuna in the applicable Area of Competence until the Measure becomes binding.

7.8. The Secretariat shall annually present a report to the CCSBT Compliance Committee on the implementation of the ERS Measures, for the sole purpose of the provision of information for Members and Cooperating Non-Members.

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Annex I: The ERS Measures

*Area of Competence of the IOTC*

- a) Resolution 12/04 On the conservation of marine turtles;
- b) Resolution 12/06 On reducing the incidental bycatch of seabirds in longline fisheries;
- c) Resolution 12/09 On the conservation of thresher sharks (family Alopiidae) caught in association with fisheries in the IOTC area of competence;
- d) Resolution 13/04 On the conservation of cetaceans;
- e) Resolution 13/05 On the conservation of whale sharks (*Rhincodon typus*);
- f) Resolution 13/06 On a scientific and management framework on the conservation of shark species caught in association with IOTC managed fisheries;
- g) Resolution 17/05 On the conservation of sharks caught in association with fisheries managed by IOTC;
- h) Resolution 18/02 On management measures for the conservation of blue shark caught in association with IOTC fisheries;
- i) Resolution 19/03 On the conservation of mobulid rays caught in association with fisheries in the IOTC Area of Competence (comes into force on 29 October 2019);

*Convention Area of the WCPFC*

- ~~g)j)~~ Resolution 2008/03 on the Conservation and Management of Sea Turtles (to be replaced by CMM 2018/04 on 1 January 2020);
- ~~h)k)~~ Resolution 2010/07 - Conservation and Management Measure for Sharks;
- ~~i)l)~~ Resolution 2011/04 - Conservation and Management Measure for Oceanic Whitetip Sharks;
- ~~j)m)~~ Resolution 2012/04 - Conservation and Management Measure on the protection of whale sharks from purse seine operations;
- ~~k)n)~~ Resolution 2013/08 - Conservation and Management Measure for Silky Sharks;
- ~~l)o)~~ Resolution 2014/05 - Conservation and Management Measures for Sharks;
- ~~— Resolution 2017/06 — Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds.~~
- p) Resolution 2018/03 - Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds;
- ~~m)q)~~ Resolution 2018/04 - Conservation and Management Measure of Sea Turtles. (takes effect on 1 January 2020, when it replaces CMM 2008-03)

*Convention Area of the ICCAT*

- ~~n)r~~) 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;
- ~~o)s~~) \_\_\_\_\_ Resolution 03-10 on the shark fishery;
- ~~p)t~~) Recommendation 04-10 concerning the conservation of sharks caught in association with fisheries managed by ICCAT;
- ~~q)u~~) \_\_\_\_\_ Resolution 05-08 on circle hooks;
- ~~r)v~~) Supplemental Recommendation 07-06 Concerning Sharks;
- ~~s)w~~) \_\_\_\_\_ Recommendation 07-07 on Reducing Incidental By-Catch of Seabirds in Longline Fisheries;
- ~~t)x~~) Recommendation 09-07 on the Conservation of Thresher Sharks Caught in Association with Fisheries in the ICCAT Convention Area;
- ~~u)y~~) \_\_\_\_\_ Recommendation 10-06 on Atlantic Shortfin Mako Sharks Caught in Association with ICCAT Fisheries;
- ~~v)z~~) \_\_\_\_\_ Recommendation 10-07 by ICCAT on the Conservation of Oceanic Whitetip Sharks caught in Association with fisheries in the ICCAT Convention Area;
- ~~w)aa~~) \_\_\_\_\_ Recommendation 10-08 on Hammerhead Sharks (family *Sphyrnidae*) caught in Association with Fisheries Managed by ICCAT;
- ~~x)bb~~) \_\_\_\_\_ Recommendation 10-09 on the By-catch of Sea Turtles in ICCAT Fisheries;
- ~~y)cc~~) \_\_\_\_\_ Recommendation 11-08 on the Conservation of Silky Sharks Caught in Association with ICCAT Fisheries;
- ~~z)dd~~) \_\_\_\_\_ Supplemental Recommendation 11-09 on Reducing Incidental By-Catch of Seabirds in ICCAT Longline Fisheries;
- ~~aa)ee~~) \_\_\_\_\_ Recommendation 11-10 on Information Collection and Harmonization of Data on By-catch and Discards in ICCAT Fisheries;
- ~~bb)ff~~) \_\_\_\_\_ Recommendation 12-05 on Compliance with Existing Measures on Shark Conservation and Management;
- ~~ee)gg~~) \_\_\_\_\_ Recommendation 13-10 on Biological Sampling of Prohibited Shark Species by Scientific Observers;
- ~~dd)hh~~) \_\_\_\_\_ Recommendation 13-11 Amending Recommendation 10-09 on the By-Catch of Sea Turtles in ICCAT Fisheries;
- ~~ee)ii~~) \_\_\_\_\_ Recommendation 14-06 on Shortfin Mako Caught in Association with ICCAT Fisheries;
- ~~ff)jj~~) \_\_\_\_\_ Recommendation 15-06 on Porbeagle Caught in Association with ICCAT Fisheries;
- ~~gg)kk~~) \_\_\_\_\_ Recommendation 16-12 on Management Measures for the Conservation of Atlantic Blue Shark Caught in Association with ICCAT Fisheries;



hh)ll) Recommendation 16-13 on Improvement of Compliance Review of Conservation and Management Measures regarding Sharks Caught in Association with ICCAT Fisheries. Recommendation 18-06 to replace Recommendation 16-13 on Improvement of Compliance Review of Conservation and Management Measures Regarding Sharks Caught in Association with ICCAT Fisheries.

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**Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna**

(Updated at the ~~Eighteenth~~ Twenty Sixth Annual Meeting – ~~10-13/14-17~~ October 2019)

The Extended Commission for the Conservation of Southern Bluefin Tuna,

*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 and sharks,

*Recalling* the definition of ecologically related species in Article 2 of the Convention for the Conservation of Southern Bluefin Tuna,

*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 Commission for the Conservation of Southern Bluefin Tuna 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,

*Recommends* that:

1. Members and Cooperating Non-Members will, to the extent possible, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds), the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), and the FAO Guidelines to reduce sea turtle mortality in fishing operations (FAO-Sea turtles), if they have not already done so.

~~2. Members and Cooperating Non-Members will comply with all current binding and recommendatory measures aimed at the protection of ecologically related species, including seabirds, sea turtles and sharks, from fishing, which are adopted from time to time:~~

~~a) by the Indian Ocean Tuna Commission, when fishing in its Convention area,~~

b) ~~by the Western and Central Pacific Fisheries Commission, when fishing in its Convention area, and~~

e) ~~by the International Commission for the Conservation of Atlantic Tunas, when fishing in its Convention area~~

~~irrespective of whether the Member or Cooperating Non-Member concerned is a member of the relevant Commission or otherwise cooperates with it.~~

~~32. Members and Cooperating Non-Members will collect and report data on ecologically related species to the Extended Commission and/or its subsidiary bodies as appropriate, including the Ecologically Related Species Working Group. Further, the undertaking described in paragraph 2 will include a commitment to comply with measures adopted by the Indian Ocean Tuna Commission, the Western and Central Pacific Fisheries Commission and the International Commission for the Conservation of Atlantic Tunas on the collection and reporting of data in relation to ecologically related species. Data confidentiality shall be protected under the rules that apply in those Commissions.~~

~~43. Members and Cooperating Non-Members will report annually to the Compliance Committee of the Extended Commission on the action they have taken pursuant to paragraphs 1 and 2 and 3 of this recommendation.~~

~~54. The Secretariat of the CCSBT is authorised to collect and exchange relevant data concerning ecologically related species with the Secretariat of the Indian Ocean Tuna Commission, the Secretariat of the Western and Central Pacific Fisheries Commission and the Secretariat of the International Commission for the Conservation of Atlantic Tunas.~~

~~65. The Extended Commission will review the operation of this Recommendation and the “Resolution to Align CCSBT Ecologically Related Species measures with those of other tuna RFMOs” with a view to enhancing the protection of ecologically related species from the impacts of fishing for southern bluefin tuna.~~

~~76. The Extended Commission and/or its subsidiary bodies as appropriate will undertake an assessment of the risks to ecologically related species posed by fishing for southern bluefin tuna. The Extended Commission will consider how these risks are mitigated by the adoption of ~~measures described at section 2~~ the “Resolution to Align CCSBT Ecologically Related Species measures with those of other tuna RFMOs”, and will consider whether any additional measures to mitigate risk are required.~~