



## 2021年 CCSBT パフォーマンス・レビュー

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## 略語

ACAP	あほうどり類及びみずなぎどり類の保存に関する協定
AIS	船舶自動識別装置
CCAMLR	南極海の海洋生物資源の保存に関する委員会
CCSBT	みなみまぐろ保存委員会
CDS	漁獲証明制度
CMM	保存管理措置
CNM	協力的非加盟メンバー
e-CDS	電子 CDS
EC	拡大委員会
ERS	生態学的関連種
ERSWG	生態学的関連種作業部会
ESC	拡大科学委員会
FAO	国連食糧農業機関
ICCAT	大西洋まぐろ類保存国際委員会
IGO	政府間機関
IOTC	インド洋まぐろ類委員会
IUU	違法・無報告・無規制
LOA	全長
MCS	監視・管理・取締り
MP	管理方式
MSE	管理戦略評価
MSY	最大持続生産量
NGO	非政府組織
PR	パフォーマンス・レビュー
QAR	品質保証レビュー
RFMO	地域漁業管理機関
ROP	手続規則
SBT	みなみまぐろ
SMMTG	海鳥混獲緩和措置の有効性に関する技術部会
SRP	科学調査計画
t	トン
TAC	総漁獲可能量
TRO	総再生産出力
UNCLOS	国連海洋法条約
UNFSA	国連公海漁業協定
USA	アメリカ合衆国
VMS	船舶監視システム
WCPFC	中西部太平洋まぐろ類委員会

## 要旨

2008年パフォーマンス・レビューの時点では、CCSBTは「委員会の目的とその妥当性に関して混迷した状態にある」と評価された。しかしながら、それ以降、CCSBTはみなみまぐろ（SBT）資源の再建に極めて優れた実績を上げている。管理方式（ケープタウン方式、2020年採択）、オペレーティング・モデル、及び科学委員会が実施してきた作業は、地域漁業管理機関（RFMO）が取り組んでいる科学的な作業の中でも最高のものである。全体としてはSBTの管理についても同様に高く評価されているものの、近年は総漁獲可能量（TAC）の配分に関する公平性に懸念が生じつつある。拡大委員会は、科学的助言を取り入れ、MPにより勧告された水準を確保するために必要な管理措置を適用してきた。しかしながら、メンバーがそれぞれの配分量を遵守することや、ケープタウン方式のパフォーマンスを減殺するおそれがある非メンバーによる漁獲といった不確実な分野を排除していくことなど、メンバーが引き続きMPを支持していくことが必要不可欠である。

SBT資源に関するCCSBTの管理や科学的プロセスは他RFMOにとっても先進的な事例であると考えられる一方で、SBT漁業における非漁獲対象種の管理については同じことは言えない。一部の生態学的関連種（ERS）、特に海鳥類に関しては重大な懸念がある。CCSBTにおけるERS関連の欠点は早急に対処される必要がある。さもなければ、ERSの管理に関する緊急性の欠如により、SBTに関するCCSBTのパフォーマンスを曇らせてしまうおそれがある。

CCSBTは、多岐にわたる監視・管理・取締り（MCS）措置を発効させている。CCSBTは、単一市場の優位性からSBT貿易を監視するには優れた立場にあり、また漁獲証明制度（CDS）はMCS措置の中心的役割を担っている。しかしながら、CDS由来の文書の一部は遵守及び科学目的に全面的に活用されているわけではなく、また新市場の形成がCDSの長期的な強みを損なわせている。CCSBTは現在電子CDSの導入を進めているが、CDSから最大限受益するためにはこのプロセスを迅速に進める必要がある。

また、一部のメンバーによるオブザーバーカバー率（CCSBTが採択した基準に基づく代表性を含む）の欠如の問題についても解決の必要がある。一部のメンバーは電子モニタリングを利用しているところ、パネルは、CCSBTに対し、どのようにすればSBT漁業において電子モニタリングをより幅広く利用できるかについての分析を行うよう勧告する。CCSBTは、CCSBT最低履行要件に対するメンバーの制度及びプロセスのギャップを把握するための品質保証レビュー（QAR）に取り組んできた。QARは、メンバーにとっては、それぞれの管理制度を独立的に評価するための良き基盤となった。しかしながら、フォローアップのプロセスが欠如していたために、QARの価値が最大限に実現されてきたとは言い難い。CCSBTが将来においてQARを定期的実施することを決定するのであれば、フォローアップレビューを実施するプロセスを導入することも検討すべきである。

CCSBT 条約（1994 年発効）は時代遅れになりつつあり、国際法が定めるような近代的な漁業管理原則及び権限を代表していない。CCSBT は様々な決議を採択することで条約の隙間の一部に対応してきたが、委員会の設立以降、CCSBT メンバーの規模及び構成は拡大し、既存の条約ではもはや現在の運用環境を反映し切れないところに来ている。特に発展途上国をメンバーに含んでいる現在において CCSBT メンバーが直面している課題は、委員会創設時の三メンバーによる当初の懸念とは異なるものである。この点は、引き続き資源が再建されていくに連れて、また非メンバーによる漁業への関心も高まっていく可能性があることから、今後ますます大きな問題になっていく可能性が高い。CCSBT は、こうした変化に対応していくとともに、新メンバーの受け入れや配分システムといった問題への対応について前向きなアプローチを採択していく必要がある。

CCSBT が直面する最大の課題の一つはメンバーの多様性であり、また特に発展途上のメンバーに関連する、委員会の科学及び管理プロセスに全面的に参加するための能力及び技量の面に存在する不調和である。SBT を管理するための CCSBT の科学的プロセスは、新しい科学的方法論や複雑な数学的計算モデルに基づくものである。しかしながら、CCSBT メンバーが委員会の科学的及び管理上の助言に従うには、これらの科学的プロセスへのメンバーによる幅広い参加と共通理解が必要となる。この点で失敗すれば、SBT 及び ERS の管理に巨大なリスクが生じることは明らかである。CCSBT は、行政官が理解し易い科学的助言を行い、キャパシティ・ビルディングプログラムを創設し、また科学的プロセスにメンバーからのより幅広い参加を促すようなメカニズムを確認する必要がある。

## 背景

1. みなみまぐろ保存委員会（CCSBT）の戦略計画は、改善のための機会を評価するべく定期的にパフォーマンス・レビュー（PR）を実施することを定めている<sup>1</sup>。PRは、2008年（PR2008）及び2014年（PR2014）に実施された<sup>2</sup>。
2. 第25回CCSBT年次会合（CCSBT 25、2018年開催）において、CCSBTは、第三次PRを2021年に実施することに合意した（PR2021）。2019年において、CCSBT 26はPR2021の付託事項に合意した。レビューは独立パフォーマンス・レビューパネル（パネル）により2021年に実施されることが合意された。CCSBT拡大委員会（EC）は以下のパネルメンバーを任命した。
3. 国際的に認知された独立外部専門家として以下の2名：
  - ファビオ・ヒサ・ヴィエラ・ハジン教授（ブラジル）
  - ビル・ギボンズ・フライ氏（米国）（議長）
4. インド洋まぐろ類委員会（IOTC）メンバーかつCCSBTメンバーではない国出身の専門家として以下の1名：
  - フセイン・シナン博士（モルディブ）
5. CCSBTメンバー出身の以下の3名：
  - 遠洋漁業メンバー出身の専門家として、黄鴻燕氏（台湾）
  - 沿岸の発展途上メンバー出身の専門家として、インドラ・ジャヤ教授（インドネシア）
  - 沿岸の先進メンバー出身の専門家として、ドミニク・ヴァリエー氏（ニュージーランド）
6. 残念ながら、ギボンズ・フライ氏は個人的事情により作業を継続することが不可能となった。その後、ハジン教授が議長に任命されたが、極めて残念なことにハジン教授はレビューの途上で逝去された。その後、シナン博士がパネルの新議長に任命された。
7. 時間上、及びリソース上の制約を踏まえ、CCSBTは、回章#2021/038を通じて、2021年10月のEC会合に対して暫定報告書を提出し、最終報告書は2022年3月1日までに完成させることに合意した。

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<sup>1</sup> CCSBT (2015) [Strategic Plan for the Commission for the Conservation of Southern Bluefin Tuna](#).

<sup>2</sup> PR2008, 自己評価及び独立レビューで構成: CCSBT (2008) [Report of the Performance Review Working Group](#) (7月); 及び (ii) 独立レビュー: CCSBT (2008) [Report of the Independent Expert](#) (9月); 及び PR2014: S. Garcia 及び H. Koehler (2014) [Performance of the CCSBT 2009-2013: Independent Review](#).

## 手法

8. CCSBT パフォーマンス・レビューは、2020年11月に正式に開始された。2021年1月において、パネルは、パネルによる広範な文書のレビューと CCSBT メンバーへのアンケート提出という2つの手段を通じてCCSBTパフォーマンス・レビューを進めていくことに合意した。
9. 文書のレビューには、パネルによる以下を含む報告書、決議、勧告、計画及び過去のパフォーマンス・レビューといった文書のレビューが含まれる。

### 1.1. CCSBTに関する基礎的な情報

- 条約制定までの経緯、委員会の役割、及び CCSBT メンバー加盟に向けたステップに関する CCSBT ウェブサイト ([www.ccsbt.org](http://www.ccsbt.org))
- みなみまぐろの生物学、資源状況及び管理に関する報告書
- CCSBT 条約本文
- CCSBT 補助機関の議長に関する取決め
- CCSBT 手続規則 (ROP)
- CCSBT によって採択されている決議
- 補助機関の付託事項

### 1.2. CCSBT の管理目標、ビジョン、ゴール及び行動計画

- CCSBT 戦略計画
- 過去のパフォーマンス・レビュー報告書
- 2021年パフォーマンス・レビュー付託事項 (別添1)

### 1.3. 現在の SBT の資源状況

- 資源評価
- みなみまぐろの生物学、資源状況及び管理に関する報告書
- 拡大科学委員会 (ESC) 会合報告書

### 1.4. 保存管理措置 (CMM)

- 決議及び勧告
- EC 会合報告書
- ESC 会合報告書
- 生態学的関連種作業部会 (ERSWG) 会合報告書

### 1.5. 遵守及び取締り措置

- 監視、管理及び取締り関連決議
- CCSBT 遵守計画
- 遵守政策ガイドライン
- 遵守委員会会合報告書

### 1.6. データ報告要件



- データの収集、管理及び機密保持に関する決議
- 遵守政策ガイドライン
- データ提出要件
- 科学データ交換
- ERSWG データ交換
- 年次報告書
- 科学オブザーバー計画規範

#### 1.7. 財政及び運営

- CCSBT 手続規則
- 会計規則
- 職員規則
- 本部協定
- CCSBT によって収集されたデータの保護、アクセス及び伝達に関する手続規則
- オブザーバーの出席
- メンバーによる非遵守の可能性を示唆する外部文書のレビュープロセス

10. アンケートでは、関係者（メンバー、漁業業界団体の代表、各 CCSBT 補助機関の議長、非営利組織（NGO）、政府間機関（IGO）及び事務局スタッフ）からのフィードバックを求めた。アンケートを実施するための Google フォームを作成し、35 件の回答を得て、関係者の見解（本報告書別添 4）を取りまとめた。これらの回答はあくまでも関係者の見解であって、パネルの見解ではない。

## 所見と勧告

11. パネルの所見にかかる以下の説明、並びに PR2021 による具体的な勧告は、重点分野とパフォーマンスの評価に用いたクライテリアに沿ってグループ分けされている。別添 2 では、これらのクライテリアに対する CCSBT PR 勧告 (PR2008、PR2014 及び PR2021) の変遷を示しており、PR2021 勧告に対するパネルの観点からの優先順位を付けている。別添 3 では、評価の主なクライテリアに対する CCSBT のパフォーマンス (PR2008、PR2014 及び PR2021 による評価) の変遷を示した。

## 保存及び管理

### 海洋生物資源の資源状態

- 最大持続生産量又はその他関連する生物学的基準に関して CCSBT が所管する主要漁業資源の資源状態
  - これら資源の資源状態のトレンド
12. CCSBT が一義的な管理権限を有する種であるみなみまぐろ (SBT) は、PR2008 以降、着実に資源が回復してきている。CCSBT は、PR2008 及び PR2014 が特定した SBT 資源評価に影響するような欠点 (データの不確実性やメンバー側の協力にかかる問題など) の大部分に対処してきた。歴史的に SBT を漁獲してきた新メンバーが加盟したことにより、データの収集及び検証の状況が改善された<sup>3</sup>。さらに、CCSBT は 2002 年から 2011 年にかけて、SBT の総漁獲可能量 (TAC) の設定プロセスの指針となる管理方式 (MP) を開発するための多大な作業に取り組んだ。CCSBT の ESC は、オペレーティング・モデルを用いて、様々な候補 MP のテストを行った。
  13. 2011 年において、CCSBT は、2035 年までに 70% の確率で初期産卵親魚資源量の 20% まで資源を再建するという暫定再建リファレンスポイントとともに「バリ方式」MP を採択した。それ以降、CCSBT オペレーティング・モデルを用いて評価された SBT の資源状態は、年率約 5% と一貫して改善してきており、当初の再建目標をほぼ達成している (表 1) <sup>4</sup>。

<sup>3</sup> 2014 年のパフォーマンス・レビュー以降、2015 年 10 月 13 日に欧州連合が、2016 年 2 月 15 日に南アフリカが EC メンバーとなった。

<sup>4</sup> CCSBT (2020) [Report of the Twenty-fifth Meeting of the Scientific Committee](#) (9 月 7 日)。

表 1 : 2014 年から 2020 年までの各リファレンスポイントに関するみなみまぐろ資源のトレンド

Variable	2014 Status	2017 Status	2019 Status	2020 Status
Relative TRO	0.09 (0.08-0.12)	0.13 (0.11-0.17)	0.17 (0.15-0.21)	0.20 (0.16-0.24)
Relative B10+	0.07 (0.06-0.09)	0.11 (0.09-0.13)	0.14 (0.12-0.17)	0.17 (0.14-0.21)
F relative to F <sub>MSY</sub>	0.66 (0.39-1.00)	0.50 (0.38-0.66)	0.55 (0.41-0.74)	0.52 (0.37-0.73)
TRO rel. to TRO <sub>MSY</sub>	0.38 (0.26-0.70)	0.49 (0.38-0.69)	0.64 (0.47-0.91)	0.69 (0.49-1.03)
TRO rel. to TRO <sub>min</sub> in 2009	n/a	n/a	1.79 (1.63-1.93)	1.91 (1.78-2.10)
B10+ rel. to B10+ <sub>min</sub> in 2009	n/a	n/a	1.57 (1.45-1.72)	1.73 (1.63-1.94)

B10+=10 歳超の魚のバイオマス、F=漁獲死亡量、MSY=最大持続生産量、n/a=情報なし、TRO=総再生産出力

14. 2020 年において、CCSBT は、以前の MP の成功を基礎として、2035 年までに 50%の確率で初期産卵親魚資源量の 30%の水準まで再建することを目的とする ケープタウン方式 MP<sup>5</sup>を採択した。この再建目標は、2011 年バリ方式 MP で定めた当初の目標を超えるものである。
15. 資源回復の背後にある成功の大部分は、資源再建中の TAC 配分に関するメンバー間のコンセンサスに支えられた、管理目標に対する CCSBT の明確な焦点に起因しているものと考えられる。また、この資源の回復は、頑健な科学的プロセス、特に MP の開発や MP のさらなる改善に貢献した科学プロジェクトによって支えられてきたものである。さらに、EC が確立してきた監視、管理及び取締り (MCS) 措置は、全てのメンバーがこれらを遵守し資源回復に貢献するよう確保することに資するものであった。
16. しかしながら、CCSBT は、メンバーがそれぞれの配分量を遵守し、また配分量を超過した漁獲につながる可能性があるあらゆる管理上の失敗に対処するよう確保するべく努力しなければならない。
17. 2018 年から 2020 年までのクォータ配分プロセスにおいては、非メンバーによる違法・無報告・無規制 (IUU) 漁獲量を考慮するための枠として 306 トンが留保された。2021-2023 年に関しては、ケープタウン方式はオペレーティング・モデルの中に妥当な IUU 漁獲量を取り込んでいる。このプロセスは、非メンバー漁獲量の水準に関する情報を改善することでさらに強化されていくものと考えられる。
18. PR2014 (勧告 PR2014-6) は、産卵や加入を支援するための保護海域といった追加的な措置を策定し、及び漁業及び気候変動に対する回復力を向上させる必要性 (脚注 2) を指摘した。MP は、こうした予防的措置のいくつかを考慮に入れている。しかしながら、SBT 資源の再建軌道をサポートするための追加的措置が必要かどうかを確認することが重要である。

<sup>5</sup> CCSBT. [Resolution on the Adoption of a Management Procedure](#) (2019 年 10 月 14-17 日改正)

PR2021-01:メンバーは、それぞれの配分量の上限を遵守し、また MP のパフォーマンスを減殺するおそれがある非メンバー漁獲量といった不確実性のある分野を排除することにより、引き続き MP をサポートする。

PR2021-02:産卵及び加入を支援するための追加的措置(保護海域や海域閉鎖など)の必要性を探求する。

- 主要対象資源と同一の生態系の属する種、又は関連する又は依存している種 (以下「非対象種」という。) の資源状態
  - これらの種の資源状態のトレンド
19. CCSBT における懸念点は、これまで、SBT と同じ生態系に属する非漁獲対象種、特に海鳥類に対する SBT 漁業の影響に対処できなかったことである<sup>6</sup>。SBT 漁業海域と分布が重複する 18 種のあほうどり類について、あほうどり類及びみずなぎどり類の保存に関する協定 (ACAP) の個体群及び保全状態に関する作業部会は、8 種を減少、5 種を安定、3 種を不明、そして 2 種を増加傾向と評価した。SBT 漁業海域と分布が重複する 7 種のみずなぎどり類については、ACAP の同部会は 3 種を減少、1 種を安定、そして 3 種を増加傾向と評価した<sup>7</sup>。
20. さらに、日本、ニュージーランド、南アフリカ及びオーストラリアが実施したあほうどり種及びみずなぎどり種に対する表層はえ縄漁業の影響に関する共同リスク評価では、25 種のあほうどり及びみずなぎどり種のうち 9 種において、漁業による影響が個体群の生産力を超過していることが確認された<sup>8</sup>。
21. CCSBT が海鳥類を管理する管轄及び権限を有しているのかどうかについては、メンバー間でもいくらかの議論がある。しかしながら、ほぼ全ての RFMO、特に中西部太平洋まぐろ類委員会 (WCPFC、例えば CMM 2018-03)、大西洋まぐろ類保存国際委員会 (ICCAT、決議 11-09) 及びインド洋まぐろ類委員会 (IOTC、決議 12/06) では、その設立協定に海鳥類の管理に関する明示的な規定がないにもかかわらず、海鳥類を管理するための CMM を採択していることに留意しなければならない。CCSBT の責任と権限に関する曖昧さは、生態学的関連種 (ERS) の管理が効果的なものとならない一因となっている。さらに、ERSWG が毎年の開催でないことも、同様にこの分野での進捗を遅らせている。パネルは、CCSBT 28 においてなされた ERSWG 会合を毎年開催するとの提案を認識し、これを支持する。このことは、CCSBT が負担する費用を削減する

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<sup>6</sup> CCSBT (2018) [Report of the Fifth Meeting of the Strategy and Fisheries Management Working Group \(6 – 8 March\)](#), paras. 40-44. 同会合において、ほとんどの CCSBT メンバーは ERSWG が効果的ではなかったことに合意した。

<sup>7</sup> ACAP 及びパードライフ・インターナショナル (2019) [An update on the Status and Trends of ACAP-Listed Albatrosses and Petrels in the CCSBT Area](#)

<sup>8</sup> E. Abraham et al (2017) [Assessment of the risk of commercial surface longline fisheries in the southern hemisphere to ACAP seabird species](#). CCSBT-ERS/1905/BGD 03.

ためにバーチャル会合と対面会合を組み合わせることで促進することが可能である。

22. 2018年において、CCSBTは、CCSBTのERSWG措置を他のまぐろ類RFMOの措置と調和させるための決議を採択した（CCSBT 28において改正された）<sup>9</sup>。しかしながら、同決議は、ERS、特に海鳥類の保存を目的としてより厳しい措置を採ることを妨げるものではない。CCSBTは、ERSWG及びESCに注ぐ努力（時間とリソース）を増加させなければならず、またERSに関する明確な目標を設定する必要がある。
23. 直近の研究では、気候変動により重大な影響を受ける可能性が高く、特にまぐろの分布域が変化する可能性が示唆されている<sup>10</sup>。このことは、将来的にSBT及びERSの管理に影響を及ぼす可能性がある。条約水域を持たないというCCSBT独特の管轄ゆえに、PR2014-07は、生態系、SBT、ERS及びそれらの生産性、分布及び回復力に対する気候変動の影響を評価するための他RFMOとの協調的プログラムの必要性を認識した。しかしながら、この勧告に対する進捗はほとんどなく、したがってPR2021-05としてここに再掲した。

**PR2021-03: 非漁獲対象種に関する CCSBT の役割及び権限を明確化するため、CCSBT 条約を改正する。**

**PR2021-04: ERS に関して強化された CMM の策定を奨励する。**

**PR2021-05: ERSWG の年次会合を通じて、ERS に対する関心及び重点を高める。**

**PR2021-06: 気候変動がまぐろの生態系、SBT、ERS、それらの生産力、分布及び資源の回復力に及ぼす可能性がある影響を予測するための(RFMO と生物多様性の保全に権限を有する機関との間での)共同プログラムの実施可能性について検討する。**

## データ収集及び共有

- UNFSA 附属書I を踏まえたデータ提出に関するフォーマット、仕様及びスケジュールに関する RFMO の合意の程度
- RFMO のメンバー及び協力的非加盟国が、個々に又は RFMO を通じて、漁獲対象種及び非漁獲対象種に関する完全かつ正確な漁業データ及びその他関連するデータを適時的に収集及び共有している程度
- 漁業データ及び漁船データが RFMO によって集計され、及びメンバー間及び他の RFMO との間で共有されている程度

<sup>9</sup> CCSBT. [Resolution to Align CCSBT's Ecologically Related Species measures with those of other tuna RFMOs](#) (2021年10月改正)

<sup>10</sup> J. Bell et al (2021) [Pathways to Sustaining Tuna-dependent Pacific Island Economies During Climate Change](#). *Nature Sustainability*, 4, 900-910; 及び I. Senina et al (2018) [Impact of Climate Change on Pacific Tropical Tunas and their Fisheries in High Sea and Pacific Islands Waters](#). WCPFC-SC14-2018/EB-WP-01.

- RFMO が、必要なデータ、特に考え得る未考慮漁獲死亡量に関するデータの収集及び共有にかかるギャップに対応している程度
- 発展途上国におけるデータ収集を改善するためのキャンペーン・ビルディングの取組の実施の程度

24. CCSBT は、各種のデータ交換を通じて、対象種及び ERS の両方について、科学目的の様々なデータ及び情報を収集している。また、漁獲証明制度（CDS）、許可（蓄養場、漁船及び運搬船）、転載報告書、港内検査、及び遵守委員会及び CC に対して提出される年次報告書を通じて遵守関連情報を収集している（図 1）。提出が容易にできるよう、またメンバー間で調和のとれたデータセットを生成するため、これらのデータセット用のテンプレートが提供されている<sup>11</sup>。CCSBT は、PR2008 及び PR2014 以降、データの収集、処理及び解析に関して大きな進歩を遂げた（脚注 2）。

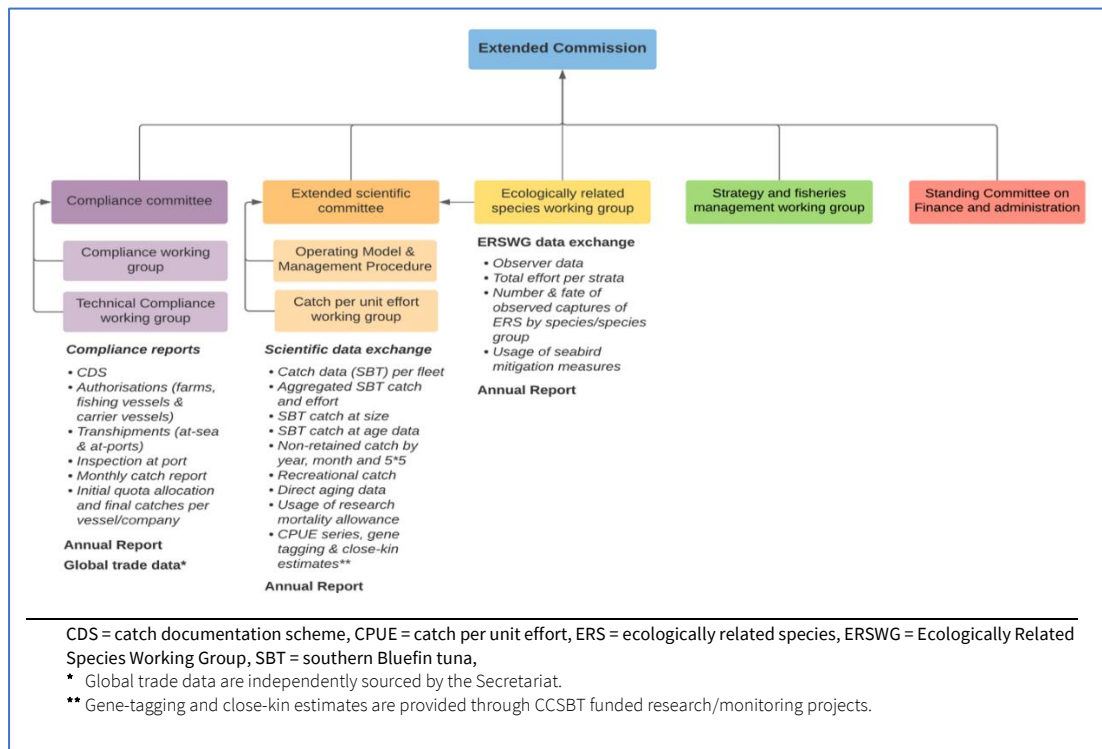


図 1 : CCSBT のメンバーから各補助機関に対する報告要件

25. CCSBT は、データの公開における透明性を向上させることができるよう、CCSBT ウェブサイトのパブリックエリアで利用可能なデータの種類や CCSBT ウェブサイトの各種メンバー限定セクションを含め、データの作成、アクセス及び公開に関する規則を採択してきた<sup>12</sup>。しかしながら、PR2008 と PR2014 のいずれも、以前は非公開であったデータも一定期間の経過後に利用可能とし得ることを勧告した。パネルは、2008年に初めて勧告された本件が未だに対処されていないことを認識しており、また同勧告の論拠と重要性を理解する。パネ

<sup>11</sup> [CCSBT data submission requirements and guidelines for Members.](#)

<sup>12</sup> CCSBT. [Rules and Procedures for the Production, Access to, and Dissemination of Data Compiled by the CCSBT](#) (updated 12 October 2017).

ルは、同勧告が現状では優先事項ではないことを認識しているものの、CCSBT は、データに関する透明性及び現在は公開されていないデータへのアクセスについてレビューすべきである。

26. これまでのところ、発展途上のメンバーに対するデータ関連のキャパシティ・ビルディングは限定的である。2019 年には、CCSBT はインドネシア・バリにおいて CCSBT 成熟度ワークショップを開催し、成熟段階と組織学的特徴に関する情報提供等が行われた。さらに、先進国である CCSBT メンバーの一部は、発展途上国向けにデータ収集システムに関する単発のトレーニングプログラムを提供している。しかしながら、CCSBT メンバー間にはデータ収集及び報告に関して明らかなギャップがある。
27. CCSBT は、科学オブザーバーに関しては 10%のカバー率目標を有しており<sup>13</sup>、洋上で実施される転載については 100%の乗船オブザーバーカバー率を義務付けている<sup>14</sup>。大部分のメンバーがこれらの基準を満たしているようであるが、一部メンバーは 10%の科学オブザーバーカバー率目標の達成に常に失敗している<sup>15</sup>。このことは、特に ERS に関する MCS の側面及び CCSBT のデータと科学に基づく漁業管理プロセスに対するリスクとなる。一部のメンバーは電子モニタリングを利用しており、CCSBT として人によるオブザーバーカバー率のギャップの一部に対処するためにこのアプローチを利用することが考えられる。また CCSBT は、SBT 漁業においてどのように電子モニタリングを利用できるかに関する分析を行うこともできる。
28. 一部のメンバーが提出した遵守委員会及び EC に対する年次報告書の情報は、関連する RFMO における現行の法的拘束力のある及び勧告されている ERS 措置の遵守状況を評価するには曖昧である<sup>16</sup>。ERS の管理に関して CCSBT メンバーが見せている報告及び勤勉さのレベルは等しいものとは言えず、この問題に対処するためのより幅広い努力を減殺してしまっている。
29. 他のまぐろ類 RFMO は、データ報告及び港内検査については電子報告プラットフォームを通じた自動的なデータ収集プロセスに移行しており、プロセスの迅速化と誤報告の最小化を目指している<sup>17</sup>。このことは、漁獲、水揚げ及び港内検査データのリアルタイムでのモニタリングを促進し、漁獲対象種と非対象種の両方のデータ及びデータ解析を改善できる可能性がある。これは、SBT に関する MCS の中核的役割を担う CCSBT の CDS において特に重要である。さら

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<sup>13</sup> CCSBT (2015) [Scientific Observer Program Standards](#)

<sup>14</sup> CCSBT [Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels](#) (2017 年 10 月 12 日改正)

<sup>15</sup> CCSBT (2020) [Compliance with CCSBT Management Measures](#)

<sup>16</sup> CCSBT (2020) [Annual Report on Members' implementation of ERS measures and performance with respect to ERS](#). CCSBT-CC/2010/05 (Rev. 2)

<sup>17</sup> IOTC は、データ報告のための電子モニタリング及び報告情報システム (E-MARIS) 及び電子寄港国措置アプリ (E-PSM) を開発中である。WCPFC は、WCPFC 公海転載電子報告アプリ (TSER) を導入している。

に、これは特に ERS に関するデータ報告における一部の不調和に対処できるものと考えられる。パネルは、CCSBT がデータ提出プロセス（特に遵守関連のデータ提出）を統合するオンラインデータ提出・共有システムの開発に取り組んでいるとの報告を受けた。

30. CCSBT は、他の RRFMO との間に良好な作業関係を構築している。しかしながら、CCSBT から他のまぐろ類 RFMO 事務局に対して漁獲努力量に関するメタデータの利用可能性及び解像度に関する簡潔な説明を提供するよう要請するとした海鳥混獲緩和措置の有効性に関する技術部会（SMMTG）による勧告はほとんど進捗していない。

**PR2021-07: 現状では公開されていない過去のデータ及び情報を提供及び公開し、透明性を改善する。**

**PR2021-08: 特に発展途上のメンバーにおけるデータの収集及び報告を改善するため、キャパシティ・ビルディングプログラムを実施する。**

**PR2021-09: CCSBT が合意した規範に従い、オブザーバーカバー率を改善するための取組を強化する。**

**PR2021-10: SBT 漁業における人によるオブザーバーカバー率を補完するため、電子モニタリングの利用に関する解析を実施する。**

**PR2021-11: 国別報告書の一貫性を改善するとともに曖昧さを回避するためのメカニズムを確立する。**

## 漁獲対象資源及び非漁獲対象資源に関する漁業データの正確性及び質

- a. RFMO が、所管する漁業資源及びその他の海洋生物資源、並びに海洋環境に関する漁業の影響に関する最良の科学的助言を受領及び／又は作成している程度
  - b. 科学委員会及び事務局の構造、プロセス、手続き及び専門性が RFMO の必要性及びリソース並びに最新のモデリングプラットフォームにおいて強く要求されるデータ及び技術的要件を満たしている程度
31. 既に述べたとおり、CCSBT はデータの収集及び検証プロセスに関して大幅な進歩を遂げた。遵守委員会は、遵守関連報告書及び関連するデータ交換（ESC 及び ERSWG の両方）を通じて提供されたデータを比較することにより、データの完全性、正確性及び一貫性を検証している（図 1）。
32. このデータ収集及び検証プロセスは、SBT に関して提出されたデータに関する様々な問題点（例えば不完全なデータや重複データ、各種データセット間の不



調和など) や、一部メンバーによる無報告及び報告の遅延をうまく特定している。また一部のメンバーは、事務局に対し、想定される輸入 CDS 文書の写しをこれまでに全く提出していない<sup>18</sup>。ERS 種に関しては、今でも科学オブザーバーデータに懸念がある(パラグラフ 27)。一部のメンバーは、全体的な科学オブザーバーカバー率目標を達成しておらず、又はオブザーバーカバー率を判定するのに必要となるデータを提出しておらず、また一部のメンバーではオブザーバーカバー率の代表性がわずか 50%未満となっている<sup>19</sup>。

33. このように、一部のメンバーが提出するデータの信頼性及び品質には重大な懸念が残されている。このことは、漁業資源、他の海洋生物資源、及び海洋環境に漁業が及ぼす影響に関する最善の科学的助言を行うことに対して重大なリスクをもたらす。EC は、キャパシティ・ビルディングプログラム及び電子報告プラットフォームの導入を通じて、これらの懸念に対処するプロセスを創設することができる。
34. SBT を管理するために CCSBT が確立した科学的プロセス(構造、プロセス、手続き及び専門性)は、世界最高のものである。CCSBT の科学的プロセスには新しく改良された手法(遺伝子標識放流及び近縁遺伝子標識再捕など)を取り入れることが可能となっており、また独立諮問パネルは CCSBT の資源評価及びより幅広い科学的なプロセスに関するピアレビューを通じて安心感を与えている<sup>20</sup>。さらに、必要に応じて専門的なコンサルタントが雇用されている。しかしながら、CCSBT が洗練された数学的資源評価モデル及び管理戦略評価プロセスのグローバルリーダーへと発展するに連れて、CCSBT メンバーの一部は、またパネルも共有している指摘であるが、このプロセスの高度に専門的な性質が一握りの技術的専門家以外を排除してしまうのではないかと懸念を抱いている。また、透明性の観点から、科学者が開発した情報を抽出し、専門的過ぎないフォーマットで利用可能にする必要がある。このため、情報への平等なアクセスを確保し、信頼を醸成し、コンセンサスによる意思決定を促進し、また CCSBT の安定性を維持するためには、継続的な対話とキャパシティ・ビルディングが必要である。パネルは、EC と ESC との間の対話及び意思疎通を改善するために 2021 年に行われた ESC 及び EC での議論、及び様々なコミュニケーション方法の必要性を認識する。これらには、専門的でない情報及びファクトシートの提供、毎年科学者-行政官対話及び国内セミナーの実施、科学者と独立諮問パネルとの間の議論にさらなる時間を確保すること、及び EC に対する ESC 議長からのサマリーを作成することが含まれる<sup>21</sup>。

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<sup>18</sup> CCSBT (2020) [Compliance with CCSBT Management measures](#).

<sup>19</sup> 代表性が 100% であるとは、漁獲が行われた全ての統計海区において 10% オブザーバーカバー率目標が達成されたことを意味する。一方、代表性が 50% であるとは、漁獲行われた海区のうち半分でのみオブザーバーカバー率目標が達成されたことを意味する。CCSBT (2020) [Report of the Fifteenth Meeting of the Compliance Committee](#), パラ 10 及び脚注 5 参照

<sup>20</sup> CCSBT. [Scientific Process: Scientific Committee](#).

<sup>21</sup> この問題については CCSBT (2021) [Report of the Twenty-Sixth Meeting of the Scientific Committee](#), パラ 151-158 で詳細に検討されている。

35. ERSWG は ESC と類似したプロセスに従っているが、独立科学諮問パネルは存在しない。しかし、ERSWG 会合の際は、会合は IGO 及び NGO（具体的には ACAP、バードライフ・インターナショナル、ヒューメイン・ソサエティ・インターナショナル及び TRAFFIC）の優れた専門家による恩恵を受けている。ERSWG の任務は、EC に対し、SBT 漁業により影響を受ける可能性のある種（魚類及び非魚類の両方）、及び SBT の資源状態に影響を与える可能性のある捕食種及び餌料種といった SBT に関連する種に関する問題にかかる情報提供及び助言を行うことである。ERSWG は隔年で開催されているため、CCSBT の管轄の範囲内で問題を対処する際には必然的に遅れが生じる。このことが、評価の質、継続性、及び EC 側の ERS に関する暗黙のコミットメントといった観点から、ERS に対処する上での重大な障害となっている。

**PR2021-12: 科学的プロセスを改善するため、遺伝子標識放流や近縁遺伝子標識再捕獲といった革新的な手法の開発及び定着を継続する。**

**PR2021-13: SBT と ERS に振り向けられる科学的な努力につき、両者の間でより良いバランスを達成する。**

**PR2021-14: CCSBT メンバー間における科学的スキルのギャップを特定し、メンバーによる人材登用及びキャパシティ・ビルディングを通じてこれらのギャップを埋める。**

**PR2021-15: MSE に関する合同技術作業部会及びその他の手段を通じて、管理戦略評価及び実施能力を開発するためのまぐろ類 RFMO による取組に引き続き貢献する。**

**PR2021-16: SBT の資源構造及び移動、及び SBT を利用する船団の空間的側面を引き続き研究する。**

**PR2021-17: データ報告にかかる質及び完全性につき、メンバー間の不調和に対応する。**

**PR2021-18: メンバー(特に発展途上のメンバー)における調査能力を開発する。**

**PR2021-19: ESC 及び EC において合意されたとおり、科学者と行政官との間の情報の流れ及び対話を引き続き改善する。**

**PR2021-20: 明確かつ簡潔な混獲政策及び管理戦略を確立する。**

#### **参加及びキャパシティ・ビルディング**

- *CCSBT メンバー及び協力的非加盟メンバーが、科学的助言の提供に積極的に参加している程度*

- 科学委員会の活動に発展途上国が効果的に参加することを促進するためのキャパシティ・ビルディングの取組が実行されている程度

36. ほとんどの CCSBT メンバーは科学会合に出席し、科学的助言の策定に参加している。全てのメンバーに対して、同プロセスに対して懸念を表明し、及び貢献する機会が平等に与えられている。しかしながら、EC への科学的助言の提供に対するメンバーのコミットメント、投資及び理解度には違いがあるようで、一部のメンバーが他よりも活発である。2017–2021 年にかけて、CCSBT の科学委員会には、CCSBT メンバーから合計 90 名の人物が参加した。全ての会合に参加した科学者はわずか 11 名であり、ほぼ半数は会合に一度参加しただけである。この ESC に対する参加の傾向は、継続的なキャパシティ・ビルディングと情報の流れの重要性を示している。メンバーの参加歴、経済力や技術的専門性、並びに言語の壁の影響を踏まえればこの状況は理解できるものであるが、理想的と言えるものではなく、科学的知見に基づく管理上の決定において CCSBT がコンセンサスに達する能力を損なうおそれがある。
37. 2020 年及び 2021 年の ESC 会合（ESC 25 及び ESC 26）はバーチャルで開催され、ほとんどのメンバーで参加者数が増加した（図 2）。2 つのメンバーは、不測の事態により ESC 26 に参加することができなかった（ESC 25 については 1 つのメンバーが参加できなかった）。CCSBT に対する科学的助言の提供には全メンバーが参画することが必要不可欠であり、CCSBT は今後、メンバーによる参加率を向上するためにバーチャル環境の利点を活用すべきである。

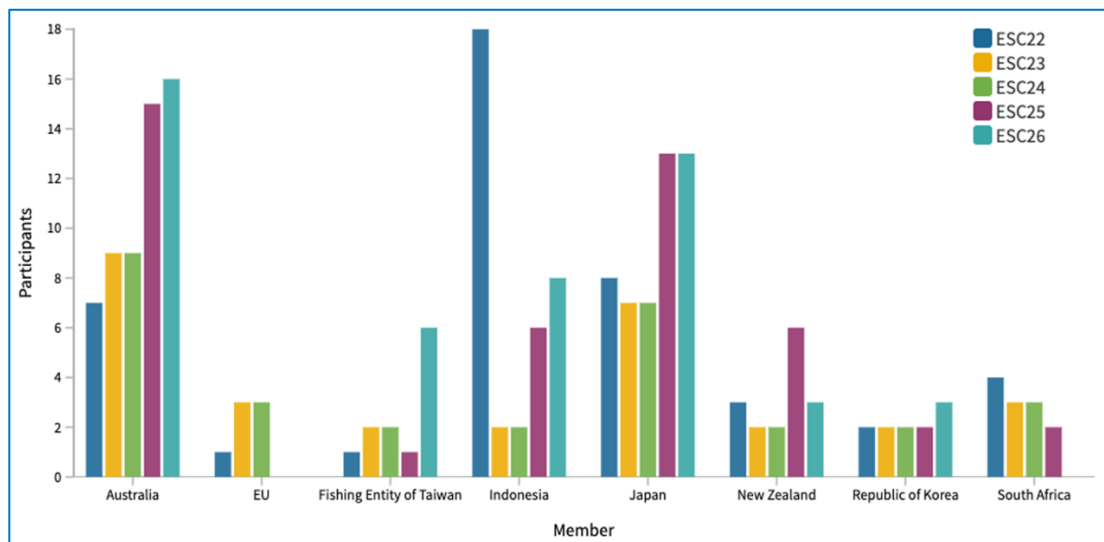


図 2：拡大科学委員会（ESC）における 2017 年（ESC 22）から 2021 年（ESC 26）までの代表団ごとの参加者数

38. 国別報告書の作成やデータ交換の促進において、事務局はメンバーに対して非常に優れた支援を提供している。MP 開発プロセスの初期には、コンセプトを紹介するための国内キャパシティ・ビルディング・イニシアティブが行われたが、近年はキャパシティ・ビルディングの取組は稀である。CCSBT の 2015–

2020年戦略計画（脚注1）では、CCSBTの義務の遵守の観点から発展途上のメンバーに対するキャパシティ・ビルディングの必要性を重要な課題として挙げている。戦略計画のゴール10は国が委員会の要件を満たすことを支援するプログラムを策定することを定めているにもかかわらず、本件についてはほとんど進捗がなされていない。

**PR2021-21:ECに対する助言を策定するESCのプロセスへのメンバーによる積極的な参加を高めるためのメカニズム(ハイブリッド会合の開催など)を探求する。**

**PR2021-22:データ収集、科学的解析及び遵守関連活動を改善するためのキャパシティ・ビルディングに関する作業計画を策定し、これを実施する。**

### 長期的な計画及び調査

- *CCSBTが、科学委員会が実施する長期的な戦略を採択及び定期的にレビューしている程度*
  - *CCSBTにより直接調整又は実施される調査が、委員会の任務を達成するための必要性に合致している程度*
39. ESCは科学調査計画（SRP）<sup>22</sup>を策定しており、これは5年毎に更新されるものである。SRPでは、具体的な調査活動を含む毎年の作業計画活動を規定し、各項目の実施スケジュールと優先度、及び調査の意図を明記している。毎年の作業計画活動は、CCSBT、メンバー、及びESCによって実施される。ESC及びECは、SRPに基づいて3年間の作業計画を策定する。これには、CCSBTから提出されるべき財政上及び運営上のリソースに関する説明が含まれる。ESCが作業計画により定められた任務を遂行できなかった場合は、通常、失敗した理由を精査し、特定された問題点に対処及び解決するために必要な変更を加えた上で、再度作業計画に組み込まれることとなる。このプロセスは、ESCにより実施される作業が委員会により設定されたニーズ及び優先度に沿ったものとなるよう確保する（例えば、資源評価を実施し、TACの変更にかかる意思決定に必要な情報として委員会に助言を行う等）上で概ね成功している。
40. 直近のSRPは2014–2018年を対象としており、次の5年を対象として2020年に改定される予定であった。SRPの改定を遅らせたのは、新たなSBTの再建目標がECによって採択され、また新MPの開発作業を完了できるようにするためであった。しかしながら、他に優先事項があったことや、COVID-19パンデミックの影響によりESC25（2020年）において改定SRPを検討する時間がなくなったことも相まって、新SRPの検討はESC26に延期され、その後に委員会による承認を得ることとなった。一部の関係者は、ESCは長期的な戦略的計画を重視していないと指摘したものの、ESCのプロセスはうまく機能している。しかしながら、特に一部の科学活動の費用対効果や資金の効率的利用についてはいくらかの懸念がある。SRP活動のために特定のCDSデータにアクセスする

<sup>22</sup> CCSBT (2014) [Report of the Nineteenth Meeting of the Scientific Committee](#), 別紙 10, p. 94.

ことはできないこと、及び蓄養において漁獲物のサイズを推定するためにステレオビデオが使用されていないことも懸念点である。

## PR2021-23:ESCにおける長期的な戦略的計画の策定及び継続的なレビューの優先順位を高める。

### 保存管理措置の採択

- *CCSBT が、資源の長期的な持続可能性を確保するため、また入手可能な最善の科学的証拠に基づいて、対象種及び非対象種の両方に関する保存管理措置を実施している程度*
41. MP 及び全世界の総漁獲量の配分に関する決議<sup>23</sup>は、資源管理の基盤となるものである。CCSBT は、2011 年にバリ方式 MP を採択し、2021 年以降の TAC 設定の指針とするため、ケープタウン方式として MP のアップデートを行った（上記パラグラフ 1-6）。新 MP には、遺伝子標識放流プログラムから得られたデータや近縁遺伝子標識再捕による産卵親魚資源量の推定値といった新たなデータシリーズが取り入れられている。
  42. MP は、漸進的な SBT 資源の再建につながるレベルで TAC を決定するための指針となるものである。MP は、2035 年までに 70% の確率で初期産卵親魚資源量（SSB<sub>0</sub>）の 20% の水準まで再建することとして、この目標を達成するように設計されている。TAC の変更幅は最小で 100 トン、最大で 3000 トンに設定されている。TAC は 3 年間を対象に設定され、MP のメタルール<sup>24</sup>の適用を要するような例外的状況が発生しない限りは、これが各年のデフォルトとして実行される。現行のモデル及び前提条件の下では、年間 TAC を 17,647 トンで固定した場合、50% の確率で初期総再生産出力（TRO）の 30% に到達するのは 2033 年と考えられている。現時点では、TRO は初期資源量の約 20% まで増加している。
  43. 全世界の総漁獲可能量の配分に関する決議（脚注 23）は MP に沿ったものであり、資源は長期的に回復し続けていくはずである。TAC には調査死亡枠（RMA）が含まれている。2018 年以降、メンバーは、それぞれの TAC 配分量の中であらゆる SBT 漁獲死亡量（商業漁獲、投棄、遊漁による漁獲及び沿岸零細漁業等）を計上することが求められている。ケープタウン方式 MP では、オペレーティング・モデルのリファレンスセットに妥当な数量の IUU 漁獲量を取り入れられており（パラグラフ 6）、これが意思決定の改善につながっている。委員会は、ESC からの科学的助言を採用し、これを TAC 計算に取り入れた。また、メンバーには、漁

<sup>23</sup> CCSBT. [Resolution on the Allocation of the Global Total Allowable Catch](#) (2017 年 10 月 9-12 日改正).

<sup>24</sup> CCSBT (2021) [Specifications of the CCSBT Management procedure: 7. Metarules for the Cape Town Procedure](#).

期年間で未漁獲の配分量を限定的に繰り越すことができる柔軟性が与えられている。

表 2：全世界の総漁獲量の配分に関する決議に基づくメンバーへの有効漁獲上限（トン）

	2015	2016–2017	2018–2020	2021
日本	4,847	4,737	6,117*	6,197.4**
オーストラリア	5,665	5,665	6,165	6,238.4**
韓国	1,140	1,140	1,240.5	1,256.8
漁業主体台湾	1,140	1,140	1,240.5	1,256.8
ニュージーランド	1,000	1,000	1,088	1,102.5
インドネシア	750	750	1,023*	1,122.8**
南アフリカ	40	150	450*	455.3**
欧州連合	10	10	11	11

\* 2018年から2020年までのクォータ期間における日本からインドネシアへの自主的移譲分（21トン）及び日本から南アフリカへの自主的移譲分（27トン）が反映されている。

\*\* 2021年から2023年までのクォータ期間における自主的移譲分として (i) 日本からインドネシア（21トン）及び南アフリカ（27トン）、及び (ii) オーストラリアからインドネシア（7トン）、並びに2021年におけるインドネシアへの一時的な特別枠80トンが反映されている。

44. しかしながら、特に OM と MP の背後にある前提や運用に関して、科学者と行政官との間の意思疎通が不十分との懸念がある。このことは将来的にリスクとなる可能性があり、CCSBT は、政策立案者に対して効果的に科学を伝達するためにリソースを投入する必要がある。
45. CCSBT は、委員会の目的を達成するために対象資源に関する MP を開発及び実施する際には、その手本となり得る。しかしながら、管理目標を見失うことなく、これまでの優れた作業に引き続き立脚していくことが必要不可欠である。
46. PR2008 と PR2014 の実施以降、生態学的関連種に関する情報は改善している。SBT を対象とする漁業の生態学的関連種への影響を緩和するための勧告は、メンバーに対し、はえ縄漁業によって偶発的に混獲される海鳥の削減に関する国際行動計画 (IPOA-Seabirds)、さめ類保存管理の国際行動計画 (IPOA-Sharks) 及び漁業操業における海亀死亡の削減のための FAO ガイドライン (FAO-Sea turtles) を実行していないのであれば、可能な限りこれらを実行するよう要請している<sup>25</sup>。
47. また CCSBT は、必要なデータの収集、及び事務局に対して ERS 措置の実施状況及びパフォーマンスに関する遵守委員会への報告を指示することにより、CCSBT による ERS に関する評価を改善してきた。
48. しかしながら、主に漁業における海鳥混獲に対処するための義務的な措置が実施されていないか、又は一部しか実施されていない事例がある。このことは、

<sup>25</sup> CCSBT (2019) [Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna](#).

オブザーバーカバー率、混獲緩和措置に使用状況、及び海鳥類及びさめ類の混獲数の増加により裏付けられている。

**PR2021-24:CCSBT は、漁獲対象種及び非漁獲対象種の両方に関し、ESC 及び ERSWG からの助言に基づくCMMを引き続き実施すべきである。**

**PR2021-25:CCSBT メンバーは、漁業操業時における国際行動計画及びFAOガイドラインの実施を引き続き強化すべきである。**

- *CCSBT が、UNFSA 第6条及び責任ある漁業のための行動規範第7条の5に定められた予防的アプローチ（予防的リファレンスポイントを含む）を適用している程度<sup>26</sup>*
- 49. **CCSBTは、2010年に地域オブザーバー計画（ROP）を改正し、委員会に提供する科学的助言及び委員会による意思決定プロセスに予防的アプローチを取り入れた<sup>27</sup>。MPでは不確実性が考慮されており、また例外的状況を取り扱う手続きが定められている。ESC及びECは、MPにおけるあらゆる例外的状況を定義しているわけではないが、MPではそうした例外的な兆候を判断するための確固たるメカニズムが確立されている。これには、毎年のESCにおいて(i)資源指標及び漁業指標をレビューし、(ii)MPへの入力データが影響を受けるかどうか、MP試験が行われた際の個体群動態と大きな違いがあるかどうか、又は漁業及び漁業操業に大幅な変化があったかどうかを検討するプロセスが含まれる。**
  - *CCSBT が、枯渇した、又は過剰漁獲状態にある資源に関する有効な再建計画を採択し、実施している程度*
- 50. **PR2014で述べられたとおり、発効中のMP（現在はケープタウン方式）は、事実上、過剰漁獲されたSBT資源に関する再建計画である。CCSBTは、2011年にMPが初めて採択されて以降、MPにより勧告されたTACに従ってきた。TACの範囲内で漁獲し、一部メンバーが過剰漁獲を行った場合には当該分が返済される。MPの有効性にかかるモニタリング及び評価はESCによって毎年実施されており、したがってPE2014-35は対処されている。SBT資源を再建するための制度は確立されているものの、メンバーがそれぞれの配分量を超過する可能性があるという懸念は残されており、このことは再建戦略の成功に対して大きなリスクをもたらしている。ERS種に関しては、PR2021-03及びPR2021-04を参照されたい。**

<sup>26</sup> FAO (1995) [Code of Conduct for Responsible Fisheries](#)

<sup>27</sup> [CCSBT Rules of Procedure of the Commission for the Conservation of Southern Bluefin Tuna](#) (2018年10月18日改正) 規則 8bis は「科学委員会は、予防的な取組方法に適合する助言を委員会への助言に含めるものとする」と規定しており、また規則 10 (2) は「委員会は、決定の論理的根拠について、委員会に提供された科学的助言と異なる点とともに明確にし、事務局長が用意する年次会合又は特別会合の報告書に含めるものとする」としている。

**PR2021-26: SBT に関する再建戦略の有効性を確保するため、モニタリングを継続する。**

- *CCSBT が、海洋生物多様性を保全する必要性を考慮しており、海洋生物資源及び海洋生態系に関する漁業の有害な影響の最小化に取り組んでいる程度*

51. 上述のとおり、CCSBTは、混獲の増加、特に生態学的に脆弱な絶滅危惧種の混獲に対処していない。一部のメンバーは委員会によって合意された措置を実施しておらず、措置を実施している船団の一部では特に海鳥類において引き続き高い死亡率が記録されている（脚注18）<sup>28</sup>。

52. さらに、CCSBTメンバーは常にオブザーバーカバー率の基準を満たしているわけではなく、又はCCSBT科学オブザーバー計画規範及びSMMTG勧告において特定された代表性を達成していないことに重大な懸念がある（パラグラフ32）。一部のメンバーは、オブザーバーカバー率の全体的な基準である10%を満たしていない。10%目標を達成しているメンバーであっても、概してSMMTGが勧告した「代表性」のクライテリアを満たしていない。

**PR2021-27: 特に海鳥類の混獲を削減するための現行の措置の実施を強化するとともに、混獲の増加に対処し、また海洋生物資源及び生態系に対する漁業の影響に対応するためのインセンティブがあるメカニズムの可能性を探求する。**

- *CCSBT が、可能な限りの選択的、かつ環境的に安全かつ費用効果の高い漁具及び技術の開発及び使用を通じて、汚染、浪費、投棄、流失又は投棄漁具による漁獲、魚及び魚以外の種両方の非対象種の漁獲、及び関連種又は従属種（特に絶滅危惧種）への影響を最小化するための措置を実施している程度*

53. メンバーが優先事項として認識していないことから、CCSBTは、汚染、浪費又は投棄を最小化し、又は流失又は投棄漁具による関連種や従属種への影響を緩和するための措置を何ら実施していない。PR2008及びPR2014では、このクライテリアは評価されなかった。条約は、これらの問題に対する委員会の任務について明確に規定していない。しかしながら、UNFSAのメンバーとして、委員会のメンバーは、海洋生態系を維持し、漁業操業による長期的又は不可逆的な影響を与えるリスクを最小化する義務を負っている。さらに、流失又は投棄された漁具による影響に関する懸念は高まってきている<sup>29</sup>。CCSBTは、CCSBT漁業による影響をレビューし、これを最小化するための方法を確認する必要がある。

**PR2021-28: CCSBT 漁業において流失又は投棄された漁具による潜在的な影響を解析するためのレビューを実施し、あらゆる影響を緩和するためのメカニズムを特定する。**

<sup>28</sup> CCSBT (2020) [Report of the Fifteenth Meeting of the Compliance Committee](#).

<sup>29</sup> G. Macfadyen, T. Huntington 及び R. Cappell (2009) [Abandoned, Lost or Otherwise Discarded Fishing Gear](#). UNEP Regional Seas Report and Studies 185/FAO Fisheries and Aquaculture Technical Paper 523.



## 管理措置の一貫性

### - UNFSA 第7条を反映した措置の採択の程度

54. UNFSA第7条は、排他的経済水域（EEZ）及び公海において一貫性のある措置を採択することを義務付けており、また国は(i) (a)沿岸国によりそのEEZ内で採択及び適用されている管理措置、(b) 公海で確立及び適用されている合意済の措置、(c) RFMOにより確立及び適用されている合意済の措置、(d) 資源の生物学的一体性及びその他の生物学的特性、(e) 沿岸国及び公海において漁獲する国が当該資源に依存している程度を考慮すること、及び (ii) 措置が海洋生物資源全体に対して有害な影響を及ぼす結果とならないよう確保することを義務付けている<sup>30</sup>。
55. CCSBTの決議及び勧告は、メンバーのEEZ及び公海の両方に適用される。MP、配分量及びMCS措置は、そのサイズに関わらず全ての船舶に適用される。しかしながら、CCSBTには管轄水域がないため（CCSBTには条約区域がないので、CCSBTはSBTを漁獲しようとする又はSBTを漁獲している船舶に対してのみ管轄権を有する）、これらのMCS措置の実施を困難にしている。
56. さらに、CCSBTは、ERSに関する独自のCMM及びMCSを採択する代わりに、CCSBTの生態学的関連種に関する措置を他のまぐろ類RFMOの措置を調和させるための決議を通じて、他のRFMO（IOTC、WCPFC及びICCAT）によるERS措置とCCSBTの措置を合わせることを決定した（脚注9）。この決定にはメリットもあるが、重大なリスクと互換性の問題がある。他のRFMOのメンバーの大部分はSBTを漁獲しておらず、それらのRFMOによって管理されている漁業の動態もSBT漁業とは異なる。これらの問題を分析し、代替的な管理オプションを検討することが重要である。
57. PR2014-40は、資源再建には産卵及び加入が最も重要であることから、インドネシア海域において、その他の管理戦略と公平かつ相互的な時空間的規制を策定するためのさらなる努力がなされるべきであるとの勧告を行った。ESCは、総再生産出力をより良く推定するため、インドネシア海域でのさらなる遺伝学的調査に取り組んできた。これらのデータはケープタウン方式の個体群動態モデルで利用されている。しかしながら、CCSBTは、CCSBTの管理戦略と公平かつ相互性のある時空間的規制が必要かどうかについては探求していない。したがって、PR2014-40は未達成であり、ここにPR2021-29として再掲する。

**PR2021-29: 資源再建には産卵及び加入が最も重要であることから、インドネシア海域において、その他の管理戦略と公平かつ相互的な時空間的規制を策定するためのさらなる努力がなされるべきである。**

<sup>30</sup> 国連 (1995) [United Nations Fish Stocks Agreement](#).

**PR2021-30:特にERSIに関するモニタリング、遵守及び取締りについて、他のRFMOの決議を採択することに伴う相互性の問題及びリスクを特定及び解析し、混獲緩和措置及び戦略を策定する。**

#### 漁獲割当及び漁業機会

- *CCSBTが、UNFSA第11条を反映した、新たなメンバー又は参加者による参加に関する要請の考慮を含む、漁獲可能量の配分又は漁獲努力量の水準に合意している程度*
58. CCSBTは、2003年以前に経験した国別配分量の問題を解決し、MPの開発及び実施を通じて、配分とTAC決定のプロセスを分離した。TACの配分は、2017年に改正された全世界の総漁獲可能量の配分に関する決議（脚注23）に従って行われる。非メンバーの参加についての疑問は残るものの、新MPでは考え得る非メンバー漁獲量（以前は約306トンと推定）を考慮に入れている。しかしながら、CCSBTへの非メンバーによる効果的な参加を確保するため、さらなる努力を払う必要がある。CCSBTがこれまでに取り組んできた新メンバーの加盟及び新規及び既存のメンバーに対する配分にかかるプロセスは称賛に値するものである。しかしながら、新メンバーの参加に伴い、特に発展途上の沿岸メンバーの間で配分プロセスへの不満が生じている。CCSBTの安定性を維持するためには、UNFSA第24条に基づき、途上国の特別な要請及び特殊事情を反映する形で配分プロセスを再検討するメカニズムが必要である。
59. さらに、CCSBTは、UNFSA第11条に基づき、非メンバーが委員会に加盟するよう奨励するための漁獲配分に関する透明性のあるメカニズムを導入する必要がある。このメカニズムは、国々の権利及び特別な事情、及び国際漁業法における新たな加盟国の基準（UNFSAで明記されているものを含む）を反映したものでなければならない。

**PR2021-31:現在のメンバーの構成及び国際法の原則を反映するよう確保するため、既存の配分メカニズムをレビューする。**

**PR2021-32:国際的なレベルでメンバーによって合意された近代的な漁業管理の概念を取り入れるべく、CCSBT条約を改正する。**

**PR2021-33:SBTの漁獲歴を有する非メンバーに対し、CCSBTへの協力を奨励する。**

## 意思決定及び紛争解決

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### 意思決定

- *CCSBT が、適時的かつ効果的に保存管理措置の採択を促進するような透明かつ一貫性のある意思決定手続きを保有している程度*
60. CCSBT条約第7条は、委員会の決定は委員会の会合に出席する締約国の全会一致の投票によって行うことを定めている（連続した2年の間分担金を支払わない締約国は投票権を有しない）。運営上の意思決定は、回章を通じて休会期間中に行われる場合もある。しかしながら、全会一致による意思決定方式には問題が残されており、この点はPR2014でも強調された。しかしながら、この意思決定方式を変更するためには、CCSBT戦略計画でも指摘されているとおり、CCSBT条約の改正が必要となる。このため、代替的な意思決定方式に関してPR2014-51が示した見解は、PR2021-33に留保された。
61. CCSBTは、2008年以降、透明性を向上させるために多大なる努力を払ってきた。PR2014以降、全ての会合報告書（遵守委員会の文書を含む）は公開されている。CCSBT手続規則（脚注27）の規則3はオブザーバーによる効果的な参加に対する制限的な障壁となる可能性がある（他のRFMOとは異なり、たった一つのメンバーが参加を妨害することができる）ものの、実際にそうした事態が起こったことはない。
62. 新規のオブザーバー及び長期オブザーバーの地位を有しないオブザーバーに対しては、未だに該当する会合の50日前までにオブザーバー参加を申請する必要がある。長期オブザーバーは参加を申請する必要はなく、また会合文書が回章される。

**PR2021-34:CCSBTは、CCSBT条約を近代化するプロセスにおいて、代替的な意思決定方式を検討すべきである。**

### 紛争解決

- *CCSBT が紛争解決のための適切なメカニズムを確立している程度*
63. PR2008及びPR2014は、紛争解決メカニズムの欠如について検討し、またCCSBT条約の紛争解決条項（仲裁裁判所に関する附属書を含む）及びみなみまぐろ裁判（オーストラリア及びニュージーランド対日本）の結果<sup>31</sup>に言及した。しかしながら、委員会には条約改正の意思がないこともあり、2008年以降はこの問題についてのさらなる検討は行われていない。これは締約国が既存のプロセスにより不当に取り扱われていると感じた場合に探求するオプションであることを踏まえれば、紛争解決メカニズムは組織の安定性の中核をなすものであ

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<sup>31</sup> 国連 (2006) [Southern Bluefin Tuna \(New Zealand-Japan, Australia-Japan\), Decision of 4 August 2000](#). Reports of International Arbitral Awards VOL XXIII pp. 1-57.

る。したがって、PR2014-53は達成されておらず、したがってPR2021-34として再掲する。

**PR2021-35:CCSBTは、CCSBTは、SBT資源の保存管理を相当程度妥協させるような将来の膠着状態を避けるため、紛争解決／対立解決を行うための代替的な手法の策定を真剣に検討するよう勧告する。**

## 遵守及び執行

### 監視、管理及び取締り (MCS)

- *CCSBT が、統合的MCS 措置（例えばVMS、オブザーバー、漁獲証明及び貿易追跡スキームの使用要件、転載の制限、立入検査スキーム）を採択している程度*
  - *これらの措置が効果的に実施されている程度*
64. CCSBT は、CDS、許可船舶・運搬船及び蓄養場記録、VMS 要件、転載要件（洋上転載オブザーバーを含む）及び寄港国措置といった様々な MCS 措置を実施している。これらの措置は十分に文書化されており、CCSBT ウェブサイトから容易に入手可能である<sup>32</sup>。
65. CCSBT は、遵守を改善し、また時間をかけて CCSBT の保存管理措置の全面的な遵守を達成していく枠組みを提供するため、2015年に遵守行動計画（2015－2020年）を採択し、その後の2019年にこれを改正した。遵守行動計画には、優先度の高い遵守リスクに対処するための5年間の行動計画が含まれる。行動計画は2020年に改定される予定であったが、COVID-19パンデミックの影響により、そのレビュープロセスは遵守委員会を対面会合として開催できるまで延期されている。現行の遵守行動計画は、さらに1年間延長された。

**PR2021-36:緊急課題として、2018－2020年の行動計画を次の5年間に向けて更新又は修正する。**

### 許可船舶及び蓄養場

66. CCSBT は、許可船舶<sup>33</sup>による SBT の漁獲、許可蓄養場<sup>34</sup>における成長、及び転載<sup>35</sup>を規制し、監視し、及び報告するための決議を採択している。CCSBT は、これらの許可船舶、運搬船及び蓄養場のデータベースを良く整備している。メンバーは、これらのリストに掲載されていない漁船によって漁獲された SBT を漁獲又は貿易することはできず、蓄養場から収穫することはできず、または運

<sup>32</sup> CCSBT. [Conservation and Management: Monitoring, Control and Surveillance](https://www.ccsbt.org/en/content/monitoring-control-and-surveillance) (<https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>)

<sup>33</sup> CCSBT. [Resolution on a CCSBT Record of Vessels Authorized to Fish for Southern Bluefin Tuna](#) (2019年10月17日改正)

<sup>34</sup> CCSBT. [Resolution on the Establishment of a Record of Authorized Farms](#) (2010年改正)

<sup>35</sup> CCSBT. [Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels](#) (2017年改正)

搬船に転載することはできない。2019年にみなまぐる漁業許可船のCCSBTの記録に関する決議が改正され、2022年1月1日以降、総トン数100トン未満（かつ全長12mを下限とする）全ての船内機船に対して国際海事機関（IMO）ナンバーの発行を受けさせることが義務付けられた。

CCSBTは、2016年に大型漁船の転載に関する計画創設に関する決議を採択し、その後の2017年にこれを改正した（脚注35）。SBTの転載モニタリングは、了解覚書（MoU）の下にIOTC、ICCAT及びWCPFCにより調整されている。MoUは、CCSBT許可漁船及び許可運搬船に乗船しているこれらRFMOのオブザーバーが、CCSBT転載計画及びSBTに関する一連の情報のフローに参加しているものと見なすものである。CCSBT管理措置の遵守を確保するため、この協力関係を継続すべきである。

**PR2021-37:CCSBTは、最も効率的かつ実行可能な方法で転載決議の要件の遵守を確保するため、他の関連するRFMOの転載管理措置との協力を継続すべきである。**

#### 船舶監視システム（VMS）

67. 2008年において、CCSBTは、CCSBTメンバー及び協力的非加盟メンバー（CNM）に対して、SBT漁業が行われる条約水域に応じてIOTC、WCPFC、南極海の海洋生物資源の保存に関する委員会（CCAMLR）又はICCATのVMS要件に準拠したVMSを採用及び実施するよう義務づけるCCSBT漁船監視システムの設立に関する決議<sup>36</sup>を採択した。CCSBTのVMSプログラムの改善が検討されてきたものの、VMSのリフォームは、他RFMOにおける検討を待つこととして延期されている。
68. CCSBTの第15回遵守委員会（2020年）に提出された国別報告書によれば、全メンバーが全漁船に対してVMSを全面的に導入している<sup>37</sup>。

**PR2021-38:他のRFMOにおいて強化されたVMS措置を提言し、他RFMOとの海域の重複及び管理措置の互換性を考慮して、現行のVMS措置がSBT及びERSの管理の目的に対して十分であるかどうかを判断する。**

#### オブザーバー計画

69. CCSBTは、2010年から2014年にかけて地域科学オブザーバー計画の採択について交渉した。しかしながら、これについての合意は得られず、ECは2015年にCCSBT科学オブザーバー計画規範（脚注13）を改定した。メンバーの国別オブザーバー計画における最低要件は、他のRFMOとの条約水域の重複及び管理措置の一貫性を考慮したものとなっている。オブザーバーカバー率目標は各漁業ごとに漁獲量及び漁獲努力量の10%をモニタリングすることとなっており、

<sup>36</sup> CCSBT. [Resolution on the CCSBT Vessel Monitoring System \(VMS\)](#) (2017年10月12日改正).

<sup>37</sup> インドネシアは、2020年の遵守委員会に対し、VMSの設置義務は公海で操業する総トン数30トン以上の漁船に対して適用されると述べた。

個々の海域及び時期における異なる船タイプを代表するものでなければならぬ（これらの要件の履行に関する問題は上記のパラグラフ 27、32 及び 52 で対応している）。CCSBT は、オブザーバーカバー率にかかるこうした状況を早急に是正するべく行動を起こす必要がある。

**PR2021-39:オブザーバー計画を強化するためのメカニズム(電子モニタリングの実施を通じた強化を含む)を探求する。**

**PR2021-40:電子モニタリングを活用できるよう、オブザーバーカバー率に関する既存の規範をレビューする。**

#### *High Seas Boarding and inspection*

##### *公海立入検査*

70. PR2014 (PR2014-47) は、CCSBT に対し、SBT 船舶の公海立入検査に関する手続きを優先順位の高い問題として策定すべきであると勧告した。この勧告は、CCSBT メンバーは UNFSA 締約国でもあり、UNFSA 第 21 条及び第 22 条による義務を負っているとの事実に基づくものであった。また PR2014 は、CCSBT には条約水域を有しないことは「明確な要件を提示している UNFSA を踏まえれば、こうした規則を設けられない適切な理由とはならない」とした。
71. しかしながら、2015 年の戦略計画（脚注 1）や遵守行動計画（2018-2020 年）のいずれでも、公海立入検査には対処していない<sup>38</sup>。CCSBT は、国際法に基づく既存の責務を実行すべきである。CCSBT は、条約水域がなくともいくつかのオプションを探求することができる。PR2014 は、全ての CCSBT メンバーは WCPFC のメンバーでもあることから、WCPFC 条約水域の公海において操業する際は WCPFC の乗船及び検査体制に拘束されるとの見解を示した。また、一部の CCSBT メンバーは ICCAT 及び IOTC の両方でもメンバーとなっており、WCPFC 条約水域でのスキームと類似した方式をこれらの RFMO でも探求することも可能である。

**PR2021-41:SBT 漁業に対する、費用対効果が高く実施可能な公海上での乗船検査スキームを創設する。**

##### *漁獲証明*

72. CCSBT の CDS<sup>39</sup>は、CCSBT が利用している中でも最も重要な遵守評価ツールの一つである。この規則が免除されることはなく、全てのメンバーは、メンバー、CNM 又は CDS に協力するその他の国/漁業主体の管轄下にある転載、水揚げ、輸出、輸入及び再輸出の際に正しい CDS 文書（決議セクション 3 のとおり）を添付するよう確保しなければならない。また CDS は、メンバー又は CNM の蓄養場の間での SBT の移送にも適用される。電子 CDS は、CDS プロセ

<sup>38</sup> [CCSTB Compliance Plan \(revised October 2019\), Appendix 1: Three-Year Action Plan.](#)

<sup>39</sup> CCSBT. [Resolution on the Implementation of a CCSBT Catch Documentation Scheme](#) (2021 年 10 月 13 日改正).

スのスピードを上げ、事務処理や相互参照、及び遵守関連の問題を低減することができる。

73. 全体として、メンバーは CDS スキームに従ってきた。しかしながら、一部のメンバーでは CDS 文書の提出が頻繁に遅れていたり、督促されない限り提出しないような状況もある。さらに、時には文書が適切に確認されておらず内容に疑義があり、事務局によるフォローアップを要するような場合もある。
74. CDS 決議の下に提出を義務付けられている文書は、漁獲標識様式、漁獲モニタリング様式、蓄養生け込み様式、蓄養移送様式である。現在、この情報は事務局に対してのみ提出されているものの、事務局（ただし CDS データのクロスチェック及び試行的解析<sup>40</sup>は除く）、遵守委員会又は ESC による利用は行われていない。この情報は、遵守関連問題や ESC での利用において価値あるものであり、また CCSBT メンバーはデータの収集の膨大な財政的及び人的なリソースを投入している。一部メンバーによる反対のために、特に漁獲標識データが使用できないのは残念なことである。

**PR2021-42: 漁獲証明制度を通じて収集されたデータの全面的に利用するためのメカニズムを確立する。**

#### 非遵守を確認及び阻止するための協力メカニズム

- CCSBT が、遵守を監視するとともに、非遵守を確認及び阻止するための適切な協力メカニズム（例えば遵守委員会、船舶記録、非遵守に関する情報共有）を設立している程度
  - これらのメカニズムが効果的に利用されている程度
75. CCSBT は、非遵守を確認及び阻止するためにいくつかのメカニズムを確立している。CCSBT においてメンバー及び CNM の遵守状況をモニタリングするためのメカニズムとしては、(i) 措置の遵守状況に関する事務局からの年次報告<sup>41</sup>、(ii) 当該報告書及び遵守委員会に対して提出されるメンバーの年次報告書（NGO による報告も含む）のレビュー<sup>42</sup>、(iii) CCSBT の MCS 情報の収集及び共有に関する政策（非遵守の可能性に関する情報共有について）<sup>43</sup>、及び (iv) メンバーの制度を CCSBT 最低履行要件に照らして独立的に監査する品質保証レビュー（QAR）がある。非遵守を阻止及び是正するため、CCSBT には IUU 船舶リストと是正措置政策がある。また CCSBT は、ウェブサイト上で国別配分量に関する非遵守の情報を公表している。全てのメンバーが少なくとも一度は QAR を経験している。

<sup>40</sup> CCSBT (2021) [Trial analysis for verification of reported catch by Members with CDS data and CDS tag survey data obtained from Japanese market](#). CCSBT-CC/2110/16.

<sup>41</sup> CCSBT (2020) [Compliance with CCSBT Management measures prepared by the Secretariat](#) CCSBT-CC/2010/04

<sup>42</sup> CCSBT 事務局. [Annual Report for the Compliance Committee and the EC](#) (CCSBT-EC/2010/04 (2020 年 10 月 1 日に修正))

<sup>43</sup> CCSBT. [MSC information collection and sharing: Compliance Policy Guideline 4](#) (2019 年 10 月 17 日改正)

76. これらのメカニズムが効率的であることは証明されており、メンバーによる非遵守の様々な側面を確認してきた。QAR はメンバーの管理制度を独立的に評価する点において価値あるツールであったが、体系的なフォローアップが欠如している。CCSBT の第 16 回遵守委員会会合では QAR の今後について検討された。パネルは、QAR について、メンバーが CMM を遵守する上での技術的、組織的、及び制度的なギャップを特定するための重要な透明性のあるツールであると考えている。また QAR は、持続可能な管理に対するリスクを特定するための価値あるツールとしても機能する。2021 年の遵守委員会及び EC の検討を踏まえて、もしも CCSBT が将来において定期的な QAR（フルスケールか対象を限定した QAR かを問わず）を導入するのであれば、CCSBT はこれらの QAR のフォローアップレビューを実施するプロセスを導入することも検討すべきである。
77. 行動計画は、CCSBT の非メンバーによる SBT の漁獲を検知及び対処する（貿易制限措置を通じた対処を含む）ことを目的として 2000 年に採択されたが、既に廃れてしまっている<sup>44</sup>。遵守行動計画（脚注 38）のレビューは、COVID-19 パンデミックのために延期されている。パネルは、CCSBT がレビュープロセスを優先する必要があると考えている。しかしながら、CCSBT は、様々なソース、例えば漁業取締、船団からの報告、船舶自動識別装置（AIS）データ、NGO からの通報、転載で得られる情報、及びオブザーバー等から信頼性の高い情報を受領した際は、アドホックベースの措置を採ってきている。また CCSBT 事務局は、他の RFMO 事務局、民間の情報機関及び NGO と定期的な連絡及び状況共有を行っており、AIS の専門機関との継続的な契約を保持している。さらに CCSBT は、(i) SBT に関する世界貿易統計のモニタリング、(ii) インド洋及び大西洋での未申告 SBT に関する転載オブザーバー報告書の精査、(iii) メンバーの SBT 漁獲量の程度を推定するための SBT 漁場における IOTC 及び WCPFC の漁獲量及び漁獲努力量データの解析の実施（ESC が実施）、(iv) 中国国内のレストランにおける SBT の存在及び数量を確認するために中国から収集した刺し身サンプルの DNA 解析など、IUU 漁獲量を確認するための公式のメカニズムを有している。こうした取組にもかかわらず、洋上及び港内転載される SBT のデータは確実に確認及び捕捉されていないとの懸念がある。

**PR2021-43: 非遵守への対応がなされ、また効果的な制裁及び是正措置が適用されるよう確保するため、遵守計画に基づく遵守プロセスの実施を継続する。**

**PR2021-44: 他の RFMO 事務局及び代替的な情報源との情報交換の公式化及び強化を継続する。**

**PR2021-45: 正式なレビュー及びフォローアッププロセスを備えた品質保証レビューの創設を検討する。**

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<sup>44</sup> CCSBT (2000) [Action Plan](#)



## 違反の追跡調査

- *CCSBT とそのメンバー及び協力的非加盟国が、管理措置に対する違反を追跡調査している程度*

78. CCSBT は、遵守計画（脚注 38）の実施を促進するための遵守政策ガイドライン<sup>45</sup>を採択している。ガイドライン（セクション 1.2）は、メンバーによる違反に対処するための有益なツールであるメンバーの遵守行動計画に対応するものである<sup>46</sup>。しかしながら、これは（決議ではなく）ガイドラインに過ぎないために、メンバーはこれに従う義務はない。遵守政策ガイドライン 1（脚注 45）は、SBT に関する違反に特化しており、ERS には対応していない。さらに、意思決定がコンセンサス方式であることがメンバーによる非遵守の評価（基本的に、該当メンバーが非遵守として評価されることに合意する必要がある）を困難にしている。
79. また、前述のとおり、違反が遵守評価か QAR のいずれで特定されたものであるかにかかわらず、CCSBT はフォローアップのための適切な措置を有していない。このことは、遵守評価プロセスにおける重要なギャップの一つであると指摘されている。もし CCSBT が強化された遵守評価プロセスを確立すれば、CCSBT 関連の義務を履行するにあたってメンバーが直面している継続的な課題を指摘するのが容易になるであろう。また、このプロセスをキャパシティ・ビルディング活動の優先順位付けと連動させることも考えられる。

**PR2021-46:CCSBT は、過剰漁獲以外の違反をフォローアップするメカニズムの強化を追求すべきである。**

**PR2021-47:遵守評価プロセス(意思決定及び是正措置政策を含む)を強化し、また違反に対する正式なフォローアッププロセスを創設する。**

## 旗国の義務

- *CCSBT メンバー国が、RFMO を設立する協定の下、RFMO により採択された措置に従って、及びRFMO 及びその他の国際的枠組み（特に1982年国連海洋法条約、UNFSA 及び1993年FAO 遵守協定を含む）の下に、必要に応じて旗国としての義務を達成している程度*
80. CCSBT 拡大員会のメンバーはいずれも、UNFSA 及びUNCLOS の締約国となっているか、又はこれらの国際協定の下での義務を履行することを約束している。CCSBT メンバーは、SBT の保存及び管理に関しては特筆すべき協力関係

<sup>45</sup> CCSTB [Minimum Performance Requirements to Meet CCSTB Obligations: Compliance Policy Guideline 1](#) (2021年10月13日改正)。

<sup>46</sup> メンバーの遵守行動計画は CCSBT (2009) [Resolution on Action Plans to Ensure Compliance with Conservation and Management Measures](#) の下に対応されている。これらは、遵守計画別添 1 の CCSBT 遵守行動計画（上記脚注 38）とは別のものであることに留意されたい。

を示してきたが、ERS に関してはそれほど熱心ではない。さらに、CCSBT メンバーは、CCSBT 決議を運用し、その大部分をそれぞれの国内法及び規制に導入してきた。CCSBT メンバーは、CCSBT の措置、特に SBT 関連の措置を遵守するべく、それぞれの国内制度を継続的に改善してきている。独立機関により実施された QAR は、CCSBT がそれぞれの制度の改善において目覚ましい進歩を遂げてきたことを示唆している。

**PR2021-48:引き続き、国内の管理が条約及び関連 CMM の定める国際的義務を履行するよう確保する。**

### 寄港国措置

- CCSBT が、UNFSA 第 23 条及び責任ある漁業行動規範第 8 条 3 項のとおり、寄港国としてのメンバー国の権利義務の行使に関する措置を採択している程度
- CCSBT が、違法、無報告、無規制漁業を防止し、抑止し、及び廃絶するための FAO 寄港国措置協定に従って寄港国措置を採択している程度
- これらの措置が効果的に実施されている程度

81. CCSBT は、港内検査の最低基準に関する決議<sup>47</sup>を採択した。同決議は、SBT（又は SBT 漁業に由来する SBT 製品）を運搬する外国船籍の漁船及び運搬船（ただしコンテナ船を除く）に対して適用される。同決議には、FAO 寄港国措置協定の中核となる要素が多く含まれている。同決議は、2015 年の第 10 回遵守委員会により勧告され、CCSBT 22 に付属する拡大委員会により採択された。同決議が最後に改正されたのは 2018 年である。現在、同決議に基づき、全ての CCSBT メンバーが提出を義務付けられている指定港のリストを提出済である。さらに、関連するメンバーは、義務付けられている港内検査を行うためにそれぞれの国内規制及び取決めを実施している。加えて、CCSBT は 2009 年に CMM の遵守を確保するための行動計画に関する決議を採択し、寄港国に対して SBT の転載を検査するよう義務付けている<sup>48</sup>。一方、IUU 船舶リストの設立に関する決議では、不可抗力である場合を除き、メンバーは RFMO の IUU 船舶がメンバーの港に入港し、及び使用することを許可してはならないと規定している<sup>49</sup>。
82. CCSBT は、定義された条約水域を持たず、また一種のまぐろ類（SBT）のみを管轄している点で、まぐろ類 RFMO の中でも独特である。SBT は、CCSBT メンバーではない国を含む様々な港で水揚げされる。このことから、CCSBT と他 RFMO との間のさらなる協力（他 RFMO のオブザーバーや港内検査報告書

<sup>47</sup> CCSBT. [Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port](#) (2018 年 10 月 18 日改正)

<sup>48</sup> CCSBT. [Resolution on action plans to ensure compliance with Conservation and Management Measures](#) (2009 年 10 月採択)

<sup>49</sup> CCSBT. [Resolution on Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities for Southern Bluefin Tuna](#) (2019 年 10 月 17 日改正)

の活用を含む)が必要となっている。CCSBT は、ウェブサイトの一般エリアにおいて、指定港のリスト、連絡先及び通知期間を公表している。CCSBT ウェブサイトで公表されている指定港リストに掲載されていない港は、同決議の対象となる漁船又は運搬船による転載又は水揚げを行うことができるメンバー又は CNM の港として認められない。

83. 港内検査の最低基準の関する決議 (パラ 81) そのものは良いが、検査報告書は事務局への提出が大幅に遅れたり不完全であったりする場合がほとんどであるため、同決議の実施については理想的とは言えない。また、メンバーは港内検査の最低基準の別添 B のアップデート (はえ縄漁業における海鳥混獲緩和措置の遵守に関する情報の追加) について多くの時間をかけて議論し、最終的にこれに合意したにもかかわらず、この情報を報告するための CCSBT バージョンの別添 B を使用しているメンバーはなく、いずれも IOTC 又は ICCAT バージョンを使用している。このため、CCSBT は、この様式から海鳥混獲緩和措置に関する追加的なデータを受領できていない。

**PR2021-49:FAO 寄港国措置協定に準拠して、CCSBT 寄港国措置決議を強化する。**

**PR2021-50:他の RFMO との調整の強化やメンバーによる適時的な報告など、寄港国措置決議の遵守をモニタリングするためのメカニズムを強化する。**

## 市場関連措置

- *CCSBT が、メンバー国の市場国としての権利義務の行使に関する措置を採択している程度*
  - *これらの市場関連措置が効果的に実施されている程度*
84. CCSBT における主な市場関連措置は、2008 年に採択され 2010 年から発効した、CCSBT の CDS の実施に関する決議である。CDS は、あらゆる SBT 製品 (肉以外の部分は除く) の漁獲から最初の販売時点までを追跡及び確認する役割を担う。全ての SBT の転載、国産品の水揚げ、輸出、輸入及び再輸出には、適切な CDS 文書が伴わなければならない (パラ 72-74)。CDS の構造及び実施が比較的成熟しており、全 CCSBT メンバー横断的に実施されている。
85. SBT 製品の監視強化のため、CCSBT メンバーに加え、非メンバーである米国も CDS 決議を自主的に遵守している。(事務局は、2016 年 4 月下旬に、2015 年の輸入 CMF 情報を初めて受領した。米国からは、引き続き CDS 情報が四半期ごとに提供されている。)
86. CDS の重大な欠点は、非協力的非加盟国に仕向けられる SBT 製品を追跡できないことである。これらの国は、連絡をとる努力を払ってもなかなか返答しない場合が多い。ほとんどの SBT 漁業国が CCSBT メンバーになっており、また日本が圧倒的に大きな市場であるとはいえ、SBT の消費は CCSBT メンバーに

限定されているわけではない。したがって、直接的にせよ関連する RFMO を通じるにせよ、これらの非メンバーとの意思疎通のためにあらゆる努力を払う必要がある。

87. メンバーの遵守状況については、CDS 決議にかかる継続的な非遵守問題（具体的には、一部 CDS 様式の提出の遅延や不提出、関連する CMF を適切かつ適時的に提出することができない等）がある。こうした問題は、主に国内の規制又は制度と CCSBT の CDS 要件との間の不一致に起因している。これらの非遵守問題に対処するため、2015 年以降は CDS 決議の全部改正が議論され、2017 年以降は現行の紙ベースの CDS から電子 CDS（eCDS）への移行の可能性が検討されてきた。2019 年において、メンバーは、特に発展途上のメンバーにおいて効率化を図ることができる可能性を踏まえれば eCDS に移行することが望ましいと考えられることに合意した。しかしながら、メンバーは、CDS に関する未解決の問題点を踏まえ、2014 年の CDS 決議をベースとする試行的 eCDS を開発することを概ね支持した。
88. SBT 製品のモニタリングを促進するための CCSBT の市場関連措置としては、CDS 決議に加え、グローバル・トレード・アトラス（GTA）及び UN コムトレードデータベース解析がある。事務局は GTA 貿易データベースに加入（2019 年に加入先を UN コムトレードに変更）し、CCSBT メンバーと非メンバーとの間の SBT 製品の貿易を確認するための調査報告書をほとんどの年において提出している。メンバーには、異常な事例について調査し、結果を委員会に報告する任務が課される。

**PR2021-51:CDS 決議の実施を強化する。**

**PE2021-52:メンバーによる継続的な非遵守に対処するためのメカニズムを確立する。**

**PR2021-53:eCDS の導入を優先する。**

## 報告要件

- 効率性の改善、重複の排除及びメンバーに対する不必要な負担の削減のための CCSBT の MCS 報告要件の解析

89. CCSBT メンバーには、科学的データ（科学データ交換及び ERSWG データ交換）、遵守関連文書、データ及び情報（例えば CDS 文書、許可船舶に関する通知要件、転載申告書、及び港内検査報告書など）、及び ESC、ERSWG、CC 及び EC に対する国別報告書といった様々な定期的報告義務がある（図 1）。メンバーが年次報告書の中で特定の CCSBT 会合に対して提供しなければならない情報やその他のデータ提出要件については、CCSBT ウェブサイトで容

易に確認することができる<sup>50</sup>。これらの定期的な報告義務は、重複を避けるとともにメンバー（及び事務局）に対する不必要な事務的負担を軽減するため、それぞれの焦点及び目的に応じて統合又は分離されている。CCSBT は、メンバーが全ての報告事項を体系的にカバーすることができるよう、報告要件ごとにテンプレートを定めている。例えば、複数の決議で義務付けられている各種の遵守関連報告は、遵守委員会及び EC に対する年次報告書のテンプレートに統合されている。

90. しかしながら、会合のスケジュールやメンバーから提出される報告書が 1 年に一度であることの結果として、報告要件の一部に重複が残されている。この欠点については、直近の遵守委員会及び EC の年次会合において、年次報告書テンプレートの中の「常設項目」を「不変の」別添に置き換えるとともに、それら常設項目に対する何らかの変更については報告書のメインパートで特定する形とすることにより対応された。新フォーマットの重要な利点は、常設項目については報告書のメインパートにおいて毎年再掲する必要がないことである。また、ESC 及び ERSWG の年次報告書においても同様の報告フォーマットとすることが有益かどうかを検討することも考えられる。
91. これらの実施中のメカニズムにより、ほとんどの CCSBT メンバーはデータ収集義務を遵守している。データ関連の非遵守問題が発生した場合、これらの問題は対処され、是正されている。しかしながら、提出の遅延や不完全なデータ提出の問題は残されており、これらは是正される必要がある。

#### PR2021-54: 報告書のテンプレートを定期的にレビューする。

## 国際協力

### 透明性

- *CCSBT が、UNFSA 第 12 条及び責任ある漁業のための行動規範第 7 条 1 項の 9 のとおり、透明性をもって運営されている程度*
  - *CCSBT の決定、会合報告書、意思決定の基礎となる科学的助言及びその他関連する資料が適切なタイミングで公表されている程度*
92. UNFSA 第 12 条及び責任ある漁業のための行動規範（脚注 26）は、意思決定プロセスの透明性を確保すること、及び ING 及び NGO の有意義な参加を可能とすることに焦点を当てている。PR2014-52 は、両方の分野において CCSBT が採った措置は PR2008 で提起された懸念に十分に対応してきたと判断し、さらなる改善は提案されなかった。したがって、CCSBT は、既存の透明性のレベルという点において、相対的に強い立場で今次レビューに臨んでいるものと考え

<sup>50</sup> CCSBT. [Meeting: Annual Reporting and Documentation Requirements of Members and CNMs](#).; CCSBT. [Data reporting requirements](#)

られる。この見解は、今回のレビューにおける関係者に対する調査結果でも反映されており、ほとんどの者が CCSBT は十分に透明であると考えている。

93. 意思決定の透明性を阻害する要因としては、EC における代表団長会議の利用が考えられる。このメカニズムは、通常、特に問題のある見解の相違を解決するために利用されており、代表団がオブザーバー出席の下での議論よりも率直な議論を行うことができるという利点がある。メンバーは、代表団長会議の利用は全体会合の進展が止まってしまった場合に限定するよう確保すべきである。
94. 意思決定は一義的に EC の権限に属するものであるが、こうした意思決定をサポートする作業の大部分は補助機関で行われるのであるから、このゴールの全体的な目標を達成するためには、補助機関のプロセスにおける透明性も同様に重要である。
95. PR2014 以降、メンバーは補助機関における全ての文書を CCSBT ウェブサイトで公開することに合意した。この変更により、個別の文書へのアクセスを事務局に要望するという従前のハードルが取り払われ、委員会の作業の全領域において透明性が高まった。アンケートの回答者はこれを改善であると評価したが、一部には、全体的な知見がなければ決定事項を確認するのは未だに困難であるとの意見もあった。本件に対応するための一つの手段としては、現在はプライベートエリアに掲載されている総覧ツールを公開することが考えられる。
96. さらに 2018 年には、休会期間中の意思決定プロセスを通じて EC 年次会合の前に会合文書を公開することを承認できるようにする形で ROP (脚注 27) が修正された。このような柔軟性が追加されたことにより、EC 会合の閉会まで会合報告書の公開が遅れることに関してアンケートの回答者が提起した懸念の一部は緩和されるはずである。このことは、EC 会合の何ヶ月も前に開催される補助機関において特に重要である。
97. CCSBT 26 において採択された外部文書（一部メンバーによる非遵守の可能性を含むもの）のレビュープロセスは、早期の提出要件や外部文書が取り下げられる可能性があることを踏まえれば、外部の参加者が CCSBT に全面的に参加することを阻害する障壁となる可能性がある<sup>51</sup>。特に後者は、CCSBT 又は個々のメンバーに対する批判が不当に沈黙させられたと受け取られる可能性がある。アンケートの回答者もこのリスクを指摘している。
98. パネルは、外部文書が強制的に取り下げられる前に事実誤認を立証しメンバー間でのコンセンサスに達する必要があることから、こうした状況が発生する可能性はいくらか緩和されるものと認識している。しかしながら、パネルは、CCSBT メンバーに対し、透明性の低下や外部者の参加に関して意図せぬ結果

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<sup>51</sup> [CCSBT \(2019\) Process for Review of external Documents including possible non-compliances of Members](#)

を招くことのないよう確保するため、これらの規定の使用状況を監視することを推奨する。

PR2021-55:ESC は、専門家以外の読者に対して報告書へのアクセシビリティを改善する。

PR2021-56:EC 会合における代表団長会議の利用は、可能な限り最小限とすべきである。

PR2021-57:CCSBT への外部者による参加の障害とならないよう確保するため、外部文書(一部のメンバーの非遵守の可能性を含むもの)のレビュープロセスは監視されるべきである。

PR2021-58:CCSBT 措置総覧へのアクセスは、CCSBT ウェブサイトの一般エリアから利用可能とすべきである。

## RFMO データ交換の機密保持

- *CCSBT が、機密である情報及びデータの共有に関する安全性の高い機密保持基準及びルールを定めている程度*
99. データ交換に関する機密性の評価基準は、他の RFMO と情報を共有する際に CCSBT が適用するセキュリティ及び機密保持規定と厳密に関連している。
100. 2016 年に WCPFC と CCSBT との間で署名されたデータの交換及び公開に関する協力覚書<sup>52</sup>は、現時点では、非公開データを他の RFMO を共有できるようにするための唯一の協定である。同覚書には、提供されたデータは機密データとして扱われること、及び WCPFC 条約と CCSBT 条約の目的に関してのみ使用されることを確保するための規定が含まれる。
101. IOTC 及び ICCAT と (CCSBT と) の間には了解覚書が締結されているが、これらは体系的なデータ交換ではなく転載の運用に焦点を当てたものである。パネルは、WCPFC との協力覚書の規定は、WCPFC とのデータ共有にかかるセキュリティ及び機密保持をめぐるあらゆる懸念に十分に対処しているものと考えられる。

## 協力的非加盟メンバーとの関係

- *CCSBT が、メンバーと非メンバーとの間の協力 (協力的な地位の付与に関する手続きの採択及び導入を通じた協力を含む) を促進している程度*

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<sup>52</sup> CCSBT 及び WCPFC. [Memorandum of Cooperation on the Exchange and Release of Data](#)

102. 現在、CCSBTに CNM はない。以前は CNM であった欧州連合及び南アフリカは 2014 年に EC のメンバーとなった。一方、フィリピンの CNM としての地位は、CCSBT 24 でのレビューの際に更新されなかった。
103. 毎年の EC 会合において、事務局は、CCSBT と非メンバーとの関係の強化を目的として実施された当年中の全ての活動について報告している。これらの活動は、通常、非メンバーに対する将来の EC 会合への参加招請、又は CDS 等の CCSBT のイニシアティブへの協力の奨励といったものである。こうした努力の結果、シンガポールや米国といった国による継続的な関与が得られた。しかしながら、これらの国々は直ちに CNM としての地位を得たいとの希望は有していないようである。
104. CNM の地位の獲得を求めるプロセスは、EC 及び ESC の CNM の地位の設立のための決議<sup>53</sup>において明確に定義されている。このプロセスは、CCSBT ウェブサイトでも概要が示されており、容易にアクセス可能である。
105. CNM の地位の設立のための決議の中で十分に対処されていない分野の一つは、CNM に対する配分量の問題である。同決議では、単に「TAC 及びその配分の決定に際しては、EC は CNM への漁獲制限につき協議することができる」と述べているのみである。全世界の TAC の配分に関する決議（脚注 23）でも同じく曖昧な記述となっており、TAC の配分量は変更され得ると述べているだけで、何がその決定の指針となるべきかについては何らのガイダンスも与えていない。
106. このような CNM への配分量の検討をめぐる不確実性は、非メンバーが CNM としての地位に伴う費用対効果を評価する意欲を削いでしまうおそれがある。
107. 条約は締約国間の配分量を決定する際に考慮すべき要素に関するガイダンスを示しているものの、CNM に対して配分する必要性が生じた際にこれを決定するためのガイダンスは存在しない。
108. 第 5 回戦略・漁業管理作業部会において、新メンバーのためのより詳細な配分方式の策定について検討されたが、メンバーは、そのような取組が非メンバー船団による漁業へのより大きな関心を促してしまう可能性についての懸念を表明した。レビューパネルは、資源の再建に伴い、非メンバー船団の漁業への関心が高まっていくリスクは不可避であり、したがって現時点で重点を置くべきはこれらの船団が CCSBT の義務に協力するよう奨励する明確なメカニズムを定義することであると考える。

**PR2021-59: 必要性が生じた場合に CNM に対してどのような配分をすべきかについて決定するためのガイドラインを策定する。**

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<sup>53</sup> CCSBT. [Resolution to Establish the Status of Cooperating Non-Member of the Extended Commission and the Extended Scientific Committee](#) (2003 年 10 月採択、201410 月改正).



PR2021-60:他の国／漁業主体に CDS への協力的地位を要請することにより、非公式に CDS に協力している国に対し、それらの国による協力を公式化することを奨励する。

## 非協力的非加盟メンバーとの協力

- *CCSBT に協力的でない非メンバーの船舶による漁業活動、並びにそうした活動を阻止するための措置の程度*

109. 上述のとおり、SBT 資源が再建するに連れて、CCSBT の管理目標に影響を与えるような非メンバーによる活動が増加していく可能性があり、したがってこれらの活動を数量化し管理する必要性も高まっている。このことは、非メンバー船籍漁船による漁獲の可能性と、非メンバーの市場の利用の両方に当てはまる。CCSBT は、SBT の主要なマーケットが CDS 要件に協力しているメンバー又は協力的非加盟国の中にあるという事実から多大な恩恵を受けてきたが、二次市場の重要性が高まるに連れて、この利点は弱まっていく可能性がある。
110. CCSBT は、内部及び外部の両方のメカニズムを通じて非メンバーによる漁業活動の問題に取り組んできた。内部的には、CCSBT の科学的プロセスの一環として、非メンバー漁獲量として考え得る規模の定量化を試みる作業が行われてきた。この作業から得られた結果はケープタウン方式の開発において利用され、科学的プロセスの一環として、全世界漁獲量にかかる不確実性をある程度反映できるようになっている。また CCSBT は、非メンバーによる漁獲物がメンバーの市場に流入する可能性を制限するために、頑健な CDS を実施している。
111. 港内検査の最低基準を定めた CCSBT 制度に関する決議（脚注 47）は 2015 年に採択され、PR2014 による勧告の一つに対処している。
112. また、非協力的非加盟メンバーとの連絡においては、メンバーの代理として CCSBT 事務局が多大な努力を払ってきた。こうしたアウトリーチ活動の大部分は、オブザーバーとしての CCSBT 会合への参加を通じた CCSBT とのさらなる関与の奨励、又は CDS 要件への協力を目的とするものであった。特に中国は、最近のアウトリーチ活動の主なターゲットであったが、これまでのところ、その結果は限定的な関与にとどまっている。アウトリーチ活動が必ずしも委員会の手続きへの関与拡大につながったわけではないが、一部の非協力的非加盟メンバーは、CCSBT の要請に応じてそれぞれの活動を制限する措置をとっている（中国が最近に同国船団に課した制限からも証明されている）。
113. 新メンバーに対する配分量をめぐる曖昧さに関して特定された問題（パラグラフ 105-108）は、非協力的非加盟メンバーに関しても等しく当てはまる。レビ

ューパネルは、委員会のコンセンサスによる意思決定ルールを踏まえ、加盟メンバーが拡大する前に、既存の CCSBT メンバーが新メンバーに対する配分に関するガイドラインの策定を検討するのが良いと考える。

**PR2021-61:CCSBT のプロセス、特に CDS に対する非協力的非加盟メンバーによる関与を高めるための努力を継続するよう奨励する。**

**PR2021-62:必要が生じた場合に新メンバーに対してどのような配分をすべきかについて決定する際のガイドラインを策定する。**

## 他の RFMO との協力

- *CCSBT が、他の RFMO (地域漁業機関事務局ネットワークを通じた協力を含む) 並びにその他関連する国際機関と協力している程度*
114. CCSBT は、みなみまぐろの分布域と管轄水域が重複するまぐろ類 RFMO (ICCAT、IOTC 及び WCPFC) と最も緊密に連携している。CCSBT と他三つの RFMO との関係には、それぞれの漁業横断的に有効性を強化するための公式及び非公式のメカニズムが含まれる。これらの RFMO の中でも IOTC 及び ICCAT との関係が最も緊密で、このことは CCSBT の転載監視プログラムでは IOTC 及び ICCAT の転載オブザーバーを利用していることを踏まえれば理解できる。
115. さらに、CCSBT 事務局長は、CCAMLR (特に事務的な事項について。両者ともオーストラリアに所在しており、類似した本部協定及び職員規則を有している) 及び他の RFMO、地域事務局ネットワークのメンバーである地域漁業機関及び IGO と頻繁に連絡を取り合っている。特に、事務局長は、COVID-19 パンデミックの間にも他の RFMO 事務局と幅広く協議を行い、この時期でも CCSBT を効果的に運営する能力を強化した。また事務局長は、FAO 水産委員会や関連会合に参加し、引き続きメンバーの利益を代表している。
116. CCSBT のコンプライアンス・マネージャーは、直接的に、及びまぐろ遵守ネットワークや国際 MCS ネットワークを通じて、またインターポール、ピュー、ISSF、グローバル・フィッシング・ウォッチ及び Trygg Mat Tracking と連携して、本分野における他の実務者と定期的に連絡を取り合っている。同様に、CCSBT のデータベース・マネージャーも他 RFMO のデータ管理者と連絡を取り合っており、また太平洋共同体との間で海洋漁業プログラムの TUFMAN2 ソフトウェアを CCSBT が現在開発中のオンラインシステム及び電子 CDS の基盤として利用するための協定を締結した。
117. さらに、個々の CCSBT メンバーは、関連する RFMO (すなわち CCAMLR、IATTC、ICCAT、IOTC 及び WCPFC) における直近の活動を毎年報告している。このことにより、CCSBT とメンバーが CCSBT の作業に資する又は影響を

及ぼす可能性がある他 RFMO の活動に対する認識を維持するよう確保している。

118. CCSBT（事務局を含む）は、委員会に関連する事項につき、バードライフ・インターナショナル、ACAP やトラフィックといった NGO とも定期的に連絡を取り合っている。

**PR2021-63:メンバーは、神戸プロセスを通じて開始された協力関係を継続及び活性化させるための機会を探求する。**

### 参加及びキャパシティ・ビルディング

- CCSBT のメンバー及び協力的非加盟国が、委員会及び委員会の補助機関の作業に積極的かつ有意義な形で参加している程度
- 委員会及び委員会補助機関の作業への発展途上国の効果的な参加（リーダーとしての立場を含む）を促進するためのキャパシティ・ビルディングの取組及び組織的な取決めが実施されている程度

119. CCSBT は、単一種を管理対象とし、また少ないメンバーで構成される点で RFMO の中でも独特な立場にあり、このことがメンバー横断的な活発な参加を支援する環境をもたらすはずである。

120. CCSBT メンバーは、全体として、過去 5 回の EC 会合に頻りに出席している（図 3）。過去 5 年における CCSBT 会合への参加の程度を見ると、CCSBT の歴史が長い国ほど代表団の規模が大きい傾向があることを示している。設立時よりも後に加盟した国では、自らがホスト国でない会合に参加する際は平均的に代表団の規模が小さい。さらに、CCSBT 補助機関会合へのメンバーによる参加状況にはギャップがある。メンバーは、それぞれの報告義務についてはほぼ履行しているようである。

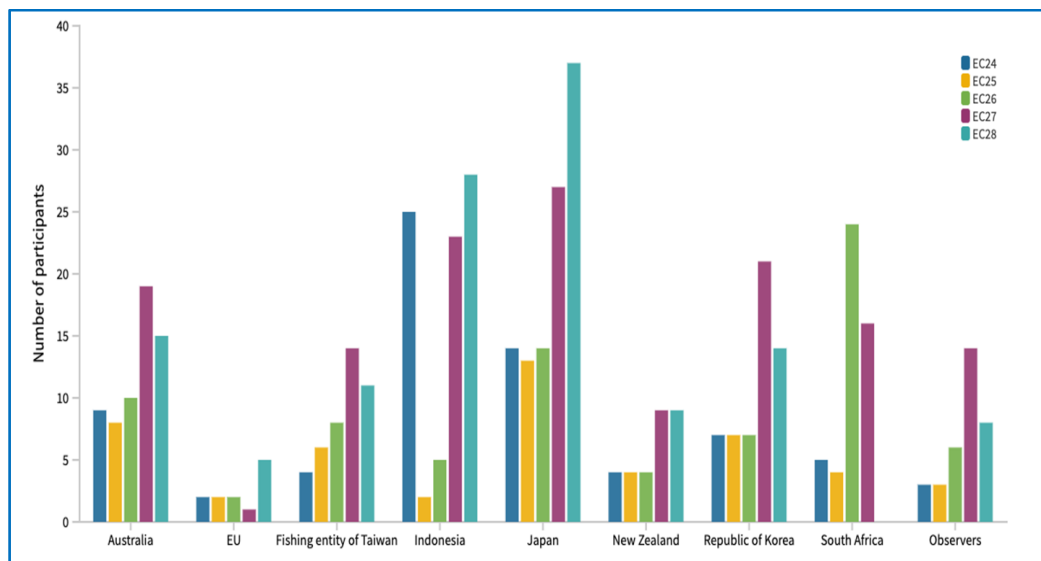


図 3：2016 年から 2021 年までの CCSBT 会合におけるメンバー及びオブザーバーの参加状況

121. 現在は委員会に CNM はないものの、EU と南アフリカが EC メンバーになることができたのは、両者が CNM であった時のインプットの実績が反映されたためである。フィリピンによる関与の欠如、特に報告義務の不履行と会合への不参加は、従前の CNM の地位を剥奪する主な理由となった。
122. 他の RFMO と同様に、CCSBT は、世界的な COVID-19 パンデミックの影響により、2021 年の会合をバーチャル開催とすることを余儀なくされた。この開催方式の変更が関与の機会を制限した可能性はある。しかしながら、委員会の重要な作業は成功裏に実施されたように思われる。バーチャル形式での関与における制限的な性質は、メンバー間に築かれてきた関係性が時間とともに損なわれ、委員会が意思決定のためのコンセンサスに達する能力に影響を及ぼすリスクとなる。
123. CCSBT 手続規則は年次会合の終了時において議長及び副議長を務める個人を選出するものとしているが、これらを選出できなかった場合には、次年の年次会合を主催するメンバーが議長を提供することとされている。過去数年においては後段のオプションが通常のプラクティスとなっており、全メンバー（発展途上国を含む）に対して指導的な立場を共有する機会を提供している。
124. しかしながら、補助機関の議長に関しては当該年の主催メンバーには直接リンクしていない。その代わりに、これらの議長は、個別のメンバーによる独立専門家の推薦をベースとして任命されている。本レビューの時点では、CCSBT における補助機関の議長職のほとんどをオーストラリア、ニュージーランド、アルゼンチン又は米国の出身者が務めている。CCSBT における近年の歴史を通して、これらの職務はオーストラリア及びニュージーランド出身の専門家によってほぼ占有されてきた。

**PR2021-64: メンバーは、CCSBT 会合の際に利用できる限られた時間を最大化するよう確保するため、CCSBT における従来の会議日程とは別に、メンバーが交流するための追加的な機会を模索する。**

**PR2021-65: 発展途上のメンバー出身の独立専門家が補助機関における議長役を務めるよう奨励する。またメンバーは、特に専門的な能力を開発するべく、共同議長の活用も検討すべきである。**

#### 発展途上国に関する特別な要件

- CCSBT が、UNFSA 第 24 条及び第 25 条、及び責任ある漁業の行動規範第 5 条を踏まえ、発展途上国の特別なニーズを認識し、発展途上国との協力関係（漁獲配分量又は漁業機会を含む）の方式を追求している程度
- UNFSA 第 26 条のとおり、CCSBT メンバーが、個別に、あるいは CCSBT を通じて発展途上国に関連する援助を提供している程度

125. 以前の CCSBT パフォーマンス・レビューでも特定されたとおり、発展途上国に対する特別な要件は条約上正式に認識されているわけではないが、メンバー間における状況の違いを認識するための努力は実際に行われている。このことは、遵守状況の評価及び是正にあたって採られてきたアプローチにおいて最善な形で反映されてきたものと考えられる。特に遵守計画においては、潜在的な懲罰的措置とキャパシティ・ビルディングの間でバランスをとる必要性が認識されている。
126. CCSBT 事務局は、CDS といったトピックに関して、発展途上のメンバーとの間での的を絞った活動に従事してきた。また、各メンバーは、様々な分野横断的に支援を提供したり、又は提供されたりしてきたが、これらのイニシアティブはより広範な支援戦略を反映しているものではないようである。
127. CCSBT 条約は、国別配分量を決定する際に検討すべき事項を列挙したセクションにおいて発展途上国のニーズを特段認識していないが、委員会が適切と認める「その他の事項」を考慮することを許容している。委員会の歴史を踏まえればこの点が抜けていることは理解できるものの、発展途上のメンバーに対してどのように対応するのが最善かを判断する際の不確実性をもたらしている。ひいては、この不確実性が、近年の国別配分量の議論における発展途上のメンバーからの不満につながっており、また公平性に対する疑義が生じている。
128. 過去においては、CCSBT は「発展途上国への支援」のための資金を同委員会予算に特別に計上していたが、これらの資金はほとんど活用されたなかったため、2016年にこのプラクティスは終了した。

**PR2021-66: 現在のメンバー構成を踏まえ、特に国別配分量の検討に関して、発展途上国のニーズを特に認識する形での条約改正を検討する。**

**PR2021-67: 発展途上のメンバーを対象とする支援プログラムを策定する。**

## 他の RFMO との比較

### 神戸プロセス

- *CCSBT が Kobe III 勧告を実施している程度、及び他のまぐろ類 RFMO の実施の程度との比較*

129. 本セクションでは、主に神戸勧告の全体的な実施状況の評価に重点を置く。ここでの評価は、神戸プロセスの下での活動が縮小している状況の下に実施されたことに留意する必要がある。こうした対応のシフトは、CCSBT においては毎年の EC 会合の手続きにおいて神戸プロセスを専門に取り扱う常設議題項目を保持しないとされた近年の決定を反映している。

130. CCSBT における単一種というユニークな性質は、時として、複数種及び明確な地理的管轄域を念頭において設計されている場合が多い神戸 III の助言に対応することを困難にしている。
131. この二律背反の一例は、神戸 III がキャパシティ上の制約に重点を置いていることにも見られる。CCSBT メンバーは、CCSBT の漁獲配分を監視及び管理するための頑健な管理枠組みを発効させているため、当然ながら神戸 III によるキャパシティ上の制約に勧告に取り組む努力はほとんど行っていない。そうではあるものの、全ての CCSBT メンバーは、現在はそれぞれの旗を掲げる船団の漁獲能力について報告している。
132. CCSBT における直近の決定の一部は、明らかに、神戸 III における調和と調整にかかる目標の大部分をサポートする役割を担ってきた。特に注目すべきは 2018 年における CCSBT の ERS に関する CMM を他のまぐろ類 RFMO の措置と調和させるための決議（脚注 9）の採択であり、これにより、CCSBT メンバーが他 RFMO の管轄水域で操業する際の義務に関する以前の曖昧さは排除された。
133. 同様に、IUU 船舶リストの設立に関する決議（脚注 49）における相互掲載規定も、CCSBT と他 RFMO との間の調整を強化している。

**PR2021-68: 休会期間中の神戸プロセス(特に共通の関心を有する分野に関連するプロセス)との関与を継続する。**

### ベストプラクティス

- 可能な限り、対象種及び非対象種に関する保存管理措置の採択及び／又は実施状況、その権限の下でのリソースの状態、科学的プロセス及び手続き、及び MCS 措置と遵守状況のレビュー手続きの採択及び実施状況について、他 RFMO と比較しての CCSBT のパフォーマンスの程度を評価する。
  - CCSBT がそのパフォーマンスを強化できる分野／ベストプラクティスの特定
134. CCSBT は、科学、技術革新及び意思決定を通じて、SBT 資源の再建に目覚ましい進捗を見せてきた。CCSBT は、技術革新及び強固な科学モデルを通じた OM 及び MP の開発におけるグローバルリーダーと考えることができる。さらに、CCSBT メンバーは、比較的安定した TAC 配分メカニズム（頑健な MP による計算結果を従うもの）を達成したことを大いに誇ることができるであろう。しかしながら、発展途上のメンバーや新メンバーへの配分など、改善すべき分野もある。
135. CCSBT は、PR2014 や遵守報告書、また EC でも指摘されているように、非漁獲対象種に関する措置の実施に関する記録が乏しい。CCSBT が資源を保存及び管理するためのメカニズム及びオプションとしては、(i) CCSBT 条約の改

正、(ii) 非漁獲対象種に特化した措置の採択、及び (iii) 他 RFMO における非漁獲対象種に特化した措置の採択がある。CCSBT メンバーは他 RFMO (ICCAT、IOTC 及び WCPFC) においてもリーダーであることを踏まえれば、そうした措置を採択する可能性は大いに有り得る。

136. 既に指摘したように、CCSBT は電子漁獲証明、遵守プロセス、及びオブザーバースキームの採択を改善する必要がある。これらの問題は他の RFMO において広範に取り組みられており、CCSBT も同様の道を歩むべきである。

**PR2021-69: CCSBT が取り組んできた称賛に値する活動を継続するとともに、非漁獲対象種に対しても同様の取組を確立する。**

**PR2021-70: 遵守プロセス及びオブザーバースキームの実施を改善するとともに、eCDS の導入をサポートする。**

## 財政及び運営上の課題

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### RFMO の活動のためのリソースの利用可能性

- *CCSBT の目的を達成し、及び CCSBT の決定を実行するための財政上及びその他のリソースが利用可能となっている程度*

137. EC の傘下にある財政運営委員会は、必要なリソース（特に科学プログラム）を考慮して、CCSBT の財務状況、予算費目、考え得る節約、及びメンバーからの分担金について精査している。委員会の一般予算は毎年微増しており、ひいてはメンバーによる分担金も増加している。2016 年から科学プログラムにかかる費用が大幅に増大したことを受けて、この増加が顕著になっている。しかしながら、現行のメンバーからの分担金では、CCSBT を運営するために必要な年間の費用を賄うことができない。幸いなことに、いくつかの CCSBT メンバーが会合費用の拠出や調査費用の提供といった自発的な相当額の資金提供を行っており、これゆえに分担金の増額の必要性を最小限に抑えてきた。また CCSBT メンバーは、RFMO としてのパフォーマンスを大幅に改善したプロジェクト、特に科学プログラム及びプロジェクトに対して自主的な貢献を行ってきた。他の RFMO とは異なり、CCSBT ではメンバーによる未払いの分担金はないものの、メンバーからの支払いが遅延することはある。
138. CCSBT 会計規則は 2018 年に改正され、委員会の外部監査役として（オーストラリアの監査長官又は他の委員会メンバーにおける法的に同等の権限を有する当局ではなく）国際的に認知された独立した監査役を任命できるようになった。これにより、年間の監査費用を概ね半減させることができた。直近の監査役からの主な勧告の一つは、無償で提供されたリソース及び現物出資の取扱い

に関する会計指針を公式化することであった。この新たな指針は、監査役からの勧告が行われた後の年次会合における財政運営委員会により合意された。

139. 既に指摘したとおり、CCSBT はプロジェクト及び各種計画を実施するために十分な資金を配分している。しかしながら、直近の事案（一部の重要プロジェクトにかかる予算削減及び手続きの変更）は、CCSBT として予備費又は貯蓄基金を設立しておく必要性を示唆している。このプラクティスは他の RFMO でも踏襲されており、基金は極めて特殊な状況が起こった際に利用され、またメンバーからの支払いが遅延した場合であっても予算の流動性を維持するために利用されている。EC27 では類似したプロセスが合意され、COVID-19 パンデミックの結果として発生した 2020 年の節約額を今後数年にわたって均等に配分できるようにするための分担金安定化基金が設立された。さらに、事務局は、委員会の預金口座から 500,000 ドルを特定し、その一部（123,000 ドル）を一部の科学作業にかかる資金として充当した。しかしながら、これが正式なプロセスとなれば、予備費又は貯蓄基金の存在は、CCSBT に対して必要な資金繰りのバッファを提供するとともに、意思決定にかかる透明性を高めることにもなる。さらに、意思決定プロセスを改善するため、財政及び運営上のニーズについて財政運営委員会と各種補助機関との間のコミュニケーションを改善する必要がある。

**PR2021-71: CCSBT による支出を上回る(メンバーからの分担金及びその他のソースによる)健全な収入フローを維持する。**

**PR2021-72: 極めて特殊な状況において利用する予備費/貯蓄基金を正式化する。**

**PR2021-73:財政運営委員会と各種補助機関との間のコミュニケーションを改善するためのメカニズムを策定する。**

### 効率性及び費用対効果

- *CCSBT が、委員会の目的をサポートし、及び運用の継続性（明確かつ透明な事務所の方針、構造、役割及び責任、及び承認系統の確立、効果的な内部及び外部とのコミュニケーション、及び事務所の計画及び運営に関するその他の側面を含む）を確保するための、事務局を含む人的及び財政的リソースを効率的かつ効果的に管理している程度*
140. 限られたスタッフにもかかわらず、事務局は非常にプロフェッショナルなパフォーマンスを発揮し、委員会のパフォーマンスに対して大きく貢献してきた。CCSBT の運営に対する事務局の貢献は称賛に値する。



141. 条約、CCSBT 手続規則、及び拡大委員会及び拡大科学委員会を設立するための決議において規定された CCSBT 事務局の機能は以下のとおりである<sup>54</sup>。
- 委員会の公用通信を発受すること
  - この条約の目的の達成に必要な資料の収集を容易にすること
  - 委員会及び科学委員会のために管理関係の報告その他の報告を作成すること
  - 委員会の年次会合のために事務局の活動に関する年次報告を作成すること
142. したがって、事務局は、例えば委員会予算の管理及び執行、メンバー又は他の機関との通信の処理、様々な機関との間の休会期間中の議論の促進、CCSBT データベース及びウェブサイトのホスト及び管理、CCSBT 会合の手配（各種文書の作成を含む）、CCSBT 保存管理措置の運営及び管理、及び電子的手段（例えばオンラインデータ提出システムや eCDS）の開発を含む様々な役割及び通常業務を担っている。
143. CCSBT 議長の任命については、メンバーによる指名が遅くなる場合が多く、また指名後に交代となる場合もあるといった問題があった。このことは、事務局による年次会合に向けた準備を妨げ、ひいては、議長が年次会合以外で CCSBT に対するリーダーシップを発揮することができないために CCSBT のガバナンスが低下することにつながっている。CCSBT 手続規則の規則 4 (1) では、議長及び副議長は毎年選出されることとなっており、慣例に従って主催メンバーから選出されている。CCSBT 手続規則の規則 4 (1) は、議長及び副議長が、1 年間の任期を最大で三回まで再任されることを許容している。しかしながら、CCSBT においてこの規定が適用されたことはない。

**PR2021-74: 次の委員会会合を主催するメンバーによる CCSBT 議長の早期推薦を奨励する。**

**PR2021-75: CCSBT のガバナンスを改善するため、手続規則 4(1)の規定に基づく最大 4 年間までの議長の再任を奨励する。**

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<sup>54</sup> CCSBT. [Resolution to Establish an Extended Commission and an Extended Scientific Commission](#) (2013 年 10 月)

## 別添 1 : 付託事項

## 2021年CCSBTパフォーマンス・レビューに関する付託事項 (第26回委員会年次会合(2019年10月17日)採択)

### パフォーマンス・レビューパネルの構成

独立パフォーマンス・レビューパネルは、以下の記載による4名から7名で構成されるものとする。

- 拡大委員会(EC)の異なるメンバー出身の2名から4名の専門家。メンバーからの専門家はCCSBTにおける豊富な経験を有する者とし、遠洋漁業国、沿岸国及び発展途上国のメンバーを含むべきである。パネルは、グループ全体として国際水準の漁業管理、漁業科学、遵守及び法的管理に関する専門性を有するべきである。
- 2名の国際的に認知された独立外部専門家であって、グループ全体として、国際的な漁業管理(遵守を含む)及び漁業科学に関するベストプラクティスについての専門性を有する専門家。外部専門家は、パフォーマンス・レビューの実施にかかる契約の時点又は期間中を通じて、CCSBT又はCCSBTメンバーの政府の公務員又は職員であってはならない。
- IOTCメンバー国であってCCSBTメンバーではない国から1名の専門家。

### パフォーマンス・レビューパネルの議長及び運営

1. パフォーマンス・レビューパネルの議長は、独立外部専門家から1名をECが選出する。議長は、CCSBT年次会合に対し、パフォーマンス・レビューパネル報告書の発表を行う。
2. パネルによる決定を踏まえ、物理的なパネル会合を1回又は2回開催することが想定される。
3. パネルは、パフォーマンス・レビューの実施及び報告書の作成にかかる運営上の取組方法について自ら決定する。
4. パネルは、合意されたクライテリアに関する関係者からの提案を招請することができる。事務局は、パネルからの要請を受けて質問への回答及び背景情報の提供を行うとともに、パネル会合の調整を支援することにより、パネルのサポートを行う。事務局長は、パネル議長が要請した場合には、パネル会合に参加する。
5. レビューパネルによる全ての作業は英語で実施される。しかしながら、事務局は、最終報告書をCCSBTの両公用語に翻訳する。

### 選出プロセス

パフォーマンス・レビューパネルの選出プロセスは以下に要約したとおりである。

- ECメンバーからの専門家は、パフォーマンス・レビューの開始前の委員会年次会合(すなわちCCSBT 27)において推薦及び選出される。

- 2名の独立外部専門家は、閉会期間中（CCSBT 27 より前が望ましい）に選出される。このプロセスには以下が含まれる。
  - メンバーから事務局に対し、独立外部専門家の候補者リストを、候補者の背景情報とともに提出する。
  - 事務局は、全てのメンバーに対し、候補者リストをその背景情報とともに回章する。
  - メンバーは、候補者の格付けを行うとともにパネル議長としての選好度を格付けし、事務局に対して通報する。
  - 事務局は、格付けの順位により適当な候補者に連絡し、レビューを実施する2名の候補者と調整する。

## 資金

- CCSBT メンバー出身の専門家による参加及び会合出席については、関連するメンバーが資金を拠出する。
- 2名の独立専門家にかかるコンサルタント料、旅費及び関連費用については、CCSBT が資金を拠出する。
- 必要な会場及び会議機器借料及びケータリング費用については、CCSBT が資金を拠出する。

## CCSBT のパフォーマンスを評価するためのクライテリア

CCSBT のパフォーマンスを評価するために使用されるクライテリアは別添 A のとおりである。同クライテリアは、神戸クライテリアをベースとして、ICCAT の 2016 年パフォーマンス・レビューにおける関連クライテリアを取り入れるとともに CCSBT との関連性は低いと考えられるクライテリアは除外する形で修正したものである。

## パネルが利用可能なリソース

パフォーマンス・レビューパネルに対して提供されるリソースは以下のとおりである。

- [パフォーマンス・レビュー作業部会報告書（2008年）](#)
- [パフォーマンス・レビューに関する独立専門家（デヴィッド・ボルトン氏）報告書（2008年）](#)
- [CCSBT の 2009–2013 年におけるパフォーマンス：独立レビュー](#)
- パネルが要望するその他全ての公開済み CCSBT 会合報告書、文書及びデータ
- パネルからの質問に回答するための事務局スタッフ、独立議長（遵守委員会、拡大科学委員会及び生態学的関連種作業部会）及びメンバーへのアクセス

## パフォーマンス・レビュー報告書

パフォーマンス・レビューパネルによる最終報告書は、以下を内容とする、簡潔かつ良く構成された読みやすい文書とするべきである。

- レビューを行うに当たって実施されたプロセス及び措置（例えば精査した文書、協議を行った個人等）の説明
- レビューの結果の説明
- レビューのクライテリアに照らして、CCSBTが委員会としてのパフォーマンスをどのように改善していくかに関するパネルからの勧告の提示
- パネルの視点による勧告の優先度

パフォーマンス・レビューパネルの議長は、2021年10月のCCSBT年次会合において最終報告書を説明し、報告書に対するメンバーからの質問に対応する。報告書は、年次会合後にCCSBTウェブサイトの一般エリア及びまぐろ類RFMO合同ウェブサイト（[www.tuna-org.org](http://www.tuna-org.org)）において公開される。

## パフォーマンス・レビュー勧告の検討及びフォローアップのプロセス

ECは、2021年10月の年次会合において、パフォーマンス・レビュー勧告にかかる最初の検討を行う。同会合において、ECは、早期に実施する必要がある緊急的な勧告があるかどうかを判断する。

拡大科学委員会（ESC）及び遵守委員会（CC）は、それぞれの2022年会合において、パフォーマンス・レビュー報告書のうち各委員会に関連する側面について検討する。同年のEC会合では、各委員会からの助言について検討し、パフォーマンス・レビュー勧告の実施計画の策定に関する戦略・漁業管理作業部会（SFMWG）への指示を行う。

生態学的関連種作業部会（ERSWG）は、次回のERSWG会合の開催時（2023年の早期に開催する可能性）において、パフォーマンス・レビュー報告書のうち同作業部会に関連する側面について検討する。

SFMWGは、2023年中頃に、全ての補助機関からの助言とECからの指示を合わせて検討し、パフォーマンス・レビュー勧告の実施計画案を策定する。2023年のEC会合では、パフォーマンス・レビュー勧告の実施計画について検討し、これを採択する。

同実施計画の進捗状況をフォローアップするため、これを将来のEC会合における常設議題項目とする。

CCSBT のパフォーマンスを評価するためのクライテリア

分野	一般的 クライテリア	詳細なクライテリア
1. 保存及び管理	海洋生物資源の資源状態	<ul style="list-style-type: none"> <li>● 最大持続生産量又はその他関連する生物学的基準に関して CCSBT が所管する主要漁業資源の資源状態</li> <li>● これら資源の資源状態のトレンド</li> <li>● 主要対象資源と同一の生態系の属する種、又は関連する又は依存している種（以下「非対象種」という。）の資源状態</li> <li>● これらの種の資源状態のトレンド</li> </ul>
	データ収集及び共有	<ul style="list-style-type: none"> <li>● UNFSA 附属書 I を踏まえたデータ提出に関するフォーマット、仕様及びスケジュールに関する CCSBT の合意の程度</li> <li>● CCSBT のメンバー及び協力的非加盟国が、個々に又は CCSBT を通じて、漁獲対象種及び非漁獲対象種に関する完全かつ正確な漁業データ及びその他関連するデータを適時的に収集及び共有している程度</li> <li>● 漁業データ及び漁船データが CCSBT によって集計され、及びメンバー間及び他の RFMO との間で共有されている程度</li> <li>● CCSBT が、必要なデータ、特に考え得る未考慮漁獲死亡量に関するデータの収集及び共有にかかるギャップに対応している程度</li> <li>● 発展途上国におけるデータ収集を改善するためのキャパシティ・ビルディングの取組の実施の程度</li> </ul>
	科学的助言の質及び提供	<ul style="list-style-type: none"> <li>● CCSBT が、所管する漁業資源及びその他の海洋生物資源、並びに海洋環境に関する漁業の影響に関する最良の科学的助言を受領及び／又は作成している程度</li> <li>● 科学委員会及び事務局の構造、プロセス、手続き及び専門性が CCSBT の必要性及びリソース並びに最新のモデリングプラットフォームにおいて強く要求されるデータ及び技術的要件を満たしている程度</li> </ul>
	参加及びキャパシティ・ビルディング	<ul style="list-style-type: none"> <li>● CCSBT メンバー及び協力的非加盟メンバーが、科学的助言の提供に積極的に参加している程度</li> <li>● 科学委員会の活動に発展途上国が効果的に参加することを促進するためのキャパシティ・ビルディングの取組が実行されている程度</li> </ul>
	長期的な計画及び調査	<ul style="list-style-type: none"> <li>● CCSBT が、科学委員会が実施する長期的な戦略を採択及び定期的にレビューしている程度</li> <li>● CCSBT により直接調整又は実施される調査が、委員会の任務を達成するための必要性に合致している程度</li> </ul>

分野	一般的 クライテリア	詳細なクライテリア
	保存管理措置の採択	<ul style="list-style-type: none"> <li>• CCSBT が、資源の長期的な持続可能性を確保するため、また入手可能な最善の科学的証拠に基づいて、対象種及び非対象種の両方に関する保存管理措置を実施している程度</li> <li>• CCSBT が、UNFSA 第 6 条及び責任ある漁業のための行動規範第 7 条の 5 に定められた予防的アプローチ（予防的リファレンスポイントを含む）を適用している程度</li> <li>• CCSBT が、枯渇した、又は過剰漁獲状態にある資源に関する有効な再建計画を採択し、実施している程度</li> <li>• CCSBT が、海洋生物多様性を保全する必要性を考慮しており、海洋生物資源及び海洋生態系に関する漁業の有害な影響の最小化に取り組んでいる程度</li> <li>• CCSBT が、可能な限りの選択的、かつ環境的に安全かつ費用効果の高い漁具及び技術の開発及び使用を通じて、汚染、浪費、投棄、流失又は投棄漁具による漁獲、魚及び魚以外の種両方の非対象種の漁獲、及び関連種又は従属種（特に絶滅危惧種）への影響を最小化するための措置を実施している程度</li> </ul>
	管理措置の相互性	<ul style="list-style-type: none"> <li>• UNFSA 第 7 条を反映した措置の採択の程度</li> </ul>
	漁獲割当及び漁業機会	<ul style="list-style-type: none"> <li>• CCSBT が、UNFSA 第 11 条を反映した、新たなメンバー又は参加者による参加に関する要請の考慮を含む、漁獲可能量の配分又は漁獲努力量の水準に合意している程度</li> </ul>
	報告要件	<ul style="list-style-type: none"> <li>• 効率性の改善、重複の排除及びメンバーに対する不必要な負担の削減のための CCSBT 報告要件の解析</li> </ul>
2. 遵守及び執行	旗国の義務	<ul style="list-style-type: none"> <li>• CCSBT メンバー国が、RFMO を設立する協定の下、RFMO により採択された措置に従って、及び RFMO 及びその他の国際的枠組み（特に 1982 年国連海洋法条約、UNFSA 及び 1993 年 FAO 遵守協定を含む）の下に、必要に応じて旗国としての義務を達成している程度</li> </ul>
	寄港国措置	<ul style="list-style-type: none"> <li>• CCSBT が、UNFSA 第 23 条及び責任ある漁業行動規範第 8 条 3 項のとおり、寄港国としてのメンバー国の権利義務の行使に関する措置を採択している程度</li> <li>• CCSBT が、違法、無報告、無規制漁業を防止し、抑止し、及び廃絶するための FAO 寄港国措置協定に従って寄港国措置を採択している程度</li> <li>• これらの措置が効果的に実施されている程度</li> </ul>
	監視、管理及び取締り（MCS）	<ul style="list-style-type: none"> <li>• CCSBT が、統合的 MCS 措置（例えば VMS、オブザーバー、漁獲証明及び貿易追跡スキームの使用要件、転載の制限、立入検査スキーム）を採択している程度</li> <li>• これらの措置が効果的に実施されている程度</li> </ul>
	違反の追跡調査	<ul style="list-style-type: none"> <li>• CCSBT とそのメンバー及び協力的非加盟国が、管理措置に対する違反を追跡調査している程度</li> </ul>
	非遵守を確認及び阻止するための協力メカニズム	<ul style="list-style-type: none"> <li>• CCSBT が、遵守を監視するとともに、非遵守を確認及び阻止するための適切な協力メカニズム（例えば遵守委員会、船舶記録、非遵守に関する情報共有）を設立している程度</li> <li>• これらのメカニズムが効果的に利用されている程度</li> </ul>
	市場関連措置	<ul style="list-style-type: none"> <li>• CCSBT が、メンバー国の市場国としての権利義務の行使に関する措置を採択している程度</li> <li>• これらの市場関連措置が効果的に実施されている程度</li> </ul>

分野	一般的 クライテリア	詳細なクライテリア
	報告要件	<ul style="list-style-type: none"> <li>効率性の改善、重複の排除及びメンバーに対する不必要な負担の削減のための CCSBT の MCS 報告要件の解析</li> </ul>
3. 意思決定及び紛争解決	意思決定	<ul style="list-style-type: none"> <li>CCSBT が、適時的かつ効果的に保存管理措置の採択を促進するような透明かつ一貫性のある意思決定手続きを保有している程度</li> </ul>
	紛争解決	<ul style="list-style-type: none"> <li>CCSBT が紛争解決のための適切なメカニズムを確立している程度</li> </ul>
4. 国際協力	透明性	<ul style="list-style-type: none"> <li>CCSBT が、UNFSA 第 12 条及び責任ある漁業のための行動規範第 7 条 1 項の 9 のとおり、透明性をもって運営されている程度</li> <li>CCSBT の決定、会合報告書、意思決定の基礎となる科学的助言及びその他関連する資料が適切なタイミングで公表されている程度</li> </ul>
	機密保持	<ul style="list-style-type: none"> <li>CCSBT が、機密である情報及びデータの共有に関する安全性の高い機密保持基準及びルールを定めている程度</li> </ul>
	協力的非加盟メンバーとの関係	<ul style="list-style-type: none"> <li>CCSBT が、メンバーと非メンバーとの間の協力（協力的な地位の付与に関する手続きの採択及び導入を通じた協力を含む）を促進している程度</li> </ul>
	非協力的非加盟メンバーとの関係	<ul style="list-style-type: none"> <li>CCSBT に協力的でない非メンバーの船舶による漁業活動、並びにそうした活動を阻止するための措置の程度</li> </ul>
	他の RFMO との協力	<ul style="list-style-type: none"> <li>CCSBT が、他の RFMO（地域漁業機関事務局ネットワークを通じた協力を含む）並びにその他関連する国際機関と協力している程度</li> </ul>
	参加及びキャパシティ・ビルディング	<ul style="list-style-type: none"> <li>CCSBT のメンバー及び協力的非加盟国が、委員会及び委員会の補助機関の作業に積極的かつ有意義な形で参加している程度</li> <li>委員会及び委員会補助機関の作業への発展途上国の効果的な参加（リーダーとしての立場を含む）を促進するためのキャパシティ・ビルディングの取組及び組織的な取決めが実施されている程度</li> </ul>
	発展途上国に関する特別な要件	<ul style="list-style-type: none"> <li>CCSBT が、UNFSA 第 24 条及び第 25 条、及び責任ある漁業の行動規範第 5 条を踏まえ、発展途上国の特別なニーズを認識し、発展途上国との協力関係（漁獲配分量又は漁業機会を含む）の方式を追求している程度</li> <li>UNFSA 第 26 条のとおり、RFMO メンバーが、個別に、あるいは RFMO を通じて発展途上国に関連する援助を提供している程度</li> </ul>
5. 他の RFMO との比較	ベストプラクティス	<ul style="list-style-type: none"> <li>可能な限り、対象種及び非対象種に関する保存管理措置の採択及び／又は実施状況、その権限の下でのリソースの状態、科学的过程及び手続き、及び MCS 措置と遵守状況のレビュー手続きの採択及び実施状況について、他 RFMO と比較しての CCSBT のパフォーマンスの程度を評価する</li> <li>CCSBT がそのパフォーマンスを強化できる分野／ベストプラクティスの特定</li> </ul>
	Kobe	<ul style="list-style-type: none"> <li>CCSBT が Kobe III 勧告を実施している程度、及び他のまぐろ類 RFMO の実施の程度との比較</li> </ul>
6. 財政及び運営上の課題	RFMO の活動のためのリソースの利用可能性	<ul style="list-style-type: none"> <li>CCSBT の目的を達成し、及び CCSBT の決定を実行するための財政上及びその他のリソースが利用可能となっている程度</li> </ul>



分野	一般的 クライテリア	詳細なクライテリア
	効率性及び費用対効果	<ul style="list-style-type: none"> <li>• CCSBT が、委員会の目的をサポートし、及び運用の継続性（明確かつ透明な事務所の方針、構造、役割及び責任、及び承認系統の確立、効果的な内部及び外部とのコミュニケーション、及び事務所の計画及び運営に関するその他の側面を含む）を確保するための、事務局を含む人的及び財政的リソースを効率的かつ効果的に管理している程度</li> </ul>

## 別添 2 : CCSBT のパフォーマンスを評価するためのクライテリアに対する勧告一覧

CCSBTのパフォーマンスを評価するためのクライテリアに対する CCSBT パフォーマンス・レビュー勧告の変遷

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
1. 保存及び管理	A. 海洋生物資源 の資源状態	<ul style="list-style-type: none"> <li>最大持続生産量又はその他関連する生物学的基準に関して CCSBT が所管する主要漁業資源の資源状態</li> <li>これら資源の資源状態のトレンド</li> </ul>	SA2008-01: ESC の最善の努力を支持し、過去の漁獲量と単位努力当たり漁獲量シリーズを作成し直すべきだが、今後の漁獲量及び努力量の報告と確認の精度を高めることを最優先とする。	PR2014-1: オリジナルの勧告は現在も有効であり、同じ方向性でその努力が継続されるべきである。 PR2014-2: データ検証プロセスの遵守及び有効性は常に確認されるべきである。	PR2021-01: メンバーは、それぞれの配分量の上限を遵守し、またMPのパフォーマンスを減殺するおそれがある非メンバー漁獲量といった不確実性のある分野を排除することにより、引き続きMPをサポートする。	非常に高い
			PR2008-01: 過去の過小報告に対しても頑健な資源評価手法を開発する。	PR2014-3: CCSBTのESCは、時々（例えば5-6年ごと）、例えば過去の予測とその後の実際を比較するレトロスペクティブ分析を通じて、評価の頑健性に関する評価を実施すべきである。	完了	
			PR2008-02: 予防的アプローチを採用し、不確実性が高まった場合にはTACを低減させる。	PR2014-4: 現在の形態の勧告は、MP/メタルールの適切な「連携」機能でもって満たされるものと考えられる（SBTの資源再建戦略に関するPR-2008-3を参照されたい）。 PR2014-5: 将来的に、CCSBTは気候変動に対するMPの頑健性試験を実施してはどうか。また、MPで試験を行ったバリエーション以上に例外的に加入が良かった場合、そのすべての機会において漁獲量の増加よりも資源再建に優先順位を置くべきである。	完了	

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
			PR2008-03: 将来の科学評価の指針となる UNFSA の要件に合致した管理目標と再建戦略を決定する。資源の再建を促すレベルにTACを設定する。	PR2014-6: 漁業に対する予防的アプローチに従って、資源の再建軌道を増進（加速化）するためのあらゆる努力を行うべきである（PR-2008-2参照）。産卵親魚及び加入をサポートするとともに、漁業及び気候変動に対する回復力を改善するための追加措置（例えば保護区）を特定するため、特別な努力を行うべきである。	PR2021-02: 産卵及び加入を支援するための追加的措置（保護海域や海域閉鎖など）の必要性を探求する。	中程度
		<ul style="list-style-type: none"> <li>主要対象資源と同一の生態系の属する種、又は関連する又は依存している種（以下「非対象種」という。）の資源状態</li> <li>これらの種の資源状態のトレンド</li> </ul>	SA2008-02: 拡大科学委員会を確認し、優先順位をつけたCCSBT科学調査計画（SC12報告書別紙9）を実行するため最大限の努力を投じる。	PR2014-7: CCSBTは、マグロを取り巻く生態系、SBT、ERS、その生産性、分布及び回復力に関する気候変動の影響を事前に評価するための（生態系保全を所管するRFMO及び研究機関間における）協調的プログラムの実現可能性について検討できよう。この作業の成果は、MPプロセスのメタルールに対してより良く情報を提供するためにモニタリングすることが有益と考えられる海洋パラメータを示唆する可能性がある。	PR2014-06: 気候変動がまぐろの生態系、SBT、ERS、それらの生産力、分布及び資源の回復力に及ぼす可能性がある影響を予測するための（RFMOと生物多様性の保全に権限を有する機関との間での）共同プログラムの実施可能性について検討する。	中程度
			SA2008-03: 直接又は他のRFMOとともにERS種に対するリスクと影響に関する評価及びモニタリングを行うとともに、回避措置を採択する。	PR2014-8: CCSBTは、ERS種、海域及び漁業ごとに、（短期的及び長期的な）目標、管理及び取締り措置、及びパフォーマンスの評価を備えた混獲緩和戦略を規定すべきである。また、これに関する作業量を踏まえ、各戦略はまた、異なるERS種、海域及び漁業に対するCCSBTとしての優先順位を明確にするとともに、これらの決定に関する根拠についても記録すべきである。	PR2021-03: 非漁獲対象種に関するCCSBTの役割及び権限を明確化するため、CCSBT条約を改正する。 PR2021-04: ERSに関して強化されたCMMの策定を奨励する。 PR2021-05: ERSWGの年次会合を通じて、ERSに対する関心及び重点を高める。	非常に高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
			SA2008-02: 意志決定のベースを SBT 資源び完全かつ定期的な資源評価及び再建戦略の確立とする。	PR2014-9: 勧告は実施されており、CCSBT のベストプラクティスに統合されているものと見なすことができる。追加的な勧告は不要である。	完了	
	B. データ収集及び共有	<ul style="list-style-type: none"> <li>UNFSA 附属書 I を踏まえたデータ提出に関するフォーマット、仕様及びスケジュールに関する RFMO の合意の程度</li> </ul>	SA2008-05: CCSBT メンバー及び RFMO 間でのデータ収集及び共有のための戦略を策定する。	PR2014-10: 上記を踏まえれば、オリジナルの SA 勧告は完了したものと考えられる。しかしながら、PR は、例えば遊漁及び沿岸零細漁業における SBT 漁獲量への対応等、提起される必要があると思われるより具体的な勧告の下で、これを見出しとして維持していくことを提案する。	完了	
		<ul style="list-style-type: none"> <li>CCSBT のメンバー及び協力的非加盟国が、個々に又は CCSBT を通じて、漁獲対象種及び非漁獲対象種に関する完全かつ正確な漁業データ及びその他関連するデータを適時的に収集及び共有している程度</li> </ul>	SA2008-06: 科学的プロセスにおいて必要な情報を確保できるよう、メンバー（及び協力的非加盟国）が提供するデータの詳細や種類について明確な基準を設定すること。	PR2014-11: 科学的助言における評価及び予測の解像度及び正確性を改善するため、（オブザーバー及び漁業操業データに関する）データの機密性要件を解決するさらなる努力が必要である。	PR2021-07 を参照	
			SA2008-07: すべてのメンバー及び協力的非加盟国が、データ（例えば科学的データ、オブザーバーデータ、ERS データ、漁獲証明、船舶及び畜養場のリスト化、転載、データのギャップの補完、及びデータの機密性（SA-2008））の収集及び共有に関する UNFSA/Kobe 要件を満たすこと。SA-2008-10 も参照されたい。	PR2014-12: 当初の勧告はその役割が達成されているようであり、完了したものを見なすことができる。また、将来的にはより詳細なものに置き換えられるものと考えられる。	<p>PR2021-09 : CCSBT が合意した規範に従い、オブザーバーカバー率を改善するための取組を強化する。</p> <p>PR2021-10 : SBT 漁業における人によるオブザーバーカバー率を補完するため、電子モニタリングの利用に関する解析を実施する。</p>	高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
		<ul style="list-style-type: none"> <li>漁業データ及び漁船データがCCSBTによって集計され、及びメンバー間及び他のRFMOとの間で共有されている程度</li> </ul>	<p>SA2008-08: 今後、CCSBT内では、商業上の機密という理由でデータへのアクセスが制限されるべきではない。データ提供に関する国内の規制がCCSBTの保存管理努力を損なわないよう、メンバーは最善を尽くすこと。メンバー及び協力的非加盟国が、CCSBT内の機密性保持協定及び規定を完全に遵守すること。</p>	<p>PR2014-13: 機密性の問題が科学的な評価努力の質を阻害している限り、CCSBTは、適切な予防手段とともに、この目的のための「機密」データへのアクセス性を改善するための努力を継続すべきである。データの機密性に関するルールにはタイムリミットが設けられるべきであり、データの広範な利用に伴うリスクを十分に低減する、又は排除するのに十分な期間を経た後、すべてではないにせよ、データの大部分は一般エリアに掲載されるべきである。</p>	<p>PR2021-07: 現状では公開されていない過去のデータ及び情報を提供及び公開し、透明性を改善する。</p>	中程度
			データ収集及び共有に関する幅広い勧告	PR2014-14: SAWG 勧告を慎重に精査し、データ収集及び共有戦略の中に統合するよう勧告する。		
		<ul style="list-style-type: none"> <li>CCSBTが、必要なデータ、特に考え得る未考慮漁獲死亡量に関するデータの収集及び共有にかかるギャップに対応している程度</li> </ul>			PR2021-11: 国別報告書の一貫性を改善するとともに曖昧さを回避するためのメカニズムを確立する。	中程度
		<ul style="list-style-type: none"> <li>発展途上国におけるデータ収集を改善するためのキャパシティ・ビルディングの取組の実施の程度</li> </ul>			PR2021-08: 特に発展途上のメンバーにおけるデータの収集及び報告を改善するため、キャパシティ・ビルディングプログラムを実施する。	高い
	C. Quality and provision of scientific advice 科学的助言の質及び提供	<ul style="list-style-type: none"> <li>CCSBTが、所管する漁業資源及びその他の海洋生物資源、並びに海洋環境に関する漁業の影響に関する最良の科学的助言を受領及び／又は作成している程度</li> </ul>	自然死亡及び成長及び回遊パターン並びにマグロの行動及び脆弱性を推定するための定常的な大規模標識計画（アーカイバルタグを含む）	PR2014-20: 現在、大規模標識計画は実施されていないようであり、このことは、上述の勧告は満たされていないことを意味している。ESCにより、明確な根拠をもってこれが維持されるか、又は公式に否定すべきである。	PR2021-12: 科学的プロセスを改善するため、遺伝子標識放流や近縁遺伝子標識再捕獲といった革新的な手法の開発及び定着を継続する。	非常に高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
			空間的管理措置を実証するための資源評価の空間的側面に関する研究	PR2014-21: 管理及び保存における最重要課題として、SBT資源及びこれを漁獲する船団の空間構造及び移動に関する情報を得るための努力が継続されるべきである。 PR2014-22: より現実的な予測を得るために、現在の戦術的な枠組み（利用可能な知見並びに差別化されていないTACの推定値を導く必要性から課されているもの）に加えて、5-10年ごと、場合によってはMPの6年ごとのパフォーマンス評価と合わせて使用し得る評価の戦略的レイヤーとしての空間的、生態系ベースの枠組みが開発できよう。	PR2021-16: SBTの資源構造及び移動、及びSBTを利用する船団の空間的側面を引き続き研究する。	低い
			マグロ資源の生物学的特徴及び環境をより良く統合するための高解像度の空間的生態系モデルの利用。 資源評価に関する最低基準のリストに合意する。	PR2014-23: この勧告は、様々な活動にわたって実施されているようである。資源評価の最低基準に関する公式文書が合意され公表されるまでの間はこれは維持されるべきである。	さらなる勧告なし	
			発展途上のメンバー国における調査能力の開発	PR2014-24: このテーマは、将来のCCSBTの意志決定にかかる進捗及び正当性において重要なものであり、継続的勧告とされるべきである。CCSBTの直接的な役割（予算措置及び訓練を行う能力）は限定的であるが、必要性の特定、支援の促進及び義務の達成に直接関連するキャパシティ・ビルディングのモニタリングを補助することはできよう。	PR2021-18: メンバー（特に発展途上のメンバー）における調査能力を開発する。 PR2021-19: ESC及びECにおいて合意されたとおり、科学者と行政官との間の情報の流れ及び対話を引き続き改善する。	高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
		<ul style="list-style-type: none"> <li>科学委員会及び事務局の構造、プロセス、手続き及び専門性がRFMOの必要性及びリソース並びに最新のモデリングプラットフォームにおいて強く要求されるデータ及び技術的要件を満たしている程度</li> </ul>	SBTに投入される科学的な努力とERSに関する科学的な努力の間でより良いバランスを実現する。	PR2014-15: 上記の勧告は重要なものであり、調査だけでなく管理上も長期にわたって大きく影響するものである。しかしながら、バランスにかかるコンセプトの主観性及び予算に影響を与える可能性から、これを「頭飾り」として用いることとし、より注意を払うべき特定の種/海域に関するより具体的な勧告によって補完されるべきである。	PR2021-13: SBTとERSに振り向けられる科学的な努力につき、両者の間でより良いバランスを達成する。	高い
			拡大科学委員会の現在の構造、特に独立議長と諮問パネルを維持すること。	PR2014-16: 拡大科学委員会の現在の構造、特に独立議長と諮問パネルを維持すること。	完了	
			SBTの資源状況を評価するために将来の情報に焦点を当てる必要があることを踏まえ、科学プロセスをサポートするための独立専門家の人数及び技能を見直すべきである。	PR2014-17: 科学的スキルに関する実際上のギャップを評価するとともに、採用（独立パネルに関する新たな/補完的なプロファイルを含む）及びパートナー国のキャパシティ・ビルディングを通じたギャップ解消を促進する。	PR2021-14: CCSBTメンバー間における科学的スキルのギャップを特定し、メンバーによる人材登用及びキャパシティ・ビルディングを通じてこれらのギャップを埋める。  PR2021-17: データ報告にかかる質及び完全性につき、メンバー間の不調和に対応する。	中程度
			短期的に同漁業に管理方式が必要であるという考え方についても、合意されたオペレーティング・モデルを使った定期的な資源評価など、代替のアプローチも含めて再考すべきである。	PR2014-18: オリジナルの勧告は失効したものと考えるべきである。現在、MPは資源評価及び委員会の助言ツールボックスの中に統合されており、そのパフォーマンスは定期的に評価されているため、新たな勧告は不要である。	完了	
			PAの実施を促進するため、管理戦略評価（MSE）に関する合同技術WGに貢献する。 （Kobe III p.4 and Annex 3 § 1.3）	PR2014-19: CCSBTは、MSE能力の開発と実施のためのまぐろ類RFMOの努力への貢献を継続すべきである。現在合同WGが存在しているが、将来的にはより具体的な勧告がより有益であろう。	PR2021-15: MSEに関する合同技術作業部会及びその他の手段を通じて、管理戦略評価及び実施能力を開発するためのまぐろ類RFMOによる取組に引き続き貢献する。	中程度



分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
				PR2014-25: PR-2014-25: ERS に関する現在のすべての要素について、評価されるパフォーマンスに対する明確な目標、並びにリファレンスの数値又はトレンド、限界及び目標値を採択し、ERS に関する適切な政策及び管理戦略を精緻化することを勧告する。	PR2021-20: 明確かつ簡潔な混獲政策及び管理戦略を確立する。	高い
	D. 参加及びキャパシティ・ビルディング	<ul style="list-style-type: none"> <li>• CCSBT メンバー及び協力的非加盟メンバーが、科学的助言の提供に積極的に参加している程度</li> <li>• 科学委員会の活動に発展途上国が効果的に参加することを促進するためのキャパシティ・ビルディングの取組が実行されている程度</li> </ul>			<p>PR2021-21: EC に対する助言を策定する ESC のプロセスへのメンバーによる積極的な参加を高めるためのメカニズム（ハイブリッド会合の開催など）を探求する。</p> <p>PR2021-22: データ収集、科学的解析及び遵守関連活動を改善するためのキャパシティ・ビルディングに関する作業計画を策定し、これを実施する。</p>	中程度
	E. 長期的な計画及び調査	<ul style="list-style-type: none"> <li>• CCSBT が、科学委員会が実施する長期的な戦略を採択及び定期的にレビューしている程度</li> <li>• CCSBT により直接調整又は実施される調査が、委員会の任務を達成するための必要性に合致している程度</li> </ul>			PR2021-23: ESC における長期的な戦略的計画の策定及び継続的なレビューの優先順位を高める。	非常に高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
	F. 保存管理措置の採択	<ul style="list-style-type: none"> <li>CCSBTが、資源の長期的な持続可能性を確保するため、また入手可能な最善の科学的証拠に基づいて、対象種及び非対象種の両方に関する保存管理措置を実施している程度</li> </ul>	SA-20018-13: CCSBTは、拡大科学委員会の科学的助言と一致した保存管理措置を継続すべきである。	<p>PR2014-26: 上記の勧告は、結果的に現状の形で正しく実施されているものと考えられよう。ECの通常業務の中に含まれるようになったものと考えられることから、将来的には、この勧告をリストから削除し、より具体的な勧告により置き替えることが適切であろう。</p> <p>PR2014-32: CCSBTは、CCSBT以外の機関の要件の遵守についてはメンバーに委任しており、管理の度合い又はCCSBTによる有効性の確認は、明確ではなく、またおそらく十分ではない。関連するFAO IPOAに関する公式な採択、地域行動計画(RPOA)へのこれらの採用、及び実施枠組みの策定は、完全にボランティアなFAOの手段とともに強化されていく国際的な規範にCCSBTの管理手段を合致させるための効果的な方法と考えられる。</p>	<p>PR2021-24: CCSBTは、漁獲対象種及び非漁獲対象種の両方に関し、ESC及びERSWGからの助言に基づくCMMを引き続き実施すべきである。</p> <p>PR2021-25: CCSBTメンバーは、漁業操業時における国際行動計画及びFAOガイドラインの実施を引き続き強化すべきである。</p>	非常に高い
		<ul style="list-style-type: none"> <li>CCSBTが、UNFSA第6条及び責任ある漁業のための行動規範第7条の5に定められた予防的アプローチ(予防的リファレンスポイントを含む)を適用している程度</li> </ul>	PR-2008-4: 予防的リファレンス・ポイントの適用を含め、UNFSA第6条及び責任ある漁業の行動規範第7.5条の予防的アプローチを適用する。(PR-2008; Kobe I, §II.4及び1.10)	PR2014-35: この包括的な勧告は非常に長期的な実施にかかるものであり、予防的MPがメタルールとともに用いられている限りは、継続的に実施されているものとして考えることができよう。公式に原則としてこれが採択される場合(おそらく条約改正時に挿入)には、これを勧告として持ち越していく必要はない。	対象資源に関しては、手続規則及びケーブタウン方式の開発時に予防的アプローチを取り入れたことにより、UNFSA第6条及び責任ある漁業の行動規範によって規定された予防的アプローチ(リファレンスポイントを含む)は達成されたことが合意されている。ERS種に関しては、PR2021-03, PR2021-04, 及びPR2021-05を参照	

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
		<ul style="list-style-type: none"> <li>CCSBTが、枯渇した、又は過剰漁獲状態にある資源に関する有効な再建計画を採択し、実施している程度</li> </ul>	枯渇あるいは過剰漁獲状態にある資源の効果的な再建計画を採択及び実施する (Kobe I § 1.4)	PR2014-35: 現状、オリジナルの勧告は管理方式及び戦略計画の採択によりほぼ完了している。しかしながら、再建戦略及び計画の有効性は、そのパフォーマンスに関して定期的に確認される必要がある。	PR2021-26: SBTに関する再建戦略の有効性を確保するため、モニタリングを継続する。	非常に高い
		<ul style="list-style-type: none"> <li>CCSBTが、海洋生物多様性を保全する必要性を考慮しており、海洋生物資源及び海洋生態系に関する漁業の有害な影響の最小化に取り組んでいる程度</li> </ul>	SBT 漁業における非対象種及び生態系への有害な影響を最小化するための保存管理措置を強化するとともに、入手可能な最良の科学的根拠に基づき長期的な持続可能性を確保する。特に、サメ類、海鳥類、海亀類及び海棲ほ乳類 (KIII.5.b.f) にかかる漁業の影響の最小化に関する注目を高める (KII.10、KII.11)。サメ類を評価し、管理する (KII.11、KII.1f、KIII.5.b.d)。投棄データを収集するための乗船オブザーバーの活用を求める (KIII.5.b.a)。	PR2014-31: SBT及びERSそれぞれのデータ（及びこれに続く評価）の正確性に影響するオブザーバーの作業時間の利用には明らかなトレードオフの関係がある。オブザーバーによって最終的に収集される詳細なデータは不明であるが、ERSの状態にかかる最小限の評価（又は協調的枠組みにおけるこうした評価への貢献）には、おそらくERSデータがもっと収集される必要がある。ビデオカメラの利用は、オブザーバーの支援に有益と考えられる。	PR2021-27: 特に海鳥類の混獲を削減するための現行の措置の実施を強化するとともに、混獲の増加に対処し、また海洋生物資源及び生態系に対する漁業の影響に対応するためのインセンティブがあるメカニズムの可能性を探求する。	中程度
		<ul style="list-style-type: none"> <li>CCSBTが、可能な限りの選択的、かつ環境的に安全かつ費用効果の高い漁具及び技術の開発及び使用を通じて、汚染、浪費、投棄、流失又は投棄漁具による漁獲、魚及び魚以外の種両方の非対象種の漁獲、及び関連種又は従属種（特に絶滅危惧種）への影響を最小化するための措置を実施している程度</li> </ul>	勧告なし	勧告なし	PR-2021-28: CCSBT漁業において流失又は投棄された漁具による潜在的な影響を解析するためのレビューを実施し、あらゆる影響を緩和するためのメカニズムを特定する。	低い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
	G. 管理措置の相互性	<ul style="list-style-type: none"> <li>UNFSA第7条を反映した措置の採択の程度</li> </ul>	SA-2008-18: CCSBTの漁獲制限と国別割当については、公海水域及び各国の管轄水域の間で相互性がある。CCSBTは、今後も措置の相互性を確保していく必要がある。	PR2014-40: 資源再建には産卵及び加入が最も重要であることから、インドネシア海域において、その他の管理戦略と公平かつ相互的な時空間的規制を策定するためのさらなる努力がなされるべきである。	<p>PR2021-29: 資源再建には産卵及び加入が最も重要であることから、インドネシア海域において、その他の管理戦略と公平かつ相互的な時空間的規制を策定するためのさらなる努力がなされるべきである。</p> <p>PR2021-30: 特にERSに関するモニタリング、遵守及び取締りについて、他のRFMOの決議を採択することに伴う相互性の問題及びリスクを特定及び解析し、混獲緩和措置及び戦略を策定する。</p>	中程度
	H. 漁獲割当及び漁業機会	<ul style="list-style-type: none"> <li>CCSBTが、UNFSA第11条を反映した、新たなメンバー又は参加者による参加に関する要請の考慮を含む、漁獲可能量の配分又は漁獲努力量の水準に合意している程度</li> </ul>	SA-2008-19: CCSBTは、意志決定の責任説明を向上させ、TACの決定と国別割当の決定を分離する方向に向かうべきである。CCSBTは、トン数設定以外の原則で国別割当量を決定することを検討すべきである。	PR2014-41: この勧告は達成されており、TAC決定と国別配分量の分離は制度化され、CCSBTにおける通常業務の一環となっている。	<p>PR2021-31: 現在のメンバーの構成及び国際法の原則を反映するよう確保するため、既存の配分メカニズムをレビューする。</p> <p>PR2021-32: 国際的なレベルでメンバーによって合意された近代的な漁業管理の概念を取り入れるべく、CCSBT条約を改正する。</p> <p>PR2021-33: SBTの漁獲歴を有する非メンバーに対し、CCSBTへの協力を奨励する。</p>	高い
	I. 報告要件	<ul style="list-style-type: none"> <li>効率性の改善、重複の排除及びメンバーに対する不必要な負担の削減のためのCCSBT報告要件の解析</li> </ul>			PR2021-13及びPR2021-16を参照	

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
2. 遵守及び執行	旗国の義務	<ul style="list-style-type: none"> <li>CCSBTメンバー国が、RFMOを設立する協定の下、RFMOにより採択された措置に従って、及びRFMO及びその他の国際的枠組み（特に1982年国連海洋法条約、UNFSA及び1993年FAO遵守協定を含む）の下に、必要に応じて旗国としての義務を達成している程度</li> </ul>	<p>SA2008-20: すべてのメンバー及び協力的非加盟国は引き続き、CCSBTが採択した保存管理措置の遵守を確保するよう、必要なすべての行動を取るべきである。</p> <p>今後は、調和されたCDSを中心とした長期的なMCS取極を確立することが急務である。</p>	<p>PR2014-42: CCSBTは、強化された遵守委員会プロセス、QARプログラム及び遵守行動計画及び政策の継続かつ完全な実施を含む、考え得るすべての手段をもって遵守の確保を継続すべきである。新たなプロセスから生じた遵守に関するいかなる追加的な勧告も、遵守委員会の手続き規則及び関連する遵守行動計画及び手段に沿ってCCSBTによって具体化され、かつ行動に移されるべきである。追加的な勧告は不要である。</p>	<p>PR2021-48: 引き続き、国内の管理が条約及び関連CMMの定める国際的義務を履行するよう確保する。</p>	高い
	寄港国措置	<ul style="list-style-type: none"> <li>CCSBTが、UNFSA第23条及び責任ある漁業行動規範第8条3項のとおり、寄港国としてのメンバー国の権利義務の行使に関する措置を採択している程度</li> <li>CCSBTが、違法、無報告、無規制漁業を防止し、抑止し、及び廃絶するためのFAO寄港国措置協定に従って寄港国措置を採択している程度</li> <li>これらの措置が効果的に実施されている程度</li> </ul>	<p>SA2008-21: 寄港国措置については、努力の重複を避けることを念頭において、2008年6月23日から27日までローマで開催された“FAO寄港国措置に関する技術協議”会合は、寄港国措置のモデルについて、いくつかの指針を示した。そのような新たな協定が発効されるまでには何年もかかるであろう。その間、CCSBTは、CCSBT許可船リスト上の漁船も含め、違法、無報告、無規制のSBT漁獲物の水揚げと転載を防止するための一層幅広い寄港国措置を採択する方向に向かうべきである。</p>	<p>PR-20014-41: CCSBTは、2009年のFAO寄港国措置協定に合致した寄港国措置に関する決議の策定プロセスを加速化すべきである。</p>	<p>PR2021-49: FAO寄港国措置協定に準拠して、CCSBT寄港国措置決議を強化する。</p> <p>PR2021-50: 他のRFMOとの調整の強化やメンバーによる適時的な報告など、寄港国措置決議の遵守をモニタリングするためのメカニズムを強化する。</p>	高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
	監視、管理及び取締り (MCS)	<ul style="list-style-type: none"> <li>• CCSBT が、統合的MCS措置 (例えばVMS、オブザーバー、漁獲証明及び貿易追跡スキームの使用要件、転載の制限、立入検査スキーム) を採択している程度</li> <li>• これらの措置が効果的に実施されている程度</li> </ul>	<p>SA2008-22: CCSBT は、条約水域を有しておらず、また SBT は他のまぐろ類 RFMO の管轄水域に回遊するため、CCSBT は、他の RFMO との調和を最適化し、グローバルな有効性を求め、作業の重複を避けるよう、他のまぐろ類 RFMO と協力すべきである。CCSBT は、遵守計画の一環として、MCS の開発を優先すべきである。</p>	<p>PR2014-43: 技術及び姉妹 RFMO のプログラムがともに発展し続けていることを踏まえれば、CCSBT は、そのMCS措置及びスキームの改善を継続するとともに、他の RFMO と MCS 措置を調査させるためのさらなるステップを踏んでいくべきである。さらなる調和を図るべき分野の詳細は下に記載した。</p>	<p><b>PR2021-36:</b> 緊急課題として、2018-2020年の行動計画を次の5年間にに向けて更新又は修正する。</p>	高い
			<p>2007年のKobe会合で、ROP 基準へのコミットメントが得られており、CCSBT は CCAMLR や IOTC といった、すでにオブザーバー計画がある他の RFMO に合致したオブザーバー計画を実施すべきである。</p>	<p>PR2014-44: CCSBT は、同委員会の科学オブザーバー計画規範を強化するとともに、ERS オブザーバーデータに関して他の RFMO の規範との調和を確保するための努力を加速化させるべきである。また、CCSBT は、WCPFC と IATTC が行っているように、WCPFC との間でオブザーバーの相互許可又は相互承認を可能とする関係の構築を通じるなどして、ROP の策定を真剣に検討すべきである。</p>	<p>PR2021-39: オブザーバー計画を強化するためのメカニズム (電子モニタリングの実施を通じた強化を含む) を探求する。</p> <p>PR2021-40: 電子モニタリングを活用できるよう、オブザーバーカバー率に関する既存の規範をレビューする。</p>	高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
			<p>集中化されていないVMSの有効性は限定的なものであり、CCAMLRは集中化されたVMSを採択している（SA-2008）。大半のCCSBTメンバーが、自国漁船に対し衛星に基づく漁船監視システム（VMS）の使用を義務づけ、また2006年に、メンバー及び協力的非加盟国は統合的VMSの採用を約束する決議を採択したにもかかわらず、未だその制度は確立していない。委員会は直ちに統合的なVMSを設置すべきである。</p>	<p>PR2014-45: CCSBTは、同委員会の2008年の決議のパラグラフ5、及び遵守行動計画のゴール8.3を始動させるべきであり、操業海域に関わらずSBT船舶に適用されるVMS運用基準の具体的なベースライン（報告頻度、VMSデータの受信者及び（2008年決議の下に現在求められている概要報告ではない）CCSBT事務局、SC/ESC、ERSWG及び遵守委員会等による）使い道等）を含めるように決議をレビューし、改正すべきである。例えばCCSBTメンバー及び協力的非加盟国は、他のRFMO条約水域で操業する各国のSBT船舶が、これらのVMSプログラムの下でVMS報告書をCCSBT事務局に送信することに合意することができよう。</p>	<p>PR2021-38: 他のRFMOにおいて強化されたVMS措置を提言し、他RFMOとの海域の重複及び管理措置の互換性を考慮して、現行のVMS措置がSBT及びERSの管理の目的に対して十分であるかどうかを判断する。</p>	高い
			<p>特段の勧告はない。</p>	<p>PR2014-46: CCSBTは、2009年のFAO寄港国措置協定に合致した寄港国措置決議の策定と併せて、まぐろはえ縄漁船に関する転載計画のレビューの進捗を加速化させるべきである。また、CCSBTは、もしも将来的にまき網漁船が洋上転載活動に関与し始める可能性があるならば、まき網漁船を含む洋上転載を管理するための規則を、WCPFCによって採択されている規則にも合致した形で策定する準備を行うべきである。</p>	<p>PR2021-37: CCSBTは、最も効率的かつ実行可能な方法で転載決議の要件の遵守を確保するため、他の関連するRFMOの転載管理措置との協力を継続すべきである。</p>	高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
			特段の勧告はない。	PR2014-47: CCSBTは、SBT船舶の公海立入検査に関する手続きを優先順位の高い問題として策定すべきである。	PR2021-41: SBT漁業に対する、費用対効果が高く実施可能な公海上での乗船検査スキームを創設する。	低い
					PR2021-42: 漁獲証明制度を通じて収集されたデータの全面的に利用するためのメカニズムを確立する。	高い
	違反の追跡調査	<ul style="list-style-type: none"> <li>CCSBT とそのメンバー及び協力的非加盟国が、管理措置に対する違反を追跡調査している程度</li> </ul>		<p><b>PR2021-46:</b> CCSBTは、過剰漁獲以外の違反をフォローアップするメカニズムの強化を追求すべきである。</p> <p><b>PR2021-47:</b> 遵守評価プロセス（意思決定及び是正措置政策を含む）を強化し、また違反に対する正式なフォローアッププロセスを創設する。</p>	中程度	



分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
	非遵守を確認及び阻止するための協力メカニズム	<ul style="list-style-type: none"> <li>• CCSBT が、遵守を監視するとともに、非遵守を確認及び阻止するための適切な協力メカニズム（例えば遵守委員会、船舶記録、非遵守に関する情報共有）を設立している程度</li> <li>• これらのメカニズムが効果的に利用されている程度</li> </ul>	SA2008-25: すべてのメンバー及び協力的非加盟国は、CCSBT に国別報告書を提出すべきである。CCSBT は、CC 及び拡大委員会がそれぞれ定例業務と開発作業を毎年行えるよう十分な時間を与えている。	PR2014-49: CCSBTは、2008年以降、同委員会の評価プロセス及び手段を大幅に強化するためのステップ（遵守委員会の付託事項の改正、委員会が会合するのに適正な時間及びIUU船舶リスト措置の採択等）を踏んできている。メンバー及び協力的非加盟国は、期限までに国別報告書を提出すること、及び遵守委員会における同国の遵守にかかる多角的なレビューに参加することにより、遵守プロセスに協力している。CCSBTは、これらの手段の完全実施を継続するとともに、非遵守が透明かつ公正に評価され、その結果としてメンバー及び協力的非加盟国間において遵守に関するインセンティブが創出されるよう確保すべきである。またCCSBTは、同委員会の政策の下での制裁が検討されているメンバーが当該問題に関する意志決定に参加できないようにする要件を検討すべきである。	<p>PR2021-43: 非遵守への対応がなされ、また効果的な制裁及び是正措置が適用されるよう確保するため、遵守計画に基づく遵守プロセスの実施を継続する。</p> <p>PR2021-44: 他の RFMO 事務局及び代替的な情報源との情報交換の公式化及び強化を継続する。</p> <p>PR2021-45: 正式なレビュー及びフォローアッププロセスを備えた品質保証レビューの創設を検討する。</p>	高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
	市場関連措置	<ul style="list-style-type: none"> <li>• CCSBT が、メンバー国の市場国としての権利義務の行使に関する措置を採択している程度</li> <li>• これらの市場関連措置が効果的に実施されている程度</li> </ul>	<p>SA2008-26: CCSBT は、完全な漁獲証明制度（CDS）の採択と実施に迅速に移行すべきである。</p> <p>CCSBT は、緊急課題として CDS を実施すべきである。CDS を実施するまでの期間、すべてのメンバー及び協力的非加盟国は、TIS を継続する必要がある。</p> <p>CCSBT は、すべての市場と入港国をモニタリングし、CCSBT のモニタリング及び貿易措置の遵守を奨励すべきである。</p>	<p>PR2014-50: 当初の勧告は既に完全に実施されている。</p> <p>CCSBT は、CCSBT のメンバー又は CNM となっていない国の間の SBT の貿易を追跡するためのあらゆる利用可能なオプションを探求するとともに、これらの非メンバー国に対して CCSBT の CDS への参加及び実施を奨励するための（事務局から及び各 CCSBT メンバー又は CNM から、外交ルートや二国間協議を通じた）働きかけを継続すべきである。</p>	<p>PR2021-51: CDS 決議の実施を強化する。</p> <p>PE2021-52: メンバーによる継続的な非遵守に対処するためのメカニズムを確立する。</p> <p>PR2021-53: eCDS の導入を優先する。</p>	非常に高い
	報告要件	<ul style="list-style-type: none"> <li>• 効率性の改善、重複の排除及びメンバーに対する不必要な負担の削減のための RFMO の MCS 報告要件の解析</li> </ul>			PR2021-54: 報告書のテンプレートを定期的にレビューする。	低い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
3. 意思決定及び 紛争解決	意思決定	<ul style="list-style-type: none"> <li>CCSBT が、適時的かつ効果的に保存管理措置の採択を促進するような透明かつ一貫性のある意思決定手続きを保有している程度</li> </ul>	<p>SA2008-27: コンセンサスによる意志決定は、場合によっては決定に遅延が生じることを意味するが、委員会は（委員会の全会一致の決定により）日常的な業務の案件を議長又は事務局長に委譲することを検討することもできる。</p> <p>SA2008-27: (オブザーバーに関する手続規則は) 現在の国際的な漁業のガバナンスの枠組みの精神に沿っておらず、CCSBT は、手続規則の規則 3 の近代化を検討すべきである。</p>	<p>PR2014-51: CCSBT の意志決定方式を（全会一致方式から多数決方式に）変更するには条約改正が必要であるため、特段の勧告は行っていない。しかしながら、CCSBT は、条約の規定を評価し改正するためのプロセスに乗り出す決定をすべきである。一部の他の RFMO は過去 10 年間に条約改正を行っており（例えば NAFO、NEAFC、ICCAT 及び IATTC を参照）、CCSBT 戦略計画でも言及されている。代替的な意志決定方式（他の RFMO で現在採用されているもの）として取り得る選択肢は多数ある。</p> <p>PR2014-52: 会合オブザーバーに関する現在のCCSBTの政策及び規則は、国際基準に合致したものとなっており、当初の勧告は完遂され、勧告から落とすことができるものと考えられる。</p>	<p>PR2021-34: CCSBTは、CCSBT条約を近代化するプロセスにおいて、代替的な意思決定方式を検討すべきである。</p>	高い
	紛争解決	<ul style="list-style-type: none"> <li>CCSBT が紛争解決のための適切なメカニズムを確立している程度</li> </ul>	<p>紛争解決のための適切なメカニズムを設立する。</p>	<p>PR2014-53: CCSBTは、SBT資源の保存管理を相当程度妥協させるような将来の膠着状態を避けるため、紛争解決/対立解決を行うための代替的な手法の策定を真剣に検討するよう勧告する。PR-2008で指摘されたように、現在、すべてのCNM及び拡大委員会のメンバー（台湾を除く）がUNFSAの締約国となっていることから、UNFSAから提示された追加的な紛争解決ルールが役立つであろう。</p>	<p>PR2021-35: CCSBTは、CCSBTは、SBT資源の保存管理を相当程度妥協させるような将来の膠着状態を避けるため、紛争解決/対立解決を行うための代替的な手法の策定を真剣に検討するよう勧告する。</p>	中程度

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
4. 国際協力	透明性	<ul style="list-style-type: none"> <li>CCSBT が、UNFSA第12条及び責任ある漁業のための行動規範第7条1項の9のとおり、透明性をもって運営されている程度</li> </ul>	<p>SA2008-28: (オブザーバーに関する手続規則は) 現在の国際的な漁業のガバナンスの枠組みの精神に沿っておらず、CCSBT は、手続規則の規則3の近代化を検討すべきである。</p> <p>CCSBT 及びそのメンバーは、オブザーバーに対する規則を周知し、さらにオープンなものにするべきである。一つの可能なオプションとして、CCSBT ウェブサイトにオブザーバーの受け入れに関する現在のアレンジメントを掲載することが挙げられる。</p>	<p>PR2014-52: 会合オブザーバーに関する現在のCCSBTの政策及び規則は、国際基準に合致したものとなっており、当初の勧告は完遂され、勧告から落とすことができるものと考えられる。</p>	<p>PR2021-56: EC 会合における代表団長会議の利用は、可能な限り最小限とすべきである。</p> <p>PR2021-57: CCSBT への外部者による参加の障害とならないよう確保するため、外部文書（一部のメンバーの非遵守の可能性を含むもの）のレビュープロセスは監視されるべきである。</p>	中程度
		<ul style="list-style-type: none"> <li>CCSBT の決定、会合報告書、意思決定の基礎となる科学的助言及びその他関連する資料が適切なタイミングで公表されている程度</li> </ul>			<p>PR2021-55: ESC は、専門家以外の読者に対して報告書へのアクセシビリティを改善する。</p> <p>PR2021-58: CCSBT措置総覧へのアクセスは、CCSBTウェブサイト的一般エリアから利用可能とすべきである。</p>	高い
	機密保持	<ul style="list-style-type: none"> <li>CCSBT が、機密である情報及びデータの共有に関する安全性の高い機密保持基準及びルールを定めている程度</li> </ul>			勧告なし	
	協力的非加盟メンバーとの関係	<ul style="list-style-type: none"> <li>CCSBT が、メンバーと非メンバーとの間の協力（協力的な地位の付与に関する手続きの採択及び導入を通じた協力を含む）を促進している程度</li> </ul>	<p>RFMO が、協力的ステータスを与える手続きの採択及び実施を含めて、メンバー及び非加盟国との協力をどの程度促進しているか。</p>	<p>PR2014-54: CCSBT は、非メンバー国について、ガバナンスプロセスへの参加を促進する観点で特段の注意を払ってきている。このため、この問題に対して注意を払い続け、また非メンバー及び新たな漁業国に対する努力を続行することを除き、特段の勧告はない。</p>	<p>PR2021-59: 必要が生じた場合に CNM に対してどのような配分をすべきかについて決定するためのガイドラインを策定する。</p> <p>PR2021-60: 他の国／漁業主体に CDS への協力的地位を要請することにより、非公式に CDS に協力している国に対し、それらの国による協力を公式化することを奨励する。</p>	高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
	非協力的非加盟メンバーとの関係	<ul style="list-style-type: none"> <li>CCSBT に協力的でない非メンバーの船舶による漁業活動、並びにそうした活動を阻止するための措置の程度</li> </ul>	CCSBT のメンバー及び協力的非加盟国は、非協力的非加盟国の SBT 漁船に関する情報を共有するとともに、そうした船舶の活動を防止するための適切な措置をとるべきである。	PR2014-55. CCSBT は、非協力的非加盟国について、これらの国の船舶の活動を防止する観点で特段の注意を払ってきている。CCSBT は、IUU 漁業との戦いに関する努力を強化し、また同委員会の措置及びプログラムの効果的な実施を確保し続けていくため、すべての漁業関係者との協力関係を改善する努力を継続していくべきである。さらに、(セクション 4.2.2 において言及したとおり) FAO 寄港国措置協定に合致した寄港国措置の策定は本分野において大きな助けとなるだろう。	<p>PR2021-61: CCSBT のプロセス、特に CDS に対する非協力的非加盟メンバーによる関与を高めるための努力を継続するよう奨励する。</p> <p>PR2021-62: 必要が生じた場合に新メンバーに対してどのような配分をすべきかについて決定する際のガイドラインを策定する。</p>	高い

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
	他のRFMOのとの協力	<ul style="list-style-type: none"> <li>CCSBT が、他のRFMO（地域漁業機関事務局ネットワークを通じた協力を含む）並びにその他関連する国際機関と協力している程度</li> </ul>	<p>SA2008-29: CCSBT が他のRFMO、特にまぐろ類RFMOとより緊密に作業を行い、措置を調和させていく機会が多く存在し、このことはCCSBTの優先事項となるべきである。</p> <p>SA-2008の勧告は、以下のPR-2008からのより具体的な勧告により補強されている。CCSBTはすべてのまぐろ類RFMOに影響する課題の1つとしてIUU漁業活動に対抗する措置を加えるべきであり、またCCSBTがインド洋まぐろ類委員会及び中西部太平洋まぐろ類委員会(WCPFC)と地理的に重複することを勘案し、転載の監視及び規制についても課題に含めるべきであろう。</p>	<p>PR2014-56: 関連するRFMOの多数の措置との「調和」（及び直接利用）に関する他のRFMOとの様々な協力関係におけるCCSBTへの信頼性を前提として、Kobeプロセス及びその2010年会合において呼びかけられた作業が特に関連している。CCSBTは、Kobe勧告の実施に向けてより緊密に作業を行うため、関連するRFMOとの間の議論を再活性化する機会を真剣にとらえるべきである。主要な協力分野は以下のとおりである：データ及び情報のより体系的な交換（相互運用が可能なデータベース）；さらなる措置の調和；さらなる合同科学ワークショップの開催；遵守関連作業（特にIUU漁業への対抗及びERSの保存管理）の協力の強化；大規模標識放流計画；生態系アプローチの導入；大規模な生態系ベースのモデリング；管理戦略評価；MCSシステムの調和；遵守状況の評価（データ報告、違反等）に関する共通フォーマット；キャンペーン・ビルディング（例えば訓練コース）；IUCN、CITES、CBD及びUNGAにおける共通のポジションの確立。</p>	<p>PR2021-63: メンバーは、神戸プロセスを通じて開始された協力関係を継続及び活性化させるための機会を探求する。</p>	中程度

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
	参加及びキャパシ ティ・ビルディン グ	<ul style="list-style-type: none"> <li>• Extent to which CCSTB members and CNMs participate actively and meaningfully in the work of the Commission and its subsidiary bodies. • CCSBT のメンバー及び協力的非加盟国が、委員会及び委員会の補助機関の作業に積極的かつ有意義な形で参加している程度</li> <li>• Extent to which capacity building initiatives and institutional arrangements are in place to facilitate the effective participation of developing States in the work of the Commission and its subsidiary bodies, including in positions of leadership. • 委員会及び委員会補助機関の作業への発展途上国の効果的な参加（リーダーとしての立場を含む）を促進するためのキャパシティ・ビルディングの取組及び組織的な取決めが実施されている程度</li> </ul>			<p>PR2021-64: メンバーは、CCSBT 会合の際に利用できる限られた時間を最大化するよう確保するため、CCSBT における従来の会議日程とは別に、メンバーが交流するための追加的な機会を模索する。</p> <p>PR2021-65: 発展途上のメンバー出身の独立専門家が補助機関における議長役を務めるよう奨励する。またメンバーは、特に専門的な能力を開発するべく、共同議長の活用も検討すべきである。</p>	中程度
	発展途上国に関する特別な要件	<ul style="list-style-type: none"> <li>• CCSBT が、UNFSA第24条及び第25条、及び責任ある漁業の行動規範第5条を踏まえ、発展途上国の特別なニーズを認識し、発展途上国との協力関係（漁獲配分量又は漁業機会を含む）の方式を追求している程度</li> <li>• UNFSA第26条のとおり、CCSBT メンバーが、個別に、あるいはCCSBT を通じて発展途上国に関連する援助を提供している程度</li> </ul>	SA2008-30:（発展途上のメンバー及びCNM に対する）変更すべき点はない。	PR2014-57: 戦略計画でも述べられているとおり、CCSBT は、発展途上のメンバー／CNMに必要な（特にCCSBTの義務の遵守、計画、CDSの実施に関する）キャパシティ・ビルディングに対応するためのより包括的な戦略を策定すべきである。検討に値する一つのモデルは、不足している分野の特定及び改善に向けた行動計画の策定について発展途上メンバーを支援するための国内の遵守「ミッション」を実施しているIOTCである。	<p>PR2021-66: 現在のメンバー構成を踏まえ、特に国別配分量の検討に関して、発展途上国のニーズを特に認識する形での条約改正を検討する。</p> <p>PR2021-67: 発展途上のメンバーを対象とする支援プログラムを策定する。</p>	中程度

分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
5. RFMOs他の RFMOとの比較	ベストプラクティ ス	<ul style="list-style-type: none"> <li>可能な限り、対象種及び非対象種に関する保存管理措置の採択及び／又は実施状況、その権限の下でのリソースの状態、科学的プロセス及び手続き、及びMCS措置と遵守状況のレビュー手続きの採択及び実施状況について、他RFMOと比較してのCCSBTのパフォーマンスの程度を評価する</li> <li>CCSBTがそのパフォーマンスを強化できる分野／ベストプラクティスの特定</li> </ul>			<p>PR2021-69: CCSBT が取り組んできた称賛に値する活動を継続するとともに、非漁獲対象種に対しても同様の取組を確立する。</p> <p>PR2021-70: 遵守プロセス及びオブザーバンスキームの実施を改善するとともに、eCDSの導入をサポートする。</p>	高い
	Kobe	<ul style="list-style-type: none"> <li>CCSBTがKobe III勧告を実施している程度、及び他のまぐる類RFMOの実施の程度との比較</li> </ul>			PR2021-68: 休会期間中の神戸プロセス（特に共通の関心を有する分野に関連するプロセス）との関与を継続する。	中程度
6. 財政及び運営上の課題	RFMOの活動のためのリソースの利用可能性	<ul style="list-style-type: none"> <li>CCSBTの目的を達成し、及びCCSBTの決定を実行するための財政上及びその他のリソースが利用可能となっている程度</li> </ul>			<p>PR2021-71: CCSBTによる支出を上回る（メンバーからの分担金及びその他のソースによる）健全な収入フローを維持する。</p> <p>PR2021-72: 極めて特殊な状況において利用する予備費／貯蓄基金を正式化する。</p> <p>PR2021-73: 財政運営委員会と各種補助機関との間のコミュニケーションを改善するためのメカニズムを策定する。</p>	非常に高い



分野	一般的 クライテリア	詳細なクライテリア	PR-2008	PR2014	PR-2021	優先度
	効率性及び費用対効果	<ul style="list-style-type: none"> <li>CCSBT が、委員会の目的をサポートし、及び運用の継続性（明確かつ透明な事務所の方針、構造、役割及び責任、及び承認系統の確立、効果的な内部及び外部とのコミュニケーション、及び事務所の計画及び運営に関するその他の側面を含む）を確保するための、事務局を含む人的及び財政的リソースを効率的かつ効果的に管理している程度</li> </ul>	SA2008-32: 事務局は、CCSBT の効率的かつ効果的な運営を継続すべきである。	PR2014-60: 生み出される価値及び支持されたコストを鑑みれば、真の「効率」とは、運営及び調査コストの削減よりも資源再建の加速化によって達成されるのではないかと考える者がいるかも知れない。結果的に CCSBT は単一種及び少数の市場を扱っていることを踏まえれば、管理方式に現在用いられているパラメータ及び計画上の再建軌道（まだ定義されていない）の経済的な影響に関するいくつかの観点を取り除くための同委員会の再建戦略（まずは市場価値のみを考慮する）の影響にかかる予備的な経済分析に最低限取り組むことを検討するには、他の RFMO よりも良い立場にあると考えられるかも知れない。	<p>PR2021-74: 次の委員会会合を主催するメンバーによる CCSBT 議長 の早期推薦を奨励する。</p> <p>PR2021-75: CCSBT のガバナンスを改善するため、手続規則4（1）の規定に基づく最大4年間までの議長 の再任を奨励する。</p>	高い

**別添 3 : 評価基準に対する CCSBT のパフォーマンスの変遷**

分野	クライテリア	PR2008	PR2014	PR2021
1a. 保存及び管理 (科学)	主要漁業資源の資源状態 (対象種)	■	■	■
	主要漁業資源の資源状態 (非対象種)	■	■	■
	データ収集及び共有	■	■	■
	科学的助言の質及び提供	■	■	■
	長期的な計画及び調査	■	■	■
1b. 保存及び管理 (遵守)	保存管理措置の採択	■	■	■
	管理措置の相互性	■	■	■
	漁獲割当及び漁業機会	■	■	■
	報告要件	■	■	■
2. 遵守及び執行	旗国の義務	■	■	■
	寄港国措置	■	■	■
	監視、管理及び取締り (MCS)	■	■	■
	違反の追跡調査	■	■	■
	非遵守を確認及び阻止するための協力メカニズム	■	■	■
	市場関連措置	■	■	■
	報告要件	■	■	■
3. 意思決定及び紛争解決	意思決定	■	■	■
	紛争解決	■	■	■
4. 国際協力	透明性	■	■	■
	機密保持	■	■	■
	協力的非加盟メンバーとの関係	■	■	■
	非協力的非加盟メンバーとの関係	■	■	■
	他の RFMO のとの協力	■	■	■
	参加及びキャパシティ・ビルディング	■	■	■
	発展途上国に関する特別な要件	■	■	■
5. 他の RFMO との比較	ベストプラクティス	■	■	■
	Kobe	■	■	■
6. 財政及び運営上の課題	RFMO の活動のためのリソースの利用可能性	■	■	■
	効率性及び費用対効果	■	■	■

PR2008、PR2014 及び PR2021 におけるパフォーマンス・レビュークライテリアに対する CCSBT のパフォーマンスの変遷

■ 非常に悪い   
■ 悪い   
■ 満足できる   
■ 良い   
■ 非常に良い

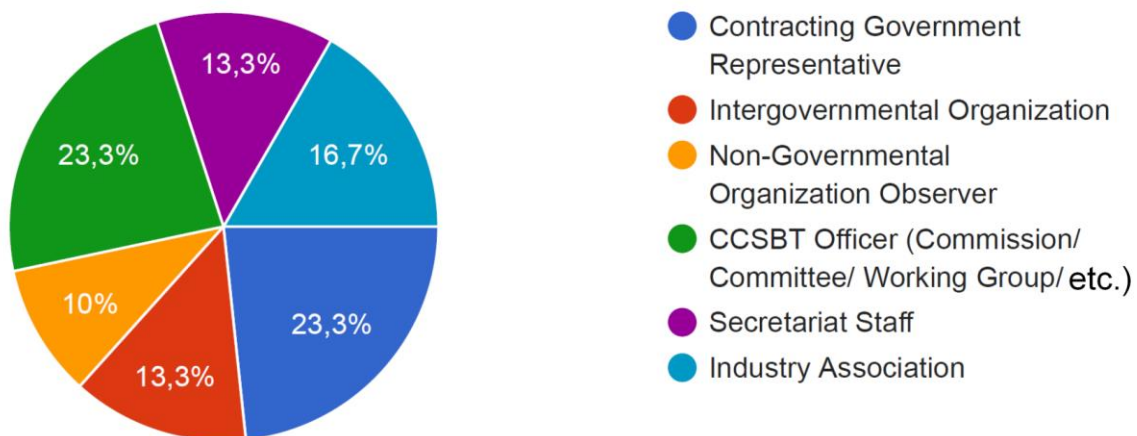
## 別添 4：関係者の見解

【注】別添 4 は、パフォーマンス・レビューパネルが実施した関係者へのアンケート結果を取りまとめたもので、多くの部分において関係者の回答ぶりが原文のまま引用されている。事務局は回答者及びそれぞれの回答について把握しておらず、日本語訳に当たって判断が難しい表現について翻訳の正確性を確認することができないことから、事務局は別添 4 の翻訳を行わなかった。

## Introduction

The Terms of Reference of the Performance Review also indicated that the Panel could invite submissions from stakeholders in relation to the agreed criteria, which motivated the creation of a questionnaire that was distributed to different groups of stakeholders, including Members (Australia, European Union, Fishing Entity of Taiwan, Indonesia, Japan, New Zealand, Republic of Korea, and South Africa) (8), CCSBT Officers (Chairs of Commission, Committees, Working Groups, Panels, etc.) (8), CCSBT Secretariat (4), Intergovernmental Organizations (ACAP, IOTC, ICCAT, WCPFC and CCAMLR) (5), Non-Governmental Organizations (BirdLife International, Humane Society International, Pew Charitable Trusts, TRAFFIC, and WWF) (5), and Fishing Industry Associations (5), totaling 35 stakeholders. Responses were received from 30 stakeholders, resulting in a response rate of about 85%, which can be considered quite good. They were also very well distributed among the groups of stakeholders (Figure 1).

The questionnaire was entirely based on the criteria established by the Terms of Reference for the Performance Review and included 53 questions. The answers could be rated according to a satisfaction scale from 5 to 1: 5) Very Satisfied. 4) Satisfied. 3) Moderately satisfied. 2) Unsatisfied. 1) Very unsatisfied, and complementary comments could also be provided. The average rating for each question was calculated as the mean by groups of stakeholders, and not as the mean of all responses, to ensure a proper balance by stakeholders' category.



**Figure 1.** Distribution of responses received for the 2021 CCSBT Performance Review Questionnaire, by groups of stakeholders (n= 30).

The responses were compiled to ensure a logic flow, to the extent possible, conciseness and ease of reading. It means that several similar responses will be reflected in the text only once. The summary of the responses, therefore, should not be interpreted in a quantitative manner, but in a qualitative way, reflecting the diversity of views expressed. Except for this editing effort, no correction was attempted, meaning that some of the information, which has been presented by the stakeholders, maybe factually incorrect. In some cases, the Performance Review Panel has footnoted such responses

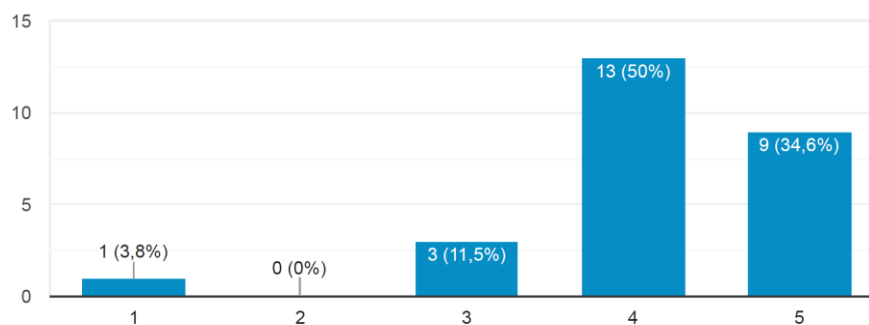
and have provided additional information in square brackets in the footnote to help clarify the situation. Besides, the views of stakeholders are exactly that. They do not represent, by any means, the views of the Performance Review Panel.

## I. Conservation and management/ Science

### A. Status of Living Marine Resources

The first two questions of the questionnaire addressed the very core of CCSBT work: to ensure the conservation of both the southern bluefin tuna (SBT) and of non-target species that belong to the same ecosystem and are, therefore, affected by the SBT fisheries. Not surprisingly, thus, these two questions got the most extensive responses of all. The responses from stakeholders, however, clearly showed a marked difference in the perception of CCSBT performance regarding these two conservation objectives.

1. How do you rate the performance of CCSBT regarding the conservation of the southern bluefin tuna, since the first performance review (2008)? Mean rating, by groups: 4.1 (26 responses).



In 2012<sup>55</sup>, the CCSBT adopted a Management Procedure (Harvest Strategy) to guide TAC setting with the objective of having a 70% probability of rebuilding the stock to the interim rebuilding target reference point of 20% of the original spawning stock biomass by 2035. From 2010 to 2020, the southern bluefin tuna (SBT) stock increased from ~5% to ~20% of the original spawning stock biomass, so the interim rebuilding target is already close to being achieved. A new MP has since been developed and adopted to take the stock beyond the interim rebuilding reference point, to having a 50% probability of achieving a biomass level of 30% of the original spawning stock biomass by 2035. In 2020, the CCSBT Extended Scientific Committee (ESC) updated the stock assessment for Southern Bluefin Tuna (SBT) and conducted a review of fisheries indicators. Based on this result, it was advised that:

- the current estimated trends indicates that the SBT stock has been rebuilding by approximately 5% per year since the low point in 2009; and that

<sup>55</sup> [The Management Procedure was adopted in 2011 and commenced implementation for Members' 2012 fishing season and onwards.]

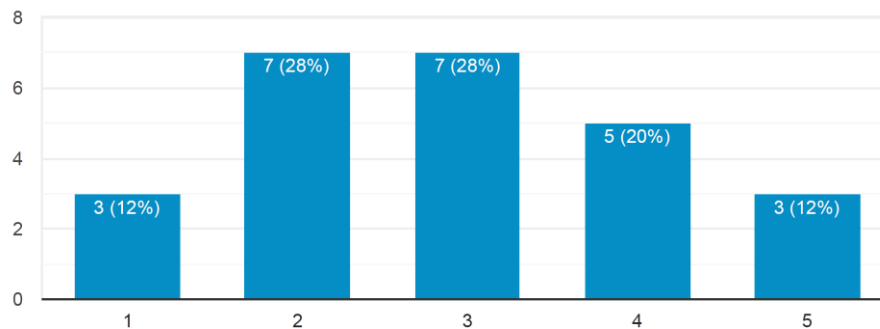
- the stock is estimated to be 20% of the initial Total Reproductive Output (TRO), which is close to 70% of the level required to produce maximum sustainable yield (MSY). The current depletion level is approximately equal to the interim rebuilding target (CCSBT's former target) of 20% of initial TRO, but is below the new rebuilding target, adopted in 2019, of 30% of the initial TRO.

The clear rebuilding of the stock and the commitment to further rebuild were the main reasons why most stakeholders' groups gave this question a score, on average, higher than 4 (4.2 to 5.0), despite the spawning stock only being at approximately 20% of original levels and still overfished. These results show that most stakeholders are fairly satisfied with the progress achieved by CCSBT, since 2008, regarding the conservation of the SBT. The adoption of and adherence to a fully tested rebuilding strategy for the stock and associated indicators, including automatically accepting a global Total Allowable Catch, set by the agreed Management Procedure, was considered a major accomplishment and a very good model of a Harvest Control Rule, to be followed by other RFMOs. According to the respondents, TAC calculation and determination in accordance with the Management Procedure is a unique and outstanding achievement that is allowing the recovery of SBT, from a very low level, being arguably considered to be one of the most impressive single stock recoveries ever achieved globally.

The successful recovery of the SBT stock was mainly attributed to the clear focus on objectives, aided by the successful allocation of the TAC during the recovery period, as well as to the solid science that has provided much more robust support for the formulation and adoption of the Management Procedures, including the funding of carefully designed projects to provide fishery-independent indices of stock status. The introduction of the catch documentation scheme was also identified as one of the key factors for the recovery of the SBT stock.

Some of the respondents that have assessed CCSBT performance positively, however, opined it could be moving faster, with conservation objectives not as aspirational as they could be. The continued estimation of 2,000 t over catch for farming operations for more than 10 years now was also highlighted as a weakness of both stock assessments and management scenarios. According to some that gave this question a lower score, one of the big contributors for the rebuilding status being still slightly behind target was the continued over-catches of SBT each year, by some Members. Stronger penalties to ensure that Members do not exceed their annual quotas was suggested as a possible solution for this problem. Another criticism was the decoupling of the TAC negotiations from the management procedure, in 2019.

2. How do you rate the performance of CCSBT regarding the conservation of non-target species that belong to the same ecosystem (in particular, sharks, seabirds, and sea turtles), since the first performance review (2008)? Mean rating, by groups: 2.8 (25 responses).



Together with question 5, addressed further down and related to the same topic, this question was the one with the lowest rating (2.8) among all the 53 in the questionnaire, clearly indicating that, according to most of the stakeholders, CCSBT does have a serious problem in addressing the impacts of SBT fisheries on non-target species that belong to the same ecosystem. The main criticism regarding ecologically related species (ERS) was the seabird mortality in SBT fisheries, considered to be too high and uncontrolled. As pointed out by many respondents, fishing for SBT overlaps with the distribution of endangered albatross and petrel species. Consequently, CCSBT has the highest albatross catch rates of all RFMOs, contributing to on-going population declines of globally threatened seabirds.

Although there seems to be an overall recognition that CCSBT has not addressed the problem of seabird mortality effectively<sup>56</sup>, CCSBT Members still have differing views with respect to the authority and responsibility the Commission has to manage ERS interactions. As a result, according to some, the ERSWG has been ineffective in providing unambiguous advice to the Commission on the necessary conservation measures for mitigating seabird bycatch in longline fisheries, as well as the impact of SBT fisheries on other bycatch species. This situation is further aggravated by the low frequency of ERSWG meetings, which happens on an ad-hoc basis (it met only 6 times<sup>57</sup> since the 2008 review). Besides, matters regarding ecologically related species seem to be entirely delegated to the Ecologically Related Species Working Group, with the Extended Scientific Committee taking little or no responsibility over them. According to some of respondents, this is still a very politicized issue, with a debate continuing whether CCSBT has a mandate with respect to ERS or not<sup>58</sup>. It is urgent, therefore, that the CCSBT's mandate in this area be clarified and agreed.

Some argued that the measures to mitigate bycatch adopted by other RFMOs, such as ICCAT, IOTC and WCPFC, to some degree, have been used as an excuse for CCSBT not to take action itself on this matter. Despite the measure adopted by CCSBT, in 2018, making it mandatory to CCSBT Members

<sup>56</sup> E.g. paragraph 40 of the 5<sup>th</sup> Meeting of the Strategy and Fisheries Management Working Group- SFMWG, held in 2018: “40- Most Members agreed that the ERSWG had been ineffective”.

<sup>57</sup> [The “6 times” include five ERSWG meetings and one SMMTG meeting.]

<sup>58</sup> E.g. paragraph 41 of SFMWG-5: “41- Members debated whether the CCSBT's Convention provided a mandate to pass measures on ERS. No consensus was reached on this matter, but it was noted that CCSBT is in a similar situation as ICCAT and IOTC and that both of these RFMOs have also adopted measures in relation to ERS (e.g. seabird mitigation measures)”.



to adhere to other RFMO bycatch mitigation measures, some Members tend to ignore the conservation of non-targeted species and only address this topic in other tuna RFMOs. For others, the choice CCSBT has made to rely on other RFMO's binding ERS measures rather than adopting its own/unique binding measures (except mandatory tori-line and scientific information/data collection/sharing) is positive, since it avoids duplication and confusion between measures of CCSBT and those of other RFMOs. Even though the mandatory implementation by CCSBT Members of measures and regulations adopted by other RFMOs for non-target species might be positive, some still believe CCSBT should also consider establishing its own conservation measures for ERS. Besides, since CCSBT Members are obliged to comply with these measures if they are also Members of these other RFMOs, non-compliance with respect to ERS measures adopted by them (referred to in CCSBT's ERS alignment measure), while fishing for SBT, should be reported to, and considered by the Commission.

Even when CCSBT have agreed on the adoption of conservation and management measures (CMMs) related to ERS, however, e.g., the mandatory use of tori-lines south of 30°S, in force since 1997, Members have consistently failed to follow the agreed regulations, an issue that is exacerbated by lack of monitoring and disincentives for non-compliance. Many of the respondents have recognized that little progress has been made in reducing seabird bycatch rate in the CCSBT area, with bycatch levels remaining extremely high. In some cases, the reported seabird bycatch has indeed increased recently, rather than being reduced<sup>59</sup>. This is a reason for grave concern, considering that CCSBT has the greatest overlap with seabirds of any tuna RFMO.

Effective monitoring, efficient reporting and demonstrable compliance with best practice mitigation measures is urgently needed if this situation is to be rectified. The only way to resolve this, according to some of the respondents, is to increase human observer coverage, supported with electronic monitoring, coupled with the adoption of clear and binding disincentives for non-compliance. Since there is no process in place to penalize Members for non-compliance with ERS measures, there is little incentive to comply. Indeed, the latest report at 2020 Compliance Committee showed the worst record of compliance, by some Members, with very important requirements, such as the utilization of at least "two of three" best-practice seabird mitigation measures. Although observer coverage for most Members has achieved the required 10% level, this coverage rate was considered insufficient by some, and not aligned with fisheries where the target species is of high conservation concern. For example, in CCAMLR, the toothfish fishery (a species vulnerable to overfishing) requires 100% coverage (and krill 75% coverage). According to those respondents, insufficient observer coverage undermines the ability of the CCSBT to fulfil its mandate to both sustainably manage the SBT fishery and to reduce the impacts on ERS. The minimal observer coverage rate, therefore, should be increased to, at least, 20% and ideally to 100%.

Despite the several shortcomings of CCSBT performance regarding ERS, some Members opined that a considerable improvement has been achieved since the first performance review, in 2008, including the annual ERSWG Data Exchange, the revised CCSBT Scientific Observer Program Standards to cover

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<sup>59</sup> Table 4 and 5 of CC15\_05AnnualReportOnMembersERSPerformance\_Rev1.pdf

new seabird mitigation measures, the revised template for ERSWG national report and for the ERSWG Data Exchange, with more detailed information on ERS (finer spatial resolution, use of mitigation measures, fate of released fish<sup>60</sup> etc.), and the resolution adopted in 2018, to align CCSBT's ERS measures with those of other tuna RFMOs, requiring Members to comply with all ERS measures in force in their areas of competence. The Secretariat also begun to produce an "annual report on the implementation by Members of ERS measures", for consideration by the Compliance Committee. Some who recognized these advancements, however, have pondered that they have not yet been able to produce any measurable reduction in the impact of SBT fishing on seabirds. A recently agreed multi-year Seabird Strategy is also yet to gain traction, being unclear if or when it might lead to any improvements to CCSBT's performance in this area.

In 2009<sup>61</sup>, the ERSWG advice to the Commission was that "the (then) current scientific advice on what constituted best practice was to use all three mitigation measures, namely line weighting, night setting (i.e. setting after nautical twilight and before nautical dawn) and bird streamer lines". The meeting also "recognized that all three measures should be applied in high-risk areas, to reduce the incidental mortality of seabirds to the lowest possible levels". Since then, however, the CCSBT has been unable to reach a consensus on what constitutes high-risk areas, so there has been no agreement about the need to adopt these best practice mitigation measures, while the non-binding recommendations that have been agreed have been demonstrably ineffective at achieving such reductions.

Besides the impact of SBT fisheries on seabirds, some of the respondents also expressed concern with the shark bycatch. According to them, in many cases, sharks are caught and retained as part of the fishing activity and should not be treated as bycatch, but as retained catch of SBT fishing operations. Some Members have high levels of reported catches, discards and mortalities of blue sharks, for instance, raising concerns that some longline operations may be targeting sharks to reduce shark abundance and consequent depredation, before switching gear and fishing behavior to target SBT. According to some, the assessment of shark populations affected by SBT fisheries has also been negatively impacted by the lack of clarity and transparency of some of the main datasets used for this purpose, requiring a better monitoring and reporting of the bycatch.

Finally, reflecting the still ongoing and unsettled debate on CCSBT mandate to address the conservation of ERS, according to some of the respondents, this question was not appropriate, since the Commission was responsible for the conservation and management of the SBT only, with no obligation over the conservation and management of neither other fish species, nor ERS species. The objective of the Convention is "to ensure, through appropriate management, the conservation and optimum utilization of SBT". Notwithstanding, ERS working group was recognized as a suitable forum to discuss and consider Ecologically Related Species (ERS), including sharks, sea birds and sea turtles, and although CCSBT was not primarily mandated with the conservation of ERS species, in their view, it has adopted a reasonable level of bycatch mitigation measures, which are compatible with the

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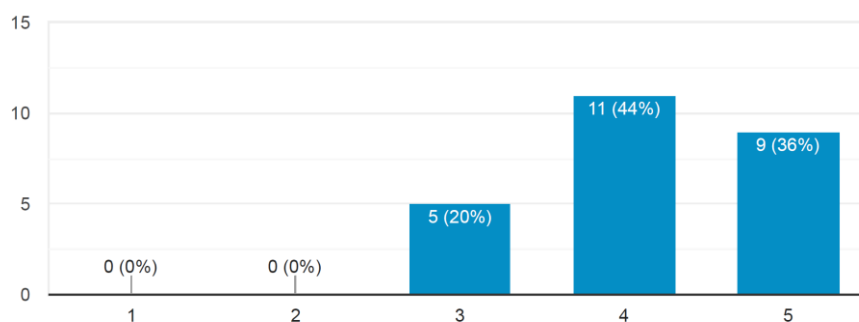
<sup>60</sup> [Released fish involves the number of observed captures that were retained (dead), discarded (dead), released (alive) and others.]

<sup>61</sup> [This advice was provided by the ERSWG at ERSWG 9 in 2012, not in 2009.]

four ocean-based t-RFMOs (ICCAT, IOTC, WCPFC and IATTC<sup>62</sup>), avoiding redundancy of authority. According to those respondents, therefore, the activities conducted by CCSBT on ERS are reasonable, with the CCSBT providing clear guidelines and regulations on seabird bycatch, which were reconciled from relevant RFMOs, facilitating their implementation. Some noted that CCSBT tends to follow the CMMs that have already been applied in other RFMOs related to sharks and marine turtles, as well, but that is even more advanced regarding the adoption of CMM for the protection of seabirds.

## B. Data collection and sharing.

3. How do you rate the process established by CCSBT for fisheries data submission, including agreed formats, specifications, and timeframes? Mean rating, by groups: 4.0 (25 responses).



The CCSBT has clearly defined timeframes and agreed formats/templates, covering all required information for scientific and compliance assessment<sup>63</sup>. All data fields and information are linked to a specific utilization purpose (i.e. no information is only stored but not used), to ensure these requirements will not create unnecessary burden to Members. These formats/ templates are regularly updated, when necessary. There are four main categories of data submission requirements to Members:

1. Scientific data exchange- essential to run CCSBT Operating Model (OM) for stock assessment and Management Procedure for TAC recommendation and stock projections;
2. Compliance related data submission requirement (including CDS, authorized vessels/farms, transshipment, port inspection, etc.)- essential to ensure that CCSBT conservation and management measures are properly implemented;
3. ERSWG data exchange- essential to assess Members' performance regarding bycatch and the effectiveness of current bycatch mitigation measures; and
4. Annual report to ESC, CC/EC and ERSWG meetings- essential to check Members' latest situation in a systematic manner and to share how each Member implement the CCSBT measures domestically.

The mean rating by groups of stakeholders for this question, equal to 4.0, indicates an overall satisfaction with the process established by CCSBT for fisheries data submission, including agreed formats, specifications, and timeframes. In general, the process of data submission was considered

<sup>62</sup> [The CCSBT's ERS alignment Resolution does not refer to any IATTC ERS measures. This is because no SBT fishing has been reported to the CCSBT for the waters in IATTC's Area of Competance.]

<sup>63</sup> <https://www.ccsbt.org/en/content/data-submission-requirements>

to be easy, reasonable, transparent, comprehensive, and well supported by the Secretariat, that is always responsive and accommodating to queries and issues. “The process for fisheries data submission within the CCSBT is well developed and functioning effectively, besides being flexibly updated when necessary”. “Data processes are generally very good and continue to be improved”. “There is a well-established process with standardized data submission formats”.

Some respondents, however, noted that in some cases processes could be improved by reducing the manual component, e.g., by having an e-CDS rather than a paper CDS or by having online submission instead of emailed spreadsheets. An e-CDS would provide the possibility of having access to CDS data more immediately so that any discrepancies could be resolved closer to real-time. This is particularly important since submission timeframes for the CDS have a long time-lag. Having an e-CDS with built-in checks as data is entered/loaded should also serve to cut down the large amount of time the Secretariat spends on checking, reconciling, querying, and then correcting erroneous CDS data eventually submitted by Members. In this regard, it was also informed that CCSBT is already developing an online data submission/sharing system that will integrate data submission processes, in particular compliance related data submission, which will provide greater efficiency to both Members and the secretariat, in terms of their time burden.

Some of the respondents highlighted the need for a longer implementation time frame of changes to reporting, “to allow for new data to be collected and analyzed, and processes to be set up”; while others noted that further work is required on annual reporting templates to ensure information is provided consistently and in a way to reduce reporting duplication. The lack of requirements for high resolution data (e.g. longline catch effort data only needs to be provided aggregated by year, month, 5\*5 degrees block and fleet and some ERS data does not need to be provided at the species level), due to Members’ confidentiality rules, was indicated by some as the major problem with data submission processes. It was noted, however, that to overcome this problem, Members have agreed to conduct pre-specified analysis of their own high-resolution data when requested by various CCSBT working groups, providing a partial solution to this problem. Others highlighted the Real Time Monitoring Procedure as an important way to provide extremely recent data and information quickly.

Another criticism was related to the lack of a specific time frame for ERS data submission to the ERSWG and reporting to the Extended Commission, creating a time lag in reporting compliance with ERS CMMs that leads to delays in identifying and correcting consistent non-compliance. Although there is no specified time frame in the terms of reference, the ERSWG only reports to the EC every 2 years, whereas the stock status assessments report every year. This means that there is a large time lag in reporting of compliance with ERS CMMs<sup>64</sup>, delaying the ability of the CCSBT to act when there is non-compliance. This also means that poor practices, or consistent non-compliance can carry on for several fishing seasons before it is picked up. Given the 2008 Performance Review recommended that the “scientific effort [should] achieve a better balance between its work on SBT and its work (so far very

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<sup>64</sup> [ERS data are reported to the Secretariat and shared with Members on an annual basis and those data are used in an annual report from the Secretariat to the Compliance Committee.]

limited) on ERS” (Page 10<sup>65</sup>), it would be prudent to have ERS data reported annually<sup>66</sup> by Members and for the ERSWG report to the EC every year and have equivalent time to discuss and act on its recommendations.

The 2008 Performance Review also identified gaps in the ‘collection and exchange of ERS data’, noting that attempts to resolve them had failed, despite the practices agreed by Members. It was also emphasized in that review that “efforts must now be focused on ‘improving data collection and reporting’<sup>67</sup>. On this regard, data driven assessments of both SBT and ERS bycatch require verification that vessels are adhering to the mitigation regulations, and current observer coverage levels (compounded further by the suspension of the observer program due to COVID-19) are inadequate to achieve this. Indeed, the review of the 2014 Performance Review<sup>68</sup> by ERSWG 11 in 2015 concluded that “there is obviously a trade-off in the use of the observers’ time which affects the precision of the data (and ensuing assessments) of SBT and ERS respectively. (...) A minimal assessment of the state of the ERS (or contribution to such assessment in a collaborative framework) will probably require more ERS data to be collected. The use of video cameras might be a useful assistance to the observers.” Yet, cameras are still not required and are rarely used in CCSBT vessels, unless when mandated by a Member’s legislation, a point already noted under the previous question.

Finally, progress regarding the process established by CCSBT for fisheries data submission, including agreed formats, specifications, and timeframes was recognized on:

- Improved formats for reporting, most recently in 2019, and standardization of language regarding previous fishing seasons, providing substantively better data to assess the state of the fishery; and
- Reporting formats to improve standardization of data on ERS, which have also been improved substantively since the 2008 Performance Review, although the quality of data on ERS remains poor, mainly due to low observer coverage and the associated statistical uncertainty.

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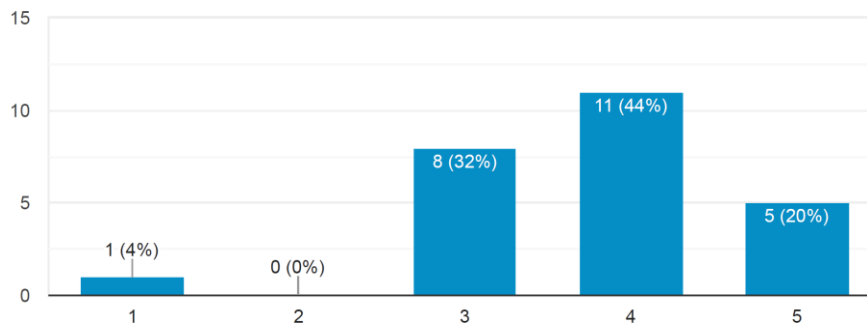
<sup>65</sup> [Part Two of 2008 Performance Review Report, by the independent expert.]

<sup>66</sup> [ERS data are currently reported annually, regardless of whether an ERSWG meeting is scheduled for a particular year.]

<sup>67</sup> [Part One of 2008 Performance Review Report, Self Assessment” by the Performance Review Working Group of the CCSBT.]

<sup>68</sup> [CCSBT-ERS/1503/08](#) “Performance Review of the CCSBT”.

4. How do you rate the collection and submission by Members of fisheries data concerning the southern bluefin tuna, in a complete, accurate and timely manner? Mean rating, by groups: 3.9. (25 responses).

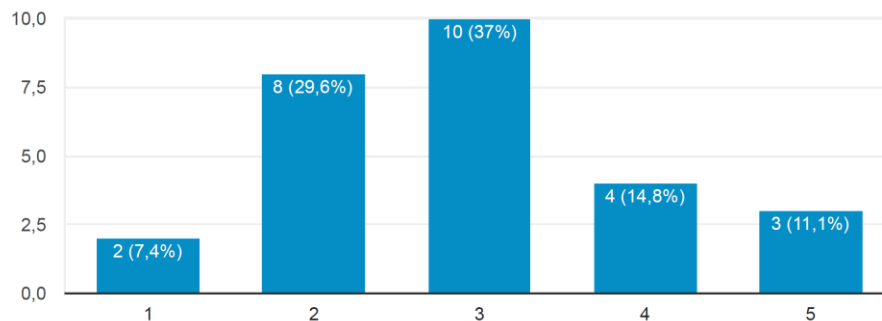


Fisheries data concerning the SBT is mainly collected and submitted to the CCSBT through Scientific Data Exchange, CDS and ERSWG Data Exchange process. In addition, these data are aggregated and reported in Annual reports to ESC, CC/EC and ERSWG in a systematic manner, with data completeness, accuracy and consistency being checked/assessed by comparing different data sources/reports by both the Secretariat and Members. Scientific Data Exchange and CDS are the most important, in terms of the objective of the Convention, and, in general, Members were considered to comply with their obligation for submission of those essential matters very well. The average rating by groups for this question was, therefore, rather high (3.9), ranging from 3.5 to 5.0, indicating an overall satisfaction by stakeholders with the collection and submission by Members of fisheries data concerning the southern bluefin tuna. “In general, Members are good at submitting data”. “Collection and submission of data can vary between Members but is usually of a satisfactory standard”. “CCSBT’s data, especially catch volume, is subject to reasonable, timely and comprehensive cross-check with other sources (e.g. CDS) by the Secretariat. This makes the SBT data more reliable”.

Others, however, disagreed, pondering that there appear to be insufficient checks and balances to ensure accurate and timely data submission by Members. Some of the respondents also noted occasional cases of incomplete, inaccurate, and late submission of data: “data submission is generally sound, though occasionally one or two Members are tardy” or simply “do not submit complete fisheries data” at all. The overall quality of the data submitted by some Members was considered to be poor and in need of improvement by some respondents, with a particular concern being expressed with regard to the accuracy of the data from the ranching sector (“the continued delay in providing alternative, more accurate, data from the farm sector is a concern”) and from artisanal or non-commercial fisheries. While some stakeholders noted that the lack of timeliness and completeness of data submission can be frustrating, particularly in the context of the Compliance Committee, it was also recognized that data submission can be complicated in some cases, especially for developing Members. In this context, some Members criticized the lack of consideration by the CCSBT of the special requirements of developing Members, treating developing and developed Members in the same manner.

The difficulty to independently verify the data submitted by all Members was also recognized as an overarching issue, as well as the current process for CDS validation. Because current CDS Resolution allows Members to delegate CDS validation to the fishers/farming companies, the accuracy and neutrality of these data cannot be sufficiently ensured, according to some of the respondents. The imbalance between the quality and quantity of data required from different fisheries was also considered a problem, as well as the fact that most of the data and information from Gene-tagging and Close-kin analyses are being held by only one Member<sup>69</sup> who conduct the analysis, hampering transparency.

**5. How do you rate the submission by Members and cooperating non-Members of fisheries data concerning non-target species that belong to the same ecosystem (in particular, sharks, seabirds, and sea turtles), in a complete, accurate and timely manner? Mean rating, by groups: 2.8 (27 responses).**



Many of the problems identified under the second question of the questionnaire, on the performance of CCSBT regarding the conservation of non-target species that belong to the same ecosystem, also affect data submission, addressed under this question. Unsurprisingly, therefore, the mean rating by groups for this question was similar to question 2, equal to 2.8, ranging from 1.7 to 4.0. These results evidence a predominant dissatisfaction of stakeholders with the way Members have been compiling and submitting fisheries data concerning non-target species.

According to some of the respondents, however, there have been significant improvements in the CCSBT agreed data standards for non-target species, which are now potentially among the best among RFMOs. Fisheries data concerning non-target species (ERS) is mainly collected and submitted to the CCSBT through ERSWG Data Exchange. These data are also included in the Annual Report to ERSWG meeting in a systematic manner, being checked/assessed by both the Secretariat and Members for completeness and consistency. Nonetheless, despite most Members have complied with their obligation to submit ERSWG Data Exchange and annual reports to the ERSWG, several shortcomings have been recorded in the past, including failure to provide: a) estimated total mortalities of bycatch species; b) data for ERSWG Data Exchange (some Members did not provide any data); and c) specific sections of ERSWG Data Exchange (e.g. mitigation measures for non-target species). Besides, the

<sup>69</sup> [The Gene-tagging and Close-kin research is conducted by CSIRO under contract to the CCSBT. The basic gene-tagging and close-kin data are shared with all Members as part of the annual scientific data exchange. This does not include the genotype data due to practical constraints, but access to these data (clone ID of each locus and count data of each allele at each locus for each sample) can be provided to Members for CCSBT purposes provided that reasonable notice is given].

ERSWG's strict rule for document submission (4 weeks before the meeting) has not always been complied for annual report either. One Member, on the other hand, noted that although the performance for data delivery among Members was quite good in terms of timeliness, it was not optimal for accuracy. In addition, some Members have failed to achieve the 10% observer minimal coverage for some years.

Even when all the data required have been submitted in a timely manner, though, there have been doubts on their accuracy, based, for instance, on unexplained discrepancies in bycatch capture rates among Members fishing with similar gear in similar areas. This might happen particularly because, according to some respondents, there is limited independent data, observer coverage is too low and electronic monitoring systems are not used by most Members. In other cases, "e-Monitoring" has been the only method used, not supported by human scientific observer, which, in the view of some of the respondents as well, is also not in compliance with CCSBT Scientific Observer Standards.

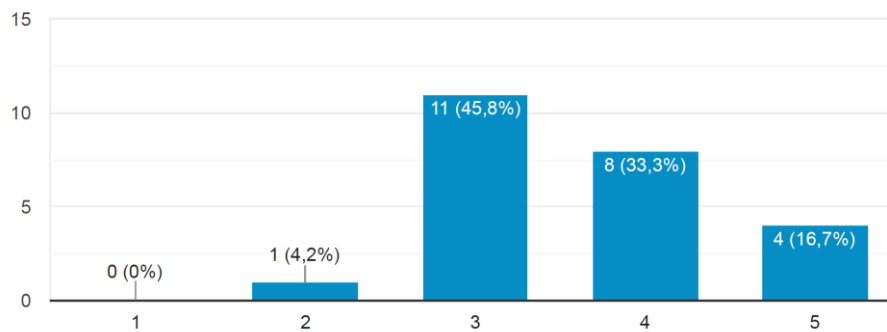
The Compliance Committee annual report on ERS from the 2020 meeting notes: "The information provided by some Members in the 2019 Annual CC/EC Report was ambiguous". This deficiency has been, at least in part, linked to low observer coverage, with some Members demonstrating poor spatial-temporal observer coverage in 2019 reports of ERS bycatch. Therefore, even where data have been properly submitted, they have been insufficient to support meaningful management decisions. The 2019 report to the Compliance Committee on seabird mortality, for instance, warned that "the raised number of seabird mortalities each year should be interpreted with caution." It also noted that lower total mortality was "most likely to have resulted from inadequate and unrepresentative sampling and not from improved mitigation".

The lack of penalties for failing to share information with the CCSBT on the ERS bycatch, linked to the non-binding nature of the agreement to exchange information, was another problem highlighted by some respondents. This situation also resulted in an uneven level of reporting by Members, with some of them complaining that those Members who are seriously trying to tackle issues of bycatch and are, therefore, honestly reporting end up being the only ones criticized. The same applies to the different fisheries, with some of them reporting accurate data on bycatch, while others have never reported any information on non-target species.

In addition, the data reporting protocol for ERS do not require the bycatch information to be submitted at species level, allowing the data to be reported by "species group", which, for most purposes, render the data useless. Ideally, ERS bycatch should be reported by "species" level and the ERSWG has recommended Members to do so, but since species level reporting is currently not mandatory, "species group" level reporting has continued to be the practice by some Members, forcing the ERSWG to do the much-needed assessment of SBT fisheries impacts on ERS with higher-level aggregated data. Some respondents have also noted that although much of the concerns related to ERS in CCSBT have been centered on seabirds, there are also serious problems related to the underreporting of shark bycatch. In conclusion, the measures suggested by respondents to solve the problems related to the submission of ERS bycatch data included greater observer coverage, including, but not restricted to, the use of electronic monitoring, coupled with effective mechanisms to deter non-compliance with reporting obligations, including by making the reporting of ERS bycatch data mandatory.



6. How do you rate the performance of CCSBT to ensure that all mortalities of southern bluefin tuna are accounted for? Mean rating, by groups: 3.8 (24 responses).



The performance of CCSBT to ensure that all mortalities of southern bluefin tuna are accounted for achieved a mean rating by groups of 3.8, indicating that most of the stakeholders are reasonably satisfied with the work so far conducted on this regard by the Commission. CCSBT has a “Resolution on Reporting all Sources of Mortality of Southern Bluefin Tuna”, which includes, but is not limited to, discards and recreational fishing. Furthermore, the CCSBT has a definition for the “Attributable SBT Catch”, which specifies that “a Member or CNM’s attributable catch against its national allocation is the total Southern Bluefin Tuna mortality resulting from fishing activities within its jurisdiction or control, including, inter alia, mortality resulting from: commercial fishing operations whether primarily targeting SBT or not; releases and/or discards; recreational fishing; customary and/or traditional fishing; and artisanal fishing”. This definition has been implemented by all Members since 2018 fishing season. According to the respondents, the adoption of the definition of “Attributable SBT Catch” was an important step in ensuring all SBT mortalities are accounted for, significantly improving CCSBT performance in this field.

At each annual meeting, Members are asked to state how they have accounted for their SBT mortalities, explaining how they are implementing/calculating this definition domestically in their national report or dedicated documents to the ESC. Sometimes, Members have current estimates for discards and recreational fishing mortalities, but sometimes Members rely on past estimates or specify a “reasonable” allowance for these mortalities if they have been unable to provide a specific estimate. Although no Member has counted “depredation by sharks” against their allocation, discussion is ongoing to determine whether mortality through depredation should be included in the definition of Attributable SBT Catch. In addition, the Extended Scientific Committee conducts analyses of unaccounted mortalities (UAM) and incorporates plausible UAM for both Members and Non-Members in its stock assessments and in the Management Procedure. Considering that the total amount related to these uncertainties is relatively small against total TAC, that they have been well addressed within the CCSBT MP when recommending the SBT TAC, and that all commercial SBTs are well captured by CCSBT CDS, the figure of “reported SBT catch” by Members can be considered sufficiently precise.

It is clear, therefore, that CCSBT has processes in place for members to account for all sources of mortality, which is world leading. Notwithstanding, in practice, more accurate accounting of all sources of mortality is still needed by Members. In particular, work is needed on: a) Members providing accurate estimates of all sources of mortality; b) how predated fish should be accounted for (as noted, there is current work going on in this area); c) improving the estimates of the non-

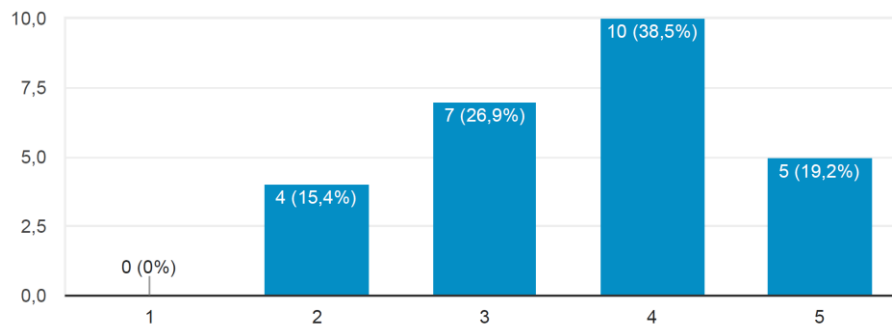
Member southern bluefin tuna mortality (which is likely low); and b) accounting of discards (which are likely still under reported).

On the potential source of unaccounted SBT mortality from catch by non-Members, although likely low, estimation was recognized to be difficult. Since MCS enforcement at fishing grounds, including high sea areas, by Members is extremely weak, it is impossible to estimate non-Member catch properly. The problem of catches from non-Members entering an also non-Member market was recognized as a further hindrance for a proper estimation of the total SBT mortality. Notwithstanding, it was noted that in recent years the CCSBT has done a great deal through its CC and ESC to improve this estimation. The ESC has revised estimates of Non-Member UAM, setting them at a higher level in developing a stock rebuilding plan, and concluded that the current MP is robust enough against such catches, if they exist. As noted by one of the respondents, “in considering the safety of the stock in question, this approach may be unavoidable. However, it kills the potential of use of the stock by responsible and legitimate fishers and it has to be improved”.

Some of the respondents expressed a particular concern with discard reporting and estimates of discard mortality in farm operations which, according to them, could have an important impact on the accuracy of mortality data, noting that “significant gaps remain in both farms and market data”. According to some, there is a long-standing question on the estimated weight of SBTs which are caught by purse seiners and then transferred to farming cages. The ESC, including an invited external farming expert, has considered that implementing stereo video camera would be the best way to overcome this problem, but it has not been implemented yet. According to those holding this view, if stereo video camera for SBT farming had been already implemented, then this source of uncertainty would have been removed. Others, however, expressed their confidence in the catch estimation techniques currently used.

A final issue related to SBT UAM was the possibly huge gap related to tuna transshipments at sea, due to the great difficulty to reliably identify SBT from physical characteristics, especially when looking at a frozen carcass. This means that whenever observers think they have detected non-reported transshipments of SBT at sea, it can never be proven (via photos). A possible solution to this problem, some suggested, would be the use of portable genetic testing (random), which is presently lacking. A “potential” transparency gap with the use of container vessels for the transportation of SBT products was also noted.

7. How do you rate CCSBT transparency and mechanisms for sharing the data with Members and other RFMOs? Mean rating, by groups: 3.5 (26 responses).



Most of the data shared with Members are scientific. They are usually provided to the Secretariat by Members (or contractors) through annual data exchange processes, which work well, according to most respondents. The Secretariat then provides most of these data to all Members via the private area of the CCSBT website. All Members are then able to conduct their own analyses of SBT or ERS with data from the entire fishery. Compliance related information tends to be more confidential and only agreed summaries are shared with Members. CCSBT’s “rules and procedures for the protection, access to, and dissemination of data compiled by the Commission” specify the types of information and the confidentiality risk classification assigned to each of them. Depending on the risk classification of data/information, they may be shared through required procedures and data owner’s permission (no procedure is needed for sharing “no risk” data/information). Data available for sharing with other RFMOs are only the public (“no risk”) data, specified as such, unless an MoU exists (such as with IOTC and WCPFC) that specifically enables the sharing of other data, at finer scales (e.g. the MoU allows the sharing of data from less than three vessels in the strata, that would be considered otherwise confidential and could not be shared).

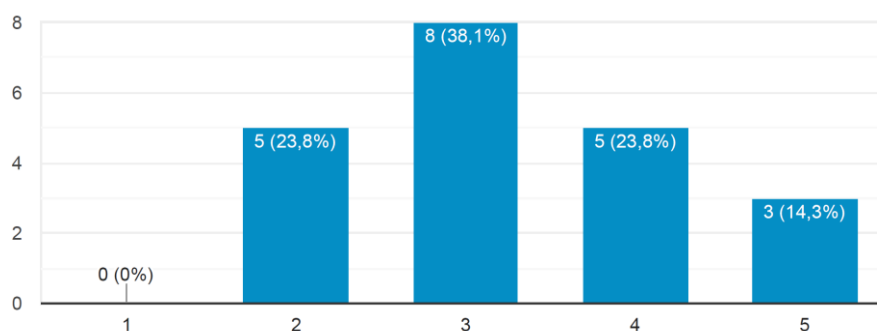
The mean rating by the different groups of stakeholders (3.5) indicates, however, that they are not much satisfied with the system in place, recognizing that sharing data between Members is commonly compromised due to confidentiality reasons. Of course, CCSBT can only share data to the extent Members allow. “This is an area where the Commission needs to do more to provide greater transparency on Member’s operations”. According to some respondents, the main problem of current rules is the requirement to receive approval from data owner, which may take some time or not be given at all, preventing the sharing of data not only between Members but also with other RFMOs. Sometimes, even the initial quota allocations and final catches by fleets are not provided. Particularly in the case of bycatch, the failure to share data with Members, including from observers, and other RFMOs, renders the assessment of the cumulative impact of SBT fishery on non-target species globally nearly impossible. Some of the respondents, therefore, opined that all information from a fishery operating in a given location should be made available to allow a proper assessment of the impact of that fishery on both target and non-target species, as well as on the marine ecosystem. In the absence of these data, it is not possible to evaluate the sustainability of the SBT (or any other tuna) fisheries. According to some of the respondents, this is duly reflected in two comments of the previous performance review: a) “More efforts need to be made to resolve the data confidentiality (regarding observers and operational fisheries data), in order to improve the resolution and accuracy of assessments and precision of the scientific advice”; and b) “The confidentiality problem will hamper

the quality of the scientific assessment efforts. CCSBT should continue to improve the accessibility of “confidential” data for this purpose, with appropriate safeguards”.

Of particular concern for some of the respondents was the difficulty related to accessing CDS Catch Tagging Form (CTF) information, containing the data of individual fish from SBT farming, which is provided to the Secretariat only and not to Members. CDS data that would be relevant to the analysis of possible biases in reported catches, for instance, have not been made available, despite requests by the scientific committee to access them. The SBT catch data shared by SBT farming were also considered to be very limited, compared to those of the longline fishery, with no data from the purse seine fishery being made available. “CDS data are provided by farmers at the timing of the shipment and the same farmers are the ones doing the validation of the shipped quantity, with no one to verify if erroneous or falsified reports were made”.

Regarding the sharing of the data with RFMOs, according to some of the respondents, despite CCSBT has been actively submitting reports to other RFMOs and CITES<sup>70</sup>, including through the process established jointly by the t-RFMOs, there should be MoUs signed with all related RFMOs. Given the unique arrangements relating to vessels operating in the convention areas of other RFMOs, more transparent and timely mechanisms are needed to ensure data collected by these RFMOs are available to CCSBT and vice-versa. Although sharing compliance information with other RFMOs has improved since the commencement of the Tuna Compliance Network, and now also with the fledgling Pan-Pacific Network, transparency could be improved further, particularly regarding the sharing of ERS data, which is an area where confidentiality requirements have hindered the assessment of the impact of SBT fishery significantly. Usually, the data that are shared and made publicly available on the CCSBT website are restricted and aggregated. Greater transparency by Members would be, therefore, good from a scientific perspective. Notwithstanding, some had a different view, considering that the present degree of transparency, coupled with the good collaborative work, has been sufficient to underpin good science, good advice, and good management.

**8. How do you rate CCSBT efforts for capacity building to improve data collection by developing States? Mean rating, by groups: 3.4 (21 responses).**



Despite CCSBT has two Members that are developing Members, so far, large scale structured projects for capacity building on data collection have not been implemented, despite some one-off opportunities that have been provided (e.g. “SBT Maturity Workshop”, on the collection of maturity data

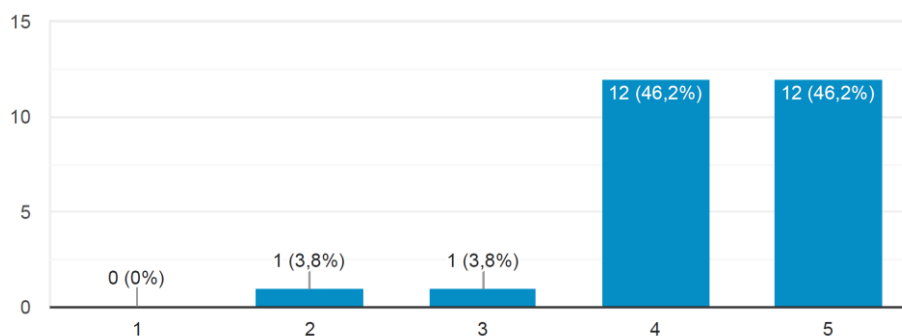
<sup>70</sup> [The CCSBT submits these reports to the FAO, not CITES]

through the SBT ovaries, CDS training provided by Compliance Manager, etc.). Instead of large-scale projects, Members have offered bilateral-basis assistance for capacity building aiming at improving data collection, in particular for CDS, but the efforts have been so far quite timid, partly because developing Members in CCSBT have not made specific requests to secure budget for the implementation of a specific project for capacity building on data collection. Some of the respondents considered these efforts to be “stagnant”, recognizing a gap between developing and developed Members, as well as between founding Members and new entrants. According to them, funding and support for capacity building would have ranged from minimal to non-existing, if developing Members had not applied for support. Notwithstanding, according to other respondents, despite offers to provide assistance with capacity building to improve data collection and reporting, little has been undertaken recently. Members need to be encouraged to improve systems and reporting particularly where deficiencies have been identified, or where regular quota over catch has been identified.

Others, on the other hand, opined that considerable efforts and resources have been indeed spent on building data collection capacity in developing Members, however punctual these initiatives might have been, with limited further effort since then. According to some, despite the lack of capacity building efforts, data collection mechanisms of developing Members through CDS and their national programs have improved to some extent, while there are still some important issues remaining in timely and accurate catch reporting and CDS implementation by them. The support from the Secretariat, however, was considered to be outstanding, being always very keen to respond and provide assistance. Reflecting the mixed views on the subject, the mean rating by groups for this item was 3.4, indicating that stakeholders are not much satisfied about the way this issue has been so far tackled by CCSBT.

### C. Quality and provision of scientific advice

9. How do you rate the quality of the scientific advice produced by CCSBT Extended Scientific Committee on the southern bluefin tuna? Mean rating, by groups: 4.3 (26 responses).



The ESC contains a great deal of scientific expertise, consisting of Member scientists, a panel of 3 independent scientific experts, an independent expert to Chair the ESC, and other expert consultants hired ad hoc, when required (typically at least one each year). There is also excellent cooperation between key Member scientists and the independent experts, both outside and during meetings. In accordance with Article 9 of the Convention, the SC provides advice and recommendations to the Commission, based on various scientific analyses and assessments. The CCSBT ESC has developed a

very advanced population dynamics model called “CCSBT Operating Model (OM)”, and also a “Management Procedure (MP)” which provides pre-agreed basis to determine the global TAC based on the best scientific data available. CCSBT OM and MP are based on the latest and best scientific knowledge in the world, being, therefore, the front-runner in this field of all tuna RFMOs. Since the OM and MP are entirely derived from mathematical calculations, there is no room to interpret the results arbitrarily. Consequently, the most important advice/recommendation from the ESC is always clear and definitive, as long as the best available data are utilized to prepare the OM and MP.

The ESC has a scientific research program (SRP) that specifies activities and priorities to improve the Science in the CCSBT, so that the necessary data for stock assessments and the CCSBT’s Operating Model and Management Procedure can be made available. Through the SRP, all analysis/assessments (including OM and MP) are done so that management advice to the EC can be updated/refined to resolve identified issues or to reflect the latest knowledge. Among other things, the SRP contains state of the art fisheries independent monitoring programs (funded by the CCSBT), including gene tagging (to provide annual estimates of 2-year-old abundance) and close-kin genetics (to provide annual estimates of spawning stock abundance and reproductive output), which are unique and on the scientific forefront among t-RFMOs. The ESC conducts an annual review of fisheries indicators (to see if exceptional circumstances exist which might require action other than the TAC specified by the Management Procedure), a full stock assessment once every three years, runs the Management Procedure once every three years to recommend a new TAC for the next 3-year quota block, and reviews the Management Procedure every 6 years. The Management Procedure (CCSBT has now adopted its second Management Procedure) is a thoroughly tested procedure that is robust to a wide range of uncertainties. The quality of scientific advice provided by the ESC is, therefore, world class. The excellent quality of the scientific advice, especially the one derived from the Management Procedure (MP), has been the main factor enabling the steady recovery of the SBT stock.

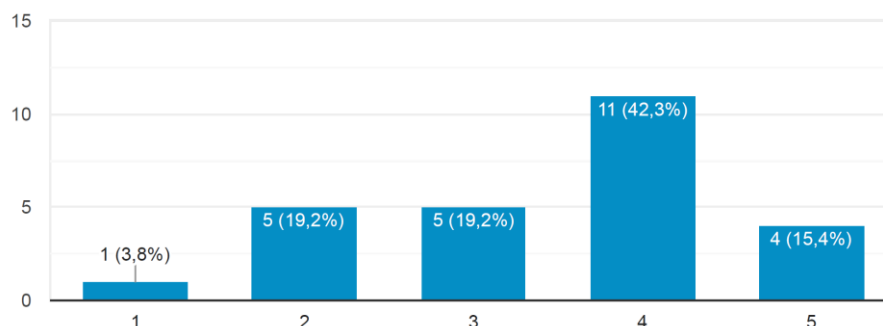
In terms of data inputs, fisheries related data (catch, fishing effort, etc.) are audited not only by data diagnosis by the ESC itself, but also through compliance processes (collated with CDS data, etc.), two of three input data to the MP (gene tagging and close-kin mark recapture) are fisheries-independent, and one of three input data to the MP (Japan core vessels CPUE) is regularly examined by the CPUE modeling group. These processes assure that the best available data are used for stock assessment and TAC recommendation. Furthermore, while most of the scientific activities are done by Members’ scientists, important activities of the ESC are reviewed, supervised or led by independent Scientific Advisory Experts, composed of well-known and respected scientists in fisheries science globally, who are entirely independent from political influence by Members. This arrangement gives great transparency and credibility to the outcomes from the ESC.

Not surprisingly, this question got one of the highest grades (4.3), behind only to those related to the efficiency and effectiveness of CCSBT, in managing its human and financial resources (Question 50, 4.5), and to the support provided by the CCSBT Secretariat to the Commission (Question 51, 4.7). These ratings attest the high quality of the scientific advice produced by the Extended Scientific Committee (ESC) on the SBT stock. The lowest rating (2.0) was given on the ground that scientific advice was not clear enough to those who are not scientists to understand it, particularly on the future trend of the SBT stock. In the view of some respondents, non-technical summaries, for instance, could benefit

Commissioners. “The advice to managers and stakeholders should be further improved in terms of clear and non-technical explanation of risk”. WCPFC, for example, provides an ‘outcomes document’, which is a non-technical summary of the results achieved by the Scientific Committee, presented to Commissioners. Criticism was also directed at the very long time sometimes required by the expert panel to get agreement, rather than on providing independent advice. Occasionally, the ESC also makes assumptions that should have been considered and agreed by Commissioners first. Some asymmetries in engagement across all Members, and differing levels of understanding of the stock assessment and MP models, as well as of the consequent advice stemming from them, was also noted as a reason for concern. Besides, from a Finance and Administration Committee (FAC) perspective, FAC Members are often asked to approve or decline funding for science projects with little information on the potential benefits and/or risks of approving or declining these requests. The fact that all the gene-tagging and close-kin related studies and analyses are done by a single Member<sup>71</sup>, with the results being then shared with the Commission and other Members, was also noted with concern, particularly in relation to transparency. “Transparency on the sampling process is completely lacking, although sampling bears quite a high weight in genetic analysis”.

In summary, though, most of the respondents considered that CCSBT has been leading other RFMOs in the adoption of a management procedure that has been tested under a wide range of uncertainties. The fishery-independent data now available to conduct the stock assessments and to drive the harvest control rule is exceptional for a widely distributed tuna stock. The quality of advice is excellent. The ESC has provided clear advice in response to requests and has also taken a lead, advising the EC on issues deemed necessary. The arrangements and processes to provide scientific advice are, therefore, world class and a great example for other RFMOs. That was the prevailing view of stakeholders on the scientific advice produced by CCSBT Extended Scientific Committee on the southern bluefin tuna.

**10. How do you rate the quality of the scientific advice produced by the CCSBT Ecologically Related Species Working Group on non-target species that belong to the same ecosystem (in particular, sharks, seabirds, and sea turtles), including the effects of fishing on the marine environment? Mean rating, by groups: 3.5 (26 responses).**



This question is related to questions 2 and 5 and, likewise, got a relatively low rating (3.5), although better than the previous two (2.8). Like the ESC, the Ecologically Related Species Working Group

<sup>71</sup> The Gene-tagging and Close-kin research is conducted by CSIRO under contract to the CCSBT. The data is available to all Members.

(ERSWG) includes Member's scientists and an independent expert Chair. Unlike the ESC, however, the ERSWG does not have an independent scientific advisory panel. The ERSWG, nonetheless, benefits from significant IGO and NGO expertise (typically ACAP, BirdLife International, Humane Society International and TRAFFIC) at its meetings. The ERSWG task is to provide information and advice to the commission on issues relating to species associated with SBT, with specific reference to species (both fish and non-fish) that may be affected by SBT fisheries; and predator and prey species which may affect the condition of the SBT stock.

For the collection of scientific data on non-target species, which is the basis for scientific advice and recommendations, the ERSWG developed a data sharing mechanism (ERSWG Data Exchange), in 2012. More recently, in 2019, Members agreed to report bycatch data with finer scale from 2020 on (spatial and temporal resolution of the data was changed from CCSBT Statistical Area and year to 5-degree resolution and quarter). Considering the relatively good compliance with this reporting requirement by Members and the Scientific Observer coverage (10% of catch/effort in CCSBT, 5% in most RFMOs), CCSBT data on ERS were considered by some to be likely better than those gathered by other RFMOs. Unfortunately, ERS matters have long been the subject of disagreement between CCSBT Members, as already highlighted in the responses received to question 2. Some Members feel that ERS matters should be largely dealt with by the RFMOs in whose Convention Area SBT fishing is being conducted (IOTC, WCPFC, and ICCAT), while other Members feel that CCSBT should take a more active role in ERS matters. According to some, these disagreements are slowly fading away, but they have resulted in lower priority being given to the ERSWG (it typically only meets once every two years), making it sometimes difficult for the ERSWG to agree on the advice to be provided to the EC, due to the prevailing political divide. Furthermore, the two-year gap between meetings makes it harder for the ERSWG to maintain continuity to progress its scientific activity and advice. This is one of the reasons why ERSWG's scientific activity, so far, has not implemented scientific projects (including research, population assessment, suggestion of new approach, etc.) actively "as a group". Instead, Members have worked largely separately. While the ERSWG develops "future work program" including Members' activities, it seems that such activities are not integrated under/towards a common vision. This is again because the priorities of/ interest in ERS issues are substantially different between Members (consequently less-interested Members do not wish to allocate resources to ERS matter) and also because of the great difference of understanding about ERSWG's role. As a result, scientific advice or recommendation from the ERSWG tends to be very general and ambiguous. In 2007, for instance, the ERSWG proposed a draft recommendation on ERS data collection<sup>72</sup>, however, no agreement was reached on the advice that "scientific effort should achieve a better balance between SBT and ERS" (Page 44; 2008 Performance Review<sup>67</sup>). In 2019, the ERSWG again advised the Commission that "best practice mitigation, as referred to in the 2012 ERSWG report, should be applied in high-risk areas"<sup>73</sup>. However, the EC did not agree to a definition of "High Risk" areas and deferred the issue for discussion at the next EC meeting in 2020. The ERSWG further stated that "the level of interaction between seabirds and SBT fisheries is still a significant concern", but little progress has been achieved so far.

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<sup>72</sup> [This proposal was made by the Australian and New Zealand delegations (not the ERSWG), and it was not agreed by the ERSWG. ]

<sup>73</sup> [https://www.ccsbt.org/sites/default/files/userfiles/file/docs\\_english/meetings/meeting\\_reports/ccsbt\\_26/report\\_of\\_CCSBT\\_26.pdf](https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_26/report_of_CCSBT_26.pdf)



In addition to these “structural” problems, some of the respondents were of the view that ERSWG is currently leaning too much to “bycatch” related issues, even though its Terms of Reference clearly specify also the task “to advice on predator and prey species which may affect the condition of the SBT stock”. “There seems to be no scientific advice on ecosystem, either, with almost no deliberation on “prey species” and on the “oceanic environment” that have major impact on the recovery of SBT stock”. No discussion on how the efforts for the conservation and management of SBT can be improved is taking place in ERSWG, which, according to them, was incongruent and disappointing. Considering the most important objective of the CCSBT is to recover SBT stock, issues related to predator and prey species should be more carefully considered, including the issue of SBT depredation by sharks. Frustration was also expressed for current discussions in ERSWG being too concentrated on devices rather than on how bycatch can be effectively mitigated.

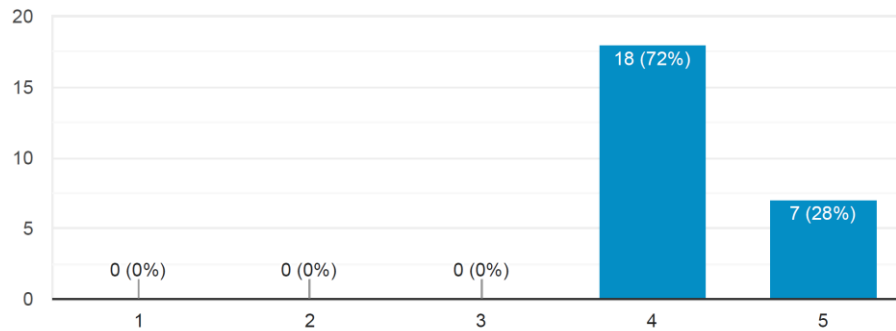
Currently the CCSBT is developing “the CCSBT Multi-year Seabird Strategy”, but there is no similar initiative in relation to sharks and sea turtles, which, at least from a scientific perspective, should receive more attention, although the risks to sharks were considered much lower than for seabirds and those to turtles probably negligible. Overall, however, the data submitted on all bycatch species were considered by many to be insufficient for a proper assessment of the impact of SBT fisheries on them. Some of the respondents expressed a particular concern regarding the incidental mortality inflicted to seabird populations by SBT fisheries. According to one of the respondents, for instance, an excellent scientific work that has been presented to the ERSWG has clearly indicated that longline fishing (especially for SBT) kills tens of thousands of seabirds annually, that the rate of capture is not declining and might be increasing, and that this mortality rate exceeds sustainability thresholds for several seabird species. Unfortunately, this has not been translated into any SBT-specific advice for the adoption of mitigation measures that are much needed to significantly reduce seabird bycatch. The 2008 Performance Review proposed that “scientific effort should achieve a better balance between SBT and ERS” (Page 44<sup>67</sup>). The review also noted that the “wider impacts of SBT fishing on the living marine resources and ecosystems have not been considered by the CCSBT or its subsidiary bodies” (page 48). As it was already pointed out in the responses to questions 2 and 5, according to some of the respondents, one of the main measures required to improve the quantity and quality of the data on the impact of the SBT fishery on bycatch species is to adopt an observer coverage significantly greater than 10%, at a minimum of 20%, since this measure would:

- facilitate the evaluation of the status of the SBT spawning stock and population status, and the impacts of the SBT fishery on ERS;
- support identification of “High Risk” areas, which has not been possible thus far;
- support the call from the ERSWG to “urgently implement more effective and binding ERS mitigation measures” (CCSBT 22 Report, page 26).

According to these respondents, an increase in (human) observer coverage, supported with electronic monitoring and with the adoption of clear and binding disincentives for non-compliance, is urgently needed if the very high seabird mortality is to be rectified in the SBT fishery. Regarding specifically the question, fundamentally whether scientific evidence produced by the ERSWG is good or poor quality, it is irrelevant if the CCSBT continues to fail to action the ERSWG’s advice, as it has been demonstrated repeatedly. It is also important to note, that while it is acknowledged that condensed agendas are necessary, given COVID halting the ability to have in-person meetings, as this may continue for at least

another year, there needs to be additional provisions put in place to achieve “a better balance” between SBT and ERS issues. During the 2020 meetings, ERS was effectively off the table, and there was little engagement on these issues in the online forum<sup>74</sup>.

**11. How do you rate the structure, processes, procedures, communication and expertise of the Extended Scientific Committee to provide scientific advice to the Commission? Mean rating, by groups: 4.2 (25 responses).**



All the responses on this topic were rated 4 or 5, with an average of 4.2, clearly indicating a very positive assessment of the structure, processes, procedures, communication and expertise of the ESC to provide advice to the Extended Commission. Notwithstanding, most of the “4” ratings were given due to deficiencies related to the way ESC communicates its advice to the Commission. This issue was raised at the October 2020 annual meeting of the Extended Commission (EC), when some Members stated that, according to their understanding, the ESC had indicated in 2019 that the Management Procedure was very likely to recommend an increased TAC for 2021 to 2023. Unsurprisingly, these Members were very disappointed that this increase did not occur. This problem was also highlighted in the responses to question 9, where a rating of 2 was given there because the scientific advice on the future trend of the SBT stock was not clear enough to those who are not scientists. Some of the respondents, on the other hand, argued that, in 2019, when the ESC advised on potential new management procedures, it was not asked to comment on the likelihood of no TAC increase. Indeed, it could not have reasonably done so as the data used to determine future TACs were not available then. According to those views, the expectations from Members were, therefore, unreasonable and unwarranted, which is a reason for great concern. In the end, the EC agreed that a better communication between the ESC and EC was needed to help prevent future misunderstandings and instructed the ESC to consider how this could be achieved. Notwithstanding, some of the respondents already pondered that responding to the EC's comments in 2020 at the 2021 ESC will be challenging. According to them, while there is always room for improvement in the ESC communication, consideration also needs to be given to the quality of advice to Members from their own delegations. The need for the EC to formulate clear and specific questions to the ESC, which can be reasonably considered and answered, was also highlighted. Still on the issue of communication, some of the respondents indicated a clear need for a better communication/ translation of stock assessment results, “especially for Members that are not directly involved in the scientific process or still have insufficient capacity to get meaningfully engaged in the assessments”. According to them, there is still

<sup>74</sup> [Discussion of ERS matters was conducted in the premeeting discussion by correspondence for both the 2020 CC and EC meetings. This is reflected at paragraphs 10-30 and 128-131 of the CC 15 report and paragraphs 93-99 and Attachment 11 of the EC 27 report.]

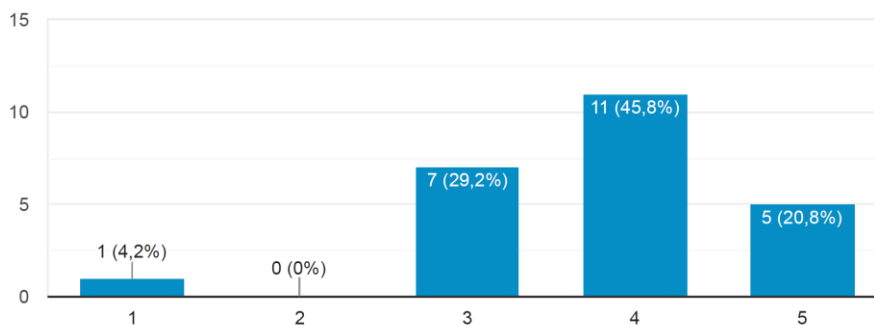
an evident gap between Members directly involved in the stock assessment process, which are the main output indicators, Members that are additional indicators, and those that are only indirect indicators. Not all delegates, therefore, participate effectively in the work conducted by the ESC, and this is a concern. Language barriers are real, as are cultural differences in the approach of scientists. It would be good to see encouragement of ESC delegates from all Members to participate fully. Of course, virtual meetings make this even harder to achieve. From all these responses, it becomes clear that a better communication between the EC and ESC is needed, particularly due to the increasing complexity of the work conducted by the ESC.

According to some responses, although the science behind the scientific advice provided by the ESC is excellent, it is really becoming too advanced and complex, even to many Member's scientists, in particular on OM and MP related matters. And even when national scientists do have a good understanding of the science behind the models, because of their contents are too complex, it has become also difficult for them to communicate with their own Commissioners/ managers/fishers. Genetic data, for instance, which has become a major input to the new MP (Cape Town Procedure), is a relatively new technology and, thus, not all Members are familiar with it, particularly as to how these data work in the new MP. There should be, thus, a mechanism to rectify such information disparity among Members (e.g. inviting external experts on genetic data to the ESC). In this context, some concern was expressed that both OM and MP are becoming a sort of a "black box", which only few can really understand, with most stakeholders, including scientists, becoming just like observers of the whole process. Under current circumstances, the role of the independent Scientific Advisory Panel was highlighted as even more crucial to ensure transparency and fairness of the decisions made. A further concern related to this issue was the long-standing relationships between representatives, which, according to some, may have compromised the scrutiny of the scientific processes. Additionally, the chairing and the attendance by non-science representatives may also have compromised the Committee outcomes.

The timing of the ESC meetings was also considered a hindrance, since they closely precede the annual meeting, so ESC tasking can sometimes lag annual meeting expectations. Besides, there has been little opportunity for exchanges between the ESC and CCSBT. In one occasion, for instance, some Members of the ESC were invited to attend the meeting of the Strategy and Fisheries Management Working Group, which proved very useful and allowed more in-depth discussion of Commission expectations and goals that were incorporated in the design of the new management procedure. This kind of closer interaction and dialogue between scientists and managers can and should be improved in CCSBT, if the communication gaps are to be overcome.

#### **D. Participation and Capacity Building**

12. How do you rate the participation of RFMO Members in the preparation and provision of scientific advice? Mean rating, by groups: 3.3 (24 responses).



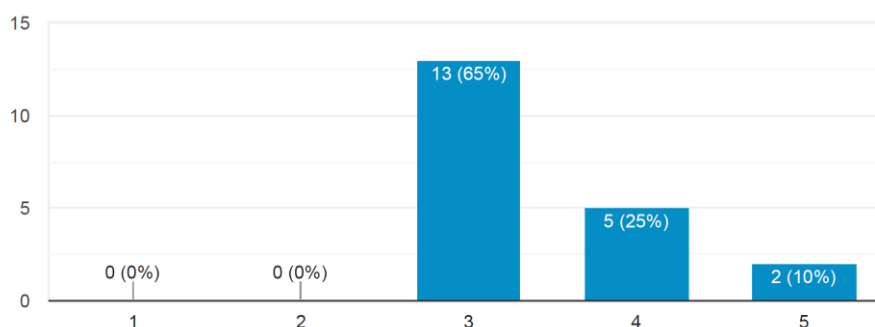
Although the majority of the respondents gave this question a positive rating (66.6% of 4 or 5), the average of all groups was reduced to 3.3, because one of the respondents gave it a rating of 1. This low rating was mainly due to the “widescale failure of CCSBT Members to provide robust data on ERS bycatch and non-target species”. As already noted in questions 2, 5, and 10, some of the respondents considered reporting and data collection across the SBT fishery regarding ERS to be incomplete, irregular, and unreliable. And since “scientific advice can only be as good as the data that are used”, a rating of 1 was also given to this question. According to those holding this view, the 2008 Performance Review had already noted that “the same level of competence and scientific effort [applied for SBT] has not been applied to the management of other living marine resources associated with the fishery”<sup>67</sup>, a deficiency that has been largely ignored by the CCSBT and should be rectified.

Those who assessed this question positively commented that all Members do provide annual reports to the ESC and that most Members do attend the scientific meetings. Under the SRP, ESC work plan and Scientific Data Exchange requirement, all Members do their required activities, and all Members have equal opportunity to submit documents, review information submitted to the ESC, and express their opinion. Six out of eight Members typically provide at least one scientific paper to annual ESC meetings (in addition to the required annual report). As scientific advice is formed and agreed by the consensus of the ESC, some were of the view that all Members have equal opportunity to participate in the preparation and provision of scientific advice to the EC.

As noted in a previous question (9), however, some of the respondents opined that there appears to be an asymmetry of commitment, investment and understanding with respect to the provision of scientific advice to the EC, with some Members participating much more actively than others. Although this situation was considered to be understandable, given differing history of participation, distinct economic capacity of some Members, a lower level of expertise and language barriers, some of the respondents considered this situation not to be ideal, requiring action by CCSBT to rectify it. Some noted, for instance, that the vast majority of the active debate at the ESC usually comes from only three of the eight Members as does the active contribution to the detailed stock assessment, modelling and provision of scientific advice. “Half of the Members do almost all of the work”. Although some Member scientists participate actively and contribute considerably to the final report and form of advice, participation and report writing is largely done by only three Members, reflecting historical involvement. Inter-sessional work (e.g. on CPUE, stock assessments and MP development) should in principle help all Members to participate but those three Members still dominate these processes. It would be good, therefore, to see greater involvement of scientists from all Members.

A final concern expressed was related to the fact that not all Members bring delegations from management authorities to scientific meetings and, therefore, the scientific advice and the recommendations issued are only based on the perceptions from the scientific side.

**13. How do you rate CCSBT efforts for capacity building to facilitate the effective participation of developing States in the activities of the Extended Scientific Committee? Mean rating, by groups: 3.3 (20 responses).**



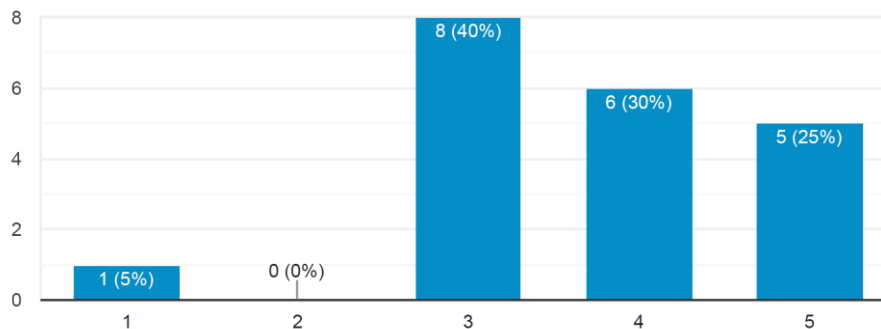
Most of the respondents (65%) gave this question a rather “neutral” score (3.0), resulting in a mean by groups of 3.0. Many referred to their response to question 8, on capacity building to improve data collection by developing Members, due to their obvious similarity. The help provided by the Secretariat, particularly in the process of preparation of the national report and data exchange, was considered very good. “The secretariat is always very keen to respond and provide assistance”. The help from some Members in assisting others to collect data and to participate in wider scientific activities was also recognized, as well as the “many projects” in the work programme of CCSBT that have also included capacity building activities. Capacity building (in the form of additional background and explanations) is also conducted, when considered appropriate, in the margins of ESC meetings by other Members and the independent scientific advisory panel. In the early days of the Management Procedure development, domestic briefings were provided to introduce concepts related to the Management Procedure development process. Funding has also been previously allocated (but not used) to facilitate attendance to technical meetings. Other initiatives, already mentioned in some of the responses to question 8, were, for instance, the “CCSBT Maturity Workshop” in Bali, Indonesia, in 2019, for capacity building and calibration on determining SBT maturity status through the ovary; and several bilateral projects between Members.

Despite of these efforts, recognized by some of the respondents, most of them considered that capacity building in CCSBT needs to be strengthened, particularly in relation to science. CCSBT does not have a systematic mechanism for capacity building for science to Members (not limited to developing Members), although some level of capacity building does happen through participation by scientists from developing Members in the various activities under the ESC’s process. Notwithstanding, the participation of developing Members in the ESC work was considered to be limited. “Capacity building for developing state scientists is still lacking, so the level of participation and contribution in making decisions and recommendations is still minimal”. Some also considered that there should be a better mechanism to facilitate a more substantial participation of developing Members in the implementation and examination of the MP.

Finally, some of the respondents emphasized the need for capacity building not to be restricted to developing Members, since in some scientific areas, such as aging and genetic analyses, even scientists from members considered to be well developed were also in need of training. “Capacity building opportunities should be more widely provided to researchers and scientists who need to strengthen their capacity to catch up with the advanced techniques”.

## E. Long-term planning and research

14. How do you rate the extent to which the CCSBT adopts and regularly reviews a long-term strategy for the Extended Scientific Committee? Mean rating, by groups: 3.9 (20 responses).

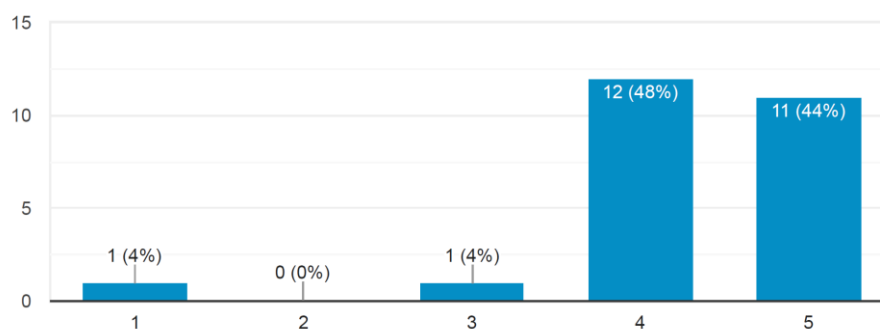


Except for a score of 1, that was given without any further comment, all respondents gave this question a rating from 3 to 5, resulting in an average by groups of stakeholders equal to 3.9 and indicating, therefore, an overall satisfaction with the long-term strategy for the Extended Scientific Committee. The ESC maintains a Scientific Research Program (SRP) that is intended to be updated every 5-years. The SRP specifies on-going scientific monitoring and annual work program activities (including specific research activities with timeframe and priority for each item), undertaken by the CCSBT, Members and the ESC. Based on the SRP, Members and the ESC do their activities and review the outcomes, then develop the ESC 3-year Work Plan, together with a description of the required resources from the CCSBT. These Work Plans and the required resources are reviewed and approved by the Commission. The last SRP covered from 2014 to 2018 inclusive, and it was planned to be revised in 2020 targeting the next 5 years (it was on-hold for the new SBT rebuilding target to be adopted by EC and also the new MP development to be completed). However, due to other priorities and the COVID-19 pandemic, at 2020 ESC meeting there was not enough time to consider a revised SRP (the meeting time itself was shortened as it was held virtually, due to COVID-19 and also due to the time-difference between participants). Since most meeting time was spent for the work on stock assessment work and TAC recommendation by the new MP, the discussion on the new SRP was postponed to 2021, for the subsequent approval by the Commission. One of the respondents considered that because of the absence of a formally updated plan, one recent project request for funding to the Commission may not have been correctly prioritized, highlighting the urgency to have the next SRP built and formally adopted next year. Other respondents pondered that a 5-year SRP may not be considered a “long-term” strategy. The only specific and “long-term” target within the CCSBT is the SBT rebuilding target, which is to achieve 30% of initial Total Reproductive Output (TRO, similar to SSB) by 2035 with 50% probability. All scientific activities are for achieving this rebuilding target. Considering, however, the current situation of the stock, the natural variability of the oceanic environment, the rapid progress being made by science, and also the time and resources required to revising an official document like

the SRP, the “5-year” strategy was considered adequate to support the efforts to accomplish the long-term rebuilding target.

Some of the respondents, however, complained about the low priority given, in general, to the long-term strategy for the Extended Scientific Committee, being often pushed off the agenda, although, occasionally, work on this item has been done intersessionally. The low priority given to the long-term strategic planning is reflected in its position on meeting agendas, being usually rushed as meetings wrap up. This problem is further aggravated by the asymmetry of engagement with ESC and in long term ESC strategy, as previously noted. Despite the low priority and lack of attention, the Extended Scientific Committee processes seem to be working well. Even though the implementation of the long-term strategy might not be necessarily good, there is an informal long-term strategy, driven by the regular review and updates of the stock assessment and the management procedure. A further concern expressed by respondents was related to looking at the necessary research solely considering its costs, without proper planning and strategic thinking about future needs. Others, on the other hand, argued that the lack of a clear prioritization compromised an efficient use of the budget, commenting, thus, that cost/benefit relations should be more carefully considered when developing the plan. The issue of market trade and the use of stereo video in farming activities were also noted as important omissions in the SRP. Regarding issues related to IUU Fishing, it was noted that CCSBT already has a plan that can be implemented, in case there is an allegation of infraction from a Member or non-Member .

**15. How do you rate the alignment of the work done by the Extended Scientific Committee with the needs and priorities set by the Commission? Mean rating, by groups: 4.2 (25 responses).**



The score of 4.2, on average by the different groups of stakeholders, indicates a very positive assessment by the respondents on the alignment of the work done by the Extended Scientific Committee with the needs and priorities set by the Commission. Except for one “3” and one “1”, all the respondents gave this question a rating of 4 or 5. The reason for the score of “1” was a perceived misalignment in ‘balancing the management of SBT and ERS’ with the functions, needs and priorities set by the CCSBT, again pointing to the problem of inadequate management by CCSBT of the ERS (living marine species which are associated with the SBT fishery) and bycatch species impacted by the SBT fisheries.

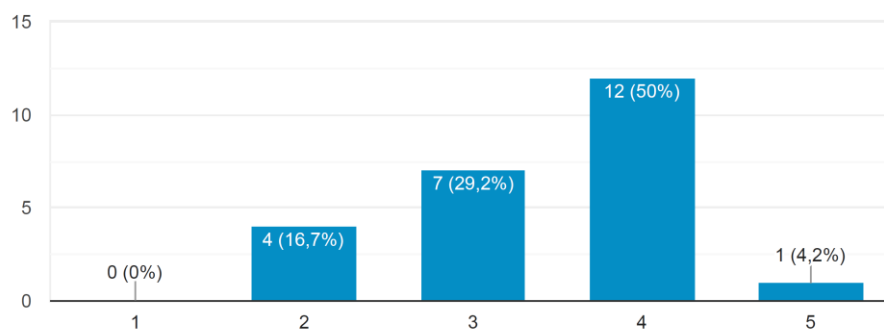
As mentioned at question 14, all activities of the ESC are based on the SRP (which includes specific research, timeframes, and priorities), and such activities are reviewed by the ESC every year and incorporated into the 3-year ESC Work Plan, together with specific direction by the EC. After that, the

draft 3-year ESC Work Plan (including the resources required from the CCSBT) is reviewed and adopted by the EC. Whenever the ESC fails to carry out any task established in the Work Plan, the reasons for that failure are examined, with the task being usually re-incorporated into the Work Plan, with the required changes needed to address and rectify those reasons. This process has been largely successful in ensuring the necessary alignment of the work done by the ESC with the needs and priorities set by the Commission (for example, stock assessments are undertaken, and advice is provided to the Commission to inform decisions on changes to the total allowable catch). Although advice from the SC was generally considered to be clear and useful, as already noted in question 9, some of the respondents considered that there is ample room for further improvement in communication to the Commission, especially in terms of risk and non-technical explanations (e.g. paragraphs 56 and 57, of the 2020 EC report), particularly regarding future projections and expectations. “Despite the EC in 2020 was expecting a TAC rise, and none eventuated from the application of the MP, the work done by the ESC is fully aligned with EC needs”. The primary advice on stock status, MP development and implementation, and other matters, aligns well with the EC needs and expectations. Priorities are generally determined by the cyclic TAC setting. At least in the last three years, the ESC has worked only on issues of clear priority, always trying to respond to the requests made by the Commission, in good faith.

## II. Conservation and management/ Management component

### F. Adoption of conservation and management measures

16. How do you rate the adoption and implementation by CCSBT Members of conservation and management measures for the southern bluefin tuna? Mean rating, by groups: 3.4 (24 responses).



Responses to this question ranged from 2 to 4, with an average by groups of 3.4, indicating a moderate degree of satisfaction by stakeholders with the adoption and implementation by CCSBT Members of conservation and management measures for the southern bluefin tuna. Notwithstanding, some of the respondents expressed a higher degree of satisfaction with the adoption of measures than with their implementation by Members. “Members are very good at adopting measures, but they’re not always great at implementing and fully complying with them”.

The CCSBT’s main CMM is the setting and allocation to Members of a global TAC for the SBT. The TAC is based on recommendations from a thoroughly tested Management Procedure designed to rebuild the stock in a manner compatible with the socioeconomic needs. TAC recommendation by the MP is purely the outcome of mathematical calculations by pre-agreed formulae using scientific data input,



and Members have agreed to utilize the MP as the guide for EC's TAC setting process. Despite the EC may set a TAC beyond the amount calculated by the MP and recommended by the ESC, since the MP was adopted, in 2011, the global TAC has been always set in accordance with the outcome from the MP (even when, in 2020, the stock assessment suggested a greater than expected rebuilding of the stock, but the MP recommended "no increase" of the TAC).

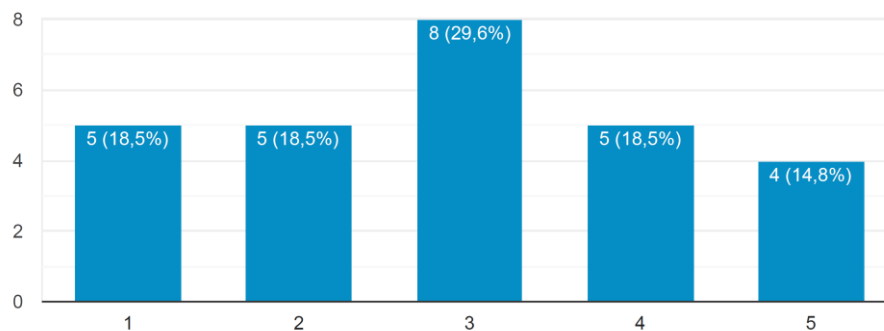
The CCSBT has also set out the "Strategic Plan", which specifies objective, vision, and goals of the CCSBT. This plan has been established and has been revised reflecting the outcomes of the past two Performance Reviews. To support the Strategic Plan, the CCSBT has set out the Compliance Plan (includes 3 years Compliance Action Plan), which provides a framework for the CCSBT to improve compliance and, over time, achieve full compliance with CCSBT's CMMs. When the CCSBT considers CMM, the Strategic Plan and the Compliance Plan are always referred to. It is planned that the current Strategic Plan will be revised once the 2021 Performance Review be completed and PR recommendations be reviewed by concerned bodies of the CCSBT. The most important CMMs, therefore, have been adopted very well.

How well these CMMs have been implemented by Members, however, is a different question. The TAC/ allocations are supported by a variety of compliance mechanisms, the most important of which being the CCSBT's Catch Documentation Scheme (CDS). The TAC includes an allowance for IUU fishing, while Members' allocations also include all sources of SBT mortality (not just commercial catch) (see response to question 6). To ensure that total mortality of SBT does not exceed the TAC, the CCSBT has adopted various input-control rules (e.g. vessel/ farm authorizations), output-control rules (e.g. allocations and CDS), and other rules/ mechanisms to control fisheries related activities (VMS, transshipment, port inspection, etc.). All these rules are specified by resolutions as binding measures, and implementation of these resolutions are supported by guidelines, templates/formats, and data-upload systems. Compliance with measures by Members are regularly checked by the Secretariat, then the summary of Members' compliance and specific/important issues are reviewed by the Compliance Committee (CC). Finally, any required actions are taken by the CC and the EC (e.g. revision of resolution, specific request to concerned Member, etc.). Rules and systems to ensure that total mortality of SBT does not exceed the TAC have been, therefore, adopted/ established, as well.

Occasional over catch of Members' allocations has happened and are dealt with by the Corrective Actions Policy, which requires payback of quota, usually in the next year. Nevertheless, there have been cases where Members have refused to pay back their over catch, giving reasons for serious concern, despite the amount was small. An exception to the payback rule was also agreed regarding an over catch in 2020 due to a Member's need to increase fishing during COVID pandemic. The payback in that case, therefore, will spread through some years. There have also been some minor non-compliance issues with other measures (in particular, CDS), but most of these have been followed-up and required actions taken to resolve such problems. The different capabilities by each CCSBT Member to adequately implement the agreed CMM was also noted with concern. Further consideration on CMMs relating to compliance are considered in the compliance section of this questionnaire.

**17. How do you rate the adoption and implementation by CCSBT Members of conservation and management measures for non-target species (in particular, sharks, seabirds, and sea turtles),**

including the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems? Mean rating, by groups: 2.9 (27 responses).



Like all the previous pair-questions that referred to both the SBT (questions 1, 4, and 9) and then to the ERS (questions 2, 5, and 10), the rate given to the adoption and implementation by CCSBT Members of conservation and management measures for the SBT (question 16, 3.4) was always higher than for ERS (17, 2.9). Most of the positive ratings (4 & 5) came from Industry Representatives (mean= 4.4), and Governments (mean= 3.3), while the lowest scores were given by NGOs (mean= 2.3) and CCSBT Officers (mean= 2.3), clearly showing a difference in perspectives between different groups of stakeholders. Many of the answers provided naturally repeated the points already made in questions 2, 5, and 10, also on the management of ERS.

The responses to all these 4 questions (2, 5, 10, and 17) make evident the need to resolve the issue of CCSBT's mandate with respect to Ecologically Related Species (ERS), which has long been the subject of disagreement between CCSBT Members. Some Members feel that ERS matters should be largely dealt with by the other RFMOs in whose Convention Area SBT fishing is being conducted (IOTC, WCPFC and ICCAT), while other Members feel that CCSBT should take a more active role in ERS matters itself. Until this divide is resolved, the adoption and implementation of conservation and management measures by the CCSBT for ERS will likely continue to be slow and contended. "There seems to be a reluctance from some Members to commit to eliminating seabird bycatch, which prevents the adoption of sufficient measures to mitigate the bycatch". For the same reason "adopted measures are not implemented sufficiently".

The situation improved, in 2018, nonetheless, when CCSBT adopted its binding "Resolution to Align CCSBT's Ecologically Related Species measures with those of other tuna RFMOs" (Alignment Resolution), making the relevant ERS Resolutions/ Recommendations of IOTC, WCPFC and ICCAT, as being CCSBT own requirements and ensuring that these requirements are updated annually (in practice, however, since most CCSBT Members are also members of those RFMOs, they were already bound to these Resolutions/ Recommendations, anyway). The Alignment Resolution also tasked the Secretariat with preparing an annual report for the Compliance Committee on the implementation of ERS measures. The Secretariat's report has transparently identified problems with the implementation of seabird mitigation measures, which are now being subjected to corrective action.

In the view of some, however, what CCSBT Members have done is essentially to pass the responsibility over to the other t-RFMOs. This, at least partly, reflects a concern that any measures adopted by CCSBT could be inconsistent with current, or become inconsistent with future, CMMs of the other overlapping RFMOs. These other t-RFMOs, however, have different priorities than to address these bycatch issues from fishing for SBT, and may also, on the other hand, use CCSBT as an excuse to avoid taking further action on the risk to seabirds from tuna fishing within their areas of competence, since most of this risk comes from fishing for SBT (90% of the fishing in identified areas of high risk to seabirds<sup>75</sup> is by CCSBT Members). This overlapping and ambiguous responsibilities have resulted in disappointingly little progress among all the t-RFMOs on the issue of seabird mortality from longline fishing. According to those respondents, within the CCSBT, the various longstanding disagreements among Members over SBT fisheries (such as unreported catches, failure to adopt stereo-video, etc.) have also affected the discussions on bycatch issues and hindered the reaching of consensus on the clear need for actions such as on the mitigation of seabird bycatch. “The Commission performance in this area is poor and there seems to be little appetite to make significant improvements. We know what is required to reduce (or even eliminate) seabird mortality (CCAMLR has shown us how to do it) and yet Members seem unwilling or incapable of making substantial progress in this area. More generally, Members do not seem to understand that they have important obligations on non-target species and the marine environment more generally”.

In the view of some of the respondents, there is a need to adopt more effective seabird mitigation measures, particularly in areas of “high risk”. However, Members did not yet agree to the definition of “High Risk” areas and deferred the issue for discussion at the next EC meeting in 2020<sup>67</sup>. The adoption of any new measure is unlikely to occur until the impact of full implementation of the current mitigation measures on seabird mortality can be assessed, but such assessment, on the other hand, has been hampered by the limitations of the data submitted by Members, on ERS bycatch, aggravated by confidentiality concerns. As noted in question 2, the only way to resolve this, according to some of the respondents, is to increase human observer coverage, supported with electronic monitoring, coupled with the adoption of clear and binding disincentives for non-compliance. In their view, the CCSBT Members are reporting a very poor implementation of CMMs related to bycatch, resulting in low compliance and high bycatch rates of ERS. Without widescale observer coverage, that is representative of the fishery, including electronic monitoring, and effective penalties for failure to comply with CMMs where they exist, the CCSBT will continue to be one of the worst performing RFMOs in reducing ERS bycatch, in the view of some.

The way CMMs on ERS have been implemented by Members have not been even either. As noted at question 2, while Most Members have complied with ERS related measures relatively well, some Members have failed to comply with very important requirements, such as the utilization of “two of three” best practice seabird mitigation measures, with some latest reports, presented at 2020 Compliance Committee, showing a deterioration in the level of compliance, not an improvement. Due to low compliance, bycatch of ERS has remained concerningly high in SBT fisheries, despite effective mitigation measures being available for over two decades, and despite: a) calls for binding measures

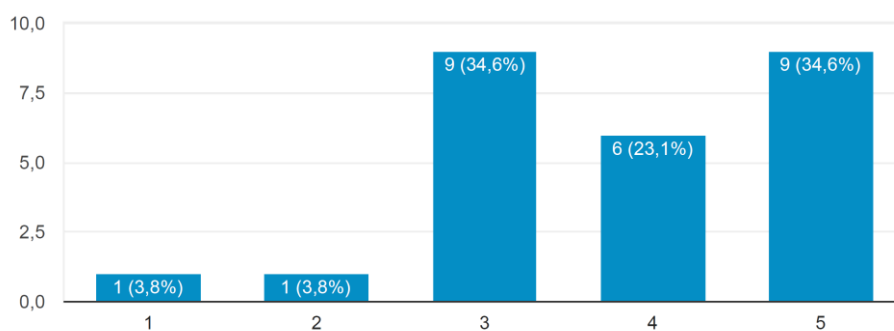
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<sup>75</sup> [The CCSBT has not yet agreed to a definition of high-risk areas for seabirds.]

on seabird and ERS bycatch have been repeated annually; b) an MoU was adopted between CCSBT and ACAP, in 2015; and c) Members have already committed to “adhere to the ERS rules in IOTC, WCPFC, and ICCAT Convention areas in which their vessels fish for SBT”. According to these respondents, bycatch issues in SBT fisheries continue to be deferred, and Members consistently fail to implement mitigation measures and report on ERS bycatch, as noted in the 2020 Compliance report.

Other respondents, nevertheless, had a different view on the issue. According to some of them, a reasonable level of CMMs, which is comparable to other RFMOs, has been adopted by CCSBT. Some considered CCSBT to be even more advanced in implementing CMMs related to seabirds than other RFMOs. For other bycatch species, however, since CCSBT does not have a specific area of jurisdiction, the adoption of other RFMOs’ measures was considered the best approach. Some CCSBT Members argued that management of ERS is not consistent with the CCSBT Convention, and that, as a non-spatially defined RFMO which overlaps areas managed by other RFMOs, any CCSBT measures would duplicate those of the other RFMOs. Some pondered, however, that a more contemporary role for the CCSBT, based on obligations contained in broader marine and fisheries agreements should guide the work of CCSBT regarding ERS. In addition to this, there appears to be varying expectations of ERS and bycatch performance, with apparently differing views about take of species of concern, compared to ongoing high rates of bycatch of currently abundant species or byproduct species. There was only a single comment on species other than seabirds, with one of the respondents expressing the view that sharks should not be considered non-target as they do form an important part of the retained catch for many fishing trips.

**18. How do you rate the application by CCSBT of the precautionary approach, as set forth in UNFSA, Article 6, and the Code of Conduct for Responsible Fisheries, Article 7.5, including the application of precautionary reference points? Mean rating, by groups: 3.6 (26 responses).**



The rating of 3.6 given, on average, by the different groups of stakeholders to this question reflected, in most cases, the mean between the way the precautionary approach has been applied to the SBT (considered very good) and to the ERS (considered very poor). Some actually commented that the score of 3 given by them was an average between a score of 4-5, with respect to SBT, and of 1-3, with respect to ERS.

The CCSBT’s Convention pre-dates UNSFA and, therefore, it has no reference to the precautionary approach. However, the CCSBT’s Rules of Procedure have been amended to specify that “the Scientific Committee shall incorporate advice consistent with the precautionary approach in its advice to the Commission”. Accordingly, at least regarding SBT, the CCSBT has adopted a Management Procedure

(and associated data collection programs) as its basis for setting the SBT TAC. This approach was considered to be inherently precautionary through checking robustness to scientific uncertainties in the management procedure testing process. The Management Procedure (MP) known as the 'Bali Procedure' was used by the ESC to recommend the TAC for 2012-2020. In 2019, the CCSBT adopted a new MP called the "Cape Town Procedure (CTP)" and has used it for recommending the TAC for 2021 and beyond. In the process for the development and adoption of the latest Cape Town Procedure, Members tested several candidate MPs (CMPs), which were tuned to achieve the target that was finally agreed by the Commission. All CMPs have, thus, been tested against various scenarios (including extreme assumptions), so called "robustness tests", including provisions for potential non-Member catch. Scenarios used for robustness tests included various negative assumptions, for example "future recruitment reduced by half", "50% of over catch associated with reported effort", "40% over catch by the farming sector", "2,000 t of over catch by non-Members", and so on, which are extreme and not likely to happen. Under each scenario, all CMPs and OM were run for stock projections and those results were shown in various ways for comparison (e.g., trajectory, violin plot, etc.). All CMPs achieved rebuilding target (except for only one scenario, by one CMP), although there were differences between CMPs, in terms of rebuilding speed, future TAC levels and risk of reducing TAC in the future. Then, the ESC recommended only one set of CMP that was considered to be the best, which was accepted by the EC, in 2019, despite expectations that the TAC would be increased due to the steady rebuilding of the stock. This outcome evidence that the process has been successful to depoliticize the task of TAC setting. The target recovery level (0.30 relative TRO), which is close to  $B_{MSY}$ , was also considered sufficiently precautionary.

The "robustness test" assures that the MP is solid enough against any extreme situations which may happen in the future. Besides, the global TAC is set in accordance with the outcome of the MP run using the latest available data input. If there are any exceptional circumstances (i.e., data or events which are divergent from the projected trajectory of the robustness test), the ESC addresses the situation in accordance with a pre-agreed Meta-rule process<sup>76</sup>. Considering this careful routine, the current TAC setting by the CCSBT can be considered very "precautionary" against unexpected circumstances, at least at the ESC level. As noted by one of the respondents, "the use of a management procedure that has been tested over a wide range of uncertainties to achieve interim and long-term rebuilding goals is the most effective way to implement the precautionary approach". Besides, unlike many tuna RFMOs, the ability CCSBT has demonstrated to translate objective-based TAC decisions into Member catch shares of that TAC, has allowed the EC not just to adopt a precautionary framework but actually to implement it in practice. According to some, that has only been possible because CCSBT has been able to achieve a delicate balance between a level of exploitation that is safe to ensure stock rebuilding, but that provides, at the same time, the benefits needed to ensure the socioeconomic sustainability of SBT fisheries. In summary, despite some criticism on unresolved issues around unaccounted mortalities for SBT, the procedures adopted by the CCSBT regarding the SBT were considered very solid and in conformity with the precautionary approach, as set forth in UNFSA, Article 6, and the Code of Conduct for Responsible Fisheries, Article 7.5, including the application of precautionary reference points.

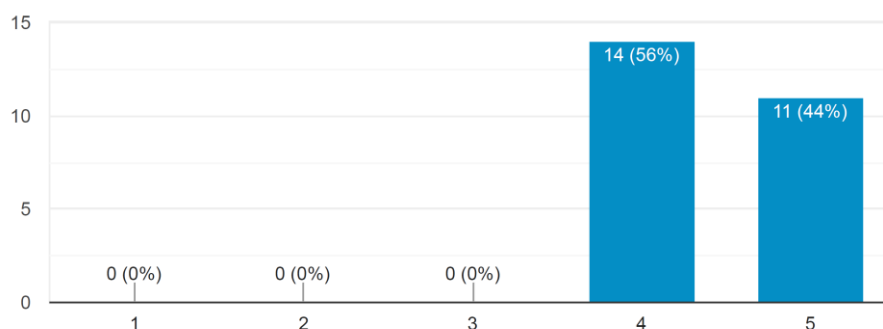
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<sup>76</sup>[https://www.ccsbt.org/sites/default/files/userfiles/file/docs\\_english/general/ESC25\\_Attachment\\_08\\_CTPSpecifications.pdf](https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/general/ESC25_Attachment_08_CTPSpecifications.pdf)

Some of the respondents, however, in responding to this question, raised again the issue of communication, stating that the Extended Scientific Committee should more clearly articulate the levels of uncertainty and their consequences for managers to make more informed decisions. Along these lines, some considered the interpretation of Nominal CPUE and of the uncertainties in the MSE processes to be influenced by subjective judgements, reiterating that not sufficient explanations have been provided to the stakeholders other than to a handful of experts actually doing the calculations, hindering, therefore, their capacity to assess whether the current precautionary approach was appropriate or not.

Regarding the application of the precautionary approach to the ERS, however, the overall assessment of the respondents was much more negative, with many holding the view that CCSBT has simply not applied, so far, the precautionary approach to them. “There is too much discussion, analysis and research, but not enough action to take a precautionary approach in the event of lack of and/or disputed information with respect to the impact of fishing activities on associated species”. Although some recognized that there are some bycatch mitigation measures in place, they were considered too timid and not complied with fully, anyway, with no sanctions being imposed because of that. “CCSBT seems to tick the box that measures have been adopted (or are adopted in other RFMOs where SBT is caught, see the answer to question 17), but there is not so much transparency on the level of compliance with these basic mitigation measures, with potentially thousands of seabirds being killed every year, despite the knowledge that demonstrably effective mitigation measures are available and used elsewhere. This information seems 'hidden' in the details of papers”. The CCSBT performance in relation to the application of the precautionary approach to non-target species was, therefore, considered very poor.

**19. How do you rate the implementation by CCSBT of the rebuilding plan for the southern bluefin tuna? Mean rating, by groups: 4.4 (25 responses).**

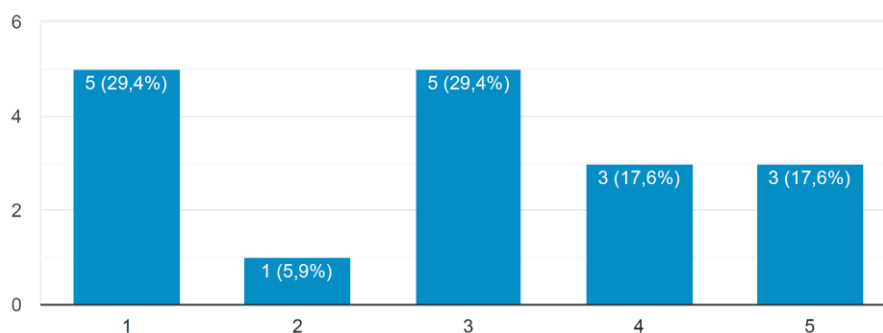


With an average by groups of stakeholders of 4.4, and no rating lower than 4, the rates given to this question were among the highest, indicating unequivocally a unanimous satisfaction with the way CCSBT has been implementing the rebuilding plan for the southern bluefin tuna. The CCSBT’s rebuilding plan was initially implemented through its first Management Procedure, which was in place from 2012 to 2020. The CCSBT has accepted, so far, all TAC recommendations from the Management Procedure (although not without substantial debate each time). Notwithstanding, even in 2020, when there was a clear dissatisfaction about the lack of TAC increase, the EC still adopted the MP-set TAC for 2021-2023, despite considerable pressure to do otherwise by some Members. As a result of that, the spawning stock has rebuilt to approximately the level of the interim rebuilding target in less than

the target time frame. The CCSBT's current rebuilding target is to achieve 30% of initial Total Reproductive Output (TRO, similar to SSB) by 2035 with 50% probability. To achieve this target, the CCSBT has set/is setting a TAC in accordance with robust and precautionary MP recommendation (see response to previous question). The MP development and implementation has been endorsed by all Members, with continued adherence to it being the key for recovering the stock to target levels. To ensure that SBT mortalities do not exceed the TAC, the CCSBT has implemented various measures and Members' compliance has been generally good. While there have been several "over catch" incidents, these are still within assumptions of the MP and have not affected the prospects of achieving current rebuilding target. Besides, these over catches have been, at least in part, compensated by pay back schemes. So, summing up, the rebuilding plan based on the MP has been effectively implemented so far and it is working well in terms of ensuring the recovery of the stock, with rebuilding occurring at even a somewhat faster rate than originally expected.

Some of the respondents, however, expressed concern with the statements by some Members that they will leverage adherence to the MP outcomes against other considerations. Others reiterated the need to improve communication, considering the confusion experienced at the 2020 EC meeting around TAC setting. Finally, some of the respondents opined that under the present circumstance of high uncertainties due to lack of direct recruitment indices, it would be critical to achieve a track record of steady stock rebuilding year after year, instead of swinging from joy to sorrow each time numbers come out. According to them therefore, the focus should be placed not on early stock recovery but rather on a sound recovery.

**20. How do you rate the measures implemented by CCSBT to minimize pollution, waste, discards, or catch by lost or abandoned gear, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques? Mean rating, by groups: 2.4 (17 responses).**



This question was the one with the widest range and most heterogeneous ratings, from 1 to 5, with an average by stakeholders of 2.4, indicating a predominance of negative responses. Although most of the respondents were of the view that CCSBT has so far done nothing to minimize pollution, waste, discards, or catch by lost or abandoned gear, the reasons for that differed among respondents.

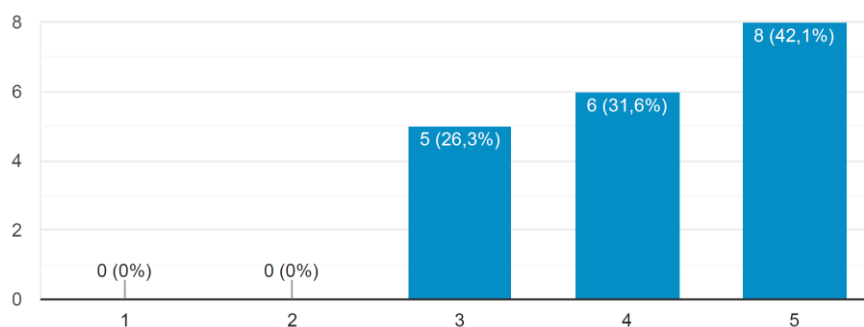
Some argued that these matters should be dealt with not by CCSBT, but by each Member's government, under their responsibility, as parties of UNCLOS, London Convention, CBD and so on. Since the CCSBT does not have any mechanism to consider Members' compliance against other

conventions like these, it could do nothing about the problem. Others pondered that these issues should be largely deferred to spatial (area based) RFMOs, despite recognizing that some more work was probably needed in this area by the CCSBT.

Some of the respondents, however, had a different perspective on this issue, arguing that the CCSBT does have a direct responsibility over this problem and, therefore, should take urgent action to address the issue of pollution from fishing vessels under its mandate by implementing binding CMMs in line with those adopted by other t-RFMOS (e.g. WCPFC CMM 2017-04<sup>77</sup>). According to those views, while there is unambiguous evidence of pollution issues from tuna long-line and purse seine vessels operating in other RFMOs, mainly related to the dumping of plastic waste<sup>78</sup>, the CCSBT has adopted no CMMs, operational guidelines or other measures to minimize pollution, waste, discards, or catch by lost or abandoned fishing gear, apart from Member level accession to MARPOL.

## G. Compatibility of management measures

21. How do you rate the compatibility of the conservation and management measures adopted by coastal States within the range of distribution of the southern bluefin tuna, in areas under national jurisdiction, and those established for the high seas, as reflected in UNFSA Article 7? Mean rating, by groups: 4.2 (19 responses).



This question received a majority of “5” ratings (42.1%), and no score under 3, with an average of 4.2, indicating that CCSBT stakeholders are generally satisfied with the compatibility of the conservation and management measures adopted by coastal States within the range of distribution of the southern bluefin tuna, in areas under their national jurisdiction and in the high seas, as reflected in UNFSA Article 7.

Article 1 of the Convention establishes that it “...shall apply to southern bluefin tuna (*Thunnus maccoyii*)”, with no definition of geographical region, so the CCSBT does not have a clearly defined “convention area” and, therefore, its adopted measures shall be applied to all SBT fisheries, regardless of where they are operated, in the high seas, in the EEZ or in territorial waters. Since the CCSBT does not differentiate these legal zones for the application of the CMMs, the compatibility of the CMMs adopted by coastal Members in areas under national jurisdiction and in the high seas is considered to

<sup>77</sup> <https://www.wcpfc.int/doc/cmm-2017-04/conservation-and-management-measure-marine-pollution>

<sup>78</sup> Richardson, K., Haynes, D., Talouli, A. et al. Marine pollution originating from purse seine and longline fishing vessel operations in the Western and Central Pacific Ocean, 2003–2015. *Ambio* 46, 190–200 (2017). <https://doi.org/10.1007/s13280-016-0811-8>

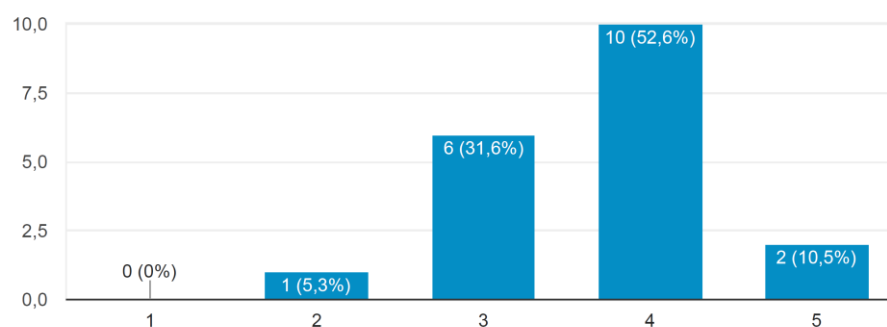


be high, despite the cases where measures, however compatible, may not be complied with, which, then, becomes a problem of compliance, not of compatibility.

Some of the respondents considered, however, that since often it is not so clear what conservation and management measures are in place in the areas under national jurisdiction, a standard process to review and discuss such measures should be developed by the CCSBT. Others pondered that despite coastal Members have, in general, implemented CMM related to SBT, in a compatible manner, their implementation capability is still constrained by technology, human resources, budget, and characteristics of multi-gear and non-target fisheries. Some coastal Members, therefore, seem to implement compatible measures better than others. Besides, the domestic management arrangements of some Members do not seem to be sufficiently rigorous or robust to provide a high level of confidence that measures agreed to by the CCSBT are being thoroughly implemented in the waters under their jurisdiction.

## H. Fishing allocations and opportunities

22. How do you rate the CCSBT process for the allocation of the total allowable catch for the southern bluefin tuna, including taking into account requests for participation in this fishery from new Members or participants, as reflected in UNFSA Article 11? Mean rating, by groups: 3.7 (19 responses).



For existing Members, the TAC is allocated in accordance with the “Resolution on the Allocation of the Global Total Allowable Catch<sup>79</sup>”. Under this resolution, the TAC (minus research mortality allowance) is divided by “nominal catch percentage” (specified in the annex of that resolution), calculated from “Nominal Catch Level”, which is based on historical SBT catch and agreed by the Commission. This nominal catch level can be changed upon the request by Members and agreement by the Commission. In the past, such changes have usually happened when the global TAC has increased. Some of the respondents commented that this Resolution works well, except when a Member considers it should have a greater share of the TAC than previously accorded (as it happened at the 2020 meeting). Others argued that, despite Article 8(4) of the CCSBT’s Convention specifying matters to be considered in allocations among the Parties, it does not address all provisions of UNSFA Article 11, particularly in relation to developing States and coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources. “While the CCSBT has benefited from stable and agreed

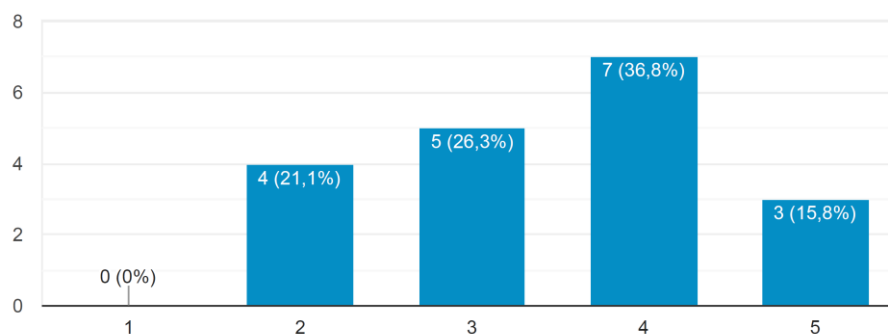
<sup>79</sup>[https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs\\_english/operational\\_resolutions/Resolution\\_Allocation.pdf](https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Allocation.pdf)

allocation, and this has been a major benefit in achieving stock recovery, development of clear processes and criteria for future allocation to existing and new members needs to be progressed”.

Others, on the other hand, considered the allocation process to be not only consistent with UNSFA Article 11, but democratic, as a decision requires a consensus, and with due consideration to the rights of coastal developing Members. The caveat that UNFSA only provides a range of considerations, but not a clear process for allocation, was however, noted. According to those views, historic catch, fishing capacity, coastal states’ characteristics are considered in a well-balanced manner. Some, however, commented that the allocation process and ratio should take Members’ active fleet size into account. In practice, despite some diverging views, allocation to Members, including new entrants, has been a negotiated settlement, with catch history being an important part of discussions. The balance of interests of traditional players and the request for new opportunities for incoming players remains a difficult issue.

In terms of new Members, the CCSBT does not have a specific pre-agreed mechanism to provide allocation. The “process lacks transparency and in the case of new Members is largely undefined”. “It would be useful for the Commission to develop a policy on allocation of catch to new Members and make this public”. Nonetheless, all Members, except one, consider that the allocation to a new Member should be discussed and agreed on a case-by-case basis. One Member suggested that a mechanism for providing allocation to new Members should be developed, but the Commission did not accept that suggestion. In the past, new Members have firstly become a CNM, receiving, on that occasion, a certain amount of the TAC, in accordance with paragraph 6 of that resolution. After becoming a Member, one of them requested to have their nominal catch increased and had its request attended by the Commission. In the view of one of the respondents, “if a new Member demonstrates its commitment to comply with CCSBT CMM and also explains the necessity for an allocation increase”, it will likely accomplish it.

**23. How do you rate the CCSBT consideration of the special requirements of developing states, with respect to fishing allocation or opportunities? Mean rating, by groups: 3.4 (19 responses).**



The ratings for this question ranged from 2 to 5, with an average of 3.4, by groups of stakeholders, indicating diverging views on the issue. Many of the respondents to this question referred to their answers to the preceding question (22) since it also refers to the allocation of fishing opportunities. The most important provisions for allocation within the CCSBT are specified at Article 8-4 (a-f) of the Convention, and they are mute on whether the development status of a nation should be considered

for setting an allocation or not. Likewise, CCSBT's CMMs are applied to all Members equally, regardless of the Members' development stage. So, all Members must implement the same measures (e.g., CDS, vessel authorization, VMS, etc.), despite their different background, nature of fisheries, government capacity, etc. Very little consideration has been given, therefore, to the special requirements of developing Members, noting that, so far, there have only been two developing Members that have requested Membership and an allocation. Despite some capacity building is at least included in the Strategic Plan and in Compliance Plan – goal/ strategy 10 – it does not go much further than that. The reasons why the CCSBT convention does not have specific provisions for developing Members are likely because the CCSBT was established by only three “developed” Members and before the advent of UNFSA. If the Commission decides to revise the Convention, however, this theme should be considered seriously.

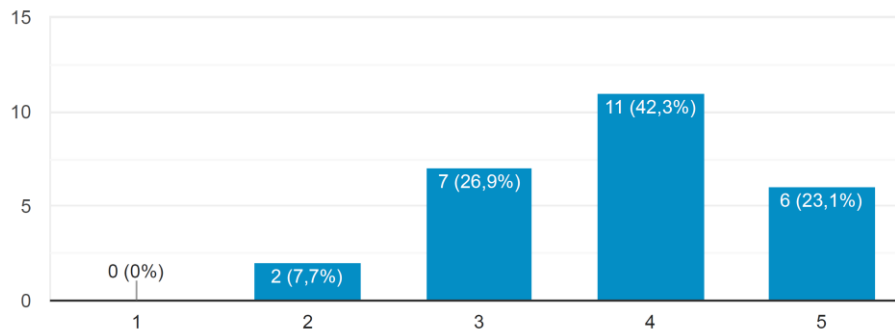
In practice, the discussions to address the allocation of fishing opportunities to developing Members at annual meetings have been tense, with a general, voiced, diplomatic interest in accommodating their special requirements, but a great difficulty to actually deal with such issues, resulting in, unsurprisingly, divided views.

According to some of the respondents, the recent discussions have been accommodating in considering special requirements of developing Members with respect to allocation. More specifically, the most recent two negotiations on TAC allocations (in 2016 and 2020) gave due consideration to the requests from the two coastal developing Members. “The special requirements of developing states have been considered in the context of UNFSA Article 11 (d), and (e), while the status of the stock and the need for rebuilding were also considered, in conformity with Article 11 (a).

On the other hand, some expressed an opposite understanding, opining that the needs of developing Members have not been properly considered in allocation decisions. “CCSBT still uses a historical catch regime, and, therefore, there has been no transfer of quotas from developed Members to developing Members in a fair manner, with most of the TAC still being held by 2 (two) Members”. “Many traditional players are not willing to give up some share of their allocations for the sake of more allocations to the developing players”.

## **I. Decision-making**

24. How do you rate the decision-making procedures in CCSBT, for the transparent and consistent adoption of conservation and management measures? Mean rating, by groups: 3.7 (26 responses).



Most of the respondents (65.4%) gave this question a rating of 4 or 5, with an overall average by groups of 3.7, indicating that most of the stakeholders are reasonably satisfied with the decision-making procedures in CCSBT. Basically, all the decisions made by CCSBT require the consensus of Members, a requirement that, according to most of the respondents, have positive and negative consequences. “Consensus decision-making has some strengths; however, it can also lead to a lack of transparency and consistency in CMMs”.

The consensus-based decision-making process was considered a “lowest common denominator” approach by some, since it may often lead to the adoption of sub-optimal CMMs for the sake of having something rather than nothing. It may also prevent progress, in many instances. Some issues have been in a deadlock for over a decade, blocked by a single Member, for instance. Because of this limitation, some of the respondents considered that there should be exceptions to this general rule. A Member, for example, should not be able to block (due to lack of unanimity) a sanction or corrective action against itself, when such a decision has been agreed by the majority of the other Members. A majority decision-making process, in these cases, would make Members more accountable.

The “consensus” rule, in many cases in the past, have almost impeded agreement for crucial management issues such as the TAC and national allocations, including during the last meeting. According to some Members, however, this difficulty has been even more serious, regarding ERS. The only binding conservation measure related to them that has been ever adopted in the ERSWG was to make it explicit that vessels fishing for SBT must follow the CMMs of the other t-RFMOs in whose waters they fish<sup>80</sup>. This resolution on the alignment of measures with other t-RFMOs, however, does not add to those already in place. Beyond that, there has been no consensus on the need for CCSBT to adopt conservation and management measures on issues related to the impact of SBT fisheries on bycatch species, including the most pressing of them: the high level of seabird mortality in longline fisheries. Indeed, despite extensive discussions at CCSBT 14, there was no consensus to adopt binding measures on ERS, or even to agree on a definition of ‘high-risk’ (see also responses to question 10). These are just two examples of how the consensus approach can stymie progress on the mandate of the Convention to address impacts of SBT fisheries to ERS. According to some of the respondents, ultimately, despite repeated calls for binding measures on mitigating bycatch (see also responses to question 17), the inaction of the CCSBT to adopt binding measures has led to over a decade of ongoing declines of species directly impacted by SBT fisheries. Although there are hopes that

<sup>80</sup> [This was a Resolution introduced to and adopted by the Extended Commission, not the ERSWG.]

the recently adopted measures will yield a reduction in ERS bycatch, without decisions to implement greater observer coverage, including electronic monitoring, compliance to these measures is likely to remain poor.

On the other hand, various positive aspects of a decision-making process based on a consensus approach were highlighted by several respondents. As the 2008 Performance Review noted, the consensus-decision making approach has benefits in that it protects the interests of minority views, and "should yield greater ownership of - and hopefully greater compliance with - the measures adopted."<sup>65</sup> Some of the respondents agreed with that view, commenting that "a consensus-based decision-making process should receive greater ownership by all Members"; and that "consensus-based decision-making has enabled all Members to have their interests reflected in the negotiation". Besides, and more importantly, it does not allow "reservations" or "objections" to be presented against the implementation of measures agreed, an opt-out resource that may render adopted measures meaningless. Considering the yet reasonably small number of CCSBT Members, some concluded that the consensus rule was still a better alternative than allowing the opting-out resource by unsatisfied Members.

In general, the decision-making process was considered to be transparent and consistent, particularly when the decisions at the Commission meeting or other subsidiary bodies are made at plenary, which includes the presence of observers. "It is a small Commission and at the time of decision making, all Members can express their views and opinions freely". However, many decisions are made out of the main session, at "Heads of Delegation" meetings, which is limited to some representatives from Members only, or through bilateral discussion, not becoming clear, nor disclosed, how the conclusion was reached, leading to a loss of transparency. This has been often the case when the EC has discussed decisions regarding allocation and setting of the total allowable catch (TAC). According to some, the Extended Commission (EC) has used Heads of Delegation (HoD) meetings too frequently, which has undermined its transparency in decision-making. "Decisions made in closed sessions limit overall transparency". In 2020, as for many RFMOs, virtual meeting formats prevented corridor discussions, aggravating this situation further. On the other hand, some of the respondents pondered that, considering the diplomatic sensitivity of some issues and the elevated tension sometimes involved, it would be much more difficult to reach consensus if these discussions were held in plenary. Some of the respondents also considered the process for making intersessional decisions often not transparent enough, despite they tend to be more of an operational nature, and not for the adoption of CMMs. On the other hand, some decisions by the Commission have been made through "intersessional decision-making process", using the CCSBT circular, which is only available to Members. Such intersessional decisions are not always clearly reported at the meetings or published to the public area of the website, therefore compromising their transparency, since they leave no room for third parties to join the process, nor to know the reasons why a decision was made.

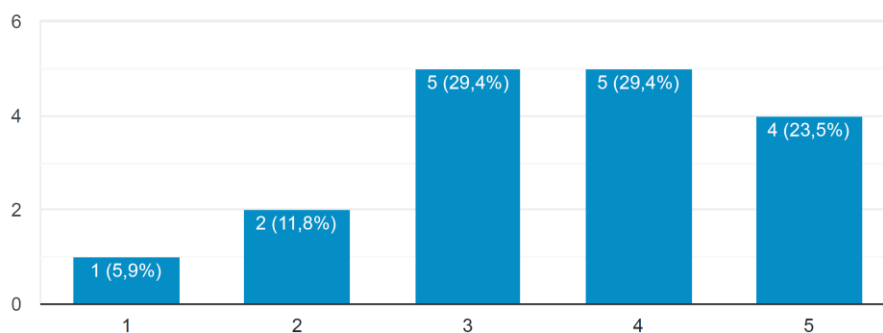
Regarding consistency, the process to adopt CMMs on the SBT, including the most important ones, such as the rebuilding target and TAC recommendation, was considered to be very consistent, involving the coordinated work of the ESC, the CC and the EC, in an integrated manner, including a good communication between Commissioners/ Managers and Scientists, to ensure the adoption of and the compliance with the required measures. Usually, the ESC and the CC do their job under the EC's

direction, and most of the CC and the ESC’s recommendations are accepted by the EC. Some concern was, however, expressed that past TAC decisions were based firmly on the acceptance of the MP implementation and trust in science, but as the stock continues to rebuild and TAC increases are becoming more likely, the basis for acceptance of MP-set TAC and trust in the underpinning science may be wavering.

Concerns were also noted regarding consistency of the CMMs adopted for ERS. Despite the ERSWG have reiterated its recommendations year after year, most of them have not been yet adopted by the EC. This may be partly because the ERSWG’s recommendations were unclear, but it again exposes the differences of views among Members regarding the CCSBT mandate to adopt measures related to ERS. Finally, some of the respondents also expressed their concern regarding decision-making process still using the original convention, resulting in two of the Members not having voting rights in the Commission.

## J. Dispute settlement

25. How do you rate the mechanisms CCSBT has put in place for resolving disputes? Mean rating, by groups: 3.5 (17 responses).

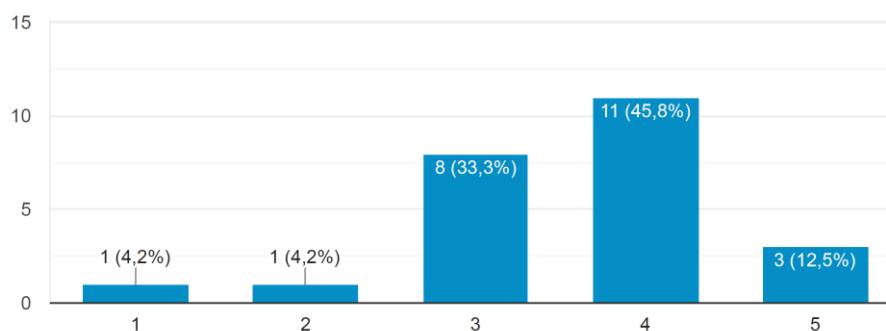


The average rating for this question was 3.5, ranging from 1 to 5, although most of the responses were 4 or 5 (52.9%), indicating a reasonable level of satisfaction by stakeholders regarding CCSBT process for resolving disputes. The dispute resolving process in force in CCSBT is established in Article 16 and in the Annex to the Convention. All Members (except the Fishing Entity of Taiwan) are Parties to UNFSA and the 2008 and 2014 Performance Reviews consequently indicated that the dispute settlement rules provided by UNFSA could also be used by the Extended Commission. The 2014 Performance Review also recommended “that the CCSBT should seriously consider developing an alternative approach to dispute settlement/ conflict resolution to avoid the potential for future stalemates that could significantly compromise the conservation and management of the SBT resource.” Notwithstanding, no action has been taken on this recommendation so far. A potential problem again noted in this response, already highlighted in the previous one, was the difficulty to penalize a non-compliant Member because of the required consensus for taking a decision (as the non-compliant Member would also need to agree), creating a potentially conflicting situation, so some further work in this area was suggested. The hiring of a legal advisor was also recommended in one of the responses.

### III. Compliance and enforcement/ MCS

#### K. Monitoring Control and Surveillance (MCS)

26. How do you rate the MCS measures adopted by CCSBT (e.g., required use of VMS, observers, restrictions on transshipment, boarding and inspection schemes)? Mean rating, by groups: 3.4 (24 responses).



Again, in this question, most of the respondents gave it a rating of 4 or 5 (58,3%), with only one “1” rating and one “2”, with a mean of 3.4, indicating a moderate satisfaction of stakeholders with the MCS measures adopted by the CCSBT. Nonetheless, some have qualified their response by clarifying that it was more related to the “adoption” of measures than to their “implementation”, addressed in the next question. “There are issues associated with implementation, compliance and reporting of measures”. The CCSBT has a range of MCS measures in place, including a comprehensive Catch Documentation Scheme (CDS), records of authorized vessels and authorized farms, VMS requirements, transshipment requirements (including observers for at-sea transshipments) and requirements for inspections of foreign vessels in port. The CCSBT also has a range of compliance policies and a Quality Assurance Review process (which is essentially independent audits of Members’ systems).

Most of the MCS measures and related measures can be found at CCSBT website<sup>81</sup>. Some areas where improvement would be useful include: a) moving to an electronic CDS instead of a paper-based system (development work is underway on this, but it has been delayed due to disagreements on certain aspects, with no guarantee that the current work will be adopted); b) adopting a centralized VMS (instead of a Member-only VMS); and c) adopting electronic monitoring system (EMS) standards and requirements. The CCSBT does not have a boarding and inspection regime, but that is partially because it does not have a Convention Area to which such a regime would apply. All MCS measures are structured under the CCSBT Strategic Plan and the Compliance Plan to accomplish the goals agreed by the Commission.

One problem with CCSBT measures is that because the CCSBT has no spatial boundaries it must often piggy-back off the measures of other RFMOs, such as the IOTC and ICCAT (and to a lesser extent WCPFC). For example, the CCSBT transshipment observer programme is run by the ICCAT and IOTC, with CCSBT considering their transshipment observers to be from CCSBT as well. This is surely an advantage in terms of cost/ timesaving but may be disadvantageous in terms of being able to

<sup>81</sup> <https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>.

introduce CCSBT-specific changes to the transshipment measure. “Deferring MCS measures to the relevant overlapping RFMO makes logistics simpler but results in the lowest MCS level”. CCSBT VMS requirements too must essentially follow those in the ICCAT, IOTC and WCPFC Management Areas<sup>82</sup>, so that they are consistent between RFMOs that share space. Consequently, slow progress in IOTC, for instance, considering its VMS options going forward, also delays progress in the CCSBT. Besides, the replication by CCSBT of measures from other RFMOs, does not necessarily take into account the specific needs of CCSBT (for example, the Resolution for CCSBT Scheme for Minimum Standards for Inspections in Port). On the other hand, some duplicated measures have been adapted and improved upon (for example, the Scientific Observer Program Standards, which requires a target of 10% observer coverage, compared to WCPFC’s 5% target). Notwithstanding, as recalled by one of the respondents, the 2008 Performance Review noted that while steps had been taken to improve compliance and reporting, the CCSBT was lagging behind many other RFMOs, both in the adoption of an integrated VMS system and in monitoring at-sea transshipments<sup>65</sup>. Some of the respondents also commented that the inspection level of landings and transshipments by foreign fishing vessels, presently set at only 5%, should be increased. “Total transparency in regard to transshipment needs to be a future priority”.

According to others, on the other hand, there has been too heavy a focus on longline fishery (e.g. transshipment), with much less attention being given to farming activities, for instance. Another reason for concern was the reluctance of CCSBT to make progress towards adopting electronic monitoring (EM) in the vessels fishing for SBT. “In delaying the fleetwide implementation of EM, data will continue to be inadequate to robustly evaluate the state of the SBT fishery, failing to meet the goals of the Convention. Along the same lines, some noted the need for greater requirements for observers particularly to allow a better coverage of seabird bycatch and a proper assessment of the effectiveness of the adopted mitigation measures.

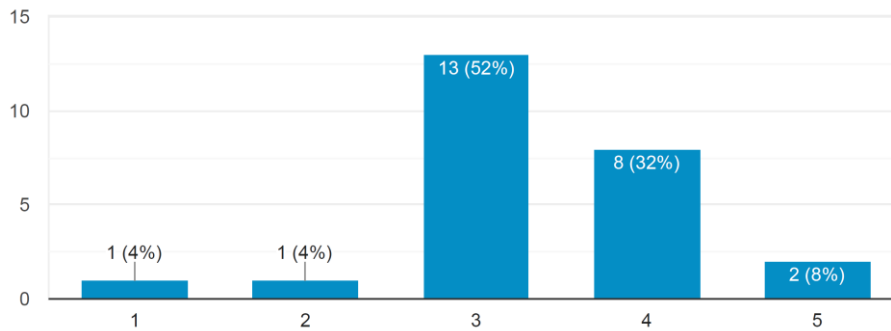
Regarding the implementation of the measures adopted, some of the respondents expressed concern with the different interpretations given by Members to the various requirements established by the CMMs (e.g. regarding the flow of information collection and validation/ certification process of CDS required for the export of SBT from farming activities). According to them, such ambiguities in the way CMM requirements were being interpreted were giving room to their arbitrary implementation and should be, therefore, clarified. Finally, according to some of the responses, “there is insufficient independent verification of the implementation of MCS measures, a deficiency that needs to be improved”.

**27. How do you rate the fulfillment by CCSBT and Members of those MCS measures? Mean rating, by groups: 3.3 (25 responses).**

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<sup>82</sup> [The CCAMLR Convention Area is also covered by the CCSBT VMS Resolution.]





This question got an average score of 3.3., very close to the previous one (3.4), but with the majority of the responses getting a rating of 3 (52.0%), indicating a less positive assessment by stakeholders of the fulfillment by CCSBT and Members of the MCS measures adopted, when compared to the adoption of the measures. Notwithstanding, as summarized in the Secretariat paper to the Compliance Committee, titled “Compliance with CCSBT Management Measures”, in general, Members’ compliance with CCSBT MCS measures is considered to be relatively good. Most data submitted to the CCSBT by Members (e.g. CDS data) are compared with external data sources (e.g. COMTRADE), while some MCS measures (e.g. transshipment, authorized vessels) are collated with other RFMO’s data. Nevertheless, the non-compliance against the most important MCS measure, which is the allocation of TAC and quotas, in the last two years, overrides all the good aspects of Member performance negatively.

According to some of the responses, although Members are generally seen to be fulfilling their obligations, their performance is far from ideal. Recurrent non-compliance issues include: a) CDS documents are frequently late (and in the case of some Members, sometimes not provided unless prompted), not properly validated and of dubious quality; b) import CDS documents are regularly not received; c) a minimum of 2 ERS mitigation measures have often not been used; d) overcatch of SBT are not always paid back (although paybacks usually do occur); e) unauthorized vessels sometimes catch SBT and are authorized retrospectively; f) port inspection reports are often submitted late; g) failure to meet CCSBT's Minimum Performance Requirements, as advised by the Quality Assurance Review. Some pondered, however, that despite the wide range of minor breaches to various MCS measures involving matters such as late submissions and quality control issues, such as errors, missing data and administrative omissions, by and large Members have mostly implemented the fundamentals of CCSBT’s MCS measures. A variable level of compliance between Members was, however, noted. “Compliance is not consistent across all Members”, with varying levels of MCS enforcement.

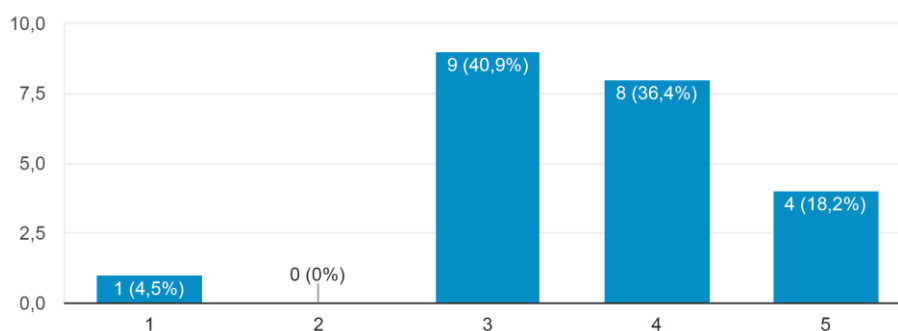
Some of the respondents also noted some lingering unresolved issues regarding market trade, stereo video on SBT farming and validation of catch reports, sometimes done without direct involvement of government authorities. The lack of compliance with mitigation measures regarding ERS was also raised again under this topic, with the insufficient level of observer coverage reiterated. “The high rates of ERS bycatch reported by Members clearly demonstrates that 10% coverage is insufficient to monitor and enforce compliance of mitigation measures”. Although most Members have fulfilled the 10% required level of observers on board, there has been poor spatiotemporal representativeness of

observer coverage<sup>83</sup>, despite the scientific observer standards stating that “observer coverage should be representative of different vessel-types in distinct areas and times” and that “the basic principle of representative sampling should underlie the assignment of scientific observers to vessels<sup>84</sup>. Besides, observers are most often placed on vessels that volunteer to have observers onboard and/or have the logistical capacity to house observers, and these vessels are not necessarily representative of the fishery or of the fishing effort as a whole<sup>85</sup>. According to those respondents, “scientific evidence demonstrates that observer coverage of close to 100% is required not only for stock assessments of the fishery but also for ensuring that bycatch of ERS is minimized”.

Finally, the Consolidated List of Authorized Vessels (CLAV) was mentioned as a good example of cooperation among t-RFMOs aiming at improving compliance. “IOTC and CCSBT participate in the CLAV initiative, which is a cross-cutting matter relevant to both Data and Compliance sections. CCSBT has been supportive of the CLAV since its inception.

### L. Cooperative mechanisms to detect and deter non-compliance

28. How do you rate the mechanisms that CCSBT has established to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance)? Mean rating, by groups: 3.2 (22 responses).



Despite the rather neutral average score by groups of stakeholders (3,2), except for one rating “1”, all the respondents gave this question a rating ranging from 3 to 5, indicating again a moderate level of satisfaction. Once more, some of the respondents also divided the score given to this question in its three components: monitor, detect and deter, with the first one getting a more positive assessment.

According to some of the responses, the CCSBT’s CMMs (including vessel authorization, CDS, transshipment observer) have been established very well and systematically to monitor Members’ compliance. Compliance with such measures is reported by Members through their national report to CC/EC, and are also summarized from the Secretariat’s perspective, reviewed by the Compliance Committee, that then recommends action, if so required, to the EC. Considering this practice, the

<sup>83</sup> CC15\_05AnnualReportOnMembersERSPerformace\_Rev1.pdf; page 2

<sup>84</sup> [https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs\\_english/operational\\_resolutions/observer\\_program\\_standards.pdf](https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/observer_program_standards.pdf); page 7.

<sup>85</sup> Ewell, C., Hocevar, J., Mitchell, E., Snowden, S., & Jacquet, J. 2020. An evaluation of Regional Fisheries Management Organization at-sea compliance monitoring and observer programs. *Marine Policy*, 103842. doi:10.1016/j.marpol.2020.103842

CCSBT's mechanisms to monitor compliance and detect and deter non-compliance seem to be functioning well, at least for Members and cooperating States/Entities (e.g., USA, in terms of CDS). The formal mechanisms to monitor compliance of Members/ CNMs in CCSBT include: a) an annual report from the Secretariat on compliance with measures<sup>86</sup>; b) a close review of that report and Members' own annual reports by the Compliance Committee (including by NGOs); c) an MCS Information collection and sharing policy (for sharing information on potential non-compliance); and d) Quality Assurance Reviews (QARs), to independently audit Members' systems against CCSBT's Minimum Performance Requirements. For deterring and correcting non-Compliance, CCSBT also has an IUU vessel list and a Corrective Actions Policy. The CCSBT also publishes non-compliance with allocations on its website<sup>87</sup>.

Most opined that the annual reports work quite well, despite the lack of a more formal compliance assessment procedure. "These documents provide the Secretariat and members with sufficient opportunity to monitor compliance, and in general, members are honest about reporting non-compliance". However, a more structured process for assessing compliance and a follow-up process to rectify non-compliance is still lacking. These mechanisms are only as good as the information provided by them (i.e. Members' annual reports). There has been some useful information exchanged on non-compliance, but this is always non-member non-compliance. The QARs are interesting but do not require a formal follow-up to rectify inadequate processes that are identified. Besides, Members did not agree with a scoring system for the QAR. The Corrective Actions Policy, in turn, seems an inadequate deterrence to most non-compliance as well, since the corrective actions, or mechanisms, listed therein to detect and deter non-compliance only apply to the over-catch of SBT. Where this is found to be the case, the offending Member will be required to carry out actions from the list, with the caveat, though, that a consensus decision is required for corrective action, which will be challenging, for obvious reasons. There are no mechanisms to deter non-compliance of other CMMs, particularly in relation to ERS. In the case of CDS, although it was recognized as a very important source for catch data monitoring and verification, concerns were expressed with the current CDS Resolution, for allowing Members to delegate CDS validation to fishers/ farming companies, without the participation of Government Authorities, potentially compromising the accuracy and neutrality of the data and, thus, undermining CCSBT's ability to deter inaccurate catch reporting.

For non-Members, in particular, the CCSBT does not have a well-defined systematic mechanism to detect and address IUU fishing. "There are not good mechanisms in place to monitor the compliance of non-Members". An "Action Plan" was adopted in 2000, but it is mostly outdated. Actually, the Commission has taken actions similar to those foreseen in the Action Plan, without referring to it. Instead, whenever the Commission has received related information through various sources (Members' enforcement activity, notification from Members' fleet, AIS, notification from NGOs, information from transshipment observer, etc.), it has taken required actions in an ad-hoc basis (investigation, contact to related states/entities directly or through other RFMO's Secretariat, consideration as the CC, actions as the EC, actions through bilateral relationship of Members, follow up at next CC meeting, etc.). To assist this ad-hoc basis correspondence, the CCSBT has kept regular contact and information sharing with other RFMO's Secretariat, in various levels, and have also kept

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<sup>86</sup> [https://www.ccsbt.org/en/system/files/CC15\\_04\\_Compliance\\_w\\_Measures.pdf](https://www.ccsbt.org/en/system/files/CC15_04_Compliance_w_Measures.pdf)

<sup>87</sup> [https://www.ccsbt.org/sites/default/files/userfiles/file/docs\\_english/general/non-compliance\\_with\\_allocations.pdf](https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/general/non-compliance_with_allocations.pdf)

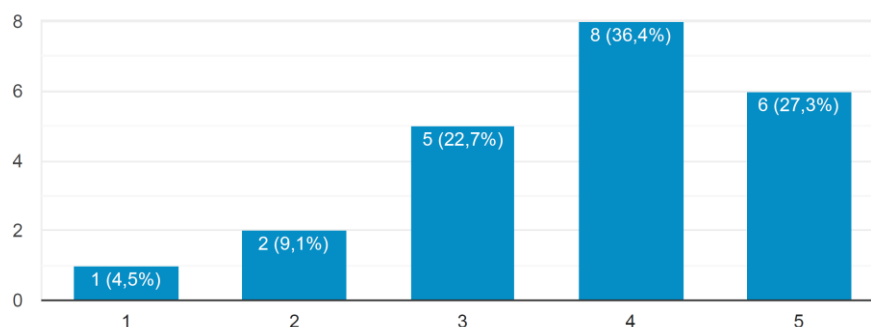
budget and contract with AIS analysis expert. “CCSBT has established good cooperation with private intelligence parties and NGOs as well as Members to monitor compliance”. Not having the Flag States of the Carrier Vessels required to cooperate with the CCSBT in any formal sense seems to be another gap (mentioned in the Compliance Plan) – how can the compliance of such vessels be monitored and how can there be any deterrents and sanctions for Flag States which have no formal status with the CCSBT?- some questioned.

Some of the respondents, on the other hand, commented that a number of processes have been/ are used to detect possible fishing for SBT by Non-Members, including: a) monitoring global trade statistics for SBT trade not seen in the CCSBT’s CDS; b) examining transshipment observer reports for undeclared SBT in the Indian and Atlantic Oceans; c) conducting analyses of IOTC and WCPFC effort data by flag in SBT fishing grounds to estimate the extent of non-Member SBT catches (these analyses are conducted by the ESC); d) collection of sashimi samples from restaurants in China and DNA analyses to determine the level of SBT presence in China’s restaurants (this was a past analysis, and it is no longer happening). Despite these efforts, there are still concerns that SBT is not reliably identified in transshipments at sea and that CCSBT does not obtain sufficient information on transshipments in port. In summary, therefore, while mechanisms to monitor and to detect and deter non-compliance by Members are quite active, the mechanisms against non-Members’ IUU activity seems to be more passive and inefficient, despite budgetary limitations and the unavoidable constraints of competence as an international organization.

A final comment was made expressing agreement with a recommendation from ISSF<sup>88</sup> to establish a compliance scheme that “contains both positive (such as financial or technical assistance and capacity-building to developing States) and negative (such as automatic quota reductions, loss of fishing opportunities, enhanced monitoring, non-discriminatory trade measures) responses, and takes into account the history, circumstances, extent, and gravity of the act or omission.”

## M. Quality and provision of compliance advice

29. How do you rate the quality of the advice produced by CCSBT Compliance Committee? Mean rating, by groups: 3.5 (22 responses).



Despite the responses to this question ranged from 1 to 5, most of the respondents (63,7%) gave it a rating of 4 or 5, with a mean by groups of stakeholders of 3.5, indicating a reasonable level of satisfaction

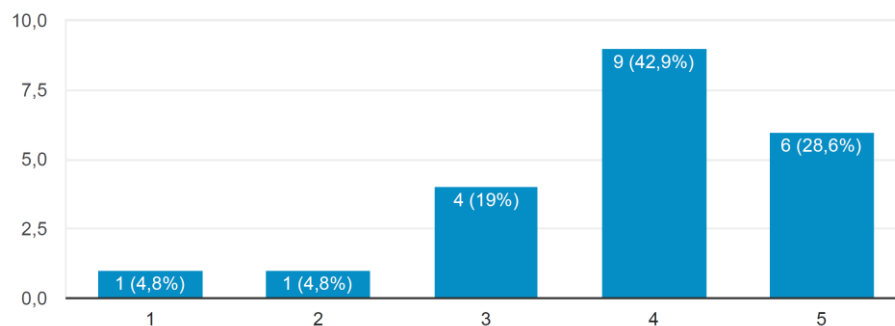
<sup>88</sup> Koehler, H. 2021. Tuna RFMO Compliance Processes: A Comparative Analysis to Identify Best Practices (version 5). ISSF Technical Report 2021-06. International Seafood Sustainability Foundation, Washington, DC, USA.

with the quality of the advice produced by the CCSBT Compliance Committee. “The Compliance Committee (CC) does a good work, particularly in reviewing compliance by different Members”. “Its work is further assisted by having an independent Chair”. “The CCSBT Compliance Committee (CC) has well done its functions specified in its Terms of Reference under the direction of the independent Chair, with fair and productive manner”. When the CC makes its advice to CC, it is clearly separating “matters to recommend” and “matters to note”, making it easier for the EC and Commissioners to consider them effectively. In addition, the CC’s recommendations are very clear about what the EC should do, besides providing clear draft of revised or new documents including resolutions. “The Compliance Committee is good at administering and improving existing obligations (for example, the recent update to the MCS information collection and sharing policy guideline)”.

However, the annual CC meeting is held back-to-back with the meeting of the Extended Commission, and, therefore, in most cases, the participants are the same for both meetings. Consequently, the CC’s advice is not independent advice from technical compliance experts. It is possible that independent technical experts might offer advice calling for more stringent MCS measures. “Committee Members often lack technical compliance expertise and, therefore, often avoid putting forward advice”. Besides, due to the nature of the meeting agenda, Compliance Committee often spends a significant amount of time litigating minor reporting matters at the expense of more significant issues. The Compliance Committee has, therefore, struggled to push through larger pieces of work (for example, the update to the Catch Documentation Scheme). There were also complaints on the focus of the CC, being too centered on compliance with resource use (quotas), or, according to others, too focused on longline fishery, especially on transshipment and on seabird related measures. A more comprehensive discussion focusing on the core of SBT management, such as catch data reporting, was thus considered necessary by some of the respondents.

Some also warned that the advice provided by the CC could be only as good as the input/information provided, highlighting the limited opportunity and resources so far available for independent assessment and development of advice. Besides, as it was commented on the advice provided by the ERSWG, whether advice produced by the Compliance Committee is good or poor quality is moot if the CCSBT fails to action it. Along these lines, the 2008 Performance Review recommended that “Corrective actions be adopted for other CMMs in addition to those addressing the over catch of SBT”<sup>67</sup>. However, over a decade later, additional corrective actions for non-compliance with other CMMs has not been adopted. According to those views, CCSBT should add corrective measures to the Corrective Actions Policy, and those actions should be imposed by the secretariat or other external body as a disincentive for non-compliance.

30. How do you rate the structure, processes, procedures, and expertise of the Compliance Committee to provide compliance advice to the Commission? Mean rating, by groups: 3.9 (21 responses).



Due to the proximity of this question to the previous one, the distribution of ratings was also similar, with most responses assessing CCSBT performance regarding the structure, processes, procedures, and expertise of the Compliance Committee to provide compliance advice to the Commission at 4 or 5 (71,5%). With an average by groups of stakeholders close to 4 (3.9), however, this question was more positively assessed than the previous one.

The Compliance Committee has two subsidiary bodies: the Compliance Committee Working Group (CCWG) and the Technical Compliance Working Group (TCWG). The TCWG is a relatively new group which is expected to provide additional technical expertise to the Compliance Committee's future work. Most of the respondents opined that the current structure, process, procedures and expertise are functioning very well to assist the Commission in issues related to compliance. Considering that most recommendations from the CC have been accepted by the EC, it has been demonstrated, in practice, that the EC has been satisfied with the CC's work/outcome. In addition, the advice provided by the CC with good quality has been made during only a three- day meeting, demonstrating that its current practice is also effective.

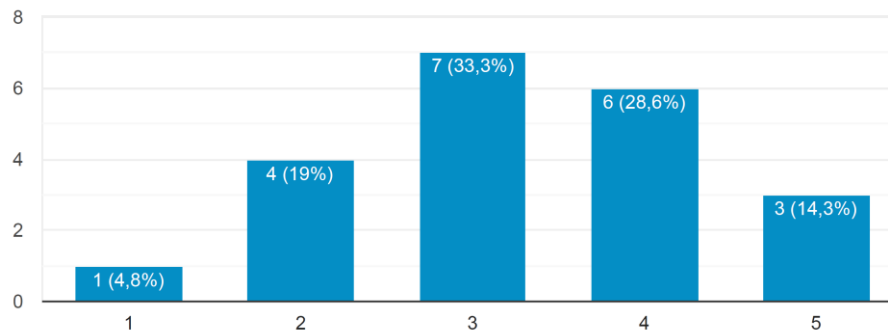
Some of the respondents, however, suggested that a more formalized compliance assessment process should be established, particularly to improve some follow-up process (e.g. on corrective actions taken by Members). Despite CCSBT Members have informally agreed that a formal compliance assessment process, similar to those used in other RFMOs, is not required, some expressed their concern that in the absence of such a process decision making on compliance issues may lack structure and be potentially inconsistent.

The issue related to the timing of the Compliance Committee meeting was raised again under this question. According to some of the respondents, the timing of the CC Meeting, being held back-to-back with the EC meeting, influences its attendance, resulting in a low participation of compliance experts. "As the Compliance Committee (CC) meets immediately prior to the Commission, Members often rely on general expertise rather than MCS specific expertise in selecting officials to attend the CC meeting. MCS specific discussions are, therefore, hampered by the lack of such expertise. The Commission has established the Technical Compliance Working Group to help address this matter, however when it meets (it is used as needed), it is immediately prior to the CC, which again may mean the required expertise is not available". According to some, however useful the Technical

Compliance Working Group has been for discussing technical matters, this lack of technical expertise on compliance has compromised outcomes of several large work items (for example, work on illegal, unreported, and unregulated fishing, and updating the Catch Documentation Scheme)". A final comment also noted that the CC could provide recommendations for capacity building for Members.

## N. follow up on infringements

31. How do you rate the mechanisms that CCSBT has put in place to follow up on Member's infringements to management measures? Mean rating, by groups: 2.9 (21 responses).



With an average rating of 2.9, although ranging from 1 to 5, this topic got the lowest score of all questions in Section III- Compliance and Enforcement, indicating that follow-up on infringements is probably the weakest aspect of CCSBT MCS System. Some of the stakeholders responded candidly that there are no mechanisms in place to follow up on infringements in CCSBT. Despite a recent attempt to develop a proposal on such a mechanism, it did not make much progress. Some suggested that there should be a more formal follow-up process where all the 'non-compliance' issues a Member had in a given year would be listed and then re-visited in the following year to check for improvements. Presently, the CCSBT does not have a good process for calling out and following up on numerous minor infringements by Members, which tend to be repeated year after year, including some issues that were "followed up", but were "not resolved". Besides, infringements usually only result in a request for the infringement to be explained and details of the steps to be taken to prevent it from happening again, with no real risk of penalty. Although Members are made aware of 'infringements', therefore, there seems to be no formal mechanism to encourage improvement except for the Corrective Actions Policy, which, however, was considered to be a bit weak and/or not used to its full capacity. Some commented, nonetheless, that, while somewhat limited in its scope, the Corrective Actions Policy do provide a useful tool to address Members' infringements. Generally, however, the only thing ever considered under the Corrective Actions Policy is SBT over-catch. "Corrective Actions Resolution"<sup>89</sup> specifically relate to the over catch of SBT and does not include corrective actions for non-compliance of other CMMs". It would be useful if non-compliance with ERS measures could also be discussed under this policy/CC agenda item, but as already noted in other topics, while there remain issues/no agreement regarding the CCSBT's mandate with respect to ERS, it will be difficult to make progress on this point.

<sup>89</sup> [The CCSBT's Corrective Action Policy is a "guideline", not a "resolution", and consequently it does not bind Members legally.]

Another concern raised about the follow-up of infringements, besides the absence of a formal review process, was the lack of any “independent” verification, with the whole process being largely reliant on the vigilance of individual Members and on the Secretariat to monitor it. Others, however, considered that the follow-up of infringements could be done in an ad-hoc base, relying on Members to either self-report any follow-up or for other Members to seek information on any follow up. According to those expressing this view, changes to standing agenda items and inclusion of follow up reporting could improve this. Additionally, some noted that the written format of discussion ahead of the meeting already helped to improve Members’ following up and reporting back on infringements.

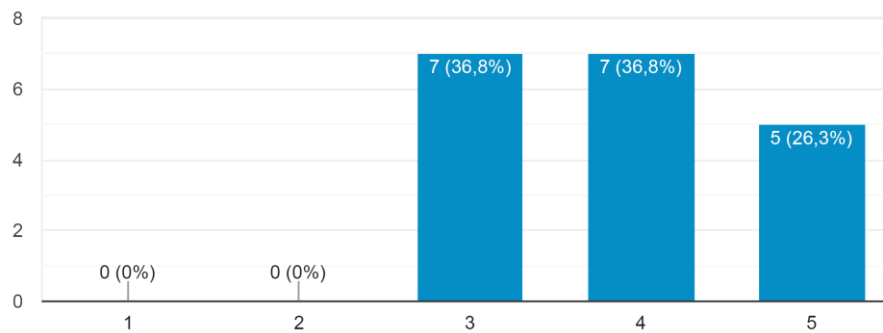
Others, on the other hand, had a different, much more positive view, opining that the processes in place in CCSBT for “following up” on infringements to CMMs are functioning well, at least regarding the SBT. “The CCSBT is usually effective in following up on infringements relating to Members’ allocation of the SBT TAC, which is CCSBT’s most important measure”. In fact, Members usually declare any over catch and commit to paying it back before the meetings of the Compliance Committee and of the Extended Commission. Minor operational infringements against CCSBT CMMs (e.g. missing information in CDS documents, short overdue of submitting national report, etc.) are detected by the Secretariat regularly (based on various reporting requirements, reconciliation of CDS documents, etc.) and such problems are followed up and addressed immediately by related Members and the Secretariat. The Secretariat has properly highlighted those infringements requiring follow-up actions, which has enabled the CC to properly address them as well, since major infringements are reported to the CC and considered through a well-established process (see response to question 28). Then the relevant Members/ stakeholders can address those problems considering the recommendation/ direction given by the CC/EC, CC’s workplan and/or through related Members’ domestic processes. The result of actions taken are then reported back to the next CC meeting (or to other related body) or addressed intersessionally, through the CCSBT Circular process. One limitation noted in the compliance/ follow-up process, however, was the case of non-Members. “Although the CC provides sufficient discussion space for clarification regarding alleged infringement by Members, it cannot provide strong recommendations for non-Members”.

Finally, as noted by one of the respondents, the 2008 Performance Review of CCSBT, concluded that it is the “flag state’s responsibility to follow up on infringements of CMMs”<sup>67</sup>. Notwithstanding, so far, there are no provisions in place yet to penalize or impose consequences for infringements by Members or CNMs in CCSBT, despite the 2008 Performance Review recommending that a range of penalties should be established in relation to all conservation measures (Page 67<sup>67</sup>). The CCSBT, therefore, should add corrective measures to the Corrective Actions Policy, as a disincentive for non-compliance.



## O. Flag State duties

32. How do you rate the fulfilment by CCSBT Members of their duties as Flag States? Mean rating, by groups: 3.8 (19 responses).

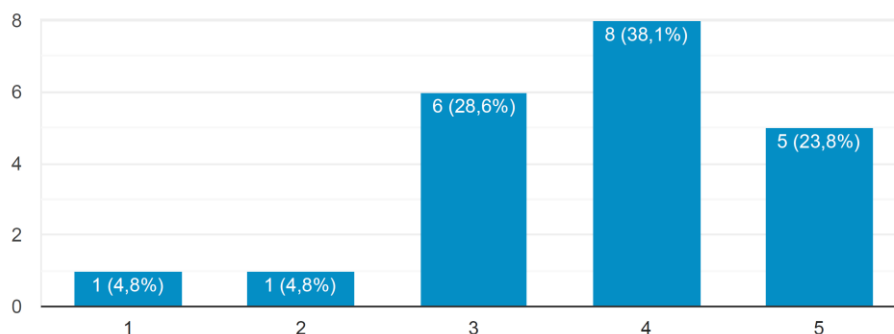


With ratings ranging only from 3 to 5, and an average by groups close to 4 (3.8), it seems clear that CCSBT stakeholders are generally satisfied with the way its Members are fulfilling their duties as flag States. Some of the respondents made it clear, however, they were assessing the performance by Members exclusively in relation to the CCSBT obligations (although this was exactly what was being asked in this question, anyway). “In general, Members are fulfilling their duties to CCSBT.” The most important duties of CCSBT Members as Flag States noted by the respondents were: a) to collect and submit required data/information, and b) to ensure that its SBT allocation is not exceeded.

The great effort undertaken by all Members, as Flag States, to operationalize all agreed CCSBT CMMs domestically was recognized, including their struggle to improve their domestic systems in this regard. Accordingly, Members’ compliance with data collection and reporting requirements was considered generally good, as well as the quality of the data provided, despite some cases of failure that may have compromised the CCSBT’s data quality in the past (see response to question 10). Some respondents noted, however, that despite Members have complied with most CMMs well, some Members have surpassed their allocation, so, although there might not have been a failure regarding the fulfilment of their Flag State duty, since the data were properly compiled and reported, they have failed with their obligations as a CCSBT Member. So, even though Members may have fulfilled their duties as flag states well, that does not mean they have not failed against its most important duty as a Member of the CCSBT. The lack of independent information upon which to base an assessment was also noted as a hindrance to provide an answer to this question. Others also noted that no specific assessment of Flag State duties in CCSBT has been done, at least in recent years.

## P. Port State duties

33. How do you rate the measures adopted by CCSBT regarding the application of Port State measures by Members, pursuant to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing? Mean rating, by groups: 3.7 (21 responses).



Despite the responses to this question were more spread out, ranging from 1 to 5, most of the ratings were 4 or 5 (61.9%), with an average by groups of 3.7, very close to the previous question and also indicating clearly an overall satisfaction of most of the respondents with the measures adopted by CCSBT regarding the application of Port State measures by Members.

The CCSBT adopted a measure titled “Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port”<sup>90</sup>, to be applied to foreign fishing vessels and carrier vessels transporting southern bluefin tuna (or fish products originating from southern bluefin tuna), which contains many of the core elements of the FAO PSMA. It was adopted in 2016<sup>91</sup>, entered into force on 1<sup>st</sup> January 2017, and was amended in 2018. According to some of the respondents, the only shortcoming of this measure is that it only requires Members to inspect “at least 5% of landing and transshipment operations in their designated ports as are made by foreign fishing vessels”, a coverage rate considered to be too low and that should be, therefore, increased. This resolution was based on a similar recommendation of ICCAT so that the CCSBT’ PSM would be consistent with those adopted by other t-RFMOs. It also largely replicates the FAO Agreement on Port State Measures. The CCSBT resolution, however, also covers the Fishing Entity of Taiwan, which is not a party of FAO PSMA.

Currently, all Members (including the Fishing Entity of Taiwan) have provided the required list of authorized ports to the CCSBT, in accordance with that resolution. In addition, the relevant Members have implemented their domestic regulations and arrangements for conducting the required port inspections. The CCSBT is unique among the tuna RFMOs in that it does not have a defined Convention Area and it covers only one species of tuna (SBT). SBT is also landed in a variety of ports, however, not just in those of CCBST Members. This results in the need for greater coordination between CCSBT and other RFMOs, including the use of observers and port inspection reports from them. CCSBT publishes a list of designated ports, points of contacts and notification periods on its public website. Ports that do

<sup>90</sup>[https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs\\_english/operational\\_resolutions/Resolution\\_Minimum\\_Port\\_Inspection\\_Standards.pdf](https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Minimum_Port_Inspection_Standards.pdf)

<sup>91</sup> [The CCSBT’s Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port was recommended by CC 10 and adopted by EC 22 in 2015.]

not appear on the designated list of ports published on the CCSBT website are not acceptable as Member or CNM ports of entry for the fishing vessels or carrier vessels covered by the Resolution<sup>92</sup>.

Although the measure was considered to be good, some pondered that its implementation has not been ideal, since most inspection reports have been provided to the Secretariat very late or incomplete. Also, despite Members have spent a good deal of time discussing and finally agreeing upon an update to the CCSBT's Resolution on Minimum Standards for Inspection in Port (Annex B), to include information on compliance with Seabird Bycatch Mitigation Measures for longline vessels, no Member has ever used the CCSBT version of Annex B to report that information, using the IOTC or ICCAT version instead, so CCSBT never receives any additional data on the bycatch mitigation measures from that form.

Some considered that the existing CCSBT port State measures resolution should be amended to bring it more in alignment with the core provisions of the FAO PSMA and to allow a more consistent implementation of port State measures to combat IUU fishing at regional levels. According to them, the specific areas where the CCSBT resolution could be possibly improved are:

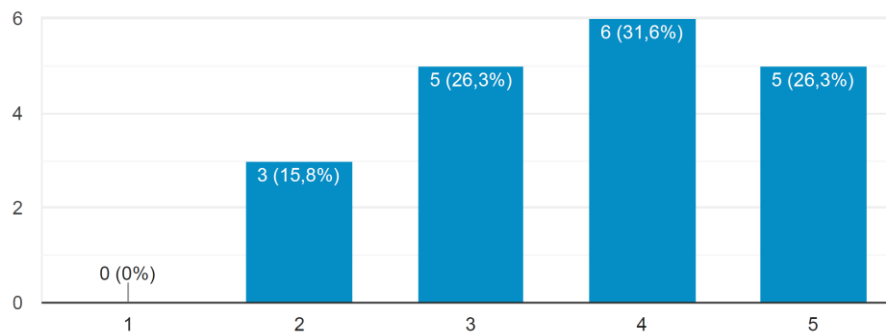
- Regarding FAO PSMA Article 9: the current CCSBT Minimum Standards for Port Inspection requires that Members must decide, based on information received and other information, to authorize or deny entry into its designated port. There is no requirement, however, to deny entry to vessels engaged in IUU fishing. Communication of denial of port entry are not explicitly required. The CCSBT should update the measure to require denial of entry to vessels engaged in IUU fishing.
- Regarding FAO PSMA Article 18: in case of IUU fishing being detected upon an inspection, the CCSBT measure should include an explicit denial of use of ports for landing, transshipping, etc. of fish that has not been previously landed, and for other port services; and the vessel should be included on the draft IUU list.

Other paragraphs of the FAO PSMA that are not properly included in the CCSBT Resolution are those contained in Articles 10, 11, and 19.

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<sup>92</sup> [Fishing/carrier vessels with SBT/SBT products may enter any port if it is not for the purpose of landing and/or transshipment of SBT or SBT products.]

34. How do you rate the fulfilment by CCSBT Members of their duties as Port States? Mean rating, by groups: 3.5 (19 responses).



While Question 33 addressed the measures adopted by CCSBT regarding the application of Port State measures by Members, Question 34 focused on the fulfilment by CCSBT Members of their duties as Port States, including, therefore, their implementation of the CCSBT Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port. With an average by groups of 3.5, the performance by Members in this regard was evaluated more negatively than the measure adopted by CCSBT, repeating again a pattern of a better assessment being given to the “adoption” of measures than to their actual “implementation”.

Many of the problems related to the implementation of the relevant CCSBT resolution already pointed out in the previous question were reiterated in the responses to this one, including that although the inspections seem to have been done properly, inspection reports have been usually submitted too late to be timely, if there’s any issue to follow up on (the majority of the inspection reports have been submitted very late, often over a year after inspection, and rarely within the required 14 days). Furthermore, it is not clear, either, if the lack of any report of port inspections by some Members that have notified its designated ports in its national report to the CC/EC meetings are because of a compliance failure or just because no landings have actually happened<sup>93</sup>. That would not apply, of course, to a Member, if it had advised the CC that it would not accept port entry by foreign vessels for landing or transshipment, as it has happened in the past. As also mentioned in the previous response, in 2018, Annex B of the “Minimum Standards for Inspection in Port” was updated to include section 36, on “compliance with seabird bycatch mitigation measures”. CCSBT Members, therefore, should ensure that all sections of Annex B are completed, including for the seabird measures, especially considering the continued high bycatch rate and the lack of compliance reported by some Members.

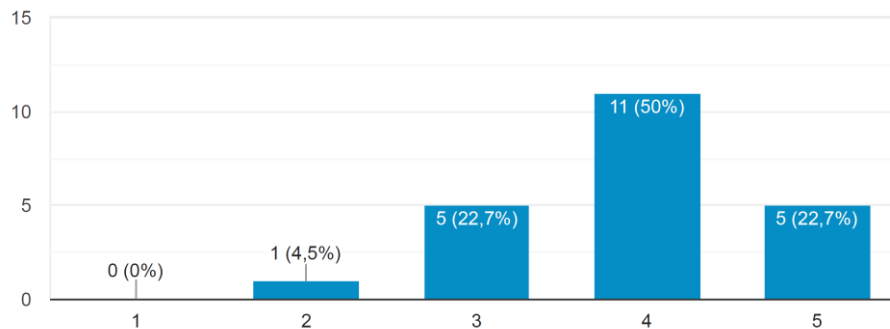
The “good actions” described in the previous question, were also reiterated here: “most Members have submitted the required lists in accordance with the relevant resolution (i.e. designated ports, contact points for port entry), and most “Port State” Members have implemented their domestic systems for port inspection of foreign vessels, they have done port inspections and they have submitted port-inspection reports”. Some of the respondents, referring specifically to actual port calls done by vessels flying their flag in ports of Members of CCSBT, reported the “port inspections” to be functioning

<sup>93</sup> [This can be determined by referring to Table 8 of Members’ national reports to the CC/EC, where Members report the number of landing/transshipment operations by foreign vessels (FVs and CVs) that occurred and the number that were inspected.]

“extremely well”. Furthermore, as noted by others, in the past, genetic testing has been undertaken for foreign vessels in ports, and no issues have been ever found. In summary, most of the respondents considered that, in general, the duties of Port States are well implemented, while recognizing that there’s room for improvement in terms of reporting.

## Q. Market-related measures

35. How do you rate the measures adopted by CCSBT relating to the exercise of the rights and duties of its Members as market States, including the adoption of market-related measures, such as catch documentation and trade tracking schemes? Mean rating, by groups: 3.9 (22 responses).



With an average by groups of 3.9 and most (72.7%) of the ratings between 4 and 5, the measures adopted by CCSBT relating to the exercise of the rights and duties of its Members as market States were positively assessed by the majority of stakeholders, reflecting a good level of satisfaction.

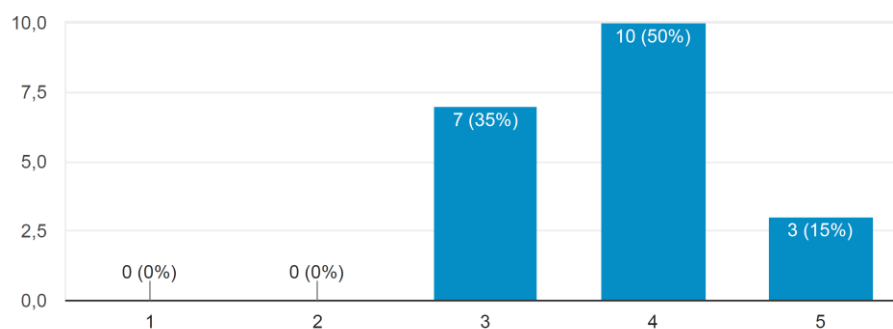
CCSBT’s main market related measure is its Catch Documentation Scheme (CDS), intended to track catch/ harvest, transshipment, export/ re-export, import and domestic landings of every single individual of SBT, since 2010. This is a comprehensive scheme that additionally requires the tagging and recording details of each SBT to the first point of sale. For catch documentation, every single SBT is tagged with a unique tag number and related information (length, weight, catching vessel, date, area, product type, etc.) is recorded on the CDS documents, which are certified by stakeholder and validated by a government-authorized validator. For trade tracking, the CCSBT CDS records all exports and imports, as well as the domestic landings (up to 1st point of sale), as long as SBTs are traded as a “whole fish”. The CDS data are sent by the catching Members and exporters/ importers to the Secretariat, who, then, compiles and reconciles all the information.

Most of the respondents considered the compliance with the CDS to be generally good. “Members have fulfilled their duty as a player of SBT market”. “Naturally, there have been many minor problems with CDS forms, etc., but they have been followed up and resolved by the Secretariat and related Members”. To ensure that the CDS will be operationalized in an optimum manner, the way it is implemented domestically is up to each Member. The outcomes from the CDS application, therefore, are the same, despite some slight differences of domestic operation between Members; for example, the timing of issuing CDS document, the timing of validation of CMF (Catch Monitoring Form), who is authorized to validate it, and so on. To assess if each Member domestic system to implement the CDS is effective or not, the CCSBT has done a Quality Assurance Review Process (by independent reviewers) for all CCSBT Members, with the results so far demonstrating domestic systems to work effectively. Although one

Member did receive a bit negative result, its implementation of the CDS has been largely improved after the review. One Member’s result has not yet been finalized. In light of all that, some of the respondents, therefore, considered the measures adopted by the CCSBT relating to the exercise of the rights and duties of its Members as market States well established and effective.

Some of the respondents, however, considered that the catch documentation scheme still has some shortcomings that require improvements. SBT products, for instance, can generally not be tracked once it goes to a non-Member State – except to the USA, which voluntarily cooperates with the CDS. Non-Member importers are generally reluctant to respond when efforts are made to communicate with them, so there is usually a lack of response from non-Member destinations to confirm SBT entering their market. “Almost all SBT fishing nations are CCSBT Members but SBT consumption is not limited to the markets of Members”. “CDS is one of the means to certify that the catch is legitimate, but if unauthorized catch is brought into the market of a non-Member, the CDS will not be effective to detect and remove such IUU product”. Some also considered that the Catch Documentation Scheme could be more responsive if moved away from a paper-based system to an electronic system. “The CDS is comprehensive, but because it is still paper-based, it requires significant input from Members and the Secretariat”. Moving to an e-CDS will hopefully improve the quality, accuracy, timeliness and effectiveness of the CDS. In this regard, CCSBT might refer to the e-CDS implemented in ICCAT as a reference. As noted in question 26, however, although the development of an e-CDS is underway, it has been delayed due to disagreements among Members on certain aspects. Others also noted that there is still a dispute related to the use of CDS as a trade database and market trade information for non-Members.

**36. How do you rate the fulfilment by CCSBT Members of their duties as Market States? Mean rating, by groups: 3.7 (20 responses).**



Following the positive assessment by stakeholders of the measures adopted by CCSBT relating to the exercise of the rights and duties of its Members as market States, addressed in the previous question, the fulfilment by CCSBT Members of their duties as Market States also received a positive appraisal, with an average rating by groups of 3.7 and most of the scores (65%) 4 or 5. Many of the respondents referred to their responses to the previous question, while responding to this one. According to most of them, the main SBT market State, which is also a Member of CCSBT, does a very good job in fulfilling her duties as a market State, but still too much attention is given to it, while a similar attention should

also be given to the other SBT Market Members that receive SBT on a much less frequent basis, but do not seem to be fulfilling their duties with their annual CDS obligations as well. It seems that the level of fulfilment tends to be proportional to the quantity of imports (i.e. more imports equate to more ability to fulfil their duties, and also more responsibility, while less imports equate to less ability and responsibility). Members that have a much smaller role as a market state, for example, seem to be much less prone to restrict imports of SBT without the required documentation.

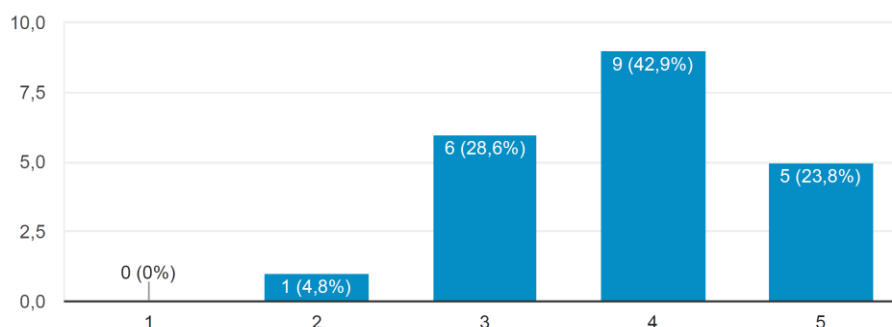
The level of compliance regarding the annual submission of data and reports was also considered to differ wildly between Members, with some of them regularly submitting complete and comprehensive reports, while others systematically failing. Some of the respondents, therefore, expressed their frustration with the recurrency of the problems of non-compliance, which includes the lack of provision of the CDS import documentation and reports.

A better cooperation with non-Member market states (e.g. the United States) was again emphasized as an important step to strengthen CCSBT CDS. Issues of discrepancy in the market trade data provided by destination states/entities for Members/ non-Members, export data from Members of origin and information system platforms from national, regional (UN COMTRADE), and private sector were also noted.

Some of the respondents also reiterated their concern, already expressed in their response to question 26, about the differences of interpretation of the CDS resolution in terms of how to deal with CDS forms/ data, with some exporting Members refusing to provide the CTF (Catch Tagging Form) (and FSF- Farm Stocking Form, FTF- Farm Transfer Form) associated with the CMF (Catch Monitoring Form) and, therefore, preventing importing Members from exercising their duty as a “responsible” importing State. In addition, if a Member exports SBT to a non-Member, it is impossible to fulfill all CDS requirements, because the importer will not do a certification as importer, and it will not submit a copy of importing CDS documents. Consequently, it is not possible to doublecheck whether information provided from exporting Member through the CDS document was correct or not. Besides, some pondered that, despite not clearly specified in the CDS resolution, considering the purpose and the nature of the CDS process, Members exporting SBT should refrain from sending their product to states/entities which have not shown any intention to cooperate with the CCSBT CDS, considering this an irresponsible attitude as a CCSBT Member.

## R. Reporting requirements

37. How do you rate CCSBT reporting requirements, with a view to improve efficiency, avoid redundancy and reduce unnecessary burden to Members? Mean rating, by groups: 3.7 (21 responses).



This question also received a reasonably positive assessment, with an average by groups of stakeholders equal to 3.7 and most (66.7%) of the responses with ratings 4 or 5, meaning that the majority of the respondents were satisfied with the CCSBT reporting requirements. CCSBT Members have various “regular” reporting requirements, including scientific data (scientific data exchange and ERSWG data exchange), compliance related documents/data/information (e.g. CDS documents, required notification for vessel authorization, transshipment declaration, port inspection reports, etc.) and national reports for ESC/ERSWG/CC/EC. The “reporting requirements” that Members must provide in their annual reports and to certain meetings of the CCSBT can be easily found in CCSBT website<sup>94</sup>. Data submission requirements can also be found there<sup>95</sup>, but some of the respondents considered this question to apply only to the first ones. Such regular reporting requirements are integrated/separated to area/purpose so that Members (and the Secretariat) can avoid redundancy and reduce unnecessary burden. The CCSBT has established “templates” for each requirement so that Members can cover all items systematically. For example, various compliance related reports required by several resolutions are integrated into the “template for the Annual Report to the CC and EC”.

Despite of these efforts, some considered that there is still some duplication in the reporting requirements for different meetings but pondered this to be an unavoidable consequence of the meetings being held at different times. Some significant duplication was also noted in the information submitted from year to year (information not changing between years). This shortcoming, however, was recently addressed for the annual meetings of the Compliance Committee (CC) and Extended Commission (EC) by placing “standing items” in an “unchanging” Annex to the annual report template and identifying any changes to the standing items in the main part of the report. An important additional advantage of this new report format is that the readers of the report do not need to re-read standing items each year. Consideration could also be given as to whether a similar report format would be useful for the Extended Scientific Committee and the Ecologically Related Species Working Group annual reports. However, some cautioned that because the information in these reports is more dynamic than that in the CC/EC reports, this new format may not work as well. Noting there are a

<sup>94</sup> <https://www.ccsbt.org/en/content/annual-reporting-and-documentation-requirements-members-and-cnms>

<sup>95</sup> <https://www.ccsbt.org/en/content/data-submission-requirements>

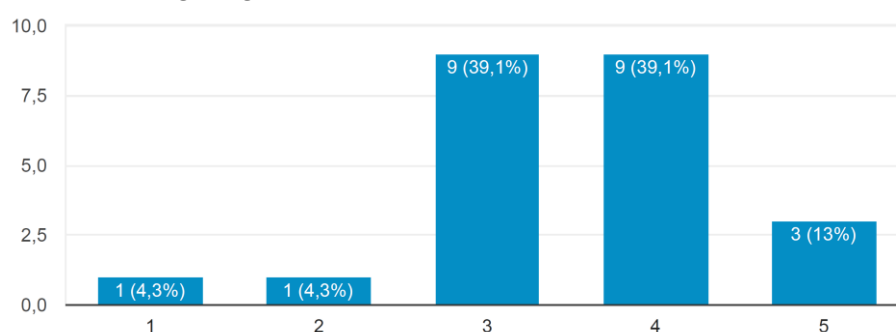


number of compliance items that Members continue to report on, however, some suggested that some strategic thinking could be applied to priorities regarding compliance actions and reporting. A risk-based approach to assessing compliance priorities, for instance, would be useful for looking into compliance reporting.

Some of the respondents also considered the CDS submission and reporting processes burdensome to Members. “Some CDS reporting requirements are overly onerous and not useful.” Others, however, despite agreeing that they are indeed a bit of a heavy burden, considered them to be worthy. Many noted that the move to electronic reporting (the e-CDS) should improve efficiency and reduce the current burden of paper-based systems. “Although recent efforts to review reporting obligations have helped, the lack of an electronic CDS continues to create a significant administrative burden on Members”. Notwithstanding, once e-CDS development be completed and also integrated with other online systems (vessel authorization, CDS validator registration, etc.) the overall burden will be much reduced. Some also noted that the procedures could be a bit simplified for those Members that do not have SBT trade or that have a very marginal trade, but still must apply the same rules and principles as other Members who have important SBT trade flows. Reporting requirement should therefore be revisited, in this regard. Some commented, as well, that for Members that do not proactively participate at CCSBT meetings or engage in intersessional discussions (which tends to be 3-4 Members), however, there is far less ‘burden’ annually.

Finally, some of the responses were quite positive, considering current practice within the CCSBT to be functioning well and optimized for Members’ use. “CCSBT has paid sufficient attention to avoidance of unnecessary burden such as duplication of work”. “Efforts have been made in recent years to avoid duplication in reporting”. “Reporting requirements have been previously agreed upon by Members and can be fulfilled properly”.

**38. How do you rate the fulfilment by Members of their obligations regarding reporting requirements? Mean rating, by groups: 3.3 (23 responses).**



As it has been a common pattern in several of the previous responses, the reporting requirements established by CCSBT, addressed in the previous question (with a mean rating of 3.7), were more favorably assessed by stakeholders than the fulfilment by Members of their obligations regarding these reporting requirements, which got a mean rating of 3.3. Although most of the responses (52,1%) were positive, with ratings of 4 or 5, stakeholders were more divided in their views regarding this topic.

Some of the respondents considered that, in general, all Members have shown great compliance with reporting requirements, with an overall better performance than other t-RFMOs which have many developing State Members. “Members do provide the required reports, and on the whole, they do a reasonably good job of providing the required information within their reports”. “Members have fulfilled their obligation on reporting requirements very well and on time”. Besides, one of the respondents added that whenever failures have happened in the past, in most cases Members have rectified the omission and provided the required reports/data/ information at a later occasion, or explained why they didn’t/ couldn’t fulfil the requirements (e.g. “estimated total mortality of ERS” was not reported occasionally, because to estimate it by simply raising the observer data – the default approach of the template - was not necessarily correct, and would have caused mis-understandings).

Other respondents, however, had a diverging view on the fulfilment by Members of their obligations regarding the reporting requirements, noting, for instance, that there are always some parts of the annual report templates that are not fully/ properly completed by one or more Members, besides several other problems related to reporting (e.g. delayed submission of national report, CDS forms with missing information, non-completed data submission, etc.). Additionally, reporting to the Extended Scientific Committee has consistently been lacking in some areas (for example, reporting on attributable catch<sup>96</sup>). According to some of the responses, the late submissions in recent years have also compromised a proper review of the reports by Members. Some, therefore, suggested that additional independent verification would improve the confidence in Members reporting and help the Commission to demonstrate it is doing what it has committed to do.

Some of the respondents reiterated their views already reflected in their responses to questions 2, 5, 26, 27, and 34, concluding that reporting across the CCSBT is poor. According to those respondents, “the lack of reporting represents a serious scientific issue to accurate assessments, particularly of ERS bycatch. Besides, the lack of penalties and disincentives for failing to comply with reporting requirements means that this will be an ongoing issue”. Overall, there is poor spatial coverage of the fisheries and therefore any data that is reported is likely to be biased (see response to question 27). They also reiterated their support to the recommendation from ISSF<sup>97</sup> to establish a compliance scheme that “contains both positive (such as financial or technical assistance and capacity-building to developing States) and negative (such as automatic quota reductions, loss of fishing opportunities, enhanced monitoring, non-discriminatory trade measures) responses, and takes into account the history, circumstances, extent, and gravity of the act or omission.”

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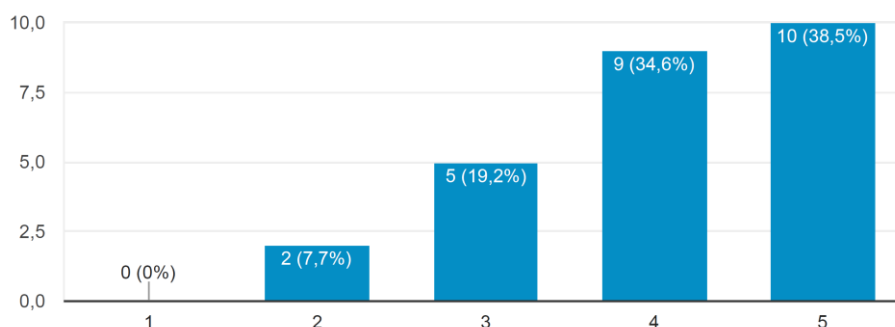
<sup>96</sup> [From 2020 the required reporting of attributable catch was enhanced and all Members included the attributable catch section in their 2020 ESC national reports.]

<sup>97</sup> Koehler, H. 2021. Tuna RFMO Compliance Processes: A Comparative Analysis to Identify Best Practices (version 5). ISSF Technical Report 2021-06. International Seafood Sustainability Foundation, Washington, DC, USA.

## IV. International Cooperation and comparison with other RFMOs

### S. Transparency

39. How do you rate the transparency of CCSBT work, regarding the opportunity for representatives from other intergovernmental organizations and from non-governmental organizations to take part in meetings? Mean rating, by groups: 4.0 (26 responses).

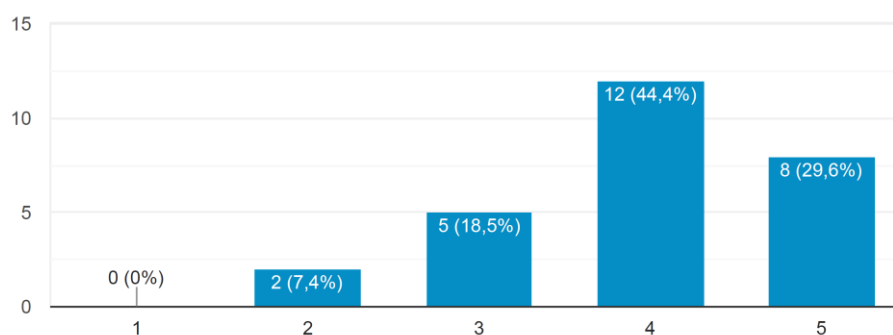


With an average rating of 4.0, 73.1% of the responses with ratings of 4 or 5, and only two responses under “3”, it is clear that most of the stakeholders consider the work of CCSBT regarding the opportunity for representatives from other intergovernmental organizations and from non-governmental organizations to take part in meetings sufficiently transparent. Under the Convention (article 14) and the CCSBT Rules of Procedure (Rule 3: Observers), representatives from other IGOs and from NGOs can join the CCSBT meetings. Under these rules, some IGOs and NGOs has been granted as a long-term observer status for specific CCSBT meetings on request from each organization. Invitations are automatically sent to those observers with “long-term observer status”. In addition, NGOs can also request to be an observer for a specific meeting in a specific year if it does not have long-term observer status. In that case, they must apply for observer status at least 50 days before the meeting. Although the agreement by Members whether to accept that organization as an observer or not is required, at least since 2013, all requests from IGOs and NGOs to be an observer, that have complied with the established timeframe, have been accepted by the Extended Commission. Observers registered to attend a meeting have access to all meeting documents in advance of meetings and can make interventions at the meetings. Observers are also permitted to submit papers to meetings, provided that those papers are relevant to agenda items. Observers are not permitted, however, to participate at Heads of Delegation (HoD) meetings that are sometimes required during meetings of the Extended Commission. CCSBT also actively encourages market states to participate in meetings and proactively engages in collaboration with other t-RFMOs through the joint t-RFMO process. Besides, in 2020, the COVID-19 pandemic gave NGOs/IGOs more of a platform than usual to ask questions and make comments due to the Secretariat’s use of pre-meeting discussion documents. Considering this background and also that most decisions by the Commission are made at regular meetings<sup>98</sup>, where IGOs and NGOs are allowed to participate, some of the respondents considered the CCSBT work to be satisfactorily transparent to other IGOs and NGOs.

<sup>98</sup> [Some decisions are made through intersessional decision-making process/ circular, which is not publicly available, but these are for minor administrative matters, not for important decisions, like a revision of a resolution, etc.]

On the other hand, despite some of the respondents argued that Heads of Delegation (HoD) meetings are rarely used to make critical decisions, rendering the decision-making process, therefore, highly transparent, others disagreed, considering that HoD meetings have indeed occurred too frequently in the past, compromising CCSBT transparency, as already commented in Question 24. “Closed sessions in meetings limit overall transparency, particularly regarding discussion on non-compliance”. In this regard, the “Process for Review of External Documents including possible non-compliances of Members” was noted as potentially limiting CCSBT transparency. “Consideration should be given to removing processes to seek Member agreement to third party reporting about CCSBT activity”. As noted by one of the respondents, the 2008 Performance Review stated that the rules for the participation of observers in the work of CCSBT at the time were ‘quite restrictive and did not accord with then current standards<sup>65</sup>. Specifically, it considered that Rule 3 of the Rules of Procedure on observer participation created an unduly restrictive process to admit observers, although a 50-day deadline for submission was an improvement, compared to the previous 100 days. Notwithstanding, the ability of a single Member to still block the participation of an observer, however still not actioned, remains too restrictive. Transparency should also be enhanced regarding non-commercially sensitive deliberations related to critically endangered species. Unfortunately, some Members seem to remain wary of NGO participation and the questions they ask, rather than seeing their participation as a strength.

**40. How do you rate the transparency of CCSBT work, regarding public access to records, decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials, subject to the procedural rules on access to them? Mean rating, by groups: 3.9 (27 responses).**



Unsurprisingly, the average rating (3.9) and the distribution of scores, with most (74.0%) of them being either 4 or 5, for this question, were very close to the previous one (respectively, 4.0 and 73.1%), indicating a good level of satisfaction of stakeholders, as well, with the transparency of CCSBT work, regarding public access to records, decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials.

The CCSBT has adopted the “Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT”<sup>99</sup>. Under this rule, all documents/data/ information classified as “no risk” (including all meeting reports, specific decisions, scientific advice, aggregated data, etc.) are made

<sup>99</sup>[https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs\\_english/operational\\_resolutions/CCSBT\\_Confidentiality\\_Rules.pdf](https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/CCSBT_Confidentiality_Rules.pdf)

publicly available in the CCSBT website. Access to papers and reports of all formal meetings of the Commission and its subsidiary bodies (e.g. EC, CC, ESC, ERSWG), together with most papers submitted to those meetings, can, therefore, be easily accessed on the public area of the CCSBT website, within a few weeks of the conclusion of the annual Commission meeting each year. Resolutions and Recommendations are also available on the website, however a bit haphazardly since they do not have any formal numbering system which would be useful for identifying and referring to them. Despite there is no published compendium of numbered active measures, they are also gathered and made available in a dedicated website page<sup>100</sup>. Notwithstanding, decisions might be hard to find unless for those that have a good institutional knowledge or are aware of the fact that there is a Compendium (Access Database) that can be searched in the Private Area of the website, meaning it is not available to the general public. Furthermore, it is difficult to know which decisions are active or have been superseded unless someone has access to the compendium Access Database on the website or know that this can be inferred by looking at the CPG1 – MPRs document – which is essentially a list of current obligations. In summary, decisions are still too cryptic/ hard to find, which is not helpful for transparency purposes.

Transparency with respect to annual non-compliances, including the website location of the Corrective Actions table that includes Members that have over-caught SBT, is not ideal either and has quite a bit of room for improvement. Another shortfall mentioned by stakeholders was the requirement that meeting reports and papers not be made public until after the annual Commission meeting. Consequently, for some meetings it may take many months before reports and documents become public<sup>101</sup>. On that specific issue, some of the respondents complained that “the records and papers of the meetings are not publicly available until after the Commission meeting each year, while in other RFMOs meeting papers are made publicly available in advance of the meetings”, arguing, thus, that CCSBT should seek greater transparency, by rectifying this practice. Data transparency in CCSBT was also deemed to be stricter (harder to access) than in other t-RFMOs.

Another reason for concern regarding transparency in CCSBT were the two reports on farms and markets that were made confidential in 2006. Many subsequent papers (typically at least one each year) that referred to either of these two papers have thus also been classified as confidential and are not available to the public. Under that same rule (Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT), all documents/ data/information classified as non-public domain data (risk classification Low, Medium or High) can only be accessed by Extended Commission’s Members, CNMs or other RFMOs, through specific processes therein established, conditioned to the agreement of the data owner. Third parties, therefore, cannot have any access to them, unless the data owner (who originally provided them) authorize their release as its own decision (not as the CCSBT).

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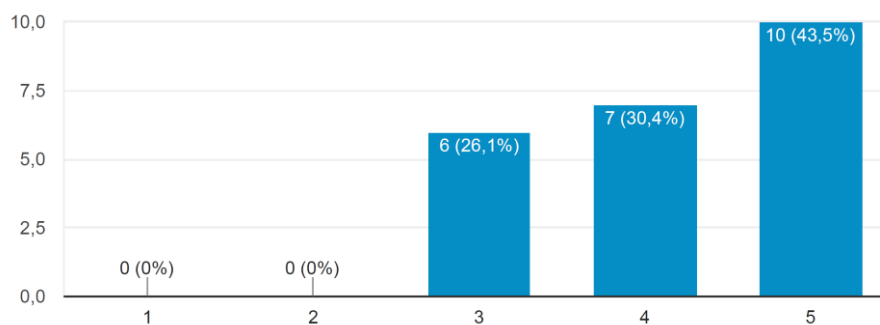
<sup>100</sup> <https://www.ccsbt.org/en/content/operational-resolutions-and-other-important-documents>

<sup>101</sup> [In special cases, in accordance with paragraph 5 and 7 of Rule 10 and paragraph 5 of Rule 6 of the CCSBT’s Rules of Procedure, meeting reports of subsidiary bodies and documents submitted to subsidiary bodies may be released before the annual meeting of the Commission.]

Some of the respondents, therefore, considered that while there has been some action to make meeting documents more public in the last few years, the associated reports and data are not yet made available in a sufficiently transparent and timely manner. Data and other relevant information upon which decisions are made, for instance, particularly in relation to stock assessments and ERS bycatch, are not available. If data on ERS bycatch were made available, it would facilitate transparent and collaborative analyses. As noted by one of the respondents, the previous Performance Review commented that “a strategy for dealing with ERS issues with a clear objective of improving the environmental performance of the fishery will provide transparency to the actions of the CCSBT and improve international perceptions of its effectiveness”<sup>65</sup>. The data on species bycatch need to be made available, preferably unaggregated where there are no issues with commercial sensitivities. While the ERS data exchange started in 2013, there remains inconsistencies in reporting among RFMOs, besides not being available to the public or even to approved observers. If they were made available, independent assessments and verification of the scientific advice provided to the CCSBT would be made possible. Increased transparency and broader data sharing, therefore, would serve to improve trust in the CCSBT to manage the fishery sustainably. Finally, some concerns were also expressed that during the pandemic, the move to virtual meetings has in general caused a major loss of transparency for RFMOs.

## T. Confidentiality

41. How do you rate CCSBT security and confidentiality standards and rules for sharing sensitive information and data? Mean rating, by groups: 4.2 (23 responses).

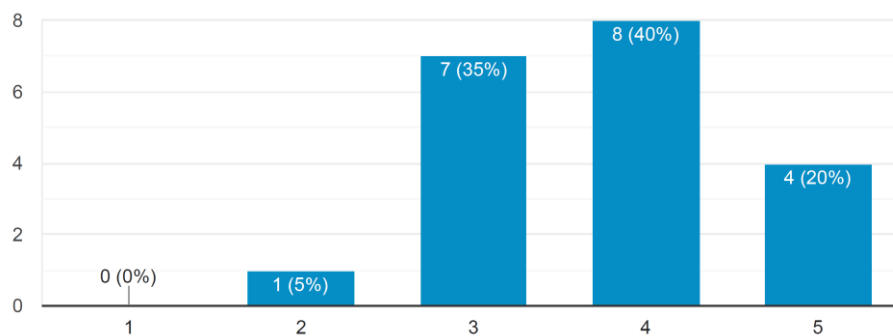


Judging from the responses to this question, with a mean by groups of 4.2, 73.9% ratings 4 and 5, and no score under “3”, most stakeholders seem to be very satisfied with CCSBT security and confidentiality standards and rules for sharing sensitive information and data. Again, as in the previous response, the “Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT” was mentioned as the main guide for sharing data. According to some of the respondents, this rule includes a very strict confidentiality security policy, ensuring confidential data are properly controlled and protected against third party access. Consequently, at least in terms of security for sensitive information/ data, the current rule was considered to be clear, adequate and functioning well. In this regard, some of the respondents considered data security, as well as data sharing mechanisms, in CCSBT to be better than in other t-RFMOs. The right of Members to define confidential documents was also praised, as well as the standard procedure for examination of external papers adopted in 2019. Others, nonetheless, pondered that, in general, the present regime has a bias towards confidentiality rather than favoring the transparent sharing of information and data. “The present rules are biased towards confidentiality at the cost of transparency”. Current rules on commercial sensitivity of data,

for instance, allow Members not to share valuable information, resulting in uncertainties in reporting that are yet to be resolved after almost two decades. Despite key data for stock assessments are usually shared amongst scientists, some confidentiality rules (CDS, fine-scale catch and effort data) limit the quality of the scientific analyses that can be conducted by Members and by the ESC. Some of the respondents stated that, while the concerns of Members and the fishing industry more generally for confidentiality were understandable, these confidentiality requirements should be more balanced against the fact that they are accessing a community-owned resource, being, therefore, accountable to the global community.

## U. Relationship to non-Members

42. How do you rate CCSBT cooperation between Members and non-Members, including through the adoption and implementation of procedures for granting cooperating status? Mean rating, by groups: 3.7 (20 responses).



Again, most of the respondents seem to be rather satisfied with CCSBT cooperation between Members and non-Members, since most of the responses (60%) got a 4 or a 5 rating, with an average by groups of stakeholders of 3.7. The procedure for granting Cooperating Non-Member (CNM) status to the CCSBT can be easily found at the website<sup>102</sup>. The CCSBT considers Cooperating Non-Member status to be a transitional measure to full Membership. Two of the CCSBT's past CNMs are now Members. CCSBT currently does not have any formal CNMs, but non-Members have often been invited to become a Member or CNM. The CCSBT regularly invites non-Members of relevance to its Compliance Committee (CC) and Extended Commission (EC) meetings. For example, the CCSBT invited China, Fiji, Mauritius, Namibia, Singapore and the USA to its CC and EC meetings, in 2020. Singapore and the USA usually attend one or both of these meetings. The USA cooperates with CCSBT's CDS. Other States, however, rarely (if ever) attend CCSBT meetings.

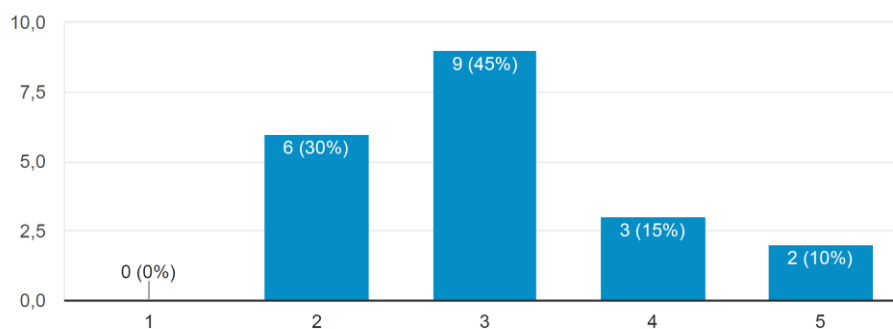
The Compliance Committee has a standing agenda item on "Non-Member port and market States whose cooperation should be sought", and the EC has a standing agenda item on "Relationship with Non-Members". Through discussion under these agenda items, the Commission decides which non-Member states should be invited to the next meeting, and also the actions to be taken by the Secretariat/Members intersessionally, including sending a letter to seek joining the CCSBT as CNMs (or Member) and having bilateral discussion by Member(s). In case such a non-Member has an intention to

<sup>102</sup> <https://www.ccsbt.org/en/content/becoming-member-ccsbt>

become a Member or CNMs, they will need to follow the required procedure under the Convention or the CCSBT's Resolution to Establish the Status of CNM of the EC and the ESC. This mechanism has worked rather smoothly throughout CCSBT history, so the CCSBT process to seek cooperation by non-Member (including being NCM or Member) seems to be working well, being effective and transparent. Besides, CCSBT proactively invites non-Members to CCSBT meetings and establishes communication with those that import SBT to clarify market data. Notwithstanding, some of the respondents commented that the efforts by the CCSBT to communicate with non-Members involved with SBT rarely elicit a response, although recognizing that some of these communications need to be done bilaterally by Members. Some non-Members having SBT potential by-catch, however, could indeed collaborate more with CCSBT. Despite the Secretariat has been very effectively communicating with non-Members, some of them simply do not respond to any invitation to attend the annual meetings, for instance.

## V. Relationship to non-cooperating non-Members

43. How do you rate the extent of fishing activity by vessels of non-Members that are not cooperating with CCSBT, as well as measures taken by CCSBT to deter such activities? Mean rating, by groups: 3.0 (20 responses).



This question elicited a rather neutral response, with almost half of the scores (45%) being rated 3, the same value of the mean rating by groups of stakeholders (3.0). Some of the respondents commented that the potential fishing for, or bycatching of, SBT by non-cooperating non-Members (NCNMs) has always been a concern for the CCSBT. Catch and effort data from IOTC and WCPFC indicate that non-Member fleets conduct some fishing operations in areas where SBT can be caught. A Secretariat paper for the ESC (Secretariat Review of Catches; e.g. Attachment E of CCSBT-ESC/2008/04) suggested that several NCNMs' longliners operated in the same time and area when/ where Members' fleets targeting SBT were operating, an information that was also corroborated by AIS data. The CCSBT also has proof of SBT catch and transshipment by vessels of a particular NCNM, which is the fleet of most concern. That particular NCNM rarely responds to communications from the CCSBT but has recently taken legal measures to prevent, at least partially, fishing and retention of SBT by its vessels. Prior to this, CCSBT's main measure to deter fishing for SBT by non-cooperating non-Members (NCNMs) has been limiting access to Markets. CCSBT Members and Cooperating Non-Members must not allow SBT from non-authorized vessels or without a validated CDS document to enter their market. The main SBT market is Japan, so market access has worked as an important deterrent. However, as SBT catch rates improve with rebuilding of the stock and other markets consequently develop, CCSBT's market access deterrent is weakening.

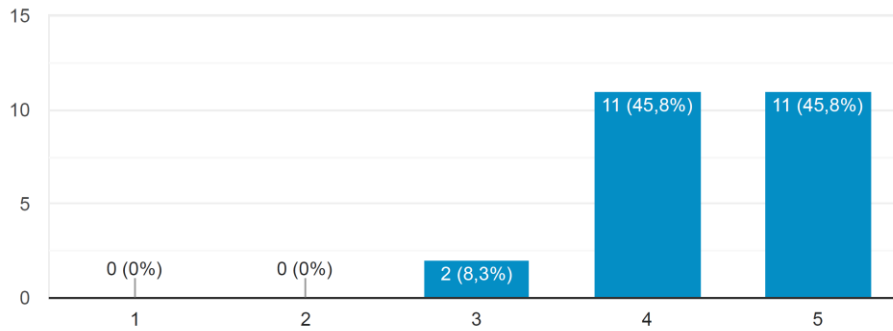


On the other hand, as already mentioned in question 42, the EC regularly identifies non-Members which cooperation or participation as a Member of the EC the CCSBT should seek. The main approach the CCSBT has taken for these approximations has been sending a formal letter to those NCNM's governments. Another important approach, however, is contacting NCNMs through Members' bilateral relationships. As a result of such activities, one of the most important NCNM has implemented domestic regulations to prohibit SBT catch in certain area and time (month), as mentioned above. This may not fully cover SBT catch possibilities by that NCNM, and, so far, it has not been possible to confirm if that NCNM's regulation has worked effectively, but, at least, it does mean that some progress is being achieved. Furthermore, non-Member SBT catches are estimated by the ESC, using Members' catch rates and NCNMs' fishing effort data reported to other t-RFMOs, and a provision for these are included in the current MP, being accounted for within the estimation of the global total allowable catch (TAC). Such modelling strategy should render the MP robust enough, even in the event that those NCNM catch estimates are actually happening.

Some of the respondents, however, cautioned that these estimates of NCNM catches might be too low. Others commented that there were not sufficient measures in place to deter such activities and/or to verify that illegal fishing of SBT has indeed stopped, although genetic sampling of tissues during at-sea transshipments could greatly help to clarify that. CCSBT have no dedicated patrols. NCNMs, which seem to have caught SBT, usually do not respond to e-mails. Despite fishing from NCNMs, therefore, is a real concern and efforts have been made proactively by the Secretariat to contact them, little progress has been so far achieved, with no reliable data being consequently available on SBT catches by non-Members. It should be a priority of CCSBT, therefore, to get a better understanding of the non-Member catches going forward. There are other specific measures to deter non-Member fishing activity, which include the Catch Documentation Scheme and the listing of IUU vessels, but this is not a simple matter. Identifying and engaging with non-Members has occurred over the years but it requires the non-Member to respond to such engagement. This has not always been forthcoming. The overlapping areas where SBT is taken in the convention areas of other RFMOs further complicates this matter.

## **W. Cooperation with other RFMOs**

44. How do you rate CCSBT cooperation with other RFMOs, including through the network of Regional Fishery Body Secretariats, as well as with other relevant international organizations? Mean rating, by groups: 4.4 (24 responses).



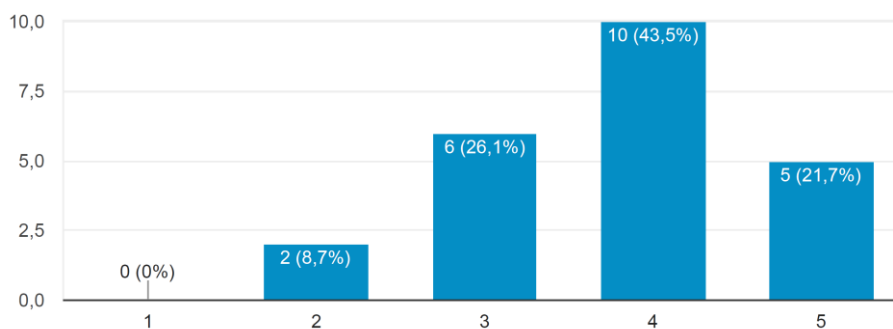
This question got only 4 and 5 ratings, except for two “3”, with an average of 4.4, indicating that stakeholders are largely satisfied with the CCSBT cooperation with other RFMOs. According to the respondents, there is a very good cooperation between the CCSBT Secretariat and the Secretariats of other RFMOs, particularly with the tuna RFMOs and CCAMLR. When necessary, the CCSBT has engaged in Memoranda of Cooperation/ Understanding (or similar) with other RFMOs to deepen cooperation, avoid duplication, and minimize the associated implementation costs for those that are required to comply with CMMs of the different t-RFMOs to which they are Members. CCSBT has agreements for general cooperation with CCAMLR, WCPFC and ACAP, agreements for cooperation on transshipments with ICCAT and IOTC, and a cooperative relationship with SPC in relation to its TUFMAN database platform. There is a particularly good communication between Compliance Managers and Executive Secretaries of the different Secretariats. Besides, the Regional Secretariat Network (RSN) was recognized as being useful for extending cooperation beyond just the tuna RFMOs, while the Tuna Compliance Network (TCN) is proving to be an excellent cooperation forum on compliance matters. Besides, a new Pan-Pacific Compliance Network is being developed and may further improve cooperation within the Pacific Ocean. Both the Tuna Compliance Network and the new Pan-Pacific Network are under the umbrella of the IMCSN (International Monitoring, Control and Surveillance Network).

During 2020, there was extensive correspondence and cooperation between many RFMO Secretariats in relation to plans and lessons learned in conducting business (particularly with regards to virtual meetings) during the COVID-19 pandemic. When the CCSBT considers new rules or revises existing ones, the Secretariat communicates to other RFMOs which have similar rules to ensure consistency. The CCSBT and related RFMOs have, therefore, kept good communication and relationship in various levels (personal, Secretariat, Commission, and through some established networks). While there are some barriers/ differences between RFMOs (e.g. data sharing, usage of seabird mitigation measures, scientific observer coverage target, etc.), they are a natural and unavoidable consequence of each RFMO having different mandates, Members, history/background, fishing vessel/gear and environmental conditions.

Some of the respondents, however, commented that there could be more cooperation with WCPFC and IOTC. Besides, despite the Secretariat has been keeping good cooperation with other RFMOs, given the recent increasing trend of web-based meetings across RFMOs, even closer cooperation has become necessary to avoid schedule crash cases which happened recently, for instance, between CCSBT-SC and ICCAT bluefin tuna meeting.

## X. Participation and capacity building

45. How do you rate the participation of CCSBT Members in the work of the Commission and its subsidiary bodies? Mean rating, by groups: 3.8 (23 responses).



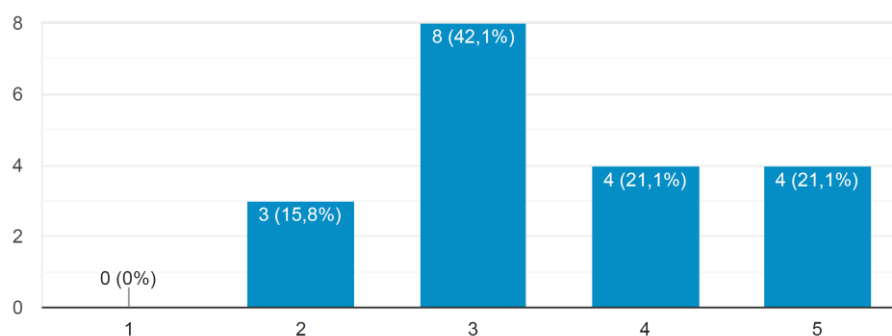
This question also received a positive assessment by most of the stakeholders, with 65,2% of ratings 4 or 5 and an average by groups close to 4 (3.8), indicating an overall satisfaction by the respondents, regarding the participation of CCSBT Members in the work of the Commission and its subsidiary bodies. Each subsidiary body develops its own work program/ workplan (CC: up to next annual meeting, ESC: next three years, ERSWG: up to next meeting), including a timeframe and definition of responsibilities for undertaking the planned tasks (who should do what by when). The EC does not develop a formatted “workplan” because specific items are basically directed to the responsible subsidiary body or are recorded in the meeting report with clear attribution of responsibilities, as well (to Secretariat, to the Chair, to a given Member, etc.). In addition, some intersessional correspondence groups (mainly e-mail groups) have been recently established for specific themes. Those groups are led by a designated Member and basically all Members join them. A new group may be started soon by Member’s initiative (related to market analysis), even though this has not been directed by the EC or any subsidiary body, which seems to show that Members’ participation in the CCSBT’s work is becoming more active and advanced.

According to the views expressed by some of the respondents, “Members are given the same opportunity to participate in meetings” and “all of them have demonstrated a good level of participation in the work of the Commission and subsidiary bodies, in general”. Members have done their work specified in workplans well and have also reported their outcomes through their national report or in papers presented to the meetings, despite, in some cases, outcomes by Members’ work may not have been satisfactory. All Members usually provide the required annual reports to all meetings of the CCSBT and attend the Extended Commission (EC), the Compliance Committee (CC) and the Extended Scientific Committee meetings. Most of Members usually attend the Ecologically Related Species Working Group meetings, but not all. One Member has not participated in recent ERSWG meetings upon the justification that its fleet does not target SBT nor catch substantial amount of SBT and, consequently, according to that Member’s understanding, most ERS related requirements would not be applicable to it.

Some of the respondents, on the other hand, had a more negative perspective, considering the level of engagement of the various Members in the work of the CCSBT, including their participation in meetings (both before and during the meetings) to vary greatly, even amongst the developed Members, for a variety of reasons. “Only 2-3 key Members are proactive during the EC and CC

Meetings”. Some pondered, however, that there were understandable reasons for this (for example, language barriers and, more recently, the impact of COVID-19). Others considered participation in the CC and in the EC to be high but skewed to some Members in the ESC. “An increased and more active participation and contribution at the ESC by some Members would be hugely beneficial”. Besides, according to some of the responses, Members are very non-pro-active when it comes to proposing new measures and/or revising existing measures, with this work falling disproportionately upon the Secretariat, which seems to have a much larger role in proactively proposing new measures and changes to existing ones than in other RFMOs. Finally, as commented by one of the respondents, “all Members need to ensure they are committing resources not only to the Commission and subsidiary body meetings, but also to the work that is carried out intersessionally at the Commission’s request. Alternatively, they need to provide additional resources to the Secretariat to undertake this work”.

**46. How do you rate the work done by CCSBT regarding capacity building and the institutional arrangements in place to facilitate the effective participation of developing States in the work of the Commission and its subsidiary bodies, including in positions of leadership? Mean rating, by groups: 3.4 (19 responses).**



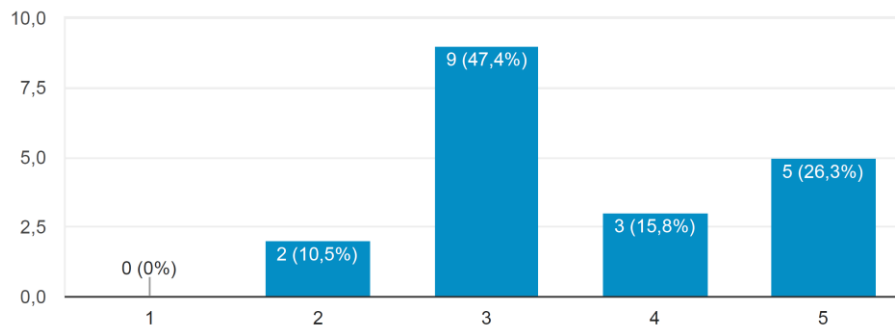
Stakeholders’ assessment of the work done by CCSBT regarding capacity building and the institutional arrangements in place to facilitate the effective participation of developing Members in the work of the Commission and its subsidiary bodies was predominantly neutral, with 42.1% of the responses with a “3” rating and an average by groups of 3.4.

As already mentioned at question 13 by some, the CCSBT does not have any systematic mechanism for capacity building for developing Members. However, there is some ongoing capacity-building activities in relation to science, through various works done in cooperation with other Members’ scientists, with some scientists from developing Members demonstrating a great capacity for data collection and analysis at ESC processes. Regarding compliance, Members have offered assistance for developing Members, when necessary, with the outcomes being reported to the CCSBT whenever it has happened. Some of the respondents also noted that there are provisions to facilitate effective participation of developing Members, for example, to provide assistance in the Corrective Actions Policy, and for rotational chairing of the Commission meeting. “The tradition of rotational hosting has given an opportunity for each Member, including developing ones, to be familiar with the CCSBT’s work”, “providing a broad range of knowledge and information regarding SBT and CCSBT”. The efforts usually undertaken by the Secretariat was also praised in this regard, considered to be always very

keen to respond and provide assistance. Despite of these positive views, some of the respondents remarked that there was no capacity building program for Coastal States yet.

## Y. Special requirements of developing States

47. How do you rate CCSBT recognition of the special needs of developing States and cooperation and provision of relevant assistance? Mean rating, by groups: 3.5 (19 responses).



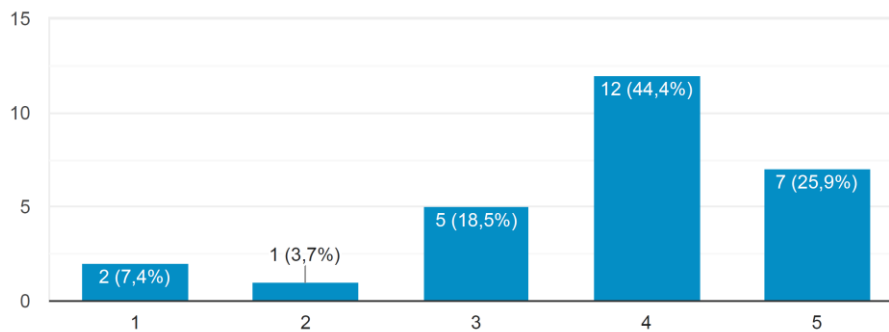
The average rating by stakeholders' groups (3.5) as well as the distribution of ratings given to this question, ranging from 2 to 5, were very close to the previous one, again indicating a rather neutral opinion of most of the respondents, with regard to CCSBT recognition of the special needs of developing Members and cooperation and provision of relevant assistance. The more detailed responses were also quite similar, with many of the respondents referring to their previous answers to questions 13, 23 and 46, largely repeating what they had already stated, particularly in the previous question (46).

Some of the respondents added that offers of assistance to developing Members are regularly forthcoming, particularly where the Quality Assurance Review program has identified areas of potential improvement, but these offers have not always taken up. Others recalled that there are specific provisions for developing Members (for example, in the Corrective Actions Policy), and financial assistance can be provided through the 'Assistance to Developing Members' expenditure category, although that has not been used in recent years. However, some of the respondents recognized that there is no specific measure or guidelines for how CCSBT should be recognizing the special needs of developing Members and providing assistance. "There is no capacity building program for Coastal Members, neither related to the transfer of science and technology to fully participate in the stock assessment process, nor for the transfer of knowledge to improve compliance level".

## Z. Best practices

48. How do you rate CCSBT performance in comparison to other tuna RFMOs in relation to the adoption and/or implementation of conservation and management measures for target and non-target species, status of the resources under its purview, scientific processes and procedures, and

adoption and implementation of MCS measures and compliance review procedures, and Kobe III recommendations? Mean rating, by groups: 3.7 (27 responses).



Almost half of the responses attributed a rating of 4 (44.4%) to this question, with most of the scores (70.3%) ranging between 4 and 5, with an average rating by groups of stakeholders equal to 3.7. Despite these figures do indicate an overall satisfaction by stakeholders regarding the CCSBT performance in comparison to other tuna RFMOs, many of the respondents commented that, in a way, this question was a kind of a broad summary of all the previous ones, making it, therefore, impossible to provide a clear-cut rating. Many explained, therefore, that their score was more an average of multiple ratings. “There are so many parts to this question that it is difficult to provide a simple score”. For example, for science on the target species, many of the respondents placed CCSBT above the other tuna RFMOs, while for science on non-target species, it was rated behind.

Regarding the adoption and/or implementation of conservation and management measures, the assessment provided by stakeholders was generally quite divergent between target (SBT) and non-target species (ERS). “The CCSBT performance in relation to target species is excellent and above other RFMOs, while relating to non-target species it is very poor”. Others considered that the CCSBT has demonstrated very good performance compared to other RFMOs, in terms of both science (in particular development and adoption of OM and MP) and compliance (in particular implementation of CDS) to accomplish the objectives of the Convention and to achieve the agreed rebuilding target for the SBT. Some of the respondents considered the scientific processes and procedures adopted by the CCSBT to be particularly good. Others, on the other hand, while agreeing that the scientific processes are satisfactory (see also responses to Question 10), opined that the quality of the data that are used in scientific analysis could be greatly improved by increasing observer coverage and ensuring compliance by Members with reporting requirements. Most of the respondents, however, expressed their satisfaction with the management of the SBT fishery via the quota system, placing it ahead of other RFMOs. “CCSBT has been leading in terms of its harvest strategy evaluation and adoption”. “CCSBT's Management Procedure is RFMO-leading”! Some of the respondents detailed their responses, explaining that despite various RFMOs have set conservation/ rebuilding targets for their target species, not so many stocks managed by them have shown such a great rebuilding trend as the SBT, which stock has shown steady rebuilding since the implementation of the MP (the stock in 2011 was estimated at 5.5% of initial TRO, improved to 13% in 2017, and to 20% in 2020). This is one of the best rebuilding trajectories in all species managed under RFMOs, with the inescapable conclusion that current CCSBT’s scientific process and CMMs have worked very well. For target species, therefore,

CCSBT has been very successful in rebuilding the SBT stock, performing particularly well in comparison to other tuna RFMOs.

For non-target species, on the other hand, there seems to be room for significant improvement. According to some of the respondents, CCSBT has not been successful to effectively manage the impact of SBT fisheries on bycatch species, with its measures considered to be lagging behind those of IOTC, ICCAT and WCPFC. Some considered that, although there is a dedicated forum to address the ERS (the Ecologically Related Species Working Group), the advice usually gets diluted and has not been translated into the adoption and implementation of effective, binding CMMs for non-target species. This is particularly concerning, since CCSBT has the largest overlap of fishing effort with vulnerable seabirds, having, therefore, the highest seabird bycatch risk of all the tuna RFMOs. Notwithstanding, bycatch of seabirds, in some cases, is increasing, not being reduced, as reported in CC15 (see also response to question 17). Over the recent years, furthermore, the group has mainly focused on seabirds, with limited attention to other non-target species. Some of the respondents also said that part of the reason for CCSBT CMMs on ERS be lagging behind the other t-RFMOs was because, as commented by some at Question 2, the CCSBT has chosen to rely on other t-RFMO's binding ERS measures rather than adopting its own/unique binding measures to manage ERS, implying that revisions of the CCSBT's resolution on ERS are conditioned to changes/ adoption of measures by those other t-RFMOs, to ensure consistency. Notwithstanding, since all CCSBT Members are also Members or cooperating entities of the other related t-RFMOs, according to those respondents, there should be no functional difference in terms of implementation of measures by fleets. Some of them even considered seabird mitigation measures adopted by CCSBT to be more progressive than those from other t-RFMOs.

Some of the respondents, on the contrary, however, were highly critical of the CCSBT performance regarding the adoption and implementation of conservation and management measures for non-target species, presenting under this question a summary of many of the previous responses already given. As stated in response to Question 15, for instance, they highlighted the misalignment in 'balancing the management of SBT and ERS' with the functions, needs and priorities set by the CCSBT, particularly regarding seabirds. "There remains consistently poor implementation of seabird bycatch mitigation measures, and poor compliance". According to them, to overcome this shortcoming CCSBT should conduct and coordinate a specific scientific research program on ERS aimed at providing information to support the Commission's management objectives. Inertia within the CCSBT to adopt and implement CMMs to address ERS bycatch, including the required observer coverage to ensure compliance, after two decades, has seriously compromised its performance, in comparison to other tuna RFMOs, to effectively manage the bycatch of ERS. Despite repeated calls and scientific evidence have been presented to the CCSBT showing that observer coverage must be greater than 20% and closer to 100%, to allow an effective assessment of the status of the SBT fishery and to ensure compliance with CMMs, including those on ERS bycatch, no progress to increase that rate has been achieved so far. As already noted in the response to Question 2, in other similarly high-value fishery, such as the Patagonian toothfish, a 100% observer coverage has been enforced. When CMMs are complied with, there is negligible bycatch of non-target species, and the fishery is sustainable. The argument that the use of EM or increasing observer coverage is too costly was considered disappointing, given the financial value of SBT in the global market. To implement a greater observer

coverage, ideally of 100%, and at a minimum of 20%, supported with electronic monitoring, in line with the adoption of clear and binding disincentives for non-compliance is the only way to rectify the presently very high seabird mortality in SBT fisheries.

Regarding compliance review procedures, some were of the view that other t-RFMOs have a more formal “compliance assessment process” and a Member of the CCSBT has suggested to consider similar process for the CCSBT, but no consensus has been reached so far, due to the divergent opinions on the utility and relevance of adopting such a strategy. Some of the respondents also found it difficult to distinguish the adoption and implementation of MCS measures and compliance review procedures between the different RFMOs. For example, only ICCAT and the CCSBT have a CDS, and only WCPFC has a centralized VMS. Others reminded that currently there are no standard for distinguishing between a serious non-compliance event and a minor one, being therefore important to CCSBT to clarify that. Besides, corrective actions have been restricted to over catch of SBT and not to the non-compliance of other CMMs, including those related to ERS. Furthermore, as already noted in Question 31, decisions are made through consensus, which has the potential to limit the corrective actions required, since it is very unlikely that a Member will agree with a penalty to be applied to itself. The timeframe between reviews - three years - was also considered too long, potentially delaying the implementation of corrective actions.

Regarding the Kobe process, some of the respondents recalled that recommendations related to CCSBT have been reviewed by past EC meetings and were addressed in various ways. The comparison with other RFMOs, however, was considered to be difficult, due to their peculiarities and dissimilarities. Some years ago, for instance, the five tuna RFMO Secretariats provided tables for comparison of how each RFMO had implemented recommendations. They concluded, however, that the information was not comparable between the RFMOs because of the different ways the scoring was interpreted between Secretariats. Without extensive re-analysis, therefore, it is not possible to draw any conclusion regarding the level of implementation of Kobe recommendations by the different tuna RFMOs, in a comparative manner.

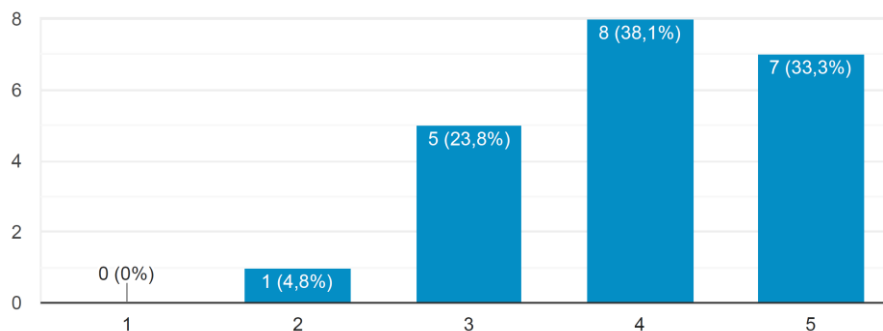
CCSBT is unique amongst tuna RFMO in only dealing with one species and being able to rely on the region-specific tuna RFMOs for treatment of non-target species. The single species focus and especially the single species stock recovery focus for more than a decade, coupled with small Membership and ITLOS history, has created a very different RFMO. CMM are few and their adoption and implementation has been relatively straightforward compared to those for other tuna RFMOs.



## V. Financial and administrative issues

### AA. Availability of resources, efficiency, cost effectiveness, Convention and Rules of Procedure

49. How do you rate the financial and other resources made available to CCSBT, to achieve its aims and to implement the decisions taken by the Commission? Mean rating, by groups: 4.0 (21 responses).



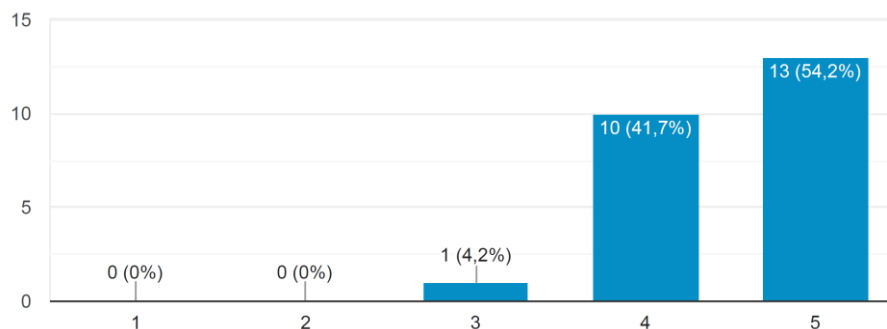
This question was again positively assessed by most of the respondents, achieving an average rating by groups of 4.0 and 71,4% of ratings either 4 or 5. Every year, the Commission decides the budget for the coming financial year. The Finance and Administration Committee under the Extended Commission examines the financial position of the CCSBT, which budget item should go, possible savings and contributions by Members, taking account the required resources, in particular for science programs. The Commission's general budget has been slightly increased every year (it means Members' contribution has increased as well), but Members have accepted those rises. Notwithstanding, as some of the respondents commented, the CCSBT is always seeking to prevent unnecessary expenses and expenditure cuts are always sought in the budget approval process. However, sufficient funds are generally made available to conduct and implement the projects and functions agreed by Members. Of greater concern than the CCSBT's budget is likely whether CCSBT Members themselves have sufficient human resources to fully contribute to the functioning of the CCSBT. For example, many Members do not seem to have sufficient time to review and produce documents/ proposals for meetings. There are years when more resources are available (e.g., in 2020), and years when there are less (e.g., in 2019). The Commission and the FAC work well together to prioritize expenditures. Nonetheless, some large projects are occasionally compromised by lack of funding (for example, a reduced budget for the farming and market analysis, having to withdraw from reserves to fund the e-CDS trial, and the proposed new gene tagging project). The transition from the aerial survey to gene tagging showed how little financial flexibility exists within the CCSBT to accommodate significant projects.

Although funding is typically always available to carry out the basic functions necessary for the maintenance of essential processes there is often a reliance on individual Member funding to support initiatives aimed at improvement or innovation. Additionally, Members also make unilateral contributions for some specific tasks (for example, to cover some meeting expenses). Some processes, particularly in the ESC, rely on significant in-kind contributions from some Members to be effective. Some of the respondents, however, warned that it is always risky for the Commission

to rely on such contributions. Nevertheless, routine work and necessary projects are usually funded by the regular budget and are rarely compromised by a lack of financial resources.

Comparatively, it seems that more ample financial and time resources are available to CCSBT than to other RFMOs. Some noted, though, that budget expenditure is more widely used by the scientific stock review process, than to support other areas, such as capacity building programs and compliance improvement. “The science and management procedure underpin a successful quota management system. This is important and is appropriately funded. Other areas, however, including MCS, observers, transshipment and independent verification, need additional resources”. Some of the respondents also commented that, fundamentally, the CCSBT Convention and financial processes reflect a time when the Membership consisted entirely of first world states/entities that were happy to accommodate individual projects, but this delivery model no longer reflects the current membership makeup.

**50. How do you rate the efficiency and effectiveness of CCSBT, in managing its human and financial resources, including those of the Secretariat, to support Commission objectives and ensure continuity of operations, including through establishment of clear and transparent office policies, structures, roles and responsibilities, and lines of authority; effective internal and external communication; and other aspects of office planning and operations? Mean rating, by groups: 4.5 (24 responses).**



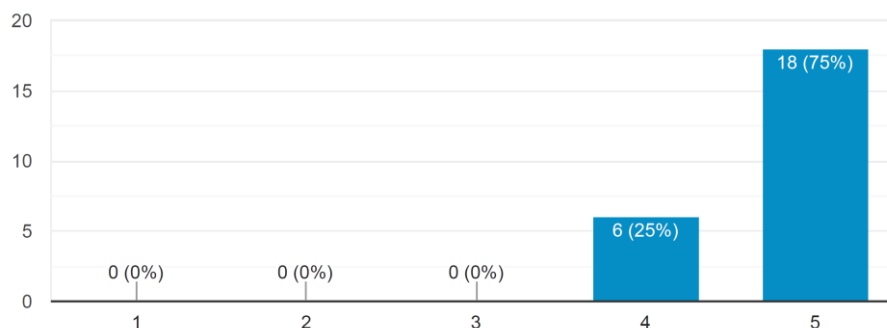
The ratings given to this question by the respondents, with an average of 4.5 and only one “3”, were the second highest, being only lower than the next one (4.7). These figures show that most of the stakeholders are highly satisfied with the efficiency and effectiveness of CCSBT, in managing its human and financial resources. The respondents were unanimous in praising the work of the Secretariat for running the CCSBT work effectively and efficiently, even though in a small number. “Given the limited resources, the Secretariat does a very professional job”. “The workings of the CCSBT Secretariat are efficient and always incredibly helpful”. “The hard work and quality of the Secretariat are outstanding”.

Compared to other t-RFMOs, the CCSBT Secretariat is very small, but yet very good at achieving objectives and planning. The continuation of all CCSBT meetings with full agendas (including a full stock assessment, running the Management Procedure, TAC setting and allocation) in 2020, despite the COVID-19 pandemic, is but another example of the CCSBT’s and its Secretariat’s ability to provide continuity of operations. However, being a small Secretariat, some office practices/ policies

are probably less formal than those of larger organizations. Notwithstanding, according to some of the respondents, there may be some room to improve specific role/ workload sharing between staffs, despite the written job description in the contract for each position. This should be pursued, nonetheless, taking due account of efficiency, since some tasks are more effectively handled by one person.

Another area of potential improvement indicated by some of the respondents concerns the timing of the Commission Chair appointment. “Sometimes the late nominations of chairs can mean that the Secretariat is not able to work with he/she in preparing for the Annual Meeting”. To address this shortcoming, the duration of the chairing responsibilities should be extended<sup>103</sup>. This would also prevent an undesirable lack of continuity between Commission Chairs. Some Commission Chairs may have little knowledge of CCSBT matters and may not have experience in chairing Commission meetings, and, therefore, to allow enough time for a proper coordination with CCSBT staff well in advance of meetings is much desirable. In the present system, consultation opportunities between the Executive Secretary and the Chair are limited. There is also no independent oversight of the Executive Secretary by the Chair of the Commission, which is the case in other RFMOs, and this should be rectified. Finally, some of the respondents alerted that the Commission needs to consider succession planning for key positions, including the Executive Secretary who has indicated will probably retire shortly.

**51. How do you rate the support provided by the CCSBT Secretariat to the Commission? Mean rating, by groups: 4.7 (24 responses).**



This question achieved the highest ratings of all in the entire questionnaire, with an average by groups of 4.7 and the vast majority (75%) of the respondents attributing to it a score of 5, showing a very high degree of satisfaction by stakeholders with the support provided by the CCSBT Secretariat to the Commission. Unsurprisingly, many of the commentaries given to this question were similar to those provided in the previous one, with all the respondents praising the quality and efficiency of the work done by the Secretariat. “The Secretariat is responsive and accommodating, and efficient and effective at maintaining systems and processes”. “The Secretariat is knowledgeable, proactive, helpful and effective”. “The Secretariat works well in supporting the Commission, especially in terms

<sup>103</sup> Rule 4(1) of the CCSBT’s Rules of Procedure was amended to allow the CCSBT to “elect” the Chair and the Vice-Chair of the Commission meeting, rather than Members nominating them by rotation and also allows the elected Chair and Vice-Chair to be re-elected for an additional three one-year periods. To date, this mechanism has not utilised and consequently the Chair and the Vice-Chair have been nominated in rotation and for a single year.

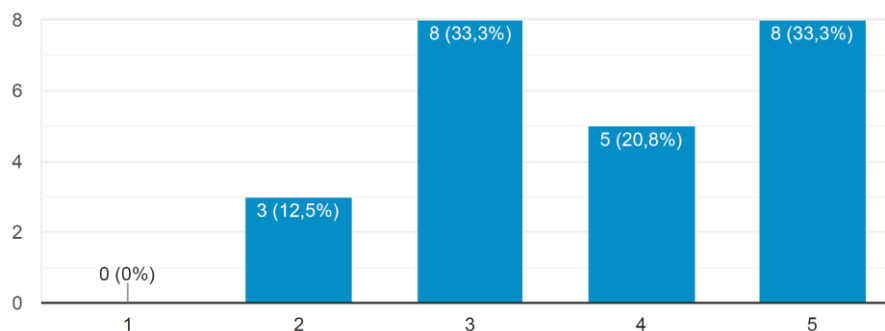
of their quality and timeliness of advice and preparation works”. “They provide high quality output in support of Commission operations”.

The functions of the CCSBT Secretariat specified by the Convention, the CCSBT Rules of Procedures and the Resolution to Establish an Extended Commission and an Extended Scientific Committee are:

- (a) receiving and transmitting the Commission’s official communications;
- (b) facilitating the collection of data necessary to accomplish the objective of the Convention;
- (c) preparing administrative and other reports for the Commission and the Scientific Committee;
- (d) preparing an annual report on the Secretariat’s activities for the annual meeting of the Commission.

The Secretariat, therefore, has various roles and regular tasks, including, for example, managing and implementing the Commission’s budget, handling communications between Members or other bodies, facilitating intersessional discussions between various bodies, hosting and managing CCSBT data bases and website, arranging CCSBT meetings (including preparation of various documents), running and managing CCSBT CMMs, developing electronic facilities (e.g. online data submission system, e-CDS, etc.), and so on. According to all responses, the Secretariat has carried out these duties efficiently and effectively, with some of the respondents considering the CCSBT Secretariat to be the most effective amongst all RFMOs. Some noted, however, that the Secretariat could do more to advance the systems and processes of the Commission, and that additional resources would further enhance the quality of the support it already provides to the Commission.

**52. How do you rate the Convention of CCSBT? Mean rating, by groups: 3.6 (24 responses).**

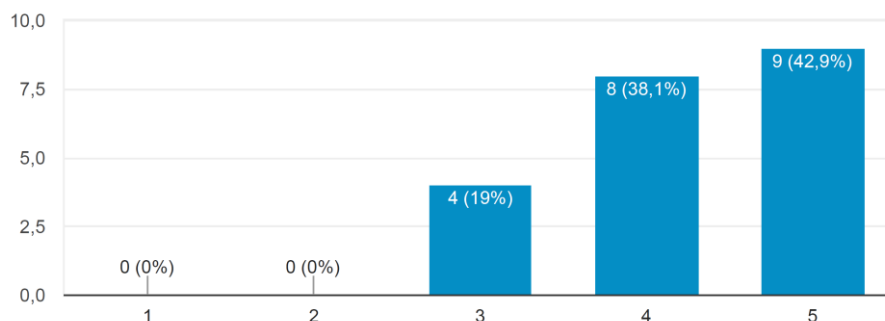


The ratings given by the respondents to this question ranged from 2 to 5, with an average of 3.6, indicating a moderate satisfaction by stakeholders with the CCSBT Convention. The convention predates UNSFA and, therefore, some of the respondents opined that it could do well with an updating. Areas that could be considered in such update include: a) Alignment with UNSFA provisions; b) Inclusion of entities other than States (e.g. the EU and the Fishing Entity of Taiwan); c) Decision making procedures other than consensus; d) improved focus on ERS; and e) Improved dispute resolution procedures. According to those respondents, the CCSBT Convention is showing its age and needs a revision, particularly to deal with non-target species and the marine environment. This is being resisted by some Members, however, who fear the additional requirements this may impose. Notwithstanding, an updating of the Convention would allow CCSBT to have its own CMMs for ERS, to adopt punitive measures for Members that did not comply with them and to enhance transparency.

Others, on the other hand, disagreed, expressing the view that an updating of the Convention is not necessary. According to them, under the CCSBT convention, SBT stock status has been improving steadily and the Commission’s performance has been pretty good compared to other various organizations, including t-RFMOs. As the Convention for the Conservation of Southern Bluefin Tuna is relatively “old”, it naturally does not include some of the contemporary concepts and definitions used in fisheries management, such as the precautionary approach, the ecosystem approach, global warming, climate change and so on. Nonetheless, this has not prevented the Commission to carry out its work and to apply these concepts. For example, the Commission has adopted one of the most precautionary approaches for stock management among all t- RFMOs, i.e. the CCSBT MP, and also requested Members to comply with binding measures related to non-target species. Besides, despite the view of some that “conservation of non-target species” must receive the same importance as the SBT, they considered that this should not be the case since human life and seabird life are not on the same level of importance, and to try to do both things at once could result in failure to both. According to those respondents, therefore, the current convention of CCSBT has a very clear objective and is working well. They also commented that it would not be realistic to try to cover all elements that may be related to the SBT fishery in a single convention, recalling, in this regard, that all CCSBT Members are also contracting parties of several other international conventions, being bound by them, such as the London Convention (MARPOL Convention) for marine pollution, ILO-MLC for crew’s working condition, SOLAS convention for vessel/crew’s safety and so on.

An apparent point of convergence of all the respondents, however, was the need to “open” the Convention to the participation of international organizations, such as the EU, and fishing entities. The Commission has overcome this issue by establishing an Extended Commission and an Extended Scientific Committee by means of a binding resolution. However, a Member of Commission may still upset all decisions by the Extended Commission at the very last minute of the Annual meeting. Another concern raised by some of the respondents was the requirement of consensus to make a decision, since it may prevent the adoption of any measure against one of the Members, in cases of non-compliance, for instance. At least for the case of adopting a penalty due to non-compliance by a Member, therefore, a majority decision-making process should be allowed.

**53. How do you rate the Rules of Procedure of CCSBT? Mean rating, by groups: 4.0 (21 responses).**



The rates given by the respondents to the Rules of Procedure of CCSBT were consistently higher than those regarding the Convention, with an average by groups of 4.0 and 81% of the scores being either 4 or 5, meaning a good level of satisfaction by stakeholders. The Rules of Procedure (RoP) have been

updated from time to time as the needs arise and no issues have been raised regarding inadequacies of the RoP. That said, there has never been a formal review of the RoP or a comparison of the CCSBT's RoP with other organizations, so there may be improvements that could be made. Notwithstanding, all the respondents considered the RoP to be adequate and fit for purpose. "Rules are sufficient and provide useful guidance". They were also considered to be more flexible and practical than those of some other RFMOs. Some also praised the "unwritten" rules, the practices that have been used by the organization to facilitate its work. "CCSBT is an adaptable modern organization, therefore, by having, for instance, an informal meeting prior to a formal meeting is a good means of communicating things that need to be raised even though they are not included in the meeting agenda".

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