

生態学的関連種混獲緩和措置に関する最低履行要件改訂案

Revised Draft for Minimum Performance Requirements for measures relating to ecologically related species

日本

Delegation of Japan

CCSBT においては、近年、いくつかのメンバーにより、生態学的関連種（ERS、特に海鳥）の混獲緩和に関する現行の勧告に法的拘束力を与えるべきとの主張が行われてきた。現行の勧告とは、ミナミマグロ（SBT）漁業と一部重複する条約水域を持つ他の RFMO（ICCAT、IOTC 及び WCPFC）が採択してきた混獲回避措置に対する遵守を奨励するものであり、CCSBT の枠組みにおいて法的拘束力はない。しかしながら、全ての CCSBT メンバーが、自国漁船が操業する水域の RFMO のメンバーになっているか、当該 RFMO の措置に従う旨を表明しており、実質的に、全ての CCSBT メンバーが、勧告が引用する当該他の RFMO の混獲緩和措置に従う法的義務を有していると言える。このことは CCSBT において繰り返し議論され、メンバーは、これらの混獲緩和措置を遵守することに対する明確なコミットメントを示してきた。

日本は、混獲緩和の重要性について十分に認識しつつも、これまでも繰り返し述べてきた通り、当該勧告を決議化することに対し、法的及び実質的な困難を抱えている。上述の通り、全ての CCSBT メンバーが当該他の RFMO における混獲回避措置を遵守する義務を有していることを踏まえれば、当該勧告の決議化の目的は、CCSBT に対し、メンバーによる当該措置の遵守を監視する権限を与えることのほかはないものと考えられる。遵守の観点からのモニタリングは、保護団体の関心事項でもあろう。

このため、日本は、我々の抱える困難を排除しつつ、同様の目的を達成するため、CCSBT 最低履行要件の関連部分を別添の通り改訂することを提案する。最低履行要件は、法的拘束力を持たない文書ではあるものの、メンバーに対し、

- a) CCSBT の義務を遂行するべく、規則、運用制度及びプロセスを作成し、規定し、及び実施する
- b) 委員会に対し、遵守委員会を通じて、規則、運用制度及びプロセスの有効性について報告する

ことを要請しており、当該文書により、CCSBT として、ERS 勧告に対するメンバーの対応を遵守の観点から見ていくことが可能となる。加えて、メンバー国のコミットメントや、措置のより詳細な内容を当該文書に盛り込むことにより、CCSBT として海鳥混獲措置の確実な実施に取り組む意志を外部に対して示すことにもなる。

本提案に対する前向きな議論と支持を期待する。

In recent years, some Members of the CCSBT have argued that the current Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna (ERS Recommendation) should be modified to be legally binding. The current Recommendation recommends Members to adhere mitigation measures which have been recently adopted by other

RFMOs including the ICCAT, the IOTC and the WCPFC, each of which has its convention areas where fishing operation for SBT also take place. The Recommendation itself is not legally binding, however, each of the CCSBT Member is now also the Member of RFMOs in which their fleets operate, or, in very limited cases, expresses its position to be bound by decisions of such RFMOs. Thus, it can be said that all of the CCSBT Members have legal obligation to comply with the mitigation measures adopted in other RFMOs to which it is member to which the ERS Recommendation refers. This fact has been discussed repeatedly in CCSBT meetings. In this regard, Members have provided their clear commitments to comply with these mitigation measures at the meetings.

Recognizing the importance of bycatch mitigation, Japan has serious concern to modify the current Recommendation to a resolution from both legal and practical points of view, as we have reiterated. As all the CCSBT Members are legally bound by mitigation measures of other RFMOs as stated above, the purpose of the proposed modification of the Recommendation to a resolution appears nothing more or less than allowing the CCSBT to have an ability to monitor compliance of Members with these mitigation measures. Conservation societies look also to be interested in the compliance aspect with regard to the issue.

On this basis, in order to achieve the above mentioned purpose while accommodating our concern, Japan proposes to revise the relevant part of the CCSBT Minimum Performance Requirement as shown in the attachment. Although the Minimum Performance Requirement is non-legally binding, it requires the Members to:

- a) develop, document and implement rules, operating systems, and processes to meet their CCSBT obligations; and
- b) report on the effectiveness of the rules, operating systems, and processes to the Commission through the Compliance Committee.

In this regard, the document will allow the CCSBT to closely monitor Members' actions relating to the ERS Recommendation. In addition, by clearly stating the commitments by Members and specifying the mitigation measures to which the Members will adhere, the CCSBT will be able to show its willingness to securely implement seabird mitigation measures to the international community. We hope Members' positive discussion on and support for this proposal.

**Minimum performance requirements to meet CCSBT Obligation
Compliance Policy Guidance 1**

(Revised at the Twenty-Second Annual Meeting: 15 October 2015)

5. Measures Relating to Ecologically Related Species

5.2 Recommendation on Ecologically Related Species (Recommendation)

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

Link: http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/Recommendation_ERS.pdf

(Add the direct links of the relevant IOTC and the WCPFC Resolutions and the ICCAT Recommendations on seabirds.)

Note: This recommendation is not legally binding on Members, but Members are expected to comply with this recommendation.

At CCSBT 20, Members provided a commitment to adhere to the ERS rules in IOTC, WCPFC and ICCAT Convention areas of the IOTC, WCPFC and ICCAT in which their vessels fish for SBT

5.2 Recommendation on Ecologically Related Species

Minimum performance requirements

Although ERS obligations (5.2) are not legally binding, Members are expected to comply with them *in accordance with their obligation and commitment under relevant RFMO's Convention areas*. Hence it is useful to have minimum performance requirements, as set out below.

1. Operating systems and processes established to:

- a. comply with measures to protect ~~ecologically related species (including seabirds, sea turtles and sharks)~~ set by the IOTC, the WCPFC or the ICCAT ~~when fishing in their Convention areas~~;
 - i. when fishing south of 25 degrees South latitude in IOTC or ICCAT areas, or when fishing south of 30 degrees South latitude in WCPFC area, ensure that all longline vessels use at least two of the three mitigation measures which are 1) night setting with minimum deck lighting, 2) bird-scaring lines (tori lines) , and 3) Line weighting.
(Specification of the measures should be consistent with those provided by relevant RFMOs.)
 - ii. when fishing in other areas, consider to implement measures described above, as appropriate, consistent with scientific advice.
- b. comply with measures to protect ecologically related species other than sea birds (including sea turtles and sharks) set by the IOTC, the WCPFC or the ICCAT when fishing in their Convention areas;
- c. comply with data requirements adopted by the IOTC, the WCPFC or the ICCAT for incidental catch while fishing in their Convention areas; and
- d. report data to:
 - i. Extended Commission and Ecologically Related Species Working Group and
 - ii. the IOTC, the WCPFC or the ICCAT where SBT fishing occurs in their Convention areas.