



CCSBT-EC/1010/11

ADOPTION AND IMPLEMENTATION OF THE CCSBT STRATEGIC PLAN

Adoption of the CCSBT Strategic Plan

The April 2010 meeting of the Strategy and Fisheries Management Working Group finalised development of the CCSBT Strategic Plan and recommended the plan for adoption at CCSBT 17. The recommended plan is at **Attachment A**.

However, the SFMWG referred Goal 11¹ of the Strategic Plan to the Extended Commission (EC) for its review and for consideration of a timeline for the two strategies relating to this goal, which are:

- Develop mechanisms for extending CCSBT Membership to REIOs.
- Define processes for those seeking Cooperating Non-Member or membership status to the CCSBT.

The EC should review this goal and develop an associated timeframe for implementing the two components of the goal. The first component could be approached either by a minor modification to the “Resolution to Establish the Extended Commission ...” or by amending the Convention. There will clearly be a major difference in the timeframe required for the two approaches.

Implementation of the Plan

According to the timeline within the draft Strategic Plan, there are numerous items that need to be addressed at the 2010 meeting of the Extended Commission (EC). Some of these items are dealt with elsewhere in the EC agenda, or in the agendas of the ESC and CC meetings, or in other meetings such as the Kobe II workshops. However, there are nine items that are not dealt with elsewhere and these are listed below, with their priorities (according to the plan) shown in parentheses.

(1) Set limits below which stock size should not be allowed to fall, and strategies for managing if limits are breached (*very high*)

Issues related to this item will be discussed under the agenda item for adoption of a Management Procedure. However, with the exception of a metarule process for exceptional circumstances, that discussion is likely to focus on rebuilding targets and timeframes, not limits below which the stock should fall.

Given the current low biomass of the SBT stock, it is likely that two or three different limits, with different strategies for managing the limits, may need to be set. The first is a limit below which the stock should not be allowed to fall while at the current low stock size (and that limit might be to not fall below the current level). A second (higher) limit might be established for once the stock has reached the interim rebuilding target of 20% of

¹ Ensure that all states and Regional Economic Integration Organisations (REIOs) and entities catching SBT are engaged in the cooperative management of SBT

SSB₀ and a final limit (such as 20% of SSB₀) could be set for once the stock approaches the final target levels.

(2) Reinforce the role of the Compliance Committee so that the Commission can obtain accurate data on all fisheries (*very high*)

The role of the Compliance Committee can be reinforced in this regards by amending its Terms of Reference as shown in **Attachment B** and requesting the Compliance Committee to pay particular attention to the accuracy of data.

(3) Develop a framework to provide for underfishing and respond to low levels of overfishing (*low*)

This matter has been under consideration by the Extended Commission since 2003. Papers considering this topic have been prepared by the Secretariat (CCSBT-EC/0310/14, CCSBT-EC/0610/10), New Zealand (CCSBT-EC/0510/28, CCSBT-EC/0710/30, CCSBT-EC/0810/BGD18) and Taiwan (CCSBT-EC/0610/32).

The last time this matter was discussed was at CCSBT 15 (2008). At that time, paper CCSBT-EC/0810/BGD18 from New Zealand was discussed, but it was decided not to implement the proposal and the Extended Commission:

- Noted the difficulty in accurately administering over-catch and under-catch without a CDS or other means of verifying catches; and
- Conducted additional work during the meeting on a proposal to allow carry forward of small percentages of uncaught quota on a case by case basis in small coastal SBT fisheries. However, the meeting did not reach consensus on this proposal.

Since then, the CCSBT Catch Documentation System has been introduced, which should alleviate some of the concerns regarding the first point. Consequently, a slightly modified version² of New Zealand's paper CCSBT/EC/0810/BGD18 is provided at **Attachment C** for re-consideration by the Extended Commission. This paper also includes a penalty regime for overfishing beyond a specified threshold.

The paper at **Attachment C** uses three levels for the underfishing, overfishing and penalty provisions. Therefore, depending on the allocation level (0-1000t, 1001-3000t, 3001t and above), different percentages of the allocations apply for the provisions. However, to provide increased flexibility and manageability for small allocations, it may be worthwhile for the Extended Commission to consider adding a fourth allocation level (0-100t) with a threshold of 20% or more.

(4) Assess threats to SBT from over capacity in other fleets (*low*)

The Secretariat has not had an opportunity to adequately consider this item. However, we note that within the draft Strategic Plan, this item is scheduled to be dealt with in both 2010 and 2013 and we do not recollect the reasoning for this. In addition, the joint tuna RFMO workshop on management of tuna fisheries recommended that RFMOs urgently develop publicly available authorised and active vessel lists, but this is not scheduled until 2013 in the draft Strategic Plan. It may be worthwhile to advance the development of the

² The modifications are only minor changes made by the Secretariat (shown as shaded text in the Attachment) to update the current effective catch levels, to update the year in which the resolution would be reviewed, and to clarify the meaning of the term "national allocation" within the draft resolution.

active vessel list and, as noted in CCSBT-EC/1010/10, the Secretariat could develop such a list based on data from the CCSBT Catch Documentation Scheme.

(5) Identify ways to streamline Commission processes (including annual and subsidiary meetings) (High)

There are a number of areas where the Secretariat considers that operational processes of the CCSBT could be improved, both for meetings and for general operations. Some suggestions to achieve improvements are provided below:

(a) Meetings

i. ERSWG meetings

For many years, meetings of the ERSWG (Ecologically Related Species Working Group) have been less productive than Members have desired. This is partly due to differing views of Members on some issues. However, the lack of productivity has been greatly exacerbated by the two year gap between meetings, the lack of continuity in the Chair, the lack of a common dataset from which fishery wide analyses can be conducted by each Member, and perhaps the lack of an independent expert to help steer the meeting to consensus and provide independent views when this is not possible. In contrast, all of these issues have been addressed for ESC meetings and as a consequence, ESC meetings have been extremely productive since this occurred. Options that the Extended Commission could consider to improve the function of the ERSWG and associated work include:

- Appointing an ERSWG Chair for at least two meetings with the possibility of extension beyond that for at least another two meetings. The Chair should be appointed on the basis of expertise. The CCSBT would fund attendance of the Chair for meetings outside the Chair's home city. The Chair should be appointed as soon as possible and be nominated as one of the CCSBT representatives for the joint tuna RFMO bycatch technical working group.
- Conducting an annual ERS data exchange process, similar to that used by the ESC, to exchange aggregated data for the purpose of assessing the impact of the SBT fishery on ERS³. The new Chair could coordinate intersessional discussion during 2011, to recommend data exchange requirements for consideration by the Extended Commission⁴.
- Consider holding ERSWG meetings annually from 2012 in conjunction with shorter ESC meetings until the CCSBT is satisfied with progress on ERS matters.
- Consider appointing an independent expert for ERS matters with a similar role as the independent panel at ESC meetings. The ERS expert could be a replacement for one of the independent panel members for ESC meetings once the MP development has concluded. The ERS expert could be nominated as one of the CCSBT representatives for the joint tuna RFMO bycatch technical working group

³ This would enable global analyses of impacts to be conducted prior to meetings and enable meetings to function more efficiently.

⁴ This is consistent with section 4.1(i) of the draft Strategic Plan which in 2011, requires the CCSBT to "Agree on and implement data provision requirements for ERS that ensure full reporting of bycatch & mitigation measures used in each fishery".

ii. ESC meetings

The Extended Scientific Committee (ESC) has functioned well. However, once the MP development and implementation work has concluded, it may be possible to reduce the number of independent panel members by one and reduce the number of meeting days with minimal impact. The ESC could be asked to make recommendations on these matters at its 2011 meeting.

iii. CC meetings

Each meeting of the Compliance Committee (CC) has had a full agenda and most meetings have had difficulty completing their agenda within the allotted time of 2 days. The requirement to adopt the report within the two day period significantly reduces the time available for the meeting as time must be wasted while the reported is being prepared by the Secretariat. This wasted time could be recovered (and converted to meeting time) by having the CC report adopted (and the meeting closed) in the 2-3 hours prior to adopting the report of the Extended Commission meeting. This 2-3 hour period would otherwise be wasted because this is the time that the EC report is being finalised by the Secretariat. A disadvantage of this approach is that the finalised report of the CC meeting would not be available to the EC meeting. However, this should not cause substantial problems for the EC meeting provided that the recommendations from the CC to the EC have been adopted by the CC meeting before the EC meeting.

iv. EC meetings

In order to gain efficiencies and for improved continuity, the Extended Commission (EC) will be considering (at agenda item 15) the option of appointing a Chair for 2 years with possible reappointment for a further 2 year period.

In order to improve understanding and coordination with other RFMOs, each meeting of the EC could consider appointing specific Members to be the CCSBT observer at RFMO meetings of interest (e.g. tuna RFMOs and CCAMLR) and for the observers to provide written reports to the CCSBT on matters of relevance.

v. All meetings

In order to run efficient meetings and to aid decision making (rather than deferral of decisions), it is necessary for participants to be adequately informed of issues well in advance of meetings. The Extended Commission should therefore consider ways to strongly encourage all Members and Cooperating Non-Members to:

- Submit meeting documents on any issues or proposals that they intend to make at meetings; and
- Submit meeting documents at least 4 weeks in advance of the relevant meeting.

The Secretariat also recognises the confusion that can occur when accessing meeting documents from the private area of the CCSBT web site due to the large volume of material on the private area. This difficulty is being addressed by the new website that is currently being developed by the Secretariat.

(b) General operations

The Report of the CCSBT Performance Review Working Group recommended that *“The CCSBT should consider whether establishing a position at the secretariat to provide policy and management advice would be a useful way of addressing the current gap that exists taking into account cost effectiveness of such post.”* and commented that *“This new capacity, coupled with the direction and common vision which would be provided by a CCSBT strategic plan (and a management plan) could greatly improve the functioning and performance of the CCSBT.”* The Secretariat considers that such a position would not be utilised full-time for this purpose and suggests that establishing a consultancy fund for seeking such advice might be a more cost-effective solution.

One Member has suggested to the Secretariat that it would be useful if intersessional requests from the Secretariat could be numbered and made available on the private area of the web site, together with deadlines, to enable easy reference by Members and Cooperating Non-Members. The Secretariat should be able to implement such a system with little difficulty once the new web site is operational.

(6) Implement a rule that the Commission must clearly document the rationale for decisions, including where they differ from the science advice provided to the Commission (Medium)

One option for implementing such a rule would be to amend RULE 10 (Reports) of the CCSBT Rules of Procedure to insert a new first paragraph that states:

“1. The Commission shall articulate the rationale for decisions, including where they differ from the science advice provided to the Commission, for inclusion in the report of the meeting prepared by the Executive Secretary.”

To ensure that this rule is properly implemented, RULE 4(5) relating to the powers and duties of the Chair should be amended to insert a paragraph after 5e that states:

“5 (e bis) to direct the meeting to articulate it’s rational for decisions;”

Alternatively (or in addition to the above), the following new rule in relation to scientific advice could be added to the Rules of Procedure (Note: it is the second paragraph of this rule that relates to the current topic, the first paragraph relates to item “7” below).

RULE 8 Bis (SCIENTIFIC ADVICE)

- “1. The Scientific Committee shall incorporate advice consistent with the precautionary and ecosystems approaches in its advice to the Commission.*
- 2. The Commission shall clearly document the rationale for decisions of the Commission taken under Article 8(3) of the Convention that differ from advice provided by the Scientific Committee.”*

(7) Task the SC with incorporating standards (precautionary, ecosystem) into its advice to the Commission (Medium)

This would ideally be incorporated in a modified Convention, but in the interim, paragraph “1” of the suggested new RULE 8 Bis (above) for the CCSBT Rules of Procedure may be sufficient to task the Extended Scientific Committee (ESC) with incorporating these standards in its advice.

It would be useful for the Extended Commission to clarify its request to the ESC by identifying those aspects of the precautionary approach it wishes the ESC to consider (perhaps with reference to specific paragraphs of Article 6 and Annex II of the UN Fish Stocks agreement – see **Attachment D**).

(8) Establish fair, transparent and non-discriminatory procedures for penalties (e.g. payback of overcatch, quota reduction) and incentives to promote compliance (High)

Procedures for payback of overcatch including penalties for overcatch above specified thresholds have been under consideration by the Extended Commission, in conjunction with consideration of an “over and under” regime, since 2003. This was described in item “3” above and a draft resolution from New Zealand on this matter is provided at **Attachment C** for re-consideration by the Extended Commission.

Further consideration is required to identify suitable incentives for promoting compliance.

(9) Work with developing country Members and Cooperating Non-Members to identify areas where assistance would be beneficial to ensure they meet obligations under Commission decisions. Identify ways in which assistance may be provided (e.g. up-skilling, secondments, workshops etc) (Medium)

The Secretariat does not have specific suggestions for areas where assistance would be most beneficial. However, a useful start would be for developing country Members and Cooperating Non-Members to provide a table that specifies areas where they need assistance to be able to fully meet their obligations under Commission decisions.

The Secretariat also notes that some (perhaps many) CCSBT Members are already providing support to developing countries, either unilaterally or via their contributions to other RFMOs. Where such assistance includes developing countries involved in the SBT fishery, it would be useful to document the assistance provided as part of the process of developing a CCSBT assistance package. Furthermore, the existing (and recent past) assistance could be reported on the CCSBT web site along with any additional assistance implemented by the CCSBT.

DRAFT

**Strategic Plan for the Commission for the
Conservation of Southern Bluefin Tuna**

April 2010

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1. Introduction

A strategic plan for the Commission for the Conservation of Southern Bluefin Tuna

This strategic plan outlines a common vision for how members would like to see the Commission for the Conservation of Southern Bluefin Tuna in the future. Components of that vision include the state of the southern bluefin tuna stock; how the Commission operates to effectively manage the stock; and how members are implementing their obligations and benefiting from their successful management of the stock.

A strategic plan outlines not only a desired future state, but also specific strategies and tasks associated with achieving the desired future state (even if achieving that state is a long term goal). The strategic plan will become the basis for the Secretariat and members to compile annual operating plans.

A recent review of the Commission's performance provided many suggestions for areas in which performance may be improved. A strategic plan allows these suggested actions to be incorporated, as appropriate, into future work plans. Suggested actions are prioritised so that the overall work plan is achievable.

The Convention for the Conservation of Southern Bluefin Tuna

Origins

Southern bluefin tuna (SBT) were heavily fished in the past, with annual catches reaching 80,000 tonnes in the early 1960s. Heavy fishing resulted in a significant decline in the numbers of mature fish, and the annual catch began to fall rapidly. In the mid 1980s it became apparent that a way of limiting catches was needed. To enable the SBT stocks to rebuild, the main nations fishing SBT at the time – Australia, Japan and New Zealand – began to apply strict quotas to their fishing fleets from 1985.

On 20 May 1994, the voluntary management arrangement between Australia, Japan and New Zealand was formalised when the Convention for the Conservation of Southern Bluefin Tuna, which the three countries signed in May 1993, came into force.

The role of the Commission for the Conservation of Southern Bluefin Tuna

The objective of the Convention is to ensure, through appropriate management, the conservation and optimum utilisation of the global SBT fishery. The Convention created the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and describes how it operates and functions. The functions of the CCSBT include—

- collecting information,
- deciding on a total allowable catch (TAC) and its allocation,
- deciding on additional measures including monitoring, control, and surveillance (MCS) measures considered necessary in order to achieve effective implementation of the Convention,
- agreeing an annual budget, and

- encouraging accession by other states.

The CCSBT meets annually. The CCSBT has six subsidiary bodies which provide advice on their areas of expertise—

- the Scientific Committee (SC)/Extended Scientific Committee (ESC),
- Stock Assessment Group (SAG),
- Ecologically Related Species Working Group (ERSWG),
- the Strategy and Fisheries Management Working Group (SFMWG),
- Compliance Committee (CC),
- the Finance and Administration Committee (FAC).

A panel of independent scientists attend SC and SAG meetings and are able to provide advice directly to the CCSBT if required.

The Convention also provided for the establishment of the CCSBT Secretariat, which supports the running of the Commission. The Secretariat is based in Canberra, Australia. Staff include an Executive Secretary, Deputy Executive Secretary, a Data Manager and other support staff.

Membership of the Commission

Membership of the CCSBT is only open to States. To facilitate the participation of fishing entities, the CCSBT established the extended CCSBT (ECCSBT) and the extended scientific committee (ESC) in 2001. Membership of the ECCSBT and the ESC includes all parties to the Convention, and fishing entities may also be admitted. The fishing entity of Taiwan was admitted in 2002.

The ECCSBT and the ESC perform the same functions as the CCSBT and the SC respectively. Each member has equal voting rights. Decisions of the ECCSBT that are reported to the CCSBT become decisions of the CCSBT unless the CCSBT agrees otherwise. Any decision of the Commission that affects the operation of the ECCSBT or the rights, obligations, or status of any individual member within the ECCSBT should not be taken without prior due deliberation of that issue by the ECCSBT.

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

Members

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

Cooperating Non-Members

- European Union
- Philippines
- South Africa

The southern bluefin tuna fishery

Characterisation of the fishery

The primary market for SBT is the Japanese Sashimi market, where premium prices can be obtained, largely because of the high fat content of SBT flesh. The total value of the SBT global fishery is estimated to be about \$AUD1 billion.

The main methods used for catching SBT are longline fishing and purse seining.

Longlining involves using long lengths of fishing line with many hooks. The SBT caught are mainly frozen at very low temperatures (-60C) and either unloaded at intermediate ports and shipped to markets in Japan or unloaded directly at markets in Japan.

Purse seining involves using purse seine nets to enclose schools of SBT. This method is currently only used in the Australian SBT fishery. The enclosed schools of fish are towed to waters near the Australian mainland and placed in floating cages anchored to the ocean floor. The tuna are fattened for several months and sold direct to Japanese markets as frozen or chilled fish.

Status of the stock

Southern bluefin tuna are recognised as being at a small fraction of their pre-exploitation biomass. The Extended Scientific Committee reported in 2008 that the scenarios analysed indicate that spawning stock biomass is still at a very low level (generally below 10% of pre-exploitation spawning stock biomass). This was recognised as a level at which recruitment may be at risk of further decline. Further, the stock is below the level that could produce maximum sustainable yield, a level that is generally recognised internationally as a benchmark for sustainably managing fishstocks. The scientific committee also noted that there is no sign of the spawning stock biomass rebuilding at present.

Strategic issues

This section highlights strategic issues facing the Commission that this plan will seek to address. These issues have been identified recently through a performance review; the first meeting of the Strategy and Fisheries Management Working Group; and through an analysis of the strengths, weaknesses, opportunities, and threats (SWOT) facing the Commission. This SWOT analysis helped highlight any other areas outside the performance review that might help the Commission in developing its strategic plan (see below).

In 2008, a Performance Review Working Group made up of representatives from the Commission undertook a self assessment of the Commission's performance, using the criteria adopted at the 2006 Joint Meeting of the five Tuna RFMOs in Kobe, Japan. An independent expert, United States Ambassador David Balton, reviewed the self assessment.

The 2008 meeting of the CCSBT agreed to various initiatives in order to implement recommendations of the performance reviews (see paragraph 41 of the meeting report).

One important outcome of the performance review was to establish a Strategy and Fisheries Management Working Group (SFMWG), to develop a strategic plan for the Commission and a fisheries management plan comprising management objectives for SBT and ecologically related species, consistent with modern fisheries management principles. The Commission tasked the SFMWG with the development of a strategic plan, as a way of creating a common vision of where members want the Commission to be heading.

Performance review

The performance review highlighted areas where the Commission is doing well, including the inclusion within the Commission as members or cooperating non-members of virtually all fishing activity for SBT; recent improvements in the transparency with which the Commission operates; and the undertaking of the Commission's first performance review.

The performance review also highlighted a number of areas in which the performance of the Commission could improve, as outlined below. The recommendations of the performance review working group and the independent expert have been incorporated into the goals and strategies described later in the plan.

General

- The CCSBT should examine its Convention, compare it to more modern instruments, and seriously consider the need to renegotiate it. Even if it is not amended at this time, many of the modern standards for fisheries management can be incorporated into the work of the Commission in other ways, including through adoption of additional conservation and management measures and an updated management procedure.
- A strategic plan and management plan could provide direction and common vision, and greatly improve the functioning and performance of the CCSBT.

Conservation and management

Status of living marine resources

- Determine management objectives and a rebuild strategy consistent with UNFSA requirements to guide future scientific assessments.
- Develop the most accurate stock assessment possible in light of uncertainties caused by under-reported past catches, then set catches at a level that will allow the stock to rebuild, taking into account precautionary principles.
- Develop and implement a strategy to address the impacts of SBT fisheries on ecologically related species, including collection and sharing of data between CCSBT members and Secretariats of other RFMOs.

Data collection and sharing

- Focus effort on improving data collection and reporting through full and urgent implementation of the conservation and management measures adopted by the CCSBT at its annual meeting in 2006.
- Pursue opportunities to harmonise data collection and sharing with the other four tuna RFMOs.
- Ensure clear standards are set for the level of detail and type of data provided by members, so the science process has the information it requires (including provision of data that meets UNFSA minimum requirements; commercial confidentiality should no longer limit access to data within the CCSBT).

Quality and provision of scientific advice

- Maintain the structure of the Extended Scientific Committee, including the independent chairs and advisory panel, but review the number and skill sets of independent experts required in support of the scientific process.
- Consider the balance of effort between SBT and ecologically related species.

- Adopt and implement measures to minimise pollution, waste, discards or catch by lost and abandoned gear.

Adoption of conservation and management measures

- Continue to make conservation and management measures that are consistent with scientific advice from the Extended Scientific Committee.
- Develop a strategic plan and management plan to implement minimum standards for the fishery.

Capacity management

- Discuss with Indonesia the capacity for temporal and spatial closures in the SBT spawning ground.
- Implement the recommendations set forth in the FAO International Plan of Action on the management of fishing capacity.

Fishing allocations and opportunities

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

Compliance and enforcement

Flag state measures

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

Port state measures

- When considering implementation of any port state measure, the CCSBT should bear in mind the need to avoid duplication of effort, and consider the 'FAO technical consultation on port state measures'.
- Adopt port state measures designed to prevent the landing and transshipment of illegal, unreported and unregulated SBT catches – including by vessels on the CCSBT authorised vessel list.

Monitoring, control and surveillance

- Cooperate with other tuna RFMOs to optimise harmonisation, improve global effectiveness, and avoid duplication of work.
- Prioritise the development of MCS in the context of a compliance plan.
- Develop effective measures relating to transshipment, a regional observer programme, and high seas boarding and inspection (as set forth in the UNFSA).

Follow up on infringements

- As a minimum, establish agreed rules on the treatment of overcatch (requirement of payback).
- Ideally, establish a range of penalties in relation to all conservation measures.

Cooperative mechanisms to detect and deter non-compliance

- All members and cooperating non-members should submit their national reports to the CCSBT.

- Allocate sufficient time to the Compliance Committee and the Extended Commission to allow them to complete both routine and development work each year.

Market related measures

- Implement a CDS as a matter of urgency.
- Pending implementation of a CDS, all members and cooperating non-members should be required to implement the TIS.
- Monitor all market and port states and encourage compliance with CCSBT monitoring and trade measures.

Decision-making and dispute resolution

Decision making

- Consider devolving some day to day operational decision making to the Chair or the Executive Secretary (by the unanimous decision of the Commission).

Dispute settlement

- Note the dispute settlement rules established under the UNFSA that may make it unnecessary to amend the Convention to achieve a compulsory and binding regime for the settlement of disputes.

International cooperation

Transparency

- Improve openness by better publication of the rules for observers (e.g. placing information on the CCSBT website).
- Consider revising current rules and procedures for observers, since they appear to create an unduly restrictive process that is not in line with other tuna RFMOs (or Article 12(2) of the UNFSA).

Cooperation with other RFMOs

- Make working more closely with and harmonising measures with other RFMOs a priority area (including on ERS mitigation, impacts of fishing on the environment, data collection, and combating IUU fishing).

Financial and administrative issues

Availability of resources for RFMO activities

- Consider establishing a position at the Secretariat to provide policy and fisheries management advice.
- Provide the necessary resources to the Commission to implement agreed measures (e.g. the CDS).

Efficiency and cost-effectiveness

- If the CCSBT has not always received full and timely payment of member financial contributions, discuss what could be done to prevent the problem in the future.

SWOT analysis

The following SWOT analysis outlines the Strengths, Weaknesses, Opportunities and Threats that the Commission may face in achieving its objective. In relation to the opportunities and threats, these include both potential and actual outcomes that may occur. The strategic plan allows strategies to be developed to work towards the opportunities while avoiding threats that are identified as high risk.

The SWOT analysis gives an indication of both internal and external factors that need to be addressed in the goals and strategies outlined below. The strengths, opportunities, and threats sections, in particular, have helped identify areas outside the scope of the performance review where further effort by the Commission may be beneficial.

Key challenges

Taking into account the wide range of recommendations made by the performance reviews of the CCSBT, and the other strategic issues identified above, the following key challenges can be identified:

- To provide for the rebuild of the SBT fishery to the level that can sustain maximum sustainable yields (stock re-building);
- To ensure all catches are accounted for within national allocations, and unreported catches are prevented (compliance); and
- To balance the competing demands of those who harvest SBT against the biological demands of stock rebuilding (TAC setting and allocation)

Objective: to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> - Commission already incorporates almost all fishing effort for SBT - well-regarded model for provision of science advice - decision-making components established (including compliance committee, scientific committee, annual meeting, centralised Secretariat) - coordination with other regional fisheries management organisations (RFMOs) - Agreements reached on basic monitoring, control and surveillance (MCS) components (e.g. catch documentation) - Competency for all areas in which SBT found - agreed mechanism for controlling fishing for SBT (global Total Allowable Catch) - formation of a strategy and fisheries management working group to develop fisheries management options and advice for the Commission 	<ul style="list-style-type: none"> - currently SBT stock at around 10% or less of virgin spawning stock biomass - history of failure to decide on and implement key management measures (e.g. TACs) - information base for stock assessment is poor - objective of Convention relates only to single species (SBT) - approach to controlling fishery does not address potential over-capacity issues - Members have not always met their obligations under the Convention, including implementing agreed measures - application of precautionary principle not explicit - commercial imperatives sometimes override the obligations of member states to cooperatively manage the stock - no specific provisions in the Convention for developing countries
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> - increased value (economic, catch per unit effort, social) from stock at the biomass that supports maximum sustainable yields - harmonisation with other RFMOs to increase efficiencies and improve management - taking advantage of developing concepts of best practice for fisheries management including for tuna RFMOs - developing innovative measures to allow more efficient fishing - opportunity to incorporate modern standards of fisheries management (e.g. precautionary principle, ecosystem approach) through development and implementation of management procedure 	<ul style="list-style-type: none"> - increased illegal fishing, including by non-members - failure of Commission to follow scientific advice - disruption to industry caused by stock collapse - international community condemnation over failure to fulfil mandate - consumer resistance to poorly managed stocks - CITES listing (trade prohibitions) - continuation of catch anomalies

2. Objective, vision, and goals

This strategic plan sets out the objective of the Commission (as outlined in the Convention text). The plan also establishes a common vision for how members would like to see the Commission in the future. Components of that vision include the state of the southern bluefin tuna stock; how the Commission operates to effectively manage the stock; and how members are implementing their obligations and benefiting from their successful management of the stock. Each of these components is associated with specific **goals** – the desired future state of the Commission – and **strategies** – the suggested approach to achieving the desired future state.

Convention objective

The objective of the Convention for the Conservation of Southern Bluefin Tuna is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna.

Vision and goals

A. Management of SBT

Southern bluefin tuna stocks are managed at a biomass level that supports the maximum sustainable yield, and the risks of fishing for SBT are mitigated

This category includes strategies concerning stock rebuilding, allocation, ecologically related species.

B. Operation/Administration of the Commission and Secretariat

The Commission is operating effectively and efficiently, to responsibly manage fishing for SBT

This category includes strategies for effective and efficient operation of Commission, its subsidiary bodies and Secretariat, including harmonization with other RFMOs.

C. Participation and implementation by Members, including Compliance

Members are actively participating in management of SBT through the Commission, and implementing its decisions

This category includes strategies concerning MCS, sanctions, assistance to developing countries.

A. Goals concerning management of SBT	
Goals	Strategies
1. Re-building SBT	
<p>1.1 Stock is at a biomass level that supports the MSY</p> <p>Priority: Very High</p>	<p>(i) Adopt an interim rebuilding target reference point, with timeframe and desired probabilities</p> <p>(ii) Adopt a target biomass of achieving B_{MSY}, with timeframe and desired probabilities</p> <ul style="list-style-type: none"> ▪ Confirm Commission's target for SBT stock and adopt an interim rebuilding target reference point (e.g. 20% of the original spawning biomass) (annual meeting October 2009) ▪ Develop goal for timeframe for rebuilding SBT stock (at 2010 annual meeting, based on report of the SC) ▪ Agree on desirable probability associated with meeting rebuild target (at 2010 annual meeting, based on report of the SC) <p>(iii) Set limits below which stock size should not be allowed to fall, and strategies for managing if limits are breached</p> <ul style="list-style-type: none"> ▪ at 2010 annual meeting
2. Sound scientific basis for setting TAC	
<p>2.1 A management procedure is used to provide guidance on TAC setting</p> <p>Priority: High/Very High</p>	<p>(i) Task the Scientific Committee to review management procedure to ensure it will achieve rebuild targets and timeframes</p> <ul style="list-style-type: none"> ▪ Review parameters and decision rules for candidate Management Procedures (MPs) to ensure they will contribute to meeting management objectives (Commission meeting 2010) ▪ Develop candidate MPs and adopt preferred candidate (2010) <p>(ii) Use MP as input to setting global TAC (2011 onwards)</p> <p>(iii) Review of stock status</p> <ul style="list-style-type: none"> ▪ Review of stock and fishery indicators (annual) ▪ In depth stock assessment (every 3 years)
3. Quality and provision of scientific advice	
<p>3.1 Accurate verified data is provided to the Scientific Committee and Commission in a timely manner</p> <p>Priority: Very High</p>	<p>(i) Reinforce the role of the Compliance Committee so that the Commission can obtain accurate data on all fisheries</p> <ul style="list-style-type: none"> ▪ See also goal 8 (monitoring, control and surveillance) <p>(ii) Adoption and implementation of common standard/procedure for data verification</p> <ul style="list-style-type: none"> ▪ See also goal 8 (monitoring, control and surveillance) <p>(iii) Set rules for commercially confidential data (e.g. operational catch and effort data)</p> <ul style="list-style-type: none"> ▪ Set confidentiality rules and other relevant rules (i.e. usage, ownership) ▪ Agree on data provision rules that ensure Members report accurate and complete data on all sources of mortality for SBT.

<p>3.2 Science process provides best available independent advice for management decisions</p> <p>Priority: Medium/High</p>	<p>(i) Maintain the independent chairs and advisory panel for the scientific process, but periodically review the number and skill sets of independent experts required</p> <p>(ii) Develop a CCSBT research plan including Member-funded, collaborative and CCSBT-funded projects (2012)</p> <ul style="list-style-type: none"> ▪ Implementation of CCSBT five year research plan ▪ Implement necessary scientific research by Commission and/or Members (e.g. CCSBT tagging program)
<p>4. Ecologically related species</p>	
<p>4.1 Risks to ecologically related species caused by fishing for SBT are identified and appropriately managed</p> <p>Priority: High/Medium</p>	<p>(i) Implement the Recommendation to Mitigate the Impact on ERS of fishing for SBT, including collection and reporting of data on ERS (para 3), implementation of mitigation measures (para 2) and assessment of the risks caused by fishing for SBT (para 7) in each fishery</p> <ul style="list-style-type: none"> ▪ All Members implement the Recommendation to Mitigate the Impact on ERS of Fishing for SBT ▪ Review the implementation of the Recommendation on ERS ▪ Agree on data provision requirements for ERS that ensure full reporting of bycatch and mitigation measures used in each fishery; this could occur through other RFMOs (e.g. WCPFC, IOTC) if they have appropriate protocols in place for ERS data reporting. ▪ Assess how well the mitigation measures adopted by other area-based RFMOs mitigate the risks caused by fishing ▪ Where necessary, identify and adopt additional mitigation measures to manage risk taking into account the coordination and harmonization with other RFMOs <p>(ii) Coordination and harmonization with area-based RFMOs, including on data reporting (see above)</p>
<p>4.2 Predator and prey species which may affect the condition of the SBT stock are monitored</p> <p>Priority: Medium</p>	<p>(i) Instruct the ERSWG to monitor predator and prey species which may affect the condition of the SBT stock and report its findings to the Commission</p>
<p>5. Allocation</p>	
<p>5.1 The global TAC is allocated amongst members, including new members, in accordance with Article 8(4) of the Convention</p> <p>Priority: Medium/high</p>	<p>(i) Implement existing decisions of the CCSBT that impact upon member allocations</p> <p>(ii) Establish principles for allocation to members, following Article 8(4) of the Convention</p> <ul style="list-style-type: none"> ▪ Develop options (based on Convention text) for long term allocation arrangements for all Members, including new members, and apply to TAC increases or decreases

6 Flexible management arrangements	
<p>6.1 The SBT resource is harvested efficiently, and members and cooperating non-members have incentives to comply with TACs</p> <p>Priority: Low/Medium</p>	<p>(i) In the longer term, implement flexible management arrangements such as quota trading and under and over fishing rules</p> <ul style="list-style-type: none"> ▪ Develop a framework to provide for underfishing and respond to low levels of overfishing ▪ Develop a framework for quota trading between members and cooperating non-members; this might be contingent on stock size reaching an agreed level ▪ Decide on and implement framework
<p>6.2 SBT fishing capacity is commensurate with fishing opportunities</p> <p>Priority: Low/Medium</p>	<p>(i) Assess capacity in the fishery in relation to available catches</p> <ul style="list-style-type: none"> ▪ Flag state/fishing entity self assessment of capacity with respect to national allocations ▪ Flag state/fishing entity to take corrective action if required ▪ Develop proposal for a CCSBT active vessel list to be managed by the Secretariat ▪ Assess threats to SBT from over capacity in other fleets ▪ International advocacy for capacity constraint/ management
<p>6.3 Members are able to optimise the value they obtain from harvesting SBT</p> <p>Priority: Low</p>	<p>(i) Analysis of maximum economic yield (MEY, which occurs at the catch or effort level that maximises profits for the fishery as a whole, while recognising the different harvest strategies of each member; in the context of current stock status this would be a long term goal)</p> <p>(ii) Evaluation of harvest strategies</p> <ul style="list-style-type: none"> ▪ Evaluate alternative harvest strategies to optimise returns from the SBT stock including the adoption of maximum economic yield as the rebuilding reference point ▪ Distribute benefits of yield increases once stock is rebuilt

B. Goals concerning Operation and Administration of the Commission and Secretariat	
Goals	Strategies
7. Operation of the Commission	
<p>7.1 The Commission is running effectively and efficiently</p> <p>Priority: High</p>	<p>(i) Streamline Commission processes</p> <ul style="list-style-type: none"> ▪ Identify ways to streamline Commission processes (including annual and subsidiary meetings) <p>(ii) Deepen the involvement of chairperson and vice-chairperson</p> <ul style="list-style-type: none"> ▪ Consider appointing Chairperson and vice-chairperson for a period of two years with the opportunity for a further 2 years, but maintain the rotation of meeting venue <p>(iii) Coordinate services amongst regional fisheries management organisations (e.g. transshipment management, management of ERS)</p> <ul style="list-style-type: none"> ▪ Instruct the Secretariat to identify opportunities for services to be coordinated amongst regional fisheries management organisations and to provide suggestions to the Commission <p>(iv) Undertake Commission performance reviews periodically to routinely assess opportunities for improvements, including both self-assessment and independent reviews</p> <ul style="list-style-type: none"> ▪ Agree on regular reviews of Commission performance (including

	<p>timeframes, running and funding of the review, criteria (including any changes proposed through the joint tuna RFMO process), involvement of independent experts, and links between review outcomes and the CCSBT strategic plan)</p>
<p>7.2 The Commission is running in an open and transparent manner</p> <p>Priority: Medium</p>	<p>(i) Clearly document the reasons for decisions</p> <ul style="list-style-type: none"> ▪ Implement a rule that the Commission must clearly document the rationale for decisions, including where they differ from the science advice provided to the Commission <p>(ii) Continue with open publication of Commission documents in accordance with the Rules of Procedure of CCSBT</p> <p>(iii) Continue to allow access to observers in accordance with the Rules of Procedure of CCSBT</p>
<p>7.3 Modern fisheries management standards (e.g. precautionary principle, ecosystem management) are incorporated into the Commission's decisions</p> <p>Priority: Medium</p>	<p>(i) Review Convention text (if member/s propose such negotiations) and/or incorporate through decisions of the Commission e.g. in adopting management procedure; measures to manage ERS (noting the latter option may be more efficient)</p> <ul style="list-style-type: none"> ▪ Set parameters for the management procedure that ensure the precautionary principle is applied and ecosystem management is incorporated ▪ Task the SC with incorporating standards (precautionary, ecosystem) into its advice to the Commission ▪ Review decisions of the Commission to ensure standards are incorporated <p>(ii) Clarify the ongoing role of the Strategy and Fisheries Management Working Group (SFMWG), including to ensure modern fisheries management standards are incorporated into the Commission's decision making.</p> <ul style="list-style-type: none"> ▪ Clearly define the on-going role of the SFMWG ▪ Include provision in the SFMWG's terms of reference for incorporating modern fisheries management standards into its advice to the Commission

C. Goals concerning participation and implementation by Members

Goals	Strategies
8. Monitoring, control, and surveillance	
<p>8.1 Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission's goals are met</p> <p>Priority: High</p>	<p>(i) Implementation by Members of agreed MCS measures</p> <ul style="list-style-type: none"> ▪ Develop a checklist of the Commission's conservation and management measures and audit members against the checklist at the compliance committee to obtain accurate data on all fisheries (2009 onwards) ▪ Adopt standards and procedures to ensure data integrity (e.g. certain percentage of complete correct documentation accompanying landings and export/ domestic sales; certain percentage of inspection) (2009 or 2010 annual meeting) <p>(ii) Develop and implement an MCS strategy</p> <ul style="list-style-type: none"> ▪ Assess the necessity of additional MCS measures and/or improvement of agreed MCS measures to meet Commission objectives (e.g. eliminate unreported catch and have accurate verified data) (at 2010 annual meeting) ▪ Identify any gaps between MCS measures in place and any improvements or additional measures required ▪ Develop a plan for implementing any changes needed
9. Members' obligations	
<p>9.1 All Members comply with rules of CCSBT</p> <p>Priority: High</p>	<p>(i) Routinely audit members' implementation, enforcement, and compliance with conservation and management measures and international obligations as they relate to CCSBT (e.g. UN Fishstocks Agreement)</p> <ul style="list-style-type: none"> ▪ See above (8.1) <p>(ii) Establish fair, transparent and non-discriminatory procedures for penalties (e.g. payback of overcatch, quota reduction) and incentives to promote compliance</p>
10. Supporting developing countries	
<p>10.1 Developing country members and cooperating non-members are able to comply with the Commission's management measures and other requirements</p> <p>Priority: Medium</p>	<p>(i) Develop programme to assist developing countries with Commission requirements</p> <ul style="list-style-type: none"> ▪ Work with developing country members and cooperating non-members to identify areas where assistance would be beneficial to ensure they meet obligations under Commission decisions ▪ Identify ways in which assistance may be provided (e.g. up-skilling, secondments, workshops etc) ▪ Develop and implement a programme to assist developing countries with Commission requirements

[11. Participation in the CCSBT]¹

[11.1 Ensure that all states and Regional Economic Integration Organisations (REIOs) and entities catching SBT are engaged in the cooperative management of SBT.

Priority: Medium]

- (i) Develop mechanisms for extending CCSBT Membership to REIOs.
- (ii) Define processes for those seeking cooperating non-member or membership status to the CCSBT.]

¹ This goal will be reviewed at CCSBT 17 and a timeline will be determined at that time.

3. Action plan

Priority			Short term		Medium term		Long term
			2010	2011	2012	2013	2014++
A) MANAGEMENT OF SBT							
1	Re-building SBT						
1.1(i&ii)	Adopt a target (B_{MSY}) and an interim rebuilding target reference point (20% of SSB_0), with timeframe & desired probabilities	Very High					
1.1(iii)	Set limits below which stock size should not be allowed to fall, and strategies for managing if limits are breached	Very High					
2	Sound scientific basis for setting TAC						
2.1(i)	Review parameters & decision rules for candidate management procedures (MPs) to ensure they will contribute to meeting management objectives	High					
2.1(i)	Develop candidate MPs & adopt preferred candidate	High					
2.1(ii)	Use MP as input to setting global TAC	Very High					
2.1(iii)	Review of stock and fishery indicators (annual)	Very High					
2.1(iii)	In depth stock assessment (every 3 years)	Very High					
3	Quality & provision of scientific advice						
3.1(i)	Reinforce the role of the Compliance Committee so that the Commission can obtain accurate data on all fisheries	Very High					

Priority			Short term		Medium term		Long term
			2010	2011	2012	2013	2014++
3.1(ii)	Adoption & implementation of common standard/procedure for data verification	Very High					
3.1(iii)	Set confidentiality rules & other relevant rules for commercially confidential data	Very High					
3.1(iii)	Agree on data provision rules that ensure members report accurate & complete data on all sources of mortality for SBT	Very High					
3.2(i)	Maintain the independent chairs & advisory panel for the scientific process, but periodically review the number & skill sets of independent experts (as required)	Medium					
3.2(ii)	Develop a CCSBT research plan	High					
3.2(ii)	Implementation of CCSBT 5 year research plan	High					
3.2(ii)	Implement necessary scientific research by Commission and/or members	Medium					
4	Ecologically related species						
4.1(i)	All members implement the Recommendation to Mitigate the Impact on ERS of Fishing for SBT	High					
4.1(i)	Review the implementation of the Recommendations on ERS	Medium					
4.1(i)	Agree on and implement data provision requirements for ERS that ensure full reporting of bycatch & mitigation measures used in each fishery	High					

Priority			Short term		Medium term		Long term
			2010	2011	2012	2013	2014++
4.1(i)	Assess how well the mitigation measures adopted by other area-based RFMOs mitigate the risks caused by fishing	Medium					
4.1(i)	Identify & adopt additional mitigation measures to manage risk taking into account the coordination & harmonization with other RFMOs (where necessary)	Medium					
4.1(ii)	Coordination & harmonization with area-based RFMOs, including on data reporting	Medium					
4.2(i)	Instruct the ERSWG to monitor predator & prey species which may affect the condition of the SBT stock & report its findings to the Commission	Medium					
5	Allocation						
5.1(i)	Implement existing decisions of the CCSBT that impact upon member allocations	Medium					
5.1(ii)	Establish principles for allocation to members	Medium					
5.1(ii)	Develop options for long term allocation arrangements for all members including new Members, and apply to TAC increases or decreases	Medium					
6	Flexible management arrangements						
6.1(i)	Develop a framework to provide for underfishing and respond to low levels of overfishing	Low					
6.1(i)	Develop a framework for quota trading between members & cooperating non-members	Low					
6.1(i)	Decide on and implement framework	Low					

Priority			Short term		Medium term		Long term
			2010	2011	2012	2013	2014++
6.2(i)	Flag state/fishing entity self assessment of capacity with respect to national allocations	Low					
6.2(i)	Flag state/fishing entity to take corrective action (if required)	Low					
6.2(i)	Develop proposal for CCSBT active vessel list to be managed by the Secretariat	Low					
6.2(i)	Assess threats to SBT from over-capacity in other fleets	Low					
6.2(i)	International advocacy for capacity constraint/management	Low					
6.3(i)	Analysis of MEY	Low					
6.3(ii)	Evaluate alternative harvest strategies to optimise returns from the SBT stock including the adoption of MEY as the rebuilding reference point	Low					
6.3(ii)	Distribute benefits of yield increases once stock is rebuilt						
B) OPERATION & ADMINISTRATION OF THE COMMISSION & SECRETARIAT							
7	Operation of the Commission						
7.1(i)	Identify ways to streamline Commission processes	High					
7.1(ii)	Consider appointing Chairperson & Vice-chairperson for a period of 2 years with the opportunity for a further 2 years, but maintain the rotation of meeting venue	High					

Priority			Short term		Medium term		Long term
			2010	2011	2012	2013	2014++
7.1(iii)	Instruct the Secretariat to identify opportunities for services to be coordinated amongst RFMOs & to provide suggestions to the Commission	High					
7.1(iv)	Agree on regular reviews of Commission performance (every 5 years)	High					
7.2(i)	Implement a rule that the Commission must clearly document the rationale for decisions, including where they differ from the science advice provided to the Commission	Medium					
7.2(ii)	Continue with open publication of Commission documents in accordance with the Rules of Procedure of CCSBT	Medium					
7.2(iii)	Continue to allow access to observers in accordance with the Rules of Procedure of CCSBT	Medium					
7.3(i)	Set parameters for the management procedure that ensure the precautionary approach is applied & ecosystem management is incorporated	Medium					
7.3(i)	Task the SC with incorporating modern fisheries management standards into its advice to the Commission	Medium					
7.3(i)	Review decisions of the Commission to ensure modern fisheries management standards are incorporated into the Commission's decisions	Medium					
7.3(ii)	Clearly define the ongoing role of the SFMWG	Medium					

Priority			Short term		Medium term		Long term
			2010	2011	2012	2013	2014++
7.3(ii)	Include provision of the SFMWG's terms of reference for incorporating modern fisheries management standards into its advice to the Commission	Medium					
C) PARTICIPATION & IMPLEMENTATION BY MEMBERS							
8	Monitoring, control & surveillance						
8.1(i)	Develop a checklist of the Commission's conservation & management measures	High					
8.1(i)	Audit members against the checklist at the Compliance Committee to obtain accurate data on all fisheries	High					
8.1(i)	Adopt standards & procedures to ensure data integrity	High					
8.1(ii)	Assess the necessity of additional MCS measures and/or improvement of agreed MCS measures to meet Commission objectives	High					
8.1(ii)	Identify any gaps between MCS measures in place and any improvements or additional measures required	High					
8.1(ii)	Develop a plan for implementing any changes needed	High					
8.1(ii)	Implement identified MCS measures	High					

Priority			Short term		Medium term		Long term
			2010	2011	2012	2013	2014++
9	Members' obligations						
9.1(i)	Audit members' implementation, enforcement & compliance with conservation & management measures and international obligations as they relate to CCSBT (link 8.1(i))	High					
9.1(ii)	Establish fair, transparent & non-discriminatory procedures for penalties & incentives to promote compliance	High					
10	Supporting developing countries						
10.1(i)	Work with developing country members & cooperating non-members to identify areas where assistance would be beneficial to ensure they meet obligations under Commission decisions	Medium					
10.1(i)	Identify ways in which assistance may be provided	Medium					
10.1(i)	Develop & implement a programme to assist developing countries with Commission requirements	Medium					

Draft Amended Terms of Reference for the Compliance Committee

(amendments are shown in “tracked changes” mode)

Functions

A. Monitor, review and assess compliance with all conservation and management measures adopted by the Extended Commission.

~~A.B.~~ Monitor, review and assess the quality of data (in terms of both accuracy and timeliness) submitted to the Extended Commission.

~~B.C.~~ Exchange information on Member and Co-operating Non-Member activities in relation to compliance activities by Members and Co-operating Non-Members of the Extended Commission.

~~C.D.~~ Report to the Extended Commission on the implementation of compliance measures by Members and Co-operating Non-Members.

~~D.E.~~ Make recommendations to the Extended Commission on new compliance measures, including measures to address non compliance and measures to ensure that accurate and timely data is obtained on all fisheries.

~~E.F.~~ Make recommendations to the Extended Commission on cooperation in compliance activities and information exchange.

Procedural Rules

1. The Compliance Committee will meet annually immediately prior to the annual meeting of the Extended Commission unless otherwise decided by the Extended Commission.
2. The Compliance Committee will be composed of two representatives from each of the Members and Cooperating Non-members of the Extended Commission. Representatives on the Compliance Committee may be accompanied by advisers. A quorum will be three Members of the Extended Commission.
3. With the agreement of the Extended Commission, representatives of pertinent inter-governmental and non-governmental organisations and non-members may participate as observers.
4. The Compliance Committee will prepare a report for consideration by the Extended Commission at its annual meeting or as otherwise requested by the Extended Commission.
5. Reports and recommendations of the Compliance Committee will be adopted by consensus of the Members of the Extended Commission present.
6. Only Members of the Extended Commission will have voting rights.

7. Members and Cooperating Non-members of the Extended Commission may bring forward for consideration any matters relevant to the functions of the Compliance Committee.
8. The Extended Commission shall appoint a Chair of the Compliance Committee who shall sit in office for a period of two years. The Chair may only be re-appointed once. The Chair will be independent and not be regarded as part of any Member's delegation. Appointments of the Chair will be made taking into account the technical nature of the Compliance Committee.
9. The duties of the Chair are to manage the business of the Compliance Committee meeting and to present the Committee's reports to the Extended Commission.
10. Four weeks prior to the convening of the Compliance Committee, each Member and Cooperating Non-member of the Extended Commission will provide a report providing the information listed in the national report. The Compliance Committee may, by consensus, propose new elements for Members and Co-operating Non-members to provide information in the report.
11. Four weeks prior to the convening of the Compliance Committee, the Secretariat will provide a report on its activities related to the Extended Commission's conservation and management measures.
12. The Compliance Committee may make recommendations to the Extended Commission that material used in its deliberations be regarded as confidential and not to be published.
13. The Compliance Committee may make recommendations to the Extended Commission to amend these terms of reference to facilitate its work.

Paper CCSBT-CC/0810/16 (CCSBT-EC/0810/BGD18) by New Zealand
Modified to include updates (shaded) by the Secretariat

Draft under and overfishing resolution for CCSBT

A New Zealand proposal that CCSBT implement arrangements for the limited carry forward of uncaught quota from one year to the next and a regime of graduated sanctions for overfishing was considered at CCSBT 14. While members agreed in principle with the proposal it was not possible to reach agreement on the detail of a resolution at that meeting.

Key advantages of allowing limited carry forward of unfished allocations include reducing the risk that, in attempting to fully catch individual or country allocations in a given year, those allocations are over fished.

Key advantages of adopting rules regarding over and under fishing include providing incentives for robust flag state monitoring control and surveillance measures and disincentives for deliberate overfishing of individual and or national allocations.

CCSBT agreed that New Zealand would develop the proposal further and undertake consultation with members intersessionally in order to present a revised proposal for CCSBT 15.

A revised draft resolution is attached for member's consideration. The key change is the introduction of three (rather than the two initially proposed) levels for both under and over fishing provisions. These graduations are 0 to 1000 tonnes, 1001 to 3000 tonnes and 3001 tonnes and above. This change is to reflect Australian concerns relating to large allocations and those of the Fishing Entity of Taiwan that over fishing provisions in particular not be too punitive. The effect of the revision on overfishing provisions is shown in the table below.

Member	Effective Catch Limit for 2010 ¹	Maximum permissible carry forward of underfishing, tonnes *	Underfishing carry forward as a percent of national allocation
Australia	5260	158	3%
Japan	2200	110	5%
Korea	806	40	5%
FE Taiwan	1026	51	5%
Indonesia	651	65	10%
New Zealand	570	57	10%
Philippines	45	5	10%
South Africa	40	4	10%
EU	10	1	10%
	10608	491	

*Only if matched by under fishing of an equivalent level in the preceding year.

¹ Including voluntary reductions, agreed quota transfers and Member's specification of the 2010 portion of their 2010/2011 allocations.

With respect to the penalty provisions in the revised proposal these are presented in the table below which shows the maximum amount of overfishing before a penalty applies. Overcatch under this amount is to be paid back in the proportion of 1:1. If overcatch exceeds this amount then progressively increasing penalties apply to the amount falling in each category of overcatch up to a maximum proportion of 1:2.00.

Example only: Penalty provisions would apply to that proportion of the over catch within each level. By way of example, the New Zealand’s effective catch limit for 2010¹ is 570 tonnes. If in one year this allocation is over caught by 171 tonnes (30%) none of which can be off set against under fishing from the previous year then the required payback amount is 57 tonnes at 1:1 plus 57 tonnes at 1:1.25 plus 57 tonnes at 1:1.50 (i.e 57 tonnes plus 71.25 tonnes plus 85.5 tonnes), a total of 213.75 tonnes.

Member	Effective Catch Limit for 2010 ¹	Maximum permissible overfishing without penalty,tonnes*	Threshold for 1:1.25 penalty
Australia	5260	158	3%
Japan	2200	110	5%
Korea	806	40	5%
FE Taiwan	1026	51	5%
Indonesia	651	65	10%
New Zealand	570	57	10%
Philippines	45	5	10%
South Africa	40	4	10%
EU	10	1	10%
	10608	491	

* assumes no carry forward of underfishing from the previous year

This proposal has been considered by the Extended Scientific Committee and its advice is that:

A small biological gain through growth might be anticipated under this scenario for SBT not taken in the previous year, and the ESC was asked for comments on the biological implications. The ESC recognised the importance of evaluating the effects of under and overcatch scenarios on stock status. However, a conditioned OM is not yet available to test such scenarios” and “Penalty provisions are more appropriately considered by the CCSBT Compliance Committee”

DRAFT RESOLUTION ON UNDER AND OVERFISHING

Aware that Members and Cooperating Non-Members adopt differing fishing years and apply different reporting and management arrangements to ensure their nationals remain within each national allocation²;

Noting that southern bluefin tuna are a relatively long lived species and, under normal circumstances, small annual variations in catch over and under the national allocations on average are unlikely to create a conservation risk for the species;

Further noting concerns regarding the stock status which suggest that there should be strong disincentives against over fishing and particularly persistent over fishing;

Considering that providing a limited ability for fishers to carry forward under fishing from one year to the next reduces the risk that, in attempting to fully catch individual or country allocations in a given year, those allocations are over fished;

Desiring to formalise arrangements for over and under fishing of national southern bluefin tuna allocations;

Agrees to adopt, pursuant to Article 8.3(b) of the Convention for the Conservation of Southern Bluefin Tuna, the following procedures for managing fishing above and below national allocations:

Procedure for managing underfishing of national allocation

- 1 A Member or Cooperating Non-Member with a national allocation of up to and including 1000 tonnes which undercatches its allocation in any one year may carry forward that undercatch to the next year, but no other year, by up to a maximum of 10% of its national allocation.
- 2 A Member or Cooperating Non-Member with a national allocation of more than 1000 tonnes but less than or equal to 3000 tonnes which undercatches its allocation in any one year may carry forward that undercatch to the next year, but no other year, by up to a maximum of 5% of its national allocation.
- 3 A Member or Cooperating Non-Member with a national allocation of more than 3000 tonnes which undercatches its allocation in any one year may carry forward that undercatch to the next year, but no other year, by up to a maximum of 3% of its national allocation.
- 4 If the national allocation of a Member or Cooperating Non-Member is decreased pursuant to Article 8.3(a) of the Convention, no undercatch from the preceding year may be carried over.

² Within this Resolution, the term “national allocation” means the effective catch limit after taking into account any agreed voluntary reductions in SBT catch, any SBT quota transfers and other arrangements that change the amount of SBT that can be taken by the Member or Cooperating Non-Member.

Procedure for managing overfishing of national allocation

- 5 A Member or Cooperating Non-Member which overfishes its allocation in any year, taking into account any undercatch being utilised relating to the previous year, shall deduct the total of that overcatch and any penalty accrued pursuant to articles 6, 7 and 8 below from its national allocation within the following two years
- 6 A Member or Cooperating Non-Member with a national allocation of up to and including 1000 tonnes shall, in addition to the amount of the overcatch, deduct from its national allocation an additional amount of allocation as a penalty amount in accordance with the second column of table 1 below.
- 7 A Member or Cooperating Non-Member with a national allocation of more than 1000 tonnes but less than or equal to 3000 tonnes shall, in addition to the amount of the overcatch, deduct from its national allocation an additional amount of allocation as a penalty amount in accordance with the third column of table 1 below.
- 8 A Member or Cooperating Non-Member with a national allocation of more than 3000 tonnes shall, in addition to the amount of the overcatch, deduct from its national allocation an additional amount of allocation as a penalty amount in accordance with the fourth column of table 1 below.
- 9 The deduction of a penalty amount of allocation pursuant to Articles 6, 7 and 8 above shall occur over the two years following the overcatch. If the total of overcatch deduction or penalty deduction or both exceeds the national allocation for those two years then it may be deducted from the national allocation over additional consecutive years until fully accounted for.

Table 1

Column 1 Overcatch as a % of national allocation	Payback penalty as a proportion of overcatch in each category in Column 1		
	Column 2 National allocation ≤ 1000 tonnes	Column 3 National allocation 1001-3000 tonnes	Column 4 National allocation >3000 tonnes
<3	1:1.00	1:1.00	1:1.00
3-4.99	1:1.00	1:1.00	1:1.25
5-9.99	1:1.00	1:1.25	1:1.50
10-19.99	1:1.25	1:1.50	1:2.00
20-49.99	1:1.50	1:2.00	1:2.00
>50	1:2.00	1:2.00	1:2.00

- 10 These procedures shall be reviewed by the Compliance Committee in 2012, and any recommendations for amendments forwarded to the Commission for consideration.

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

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PART II

CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS

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Article 6

Application of the precautionary approach

1. States shall apply the precautionary approach widely to conservation, management and exploitation of straddling fish stocks and highly migratory fish stocks in order to protect the living marine resources and preserve the marine environment.
2. States shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.
3. In implementing the precautionary approach, States shall:
 - (a) improve decision-making for fishery resource conservation and management by obtaining and sharing the best scientific information available and implementing improved techniques for dealing with risk and uncertainty;
 - (b) apply the guidelines set out in Annex II and determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if they are exceeded;
 - (c) take into account, *inter alia*, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distribution of fishing mortality and the impact of fishing activities on non-target and associated or dependent species, as well as existing and predicted oceanic, environmental and socio-economic conditions; and
 - (d) develop data collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans which are necessary to ensure the conservation of such species and to protect habitats of special concern.

4. States shall take measures to ensure that, when reference points are approached, they will not be exceeded. In the event that they are exceeded, States shall, without delay, take the action determined under paragraph 3 (b) to restore the stocks.

5. Where the status of target stocks or non-target or associated or dependent species is of concern, States shall subject such stocks and species to enhanced monitoring in order to review their status and the efficacy of conservation and management measures. They shall revise those measures regularly in the light of new information.

6. For new or exploratory fisheries, States shall adopt as soon as possible cautious conservation and management measures, including, inter alia, catch limits and effort limits. Such measures shall remain in force until there are sufficient data to allow assessment of the impact of the fisheries on the long-term sustainability of the stocks, whereupon conservation and management measures based on that assessment shall be implemented. The latter measures shall, if appropriate, allow for the gradual development of the fisheries.

7. If a natural phenomenon has a significant adverse impact on the status of straddling fish stocks or highly migratory fish stocks, States shall adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impact. States shall also adopt such measures on an emergency basis where fishing activity presents a serious threat to the sustainability of such stocks. Measures taken on an emergency basis shall be temporary and shall be based on the best scientific evidence available.

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ANNEX II

GUIDELINES FOR THE APPLICATION OF PRECAUTIONARY REFERENCE POINTS IN CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

1. A precautionary reference point is an estimated value derived through an agreed scientific procedure, which corresponds to the state of the resource and of the fishery, and which can be used as a guide for fisheries management.
2. Two types of precautionary reference points should be used: conservation, or limit, reference points and management, or target, reference points. Limit reference points set boundaries which are intended to constrain harvesting within safe biological limits within which the stocks can produce maximum sustainable yield. Target reference points are intended to meet management objectives.
3. Precautionary reference points should be stock-specific to account, *inter alia*, for the reproductive capacity, the resilience of each stock and the characteristics of fisheries exploiting the stock, as well as other sources of mortality and major sources of uncertainty.
4. Management strategies shall seek to maintain or restore populations of harvested stocks, and where necessary associated or dependent species, at levels consistent with previously agreed precautionary reference points. Such reference points shall be used to trigger pre-agreed conservation and management action. Management strategies shall include measures which can be implemented when precautionary reference points are approached.
5. Fishery management strategies shall ensure that the risk of exceeding limit reference points is very low. If a stock falls below a limit reference point or is at risk of falling below such a reference point, conservation and management action should be initiated to facilitate stock recovery. Fishery management strategies shall ensure that target reference points are not exceeded on average.
6. When information for determining reference points for a fishery is poor or absent, provisional reference points shall be set. Provisional reference points may be established by analogy to similar and better-known stocks. In such situations, the fishery shall be subject to enhanced monitoring so as to enable revision of provisional reference points as improved information becomes available.
7. The fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points. For stocks which are not overfished, fishery management strategies shall ensure that fishing mortality does not exceed that which corresponds to maximum sustainable yield, and that the biomass does not fall below a predefined threshold. For overfished stocks, the biomass which would produce maximum sustainable yield can serve as a rebuilding target.