

Scientific evaluation of a catch balancing scheme

Background

- 1 Attached (Attachment 1) is a draft under and over fishing resolution to be considered at CCSBT 15. It is proposal that CCSBT adopt arrangements for the limited carry forward of uncaught quota from one year to the next and a regime of graduated sanctions for over fishing.
- 2 CCSBT 14 agreed in principle to the adoption of such a scheme however no agreement on the detail of under and over fishing provisions was able to be achieved at that meeting. Some members were also interested in the views of the CCSBT-SC on any biological impacts of adopting such a resolution.
- 3 New Zealand has modified the original proposal submitted to CCSBT 14 on the basis of comments received at that meeting. To assist the CCSBT-SC in considering the proposal we had anticipated using the operating model to undertake projections under the scenarios contemplated by the proposal. This has not been possible because the operating model was not updated before the CCSBT-SAG/SC meeting.
- 4 The CCSBT-ESC is therefore asked for its views on the biological implications of the proposal to:
 - a) Allow the carry forward of under fishing from one year to the next up to a maximum of 10% of a national allocation.
 - b) Introduce penalty provisions for overcatch beyond what might occur as a result of administrative mishap.

Under fishing

- 5 Currently CCSBT has not prohibited carry forward of any unfished national allocation from one year to the next and it has occurred on occasion in the past. Normal practise has been not to do so but in the absence of a clear rule to the contrary this issue remains open. The attached proposal is to specify that up to a maximum of 10% for smaller national allocations (5% or 3% for larger national allocations) may be carried forward from one year to the next. In the event that national allocations are decreased no under catch from the preceding year may be carried forward. As an extreme if full use of the provisions were made by all Members/CNMs the TAC would be under caught by 5% in year 1 and over caught by the same amount the following year. On average over the two years the TAC would be taken but not exceeded. This is illustrated in the table below. A small biological gain through growth might be anticipated under this scenario (when compared to the alternative of all national allocations being fully caught in each year) for fish not taken in the previous year. The alternative of not allowing carry forward must be contrasted with the associated risk of overfishing. That is, in attempting to fully catch its national allocation, a member/CNM may in fact over catch its allocation particularly if an Olympic system is in place.

Example only: Outcome of the full use of under fishing provisions as proposed.

Member/CNM	National allocation	Maximum permissible carry forward, tonnes (%)	Catch year 1	Catch Year 2	Average
Australia	5265	158 (3)	5107	5423	5265
Japan	3000	150 (5)	2850	3150	3000
Korea	1140	57 (5)	1083	1197	1140
FE Taiwan	1140	57 (5)	1083	1197	1140
Indonesia	750	75 (10)	675	825	750
New Zealand	420	42 (10)	378	462	420
Philippines	45	5 (10)	41	50	45
South Africa	40	4 (10)	36	44	40
EU	10	1 (10)	9	11	10
Total	11810	548	11262	12358	11810

Overfishing provisions

- 6 The proposal attached is self explanatory. A sliding scale of pay-back of overfishing is proposed as a deterrent to deliberate overfishing on a large scale. Current practice within CCSBT is for overcatch to be paid back in the proportion of 1:1 irrespective of the level of over catch. Some flag states have taken steps to improve their flag state compliance regimes and members are working towards improved monitoring, control and surveillance measures for CCSBT as a whole. It is therefore timely to consider the introduction of penalty provisions for over fishing. These would provide incentives for fleets, who are the beneficiaries of national allocations, to discourage over fishing because of its potential to impact on their individual involvement in the fishery.

18.6.08

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	National allocation	Maximum permissible carry forward of underfishing, tonnes *	Underfishing carry forward as a percent of national allocation
Australia	5265	158	3%
Japan	3000	150	5%
Korea	1140	57	5%
FE Taiwan	1140	57	5%
Indonesia	750	75	10%
New Zealand	420	42	10%
Philippines	45	5	10%
South Africa	40	4	10%
EU	10	1	10%
	11810	548	

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

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 national allocation is 420 tonnes. If in one year this allocation is over caught by 126 tonnes (30%) none of which can be off set against under fishing from the previous year then the required payback amount is 42 tonnes at 1:1 plus 42 tonnes at 1:1.25 plus 42 tonnes at 1:1.50 (i.e 42 tonnes plus 52.5tonnes plus 63 tonnes), a total of 157.5 tonnes.

Member	National allocation	Maximum permissible overfishing without penalty,tonnes*	Threshold for 1:1.25 penalty
Australia	5265	158	3%
Japan	3000	150	5%
Korea	1140	57	5%
FE Taiwan	1140	57	5%
Indonesia	750	75	10%
New Zealand	420	42	10%
Philippines	45	5	10%
South Africa	40	4	10%
EU	10	1	10%
	11810	548	

* assumes no carry forward of underfishing from the previous year

New Zealand would appreciate feedback from members on this revised proposal as soon as you are able.

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 allocation;

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

- 7 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.
- 8 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.
- 9 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.
- 10 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.

Procedure for managing overfishing of national allocation

- 11 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

- 12 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.
- 13 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.
- 14 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.
- 15 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

- 16 These procedures shall be reviewed by the Compliance Committee in 2010, and any recommendations for amendments forwarded to the Commission for consideration.