

Draft under and overfishing resolution for CCSBT

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

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

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

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

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

Member	National allocation	Maximum permissible carry forward of underfishing, tonnes *	Underfishing carry forward as a percent of national allocation
Australia	5265	158	3%
Japan	3000	150	5%
Korea	1140	57	5%
FE Taiwan	1140	57	5%
Indonesia	750	75	10%
New Zealand	420	42	10%
Philippines	45	5	10%
South Africa	40	4	10%
EU	10	1	10%
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*Only if matched by under fishing of an equivalent level in the preceding year.

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

Example only: Penalty provisions would apply to that proportion of the over catch within each level. By way of example, the New Zealand national allocation is 420 tonnes. If in one year this allocation is over caught by 126 tonnes (30%) none of which can be off set against under fishing from the previous year then the required payback amount is 42 tonnes at 1:1 plus 42 tonnes at 1:1.25 plus 42 tonnes at 1:1.50 (i.e 42 tonnes plus 52.5tonnes plus 63 tonnes), a total of 157.5 tonnes.

Member	National allocation	Maximum permissible overfishing without penalty,tonnes*	Threshold for 1:1.25 penalty
Australia	5265	158	3%
Japan	3000	150	5%
Korea	1140	57	5%
FE Taiwan	1140	57	5%
Indonesia	750	75	10%
New Zealand	420	42	10%
Philippines	45	5	10%
South Africa	40	4	10%
EU	10	1	10%
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* assumes no carry forward of underfishing from the previous year

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

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

DRAFT RESOLUTION ON UNDER AND OVERFISHING

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

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

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

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

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

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

Procedure for managing underfishing of national allocation

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

Procedure for managing overfishing of national allocation

- 5 A Member or Cooperating Non-Member which overfishes its allocation in any year, taking into account any undercatch being utilised relating to the previous year, shall deduct the total of that overcatch and any penalty accrued pursuant to articles 6, 7 and 8 below from its national allocation within the following two years

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

Table 1

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

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