



CCSBT-EC/1110/16

Activities with Other Organisations

Purpose

To brief the Extended Commission on interactions with other organisations during 2011 and proposals for 2012.

CCSBT Observers at non-CCSBT meetings

At CCSBT 17, the EC agreed that specified Members would act as the CCSBT observers at RFMO meetings of interest (e.g. tuna RFMOs and CCAMLR) and that the observer Members would provide reports back to the CCSBT on matters of relevance in order to improve coordination with other RFMO's. The following Members were nominated to observe the next series of RFMO's annual meetings:

- New Zealand to observe meetings of WCPFC;
- Australia to observe meetings of CCAMLR;
- Japan to observe meetings of IOTC and ICCAT; and
- Taiwan to observe meetings of IATTC.

These CCSBT observers may have matters of relevance to report back to the CCSBT.

The EC should confirm which Members will act as CCSBT observers to the next series of RFMO annual meetings.

It should be noted that CCAMLR has already invited the CCSBT to participate as an observer at its Thirtieth Meetings of the Commission and Scientific Committee, commencing from 24 October 2011.

Activities of the Secretariat with other Organisations

Activities during 2011

Participation by the Secretariat in meetings of other organisations was described in the Report from the Secretariat (CCSBT-EC/1110/04). These meetings were COFI (and associated meetings), a joint tuna RFMO meeting of experts to develop a global tuna vessel register (funded by the International Seafood Sustainability Foundation) and Kobe3 (see later for a brief report from Kobe 3).

The Secretariat interacted with two main NGOs during 2011, these being the International Consortium of Investigative Journalists in relation to the unauthorised release of the Japanese Market Review (see Circulars 2010/005, 2010/015 and 2011/005), and the PEW Environment

Group in relation to a gap analyses comparing CCSBT's Port State measures with the FAO Port State Measures Agreement (see Circular 2011/029).

Finally, the Secretariat is in regular contact with the Secretariats of the other tuna RFMOs on matters of mutual interest, including MCS measures (particularly transshipments at sea), the global register of tuna vessels and other matters on an ad-hoc basis.

Proposed meetings for 2012

Known meetings of interest to the Extended Commission are:

- 30th session of the FAO Committee of Fisheries¹ (COFI) (13-17 July 2012).
- 1st meeting of the Kobe Process Steering Committee (in association with COFI).
- 4th meeting of the Regional Secretariat's Network (RSN) (in association with COFI).
- Annual meetings of other tuna RFMOs.
- CCAMLR annual meeting.

It is proposed to continue the practice of deciding whether to attend meetings of interest on the basis of the specific interests of the CCSBT in the agendas.

The budget prepared for 2012 provides for participation of the Executive Secretary at COFI and the meetings associated with COFI.

Report from Kobe 3

Kobe 3 was held in La Jolla, California from 12 to 14 July 2011. The Draft Chair's report for Kobe 3 is at Attachment A. The first meeting of the Joint tRFMO Technical Bycatch Working Group (JTBWG) was held immediately prior to Kobe 3. The report of the JTBWG is at Attachment B.

Representatives of all CCSBT Members were present at Kobe 3, so this report focuses on the Recommendations from Kobe 3 (Attachment C), together with a brief outline of the recommendations and workplan of the JTBWG.

The recommendations from Kobe 3 were divided into 4 groups: (1) Science; (2) Management; (3) Compliance and Enforcement; and (4) Future of the Kobe Process. These recommendations are presented in an abbreviated form below. The Extended Commission should review these recommendations and consider which recommendations it supports and the priority that should be allocated for implementation of supported recommendations. The Secretariat has suggested possible CCSBT priorities at the end of each recommendation (*high*, *medium*, *low* and ✓ for in place or underway by CCSBT), but the EC may have different views.

(1) Science Recommendations from Kobe 3

- i. In relation to the exchange of data across tRFMOs, the Secretariats develop common data confidentiality rules and a draft protocol for data sharing. (*medium*)
- ii. Scientific Committees and Bodies of the tRFMOs develop research activities to better quantify the uncertainty and understand how this uncertainty is reflected in the risk assessment inherent in the K2SM. (✓)

¹ In conjunction with past practise, a meeting of tuna Secretariats is expected to be held in the margins of COFI.

- iii. A Joint Management Strategy Evaluation (MSE) Technical Working Group be created and that this Joint Working Group work electronically, in the first instance, in order to minimize the cost of its work. (*low*²)

(2) Management Recommendations from Kobe 3

- i. The JTBWG report should be transmitted to each tRFMO for its consideration. (*high*)
- ii. Each tRFMO Secretariat annually measure existing capacity in tuna fisheries under its jurisdiction and monitor where that capacity is used and by whom. (*low*³)
- iii. By 2013 each tRFMO establish an active vessel record (✓), and that all tRFMO Secretariats coordinate the establishment of a common vessel database linked, to the extent possible, to the existing consolidated list of active vessels. (*medium*)
- iv. Developed fishing members freeze large-scale purse-seine capacity under their flag. (*low*³) Based on the status of the stocks, each tRFMO should consider a scheme for:
 - o Reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies; (*low*³) and
 - o Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate. (*low*³)
- v. The Decision-making framework guidelines (see Attachment D) should be referred to the respective tRFMOs for consideration. (*medium*⁴)

(3) Compliance and Enforcement Recommendations from Kobe 3

- i. TRFMO Secretariats should continue their efforts on the consolidated list of authorized vessels (✓) and that these efforts be coordinated with FAO's effort to develop and implement its global vessel record. (*high*)
- ii. TRFMOs should cooperate to harmonize IUU vessel listing criteria and procedures to the maximum extent possible, and move towards adopting principles, criteria, and procedures for cross-listing IUU vessels that are listed on the IUU list of other tRFMOs, taking into account the principles in the Annex provide at Attachment E. (*medium*⁵)
- iii. TRFMOs should establish a common format for assessing compliance with data reporting requirements. (*medium*) Furthermore, to facilitate compliance, participants recommended that all tRFMOs streamline and harmonize their reporting formats, procedures, and timing. (*low*⁶)
- iv. TRFMOs, developed States, and NGOs should accelerate efforts to provide capacity building assistance through various means, including workshops, to implement CDS, port state measures, and data collection and to participate in the scientific work. (*high*)

² The CCSBT is in the process of finalising its MSE framework (i.e. the management procedure), so while the working group is of interest, it is not a high priority for CCSBT.

³ The CCSBT does not have a closed authorised vessel register, making capacity difficult to evaluate. In addition, because of the TAC management regime and the usage of IQs or ITQs by most Members, capacity has not been considered a priority for CCSBT.

⁴ These guidelines may be useful for the SFMWG's work in developing an SBT Fisheries Management Plan.

⁵ The CCSBT would first need to agree and implement a Resolution to develop an IUU vessel list.

⁶ Harmonised reporting formats (including data submission) could have considerable benefits, but it would also involve major work from all involved to implement new formats – e.g. significant changes to data submission/loading code, possible changes to the meaning of certain data items and possible re-submission of historic data etc. The “low” priority has been given on the basis of the significant effort and disruption involved rather than the usefulness of the concept. However, if all tRFMOs showed a strong commitment to this recommendation, then this priority should be increased.

(4) Future of the Kobe Process

- i. A Kobe Steering Committee will be established, comprised of the Chairs and Vice Chairs of each of the five tRFMOs, supported by the five Executive Directors/ Secretaries of those same tRFMOs.
- ii. The Steering Committee's mandate will be to review and report to the five tRFMOs, on a regular basis as determined by the Steering Committee, on the implementation of the recommendations agreed to during the Kobe process, including those adopted at Kobe III. The first meeting of the Steering Committee will take place during the July 2012 COFI meeting. The work of the Steering Committee will be guided by the principle of transparency
- iii. The Secretariats of each of the five tRFMOs will propose that the agenda of their respective annual meetings include a specific item on the Kobe process, to be introduced and led by the Commission Chair, and focused on a review by the tRFMO members of the Kobe process recommendations requiring action by that tRFMO.
- iv. Tuna RFMO members should provide input to the Steering Committee through the Chair(s) of their respective RFMO(s) and during the annual review at the RFMO meeting(s)

It is important to note that unlike the other tRFMOs, the CCSBT Chair and Vice Chair rotate every year and the Chair typically has no previous experience of the CCSBT. Therefore the recommendation that the Chair and Vice Chair represent the RFMO at Kobe Steering Committee (KSS) meetings is impractical for the CCSBT. Instead, it is recommended that the EC agree that the Chairing and Vice Chairing Members be able to nominate alternatives with CCSBT experience to represent the Chair and Vice Chair at KSS meetings and for the Chair's representative to report the KSS meetings outcomes back to the CCSBT.

In response to recommendation "iii" on the future of the Kobe process, the Secretariat proposes that the agenda for future annual meetings of the EC include a standing agenda item titled "Evaluation of Kobe Process Recommendations".

Joint tRFMO Technical Bycatch Working Group (JTBWG)

The JTBWG focused its discussion and recommendations on improved data collection and harmonisation, sharks, collaboration & research, a provisional list of research priorities and the future of the JTBWG, including the work plan. The discussion and recommendations are summarised in section VI of the JTBWG's report (Attachment B).

One of the many recommendations was that each RFMO should designate/employ a dedicated bycatch staff person to work collaboratively with other RFMOs to promote bycatch related work. This recommendation has been separately identified only because the Secretariat wishes to advise that it has not included any funds for such a position in the draft budget for 2012. If funding is not available, it is recommended that Members identify people that can assist the JTBWG's work from a CCSBT perspective and advise the Secretariat of the names of these people.

It was agreed that the JTBWG would meet electronically every three months⁷ and in person in conjunction with Kobe meetings or otherwise, every three years. The workplan of the JTBWG is evolving and currently involves:

- Harmonisation of data collection (*identifying the minimum data standards and data fields that should be collected across all RFMOs with a view to allowing interoperability*).
- Development of harmonized identification guides and release protocols (*for seabirds, sharks, sea turtles and possibly marine mammals*).
- Identify and recommend research priorities & prioritization of collaborative work (*a provisional list of research priorities has been identified {see Section 6D of Attachment B} and RFMOs have been requested to review and revise the draft list by 31 December 2011.*)
- Progress The Bycatch Information Mitigation System (BMIS) information sharing website.
- Sharks (*amongst other things, the JTBWG seeks to collaborate on ecological risk assessments by RFMOs for sharks*).

In relation to the third point of the workplan, Members are requested to review and revise the draft list of research priorities and provide this to the Secretariat by 30 November 2011. Furthermore, as part of the update to BMIS and to help avoid overlap/duplication with other RFMOs, Members are requested to provide a list of current and upcoming CCSBT-related bycatch research. The list would become public information through BMIS and should include an outline, timetable and contacts for the research program, i.e. who is doing what, where and when.

Prepared by the Secretariat

⁷ Funds have been included in the draft 2012 budget for one day of involvement by the ERSWG Chair in each of these electronic meetings.

**DRAFT CHAIR'S REPORT OF THE THIRD JOINT MEETING OF THE
TUNA REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS (Kobe III)**

(La Jolla, California, USA, July 12-14, 2011)

1. Opening of Meeting

Mr. Stefaan Depypere (EU) opened the meeting for the current Kobe Chair, Mr. Ernesto Penas Lado. Mr. Depypere welcomed participants and introduced Dr. Jane Lubchenco (USA), Undersecretary of Commerce for Oceans and Atmosphere and National Oceanic and Atmospheric Administration (NOAA) Administrator.

Dr. Lubchenco welcomed the Kobe III participants to La Jolla and noted that global cooperation is essential for the effective management of tunas, swordfish and other highly migratory species. Dr. Lubchenco highlighted that a billion people worldwide depend on seafood as their primary source of protein, making sustainable fisheries and aquaculture key to the world's future food security. Healthy oceans are also essential to those who rely on them for employment. She urged the participants to commit to science-based, sustainable management of highly migratory species and to adopt the proposal on decision-making principles. She called on participants to acknowledge that, when uncertainty exists, the precautionary approach should be applied and urged the participants to make further progress in addressing illegal, unreported and unregulated (IUU) fishing by agreeing to measures that would reduce the mobility of IUU vessels and help keep their illegal products from entering the market. Finally, Dr. Lubchenco noted tuna RFMOs' important role in ecosystem management, because they are responsible for managing the top predators in our ocean ecosystems and urged participants to continue to work to address big picture ecological considerations needed for ecosystem management.

A List of Participants is attached as **Annex 2**.

2. Election of Chair

Mr. Russell Smith (USA) was elected Chair.

3. Appointment of Rapporteur

Ms. Melanie King (USA) was appointed Rapporteur.

4. Adoption of Agenda

The Chair noted that the Agenda was developed by an international Steering Committee and open for public comment prior to Kobe III in order to obtain as much input as possible from Kobe participants about the topics on the Agenda. The Chair noted to the Steering Committee that it was important for the Agenda to be as focused and streamlined as possible, in order to achieve concrete outcomes on key issues. The Agenda was adopted without change and is attached as **Annex 1**.

5. Science

The science session was moderated by Dr. Francis Marsac, Chair of the IOTC Scientific Committee. The Rapporteur for this session was Dr. John Hampton, Manager of the Oceanic Fisheries Programme for the Secretariat of the South Pacific Commission.

a) Review of past Kobe science recommendations

Dr. Naozumi Miyabe (Chair of the WCPFC Scientific Committee) briefly reviewed the science-related recommendations from the Kobe II meeting in 2009 and Kobe II workshops in 2010. The recommendations cover the areas of data sharing and provision of scientific advice, data reporting, and data gathering and analysis. Almost all these items have now been considered and adopted where appropriate by most tRFMOs.

b) Report of relevant recommendations from Joint Technical By-catch Working Group

Mr. Glenn Hurry (Executive Director of the WCPFC) presented an overview of the key issues discussed and the recommendations from the meeting of the Joint Technical By-catch Working Group (JTBWG) held prior to Kobe III.

Kobe III participants recognized the progress made by the JTBWG and welcomed its work plan. The work of the JTBWG will be chaired by Dr. Simon Nicol of the South Pacific Commission. It will meet quarterly, at least initially, by electronic means. Other points raised in discussion included the following:

- a) There needs to be information collected by observers on discards, both of by-catch and target species;
- b) Some participants expressed the importance of monitoring interactions of tuna fisheries with species such as whale sharks and cetaceans and called for measures to mitigate the impacts of tuna fishing on these species, including the preparation of best-practice guidelines for the safe handling and release of captured whale sharks and cetaceans;
- c) Food security considerations should be included in the work on by-catch in the Kobe process, recognizing the desires of some developing states to retain by-catch species that can provide a socio-economic benefit;
- d) More comprehensive data are required to monitor and manage the impacts of tuna fisheries on sharks; and
- e) The rate of and species take of by-catch in recreational fisheries should be considered as part of by-catch research and assessments.

Kobe III participants noted that data collection and reporting of information concerning by-catch are essential for the estimation of by-catch and the implementation of an ecosystem-based approach to fisheries management. The responsibility of the members and cooperating non-members of the tRFMOs to improve by-catch data collection and reporting was emphasized. Some participants also called for a study conducted by an appropriate organization, such as the FAO, to quantify the amount of food fish discarded in industrial fisheries.

Kobe III **recommended** that the Joint Technical By-catch Working Group be continued and the report be sent to the tRFMOs for consideration according to their objectives and procedures.

c) Focus issues for Kobe III

i) Data confidentiality and data sharing

Dr. Victor Restrepo (ISSF) presented the background information contained in K3-005 (**Annex 3**) on data confidentiality and data sharing. Data submitted to or collected by tRFMOs can be used for compliance and/or science purposes. The sharing of certain types of data could assist tRFMOs in carrying out their functions, including:

- a) Sharing of relevant data in order to carry out joint stock assessments (such as for Pacific bigeye tuna) or conduct global meta-analyses; and
- b) Sharing of transshipment and vessel activity data to validate catch estimates and detect IUU fishing.

Currently there is no formal mechanism to facilitate routine data sharing among all tRFMOs (although a data exchange agreement has been concluded recently by WCPFC and IATTC). Dr. Restrepo suggested that Kobe III provided an opportunity to begin to address this issue.

The meeting participants expressed general support for the development of a broad data sharing protocol, including operational level data, in order to advance scientific understanding of tuna stocks and associated species and to improve compliance and combat IUU fishing. Various participants noted that confidentiality of data, especially operational level data, would need to be ensured, for example, by having appropriate time delays between the fishing activity and data release.

Kobe III participants recognized that the five tRFMOs have different data confidentiality rules and **recommended** that tRFMOs Secretariats cooperate to develop common data confidentiality rules and a draft protocol for data sharing. The protocol will specify the types of data to be shared, how it can be used, and who can have access to it. It was suggested that the WCPFC-IATTC Data Exchange Agreement might be used as a starting point for the development of the draft protocol.

ii) Addressing common issues in RFMO's scientific bodies

Dr. Josú Santiago (Chair of the ICCAT Standing Committee on Research and Statistics) presented the background information contained in K3-006 (**Annex 3**) on addressing common issues in tRFMO's scientific bodies. Four specific issues were discussed:

- a) Developing a checklist of minimum standards for stock assessments;
- b) Developing a template for the Executive Summaries of Scientific Committee reports;
- c) Establishing an annotated list of common issues in two priority lists; and
- d) Creating a new Joint Management Strategy Evaluation (MSE) Technical Working Group.

The Kobe III participants generally supported the development of a checklist of minimum standards for stock assessments and the Executive Summary template. Some participants suggested the following components for inclusion in executive summaries, if not already included:

- a) Catch and effort summaries;
- b) Key model parameters;
- c) Assessment results in relation to specified reference points and levels of uncertainty (perhaps using the Kobe II Strategy Matrix (K2SM) when uncertainties in assessment results are quantified);
- d) Fishery specific impact curves in multi-gear fisheries;
- e) Regional specific impact curves in fisheries with extended geographic ranges; and
- f) Clear management advice.

The participants supported the list of cross-cutting issues and their prioritization as identified in K3-006.

Kobe III participants agreed that the K2SM is a useful tool for evaluating management strategies or options, provided that the uncertainties in assessments can be adequately quantified. Participants acknowledged that considerable work remains to be done both to reduce uncertainty in stock assessments, and to develop common standards or guidelines for how uncertainty is reflected. It was also noted that the definition of science-based limit reference points and target reference points linked to management objectives are important elements underpinning the K2SM. Kobe III participants **recommended** that the scientific committees and bodies of the tRFMOs jointly develop methods to better quantify the uncertainty and understand how this uncertainty is reflected in the risk assessment inherent in the K2SM. The participants further noted that decisions on these issues by tRFMOs could improve the Commissions' capacity for implementing precautionary management measures.

Some participants suggested that both the impact of fish aggregating devices (FADs) in oceanic ecosystems and the study of movements of highly migratory species might be elevated from the second priority to the first priority list. It was also noted that standardized catch per unit effort (CPUE), being the basis of most tuna assessments, is a priority area for further study. In particular, further work is required to better utilize purse seine CPUE in stock assessments. This is a particular issue for yellowfin and bigeye tuna assessments, where the size of historically major longline fleets are declining.

Recognizing that a Management Strategy Evaluation (MSE) process needs to be widely implemented in the tRFMOs in the line with implementing a precautionary approach for tuna fisheries management, Kobe III participants **recommended** that a Joint MSE Technical Working Group be created and that this joint working group work electronically, in the first instance, in order to minimize the cost of its work. The terms of reference for that joint working group should include:

- a) Review the literature and experiences of tRFMOs in relation to MSE in order to investigate the feasibility of its application to different tunas;
- b) Provide guidance for developing MSE and operational models (OM) for tuna biology/ecology/fisheries in relation to the main sources of uncertainty arising from tuna assessments; and
- c) To the extent possible, provide and develop the modeling framework to apply the OM/MSE to tuna assessments by tRFMOs.

It was stressed that appropriate attention be given to building the capacity of tRFMO participants in the use of the MSE approach. Also, it was stressed that necessary management action should not be delayed while MSE systems are developed.

6. Management

The management session was moderated by Ms. Anna Willock (Australia) and rapporteured by Mr. Vladimir Puentes (Colombia).

a) Review of Past Kobe Management Recommendations

Mr. Matt Hooper (New Zealand) presented the past Kobe III management recommendations relevant to the management of tuna fisheries and potential areas for improvement.

There was agreement by participants that recommendations related to capacity building for developing members and cooperating non-members are particularly important, including ensuring funds are available to allow participation of developing members in tRFMO scientific and commission meetings. It was noted that efforts to fund the travel of developing members have allowed some small island developing States (SIDS) to hold chairmanships in WCPFC. Participants noted that other sources of funding should be explored to facilitate participation of developing members in international meetings and that Global Environment Facility funds in particular have allowed participation of developing States in various fora. Some participants stated that capacity building should support more than attending meetings, but also fully accessing the fisheries under each tRFMO's jurisdiction. Kobe III participants took note that several tRFMOs have funds to assist developing Nation participation in meetings, and that most recently, IATTC agreed to develop a mechanism in this regard. Several participants also suggested that while most funds available for training focus on training by experts from developing members, more consideration should be given to funding horizontal training programs among developing members to allow them to share experiences and learn from other members in similar economic circumstances. Several participants also highlighted the importance of funding to study artisanal fisheries.

b) Summary report of Joint IATTC-WCPFC Workshop

Mr. Fabio Hazin (Chairman of ICCAT) presented the results of the Joint IATTC-WCPFC Workshop that took place on July 11, 2011 in La Jolla, California, USA. Participants were pleased by the results of the workshop and agreed to consider the results at the IATTC and WCPFC annual meetings.

c) Relevant Recommendations from Joint Technical By-catch Working Group

Mr. Glenn Hurry presented the outcomes of the Joint Technical By-catch Working Group (JTBWG) related to management. The Chair noted that it was not up to the Kobe III participants to endorse the work of the JTBWG, given that body's terms of reference, which includes referring recommendations to RFMOs and their science bodies as appropriate.

Participants discussed the value of species specific management measures versus management measures that apply across all species of a taxa. Participants agreed that for taxa such as seabirds, effective management measures can be effective across the taxa. Some participants expressed concern that shark measures need to be species specific due to the nature of the fishery. The distinction between the incidental catch of sharks and targeted shark fisheries was highlighted.

Several participants requested that the JTBWG consider the utility of circle hooks in reducing by-catch. Participants also recommended that the JTBWG consider the issues of juvenile finfish catches and discards in its future meetings. Several participants also highlighted the importance of by-catch to food security and local economies in developing members.

In accordance with the Terms of Reference for the JTBWG, which were adopted at the Kobe II By-catch Workshop, the Kobe III participants welcomed the report of the first meeting of the By-catch Joint Technical Working Group and **recommended** that it be transmitted to each tRFMO for its consideration

d) Focus Issues for Kobe III

i) Capacity and Allocation

Mr. Toufik El Ktiri (Morocco) presented the background information contained in K3-007 (**Annex 3**) on capacity.

Many participants noted that addressing overcapacity of the global tuna fleet is an important issue that needs to be addressed in the Kobe process, taking into account the rights of developing members. Other participants expressed that they did not believe Kobe is an appropriate forum to address this difficult issue. Participants noted that the global vessel register currently under development will be an important tool to address over capacity and IUU fishing activities.

The Kobe III participants **recommended** that each tRFMO Secretariat annually measure existing capacity in tuna fisheries under its jurisdiction and monitor where that capacity is used and by whom. The results of this work should be referred to the respective Commission for its consideration.

In order to assist in the analysis and appropriate management decision-making to reduce overfishing and overcapacity, Kobe III participants **recommend** that by 2013 each tRFMO establish a record of vessels, by gear type, actively fishing for stocks under its jurisdiction, and that all tRFMO Secretariats coordinate the establishment of a common vessel database linked, to the extent possible, to the existing consolidated list of active vessels (CLAV), taking into account the requirements of each tRFMO for vessel registration.

Many participants noted that there is an important difference between the transfer of capacity among ocean basins and the transfer of capacity within a tRFMO area of competence from developed to developing members. Regarding the former, members must ensure the transfer is in accordance with relevant tRFMO measures and appropriate given the status of the stocks. Regarding the later, such transfer can be beneficial in allowing developing coastal members to realize their development aspirations without increasing the overall capacity of the fleet.

Participants discussed the following considerations, based on a list provided by Mexico, when determining whether a transfer of capacity among participants is appropriate:

- a) Legal framework for the capacity transfer;
- b) Current status of the fisheries resources;
- c) Fishing method used of the vessel to be transferred and effect of this method in the area where the capacity was transferred;
- d) If capacity is transferred within one RFMO, or from one RFMO to another, particular situations to be handled according to each one;
- e) If the capacity to be transferred is going to a place where the capacity is at its limit or there is overcapacity;
- f) The impact of the transfer in coastal States, particularly in developing States;
- g) If the transfer is made by a developing country and doesn't contribute to overcapacity;
- h) Effects of the transfer on the conservation measures of the tRFMO receiving that capacity;
- i) Reasons for the capacity transfer; and
- j) Beneficial owner of the capacity.

Participants suggested that these considerations should apply to capacity transfers but not to the increase in capacity. Participants noted that tRFMOs should examine whether it is appropriate to transfer capacity from one tRFMO to another, taking into account the fact that Kobe II participants recommended that tuna fishing capacity should not be transferred between tRFMO areas and, as appropriate within tRFMO areas, unless in accordance with the measures of the tRFMOs concerned.

The importance of tuna fisheries for the economies of coastal states, particularly for SIDS, was emphasized by many participants, and there was agreement that this consideration should be taken into account in any capacity reduction or transfer scheme. Participants recommended that each tRFMO draw up a strategy to enhance the participation of developing coastal members in sustainable tuna development and trade, including ensuring that conservation and management measures promote and do not undermine the sustainable development of tuna fisheries and industries of developing coastal states.

In view of these discussions, Kobe III participants **recommended** that developed fishing members freeze large scale purse seine capacity under their flag. Based on the status of the stocks, each tRFMO should consider a scheme for:

- Reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal states, in particular small island developing States, territories, and States with small and vulnerable economies; and

- Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate.

ii) Decision-making principles

Ms. Sylvie Lapointe (Canada) presented the background information contained in K3-008 (**Annex 3**). Kobe III participants welcomed these guidelines for decision-making on conservation and management measures, especially in view of adopting precautionary management approaches for tuna fisheries, and **recommended** that the decision-making framework guidelines outlined in K3-008 be referred to the respective tRFMOs for consideration.

7. Compliance and Enforcement

The compliance and enforcement discussion was moderated by Mr. Matar Sambou (Senegal) and rapporteured by Dr. Hamady Diop (CSRP).

a) Review of past Kobe Compliance and Enforcement Recommendations

The session began with an overview of the past recommendations of the Kobe process regarding compliance and enforcement presented by Mr. Roberto Cesari (EU). The Kobe III participants noted their appreciation of the progress made by the tRFMOs since the adoption of these recommendations.

b) Summary of Pre-Kobe III Preparatory Workshop on Port State Measures and Catch Documentation Schemes

Ms. Hyunwook Kwon (Korea) presented the report from the pre-Kobe III workshop on port state measures (PSM), underlining the importance of ensuring adequate and appropriate capacity building for developing countries for PSM as well as the various documentation systems for tuna and tuna-like species.

c) Focus Issues for Kobe III

i) Unique Vessel Identifiers and Harmonized IUU list

Mr. Miguel Herrera (IOTC) presented an update on the Secretariats' progress in developing a CLAV and other background information contained in K3-009 (**Annex 3**). Mr. Herrera noted that while the CLAV included a process for assigning a unique vessel identifier, most tRFMOs were not yet including these numbers in their published authorized vessel lists. Kobe III participants **recommended** that the tRFMO Secretariats continue this work and that it be coordinated with the ongoing Food and Agriculture Organization of the United Nations (FAO) effort to develop a global record of fishing vessels.

Kobe III participants noted their appreciation for the work already conducted by the tRFMO Secretariats on the development of a consolidated list of authorized vessels, including the implementation of UVIs and **recommended** that they continue these efforts. Furthermore, the delegates **recommended** that these efforts be coordinated with the FAO effort to develop and implement a global record of fishing vessels, refrigerated transport vessels, and supply vessels.

Ms. Deirdre Warner-Kramer (USA) presented the background information contained in K3-010 (**Annex 3**) on harmonized IUU vessel lists. A paper on basic principles for RFMO procedures on cross-listing vessels that have been listed on other RFMO IUU Vessel Lists was presented by the United States. These principles are included in **Annex 5**. Participants **recommended** that the principles be referred to the tRFMOs for consideration as each moves towards developing criteria and procedures for cross-listing IUU vessels, and recommended that the development of compatible IUU vessel listing criteria and procedures, to the maximum extent possible, should be given priority.

ii) Standardized Report Cards on Data Submission

Ms. Julia Hsiang-Wen Huang (Chinese Taipei) presented the background information contained in K3-011 (**Annex 3**) on data submission in tRFMOs and the idea of creating a standardized data report card to compare data submission of members across tRFMOs. Participants recommended the development of harmonized data report

card formats to compare data submission across tRFMOs, but cautioned that it should not be used to compare tRFMO performance, but rather members' performance.

Kobe III participants **recommended** that the tRFMOs establish a common format for assessing compliance with data reporting requirements. Furthermore, to facilitate compliance, delegates recommended that all tuna RFMOs streamline and harmonize the reporting formats, procedures, and timing.

iii) Port State Measures

Ms. Michele Kuruc (FAO) presented the background information contained in K3-012 (**Annex 3**) on port state measures (PSM). Norway presented a white paper on the FAO Agreement on PSM, included in **Annex 6**. The participants of Kobe III discussed the important role of port state measures to combat IUU fishing and reaffirmed that tRFMOs should adopt port state measures as recommended in the report of the Kobe II MCS workshop. Kobe III participants agreed on the need to provide capacity building support for developing countries in implementing port state measures.

iv) Market Measures/CDS/Trade Tracking

Mr. Shingo Ota (Japan) presented the background information contained in K3-013 (**Annex 3**) on market measures, catch document schemes (CDS) and trade tracking. Kobe III participants noted that electronic CDS programs would lower costs of implementation and emphasized the need to provide support for developing countries for such programs.

The Kobe III participants, reaffirming the recommendations regarding port state measures and CDS, **recommended** that tRFMOs, developed States, and NGOs accelerate efforts to provide capacity building assistance through various means, including workshops, to implement CDS, port state measures, and data collection and to participate in the scientific work.

8. Future of Kobe Process

Participants agreed that the Kobe process has been helpful in advancing many common issues among tRFMOs, but some participants cautioned that contentious issues such as capacity can be more effectively addressed in the tRFMOs themselves. It was recommended that the Kobe process continue but allow some time for implementation of agreed recommendations before convening another joint tRFMO meeting. In light of the financial and scheduling burden, particularly for developing members, participants considered several possible intervals until the next joint tRFMO meetings and the issue was left undecided.

Participants **recommended** that a Steering Committee be formed to review and report to the tRFMOs regarding progress made in implementing all of the recommendations agreed to in the Kobe process, pursuant to the terms of reference included in **Annex 4**.

9. Other Matters

Ms. Kuruc made an intervention to inform Kobe III participants of the Global Environment Facility (GEF) sustainable fisheries initiative that can provide funding for a variety of projects. Several participants noted that efforts under GEF have benefited WCPFC members and emphasized its potential to improve tuna management. No other matters were discussed.

10. Adoption of meeting report and intersessional work plan

The recommendations agreed by the participants under each agenda items are included in **Annex 4**. The meeting report was adopted by correspondence.

11. Adjournment

The Chair thanked the participants for their contributions and adjourned the meeting.

ANNEXES

Annex 1: Agenda

Annex 2: List of Kobe III Participants

Annex 3: Background documents for Kobe III

K3-005 – Data Confidentiality and Data Sharing

K3-006 – Addressing Common Issues in Tuna RFMOs Scientific Bodies

K3-007 – Capacity

K3-008 – Kobe III Guidelines: Addressing overfishing and/or stocks that are overfished

K3-009 – Global Consolidated List of Authorized Vessels (CLAV)

K3-010 – Harmonized IUU Vessel Lists across tRFMOs

K3-011 – Statistical Data Report Card

K3-012 – Port State Measures

K3-013 – Market Measures/CDS/Trade Tracking

Annex 4: Kobe III Recommendations

Annex 5: Basic principles for adopting measures for cross-listing vessels listed as IUU by other RFMOs

Annex 6: Norwegian White Paper on the FAO Agreement on Port State Measures to Prevent, Deter
And Eliminate Illegal, Unreported and Unregulated Fishing

**Report of the First Meeting of the Bycatch Joint Technical Working Group
La Jolla, CA
July 11, 2011**

The first meeting of the Bycatch Joint Technical Working Group (WG) was held in La Jolla, CA on July 11, 2011.. Note: this record of the meeting reflects discussion on a range of issues throughout the day and some recommendations were not fully developed and as such will require further discussion within individual tuna RFMOs. The Kobe process is not a decision making forum and all recommendations are for discussion and decision by individual tuna RFMOs.

I. Opening of the meeting

Prof. Glenn Hurry welcomed the participants. The meeting included representatives from each of the Tuna Regional Fisheries Management Organizations (RFMOs) and invited taxa experts (Appendix A--List of Participants)

II. Appointment of Chair

Prof. Glenn Hurry was appointed chair of the working group.

III. Appointment of Rapporteur

Cleo Small and Nina Young were appointed as rapporteurs.

IV. Adoption of the Agenda

Professor Hurry reviewed the draft agenda, and stated that he would like to prioritize discussion of data and 4 or 5 additional issues that could be developed in greater detail to take to the Kobe III meeting. Professor Hurry emphasized the need to recommend practical issues for tuna RFMOs to take onboard. The agenda was adopted (Appendix B)

V. Review of the Kobe II Bycatch Meeting Report, including Terms of Reference for the Joint Tuna RFMO Technical Bycatch Working Group

The WG reviewed the terms of reference and based on the report of the Kobe II Bycatch Meeting, the WG group agreed to focus its discussion on the follow areas.

- a. Data, including reporting accuracy, compliance and the role of observers
- b. Gaps in mitigation technologies
- c. Development and deployment of mitigation technologies
- d. Information to and collaboration with to fleets
- e. Capacity building shortfalls

VI. Update on Tuna RFMO Bycatch Conservation and Management Measures

The RFMO representatives and taxa experts provided an update on work conducted on bycatch including conservation and management measures and their priorities for making progress on bycatch within tuna RFMOs.

- 1. WCPFC, Paul Dalzell and Simon Nicol:** WCPFC has implemented conservation and management measures for sharks, sea birds, and sea turtles over the past five years. The WCPFC Ecosystem and Bycatch Working Group Chair, Dalzell, noted that the key issue that dominates discussions is the lack of data on bycatch species and the inability to evaluate bycatch against the population of the species. For example, no information exists on abundance, age structure, and distribution for most bycatch species; therefore it is difficult to evaluate fishery impacts relative to species abundance. It was noted that most observer data came from the metropolitan distant water fishing nations, but even this was heavily skewed by the large volume of data from the Hawaii longline fishery, which only catches a small fraction of the total Western & Central Pacific Ocean (WCPO) tuna catch. The implementation of observer programs on WCPO purse seine and longline vessels was a welcome development, but there would likely to be problems with data quality which will compromise estimates of fleet-wide bycatch totals, especially for the longline fisheries where the target coverage rate was 5% annually. Simon Nicol described two WCPFC informational databases (1) the bycatch information mitigation system (BMIS), which has a full compilation of references, a section documenting technical mitigation measures, and information on target and bycatch species; and (2) a shark tagging database (STAGIS) for the Pacific Ocean which should prove useful for estimation of movement and mortality rates. The major need is data, as information on bycatch is generally lacking across all of the bycatch species
- 2. IOTC, Dr. Francis Marsac:** Lack of data is equally a problem in the Indian Ocean, especially since 50% of the catch comes from the artisanal fleets which are insufficiently monitored. The IOTC, in 2007 and 2008, designed a new observer form to collect bycatch respectively from purse seine and longline fisheries. In 2010, IOTC began implementation of the regional observer scheme, with an observer coverage target of 5% of all fisheries by 2013. The Scientific Committee proposed to the Commission full utilization of catch and the requirement to have shark fins naturally attached to the body, as to replace the current 5% fin:body ratio, but this proposal was not adopted by the Commission. In 2010, the IOTC adopted a provision for thresher sharks that required no retention or sale by commercial or recreation fleet. The IOTC is working with the IATTC to develop and harmonize its shark identification guide, but this should be done across RFMOs. In 2009, the IOTC adopted a sea turtle resolution which included the FAO guidelines for bycatch mitigation and release of sea turtles, collection of information, requirement for live release and the use of dehookers, line cutters, and finfish bait. To assist in implementation of these requirements, the IOTC is preparing sea turtle identification sheets in collaboration with IOSEA. Research is underway on 'ecological FADs' to reduce turtle entanglement. In 2008, IOTC adopted a sea bird mitigation measure that requested that longliners use at least two mitigation measures south of 30 degrees south; in 2010 the IOTC extended the boundary to south of 25 degrees south. Discussion is underway to remove line shooter from the list of mitigation measures. Finally, with regard to marine mammals depredation of catch in the surface longline fishery is of particular interest, as depredation in

some cases may be as high as 20% of catch. In the purse seine fishery, interactions with whales must be further evaluated. ERAs are planned.

3. **ICCAT, Josu Santiago:** The ICCAT established its Sub-Committee on By-catch and Shark Species Group in 1995. In 2005 it was created a Sub-Committee on Ecosystems, which replaced two earlier Subcommittees on Environment and Bycatch. The work of the SCRS has included assessments in 2004 and 2008 for blue sharks and short fin mako and a joint ICCAT-ICES assessment of porbeagle in 2009, a new assessment for shortfin mako will be conducted in 2012. In 2008, ICCAT undertook an ERA for 9 shark species, and this ERA will be updated for 18 species of sharks in 2012. In 2010 a productivity and susceptibility analysis on species caught in Atlantic tuna fisheries was also conducted. In 2010 a metadata base on by-catch bibliography was created. The ICCAT manual includes descriptions of blue, short-fin mako and porbeagle, and more sharks species will be included in the future. Also identification sheets for the main Atlantic shark species have been published. In 2009, ICCAT finalized its seabird assessment and made recommendations to strengthen the current 2007 seabird mitigation and other measures. In 2010, ICCAT adopted mitigation measures to reduce the effect of tuna fisheries on sea turtles and reporting requirements to undertake an assessment of impacts of tuna fisheries on turtles in 2012. Ten active recommendations and 6 resolutions for bycatch conservation and management have been adopted-- 2 sea birds, 13 sharks, 2 sea turtles. Shark stock assessments have been conducted by the SCRS on the base of data submitted, since 1995 as part of the ICCAT general statistics request (Task I and Task II). Other bycatch assessments rely on data submitted by the CPCs and consultations with taxa experts. The lack of data and low observer coverage in the purse seine and longline fisheries are obstacles to estimating total bycatch for species with overlapping and/or non homogeneous distribution. Observer data is supplemented with data from market and port sampling.
4. **IATTC, Martin Hall:** The IATTC requires 100% coverage in purse seine fleet and has 18-19 years of data at this level, and lower coverage from 1979. There have been almost no data available from the industrial longline fleet, but a requirement for 5% coverage in the longline fleet has been adopted in 2011. There is a large artisanal fleet in the ETP that targets many species including tuna and sharks. Collection of data from artisanal fleets should be a focus of capacity building in tuna RFMOs. Dolphin bycatch mitigation in the purse seine fishery has resulted in dramatic reduction in dolphin mortality, while cetacean interactions in the longline fleet are poorly documented. In the Eastern Tropical Pacific (ETP) the main shark species of concern are silky sharks and oceanic whitetips. IATTC has developed a robust shark identification system, and has adopted prohibitions on finning. In 2011, IATTC adopted a measure for oceanic white tips, the populations of which have declined substantially. A generic resolution requiring full retention of sharks, and release as soon as possible did not pass. The issue of the bycatch of silky sharks, which have declined by more than 70%, remains to be addressed. For manta rays, identification is difficult, release is possible but handling and release methods need to be developed, as do those for whale sharks. For sea turtles, bycatch in the purse seine fishery is not a critical problem (<20 green/black and olive ridley sea turtles per year were killed in 2010; most turtles captured were released alive). There is a significant bycatch of sea turtles in artisanal longline fisheries in the ETP; to address this bycatch a partnership program with WWF

and several nations has promoted the use of circle hooks and the use of release standards. The IATTC has produced (and it is available on its website) a video detailing how to handle and release sea turtles. IATTC has conservation and mitigation measures for sea turtles but still information on status and trends is not available for the current year. Spatial distribution data, especially the inter-nesting habitat would be useful to develop some management measures. IATTC with the Overseas Fishery Cooperation Foundation of Japan studied the causes of sea turtle entanglement in lines of polypropylene and polyethylene, materials with positive buoyancy, and found a simple and cheap solution that is being tested at a larger scale by the government of Ecuador. A minimum set of tools and instruments to handle sea turtles and dehook them was adopted, and vessels should carry this set. In 2011, IATTC adopted a new sea bird resolution; however, more bycatch data are needed from the longline fishery. To address the bycatch of small tunas, IATTC adopted a special closure to reduce the bycatch of small bigeye tuna and it also requires full retention of tuna with the exception of tuna unfit for human consumption. Research on sorting grids shows promise for the release of small tunas, and other small pelagic fishes. Research on acoustics is being carried on in a cruise sponsored by ISSF.

5. **CCSBT, Bob Kennedy:** CCSBT situation unique because single species with no convention area. Bluefin tuna is caught in the convention areas of the IOTC, ICCAT, WCPFC—so any conservation and management measures in those RFMOs are binding on respective CCSBT members. CCSBT, like other RFMOs, also suffers from a lack of adequate data on bycatch. CCSBT has adopted a target observer coverage rate of 10%, which is implemented through national observer programs-- this limits what analysis can be undertaken. Within CCSBT there is no centralized database as the data are maintained by the national programs and nations provide their bycatch assessments. The Ecologically Related Species (ERS) group focuses mostly on the longline fishery as there is no FAD fishing within the purse seine fishery for bluefin tuna. Interactions in the longline fishery are low for marine mammals and sea turtles, but data are lacking from Indonesia. The focus of bycatch mitigation has been primarily on sea birds and sharks. The Ecologically Related Species WG will meet in April 2012. ERSWG will meet next April. CCSBT is in the process of updating its shark and sea bird identification guides.

Taxa Comments

6. **Doug Hykle, IOSEA:** IOSEA has 32 member states around the Indian Ocean, and members have reported data on sea turtle bycatch, implementation of mitigation measures, and turtle tracking data in their respective national reports. A regional assessment of leatherback turtles has been published and one for loggerheads is being finalized. It was noted that IOSEA's parent body, CMS, is undertaking a bycatch study on turtles, with a focus on artisanal fisheries, and this may be useful to the WG. IOSEA is involved/collaborates with the IOTC WPEB, and feels that this group is under-resourced.
7. **Jack Frazier, IOSEA Advisory Committee:** For me what is important is collaboration: specialists and other organizations can support tuna RFMOs in identifying and resolving bycatch issues. This may involve commissioning experts and universities. There is also the need to be clear on

the definition of 'bycatch', and the wider ecosystem issues including incidental catch. In addition, there is a critical need to understand socio-economic factors in relation to bycatch.

8. **Sandra Andraka, WWF:** WWF has undertaken a sea turtle program in the Eastern Pacific since 2005, working with artisanal fleets in 9 countries. Progress varies between countries, but work has involved over 400 vessels, undertaking experiments on C versus J hooks, using forms developed by IATTC, standardized across the region. Work is underway to fill gaps in knowledge of overall bycatch rates. Two issues are (i) the need to build national capacity in relation to observer programs, and (ii) that there may be limited availability of mitigation devices (e.g. circle hooks) in country which restricts implementation. It was noted that while there is no single mitigation recommendation for sea turtle bycatch mitigation, a common need is for fisheries to have tools for release, and training for fishermen to use these
9. **Warren Papworth, ACAP:** Seabird bycatch mitigation has the advantage of good databases, including the ACAP breeding site databases, ACAP species assessments, and BirdLife International tracking database. There is also a good understanding of bycatch mitigation. However, there are limited bycatch data from high seas fisheries, and next to no information on compliance with mitigation requirements, nor mechanism to collect these data. It was noted that ACAP have a database and national reporting system that could be made available to tuna RFMOs. A strength of this Joint tuna RFMO bycatch group is its global focus, which is necessary to address bycatch of migratory species such as albatrosses. The Terms of Reference emphasize the importance of data and data accessibility.
10. **Ed Melvin, Washington Sea Grant:** Ed has worked on seabird bycatch for many years across a range of gear types, most recently working with Japan in South Africa. Research demonstrates that seabird bycatch mitigation is possible even in the most difficult areas, by using a combination of night setting, line weighting and bird scaring (tori) lines. It was noted that a high proportion of seabird bycatch can come from secondary interactions, which underlines the importance of line weighting. Funding is essential for progress. It was also noted that appropriate seabird bycatch mitigation may differ between the north and south hemisphere, with surface foragers dominating in the northern hemisphere. Compliance is a key issue, more information is needed on the successes and failures of implementation.
11. **Cleo Small, BirdLife International:** BirdLife has been working with the tuna RFMOs since 2005, working closely with the ecosystem and bycatch working groups. Inputs include the albatross and petrel tracking database, inputs into the seabird ERAs in ICCAT, WCPFC and IOTC, and data on observer standards. BirdLife also has operates the Albatross Task Force, which works directly with fishermen in 7 countries in South America and Southern Africa, increasing uptake of mitigation measures, training observers and undertaking mitigation research. Suggestions for practical issues that this Joint tuna RFMO Bycatch WG could take forward include harmonizing observer data standards and establishing interoperable databases, and recommending a joint tuna RFMO bycatch research program, dedicated ecosystem/bycatch staff in each Secretariat, and pilot projects for electronic video observer programs.
12. **Sonja Fordham, Shark Advocates International:** A key issue is that sharks are both bycatch and targeted species. Rays and skates must be considered as well as sharks. There is a problem of new markets for Chinese medicine and meat. Priorities are to improve data, but also taking

action in cases where available data are already sufficient to demand action. There is a key need for capacity building in developing countries, as lack of capacity is used as reasons not to adopt conservation and management measures. Another issue is the adoption of measures with loopholes that significantly reduce the effectiveness of measures, while giving an impression of making progress. Across the board, there is a need for further bans on retention of most vulnerable shark species, and development of protocols for handling and releasing sharks. Landing sharks with fins naturally attached has clear benefits of species identification and assessments. Agrees that pilot studies for video monitoring are important, including for compliance. A comparison of existing tuna RFMO shark data collection requirements would be useful.

13. **Eric Gilman, Hawaii Pacific University:** Our research team focuses primarily on gear technology approaches to bycatch mitigation in tuna fisheries. Two in-progress studies of relevance to the tuna RFMO bycatch working group are: a performance assessment of global RFMOs' governance of bycatch and discards, which will be published as an IUCN technical report in late 2011; and (ii) the development of tuna product procurement specifications for retail and supplier partners of the international NGO, Sustainable Fisheries Partnership. The group also noted the existence of FAO Fisheries Circular 1025 (<http://www.fao.org/docrep/010/a1426e/a1426e00.htm>), produced by Eric and colleagues at FAO in 2007, reviews progress in addressing bycatch of seabirds and sea turtles by RFMOs, and that it would prove useful to the tuna RFMO bycatch working group to have this document updated and expanded to cover other vulnerable bycatch species groups.

VI. Discussion and Recommendations of the WG

The WG had broad discussions in the areas of data including:

- Standardization in data collection protocols, data sharing, improving data accuracy, observer training and certification; noting that all RFMOs and taxa experts indicated that data was the major issue for management and mitigation.
- Sharks, including ecological risk assessment, stock assessment and bycatch, emerged as a key issue for immediate consideration within RFMOs with participants noting that the issue was broader than bycatch and needed to acknowledge that full stock assessment should be conducted for those shark species where data are available. For those species lacking data, consistent with the FAO IPOA-Sharks, a precautionary, science-based conservation and management measures for sharks should be taken in fisheries within each tuna RFMO, including as appropriate: (1) measures to improve the enforcement of existing finning bans; (2) prohibitions on retention of particularly vulnerable or depleted shark species, based on advice from scientists and experts; (3) concrete management measures in line with best available scientific advice with priority given to overfished populations; (4) precautionary fishing controls on a provisional basis for shark species for which there is no scientific advice; and (5) measures to improve the provision of data on sharks in all fisheries and by all gears.

- Collaborative research; with members noting the importance of websites and data bases to share information and in this context the importance of the WCPFC Bycatch Management Information System, the ICCAT database and an independent data base on bibliographies (e.g., IOSEA has an extensive online sea turtle bibliography as well as a list of projects in the 32 Signatory States) were noted and later agreement was reached to further to integrate them into the WCPFC website.
- Collaborative partnerships; were noted by many working group members as the best way to facilitate research and to develop mitigation measures and that these partnerships worked well when RFMOs, industry and NGOs worked in partnership and collaboration.
- Compliance; this was seen as an issue for members as they were unsure, given the lack of reporting by some nations, if mitigation and management measures had been adopted and implemented properly and as such it was difficult at a later time to assess their effectiveness. . It was also pointed out that there need to be clear and compelling incentives for compliance to work, and that sanctions alone are insufficient.
- Bycatch in artisanal fleets; this was described as a different issue to data collection in industrial fleets and as such needed different approaches and has other challenges for data collection and extension exist.
- Measures to harmonization and develop handling and release standards were needed urgently and priority should be attached to their development. . However it was noted that there are different ocean species and practices that need consideration and that handling and release standard should be species specific and take into consideration differences in oceans, gear type, and fishing operations.

The definition of bycatch

The group had some discussion on the definition of bycatch in relation to the scope of issues to be addressed by this WG, recognizing that there are differing definitions of 'bycatch', 'discards' and 'incidental catch', that these include species that are fully utilized, with economic and socio-cultural value, as well as discards of target and non-target species. The group agreed that its scope included finfish and shark species, and that the term 'bycatch' may not capture it all sufficiently, but that the focus of the group was on those species which weren't part of the list of species to be managed by the tuna RFMOs. It was also emphasized that without a clear understanding of the 'ecosystem approach' to fishing, there can be no clear understanding of 'bycatch'. The group acknowledged that further definition may be needed at a future time.

The Working Group focused its discussion and recommendations on data harmonization, sharks, collaboration and research, provisional list of research priorities, and finally the future of the WG and its work plan. The following recommendations were developed.

A. Data Collection and Harmonization Recommendations

1. The Working Group agreed that there should be minimum data standards, with data fields that are collected across all RFMOs with a view to allowing interoperability.
2. All members of all RFMOs are encouraged to improve the quality of data collection system to improve fisheries and bycatch assessments.
3. All members of all RFMOs are strongly encouraged to share data or information within RFMOs collected from observer and log book programs for the purposes of bycatch management and research.
4. The Working Group will prepare a short report on data harmonization using all existing data forms from all tuna RFMOs by December 31, 2011. To facilitate this process, the IATTC forms will be circulated for a comparison with the other tuna RFMOs.
5. Noting that there is a working group to be convened between IATTC and WCPFC on data harmonization, including bycatch, the Working Group recommends involving the other tuna RFMOs at this workshop.
6. Seabird identification: the tuna Secretariats will provide ACAP with existing seabird identifications, and ACAP will develop a standardized identification guides. The drafts of the identification guides will be reviewed by the Working Group working group and Tuna RFMO working groups.
7. Shark identification: the Working Group, with WCPFC and ICCAT taking the lead, will harmonize guidance for shark identification, in collaboration with the IUCN shark specialist group and others. (Note-- IATTC shark ID guide is available in its website, and it provides a useful model for observer use).
8. Sea Turtle identification: The Secretariats will provide the Working Group Chair with the materials currently in use for turtle identification so these can be harmonized and distributed to all tuna RFMOs.
9. The Working Group should consider a process to develop harmonized marine mammal identification guides for the fisheries for which they are not available.

Note: One member expressed the view that the amount of data and information which observers are requested to collect in each tuna RFMO is almost reaching the limit of the ability of a single observer to collect all of the information. Thus, in the future, the Working Group may want to consider reducing or improving the efficiency of data collection, and improving the availability of data through the exchange of information among tuna RFMOs. It was further note, that while the training of observers is critical to the effective implementation of observer program and the acquisition of quality data, observer training takes time and requires financial resources. Finally, it was noted that data sharing should be conducted within the range of confidentiality defined by each tuna RFMO.

B. Shark Recommendations

The Working Group noted that sharks are often targeted as well as taken as incidental catch, and that this discussion includes all elasmobranchs including sharks, rays and skates. The Working Group notes

the previous Kobe recommendations on shark, and these should not be lost in any further discussion on sharks.

1. The Working Group is concerned with the practice of intentional sets on whale sharks, in RFMOs where there is evidence of the practice occurring, and recommends that tuna RFMOs initiate research to determine the impact and outcome of this practice.
2. RFMOs should conduct risk assessment processes to develop their priorities for shark species which may need further assessment or mitigation. RFMOs may wish to consider the WCPFC key shark nomination processes (Appendix C).
3. [RFMOs require their members and CPCs to record in the logbooks the number of sharks discarded]*the Working Group to determine intersessionally.
4. RFMOs should take action to improve data collection on sharks and manta and devil rays in targeted industrial and artisanal fisheries. As an example, the Working Group noted that a fins naturally attached requirement would improve species identification and enforcement and should be considered as part of existing shark finning bans.
5. RFMOs should consider supporting studies to investigate post-release survival of sharks in longline fisheries in relation to hook type and duration of set, among other factors.
6. RFMOs should consider supporting studies to further develop shark bycatch mitigation strategies for longline fisheries.
7. RFMOs should evaluate the costs and benefits of banning the use of wire leaders in tuna longline fisheries.
8. RFMOs should develop handling and release protocols for all sharks and manta and devil rays, taking into consideration the safety of the crews.

a. Discussion Regarding Sharks

For the sharks, it was noted that the only ICCAT has conducted full stock assessments, which are for blue shark, short-fin mako shark and porbeagle. In the course of these stock assessments, the historical catches were estimated using a variety of methods, and CPUEs estimated using catch and effort data of longline were also reported from varieties of fleets. Where data are available, full stock assessments should be a goal within tuna RFMOs. Where data are not available, ecological risk assessments can be used to highlight the most vulnerable species. The current work underway in the WCPFC will also add significantly to the knowledge of shark data, assessment and status. IATTC and IOTC also have work underway on shark species, despite limited data. It was suggested that the best way to evaluate the quality of data maybe to attempt to conduct a quantitative stock assessment with the available data. Sensitivity to outcomes of assessments based on limited data assumptions needed for estimating stock status would then be useful for identifying additional data requirements to reduce uncertainty in stock status evaluations. There was considerable discussion of the fact that sharks are more likely to be retained than the other species being discussed by the Working Group (marine mammals, sea turtles, seabirds) and that interest in sharks varies among Parties and fleets, from targets to welcome secondary catch to species that should be avoided.

C. Collaboration and Research Recommendations

1. The Working Group agreed to meet to develop a centralized bibliographic bycatch database that includes information on mitigation, bycatch conservation and management measures adopted by the RFMOs and past assessments undertaken by RFMOs; with the effort will be led by ICCAT, IOTC, and WCPFC.
2. Each RFMO should designate/employ a dedicated bycatch staff person to work collaboratively with other RFMOs to promote bycatch related work.
3. The Working Group should consider meeting in person every three years to prioritize research in line with the TOR of the Working Group.
4. The Working Group in consultation with experts should undertake a review of ecological risk assessments used by the RFMOs and provide recommendations to standardize these assessments across RFMOs

a. Discussion Regarding Collaboration and Research

The Working Group also noted the importance of genetic studies to determine stock structure and surveys to measure/monitor stock status and trends of rarely caught, protected, and biologically sensitive species.

D. Provisional List of Research Priorities

The Working Group developed the following provisional list of research priorities that will be further developed and refined at subsequent meetings of the Working Group.

- Sea turtle bycatch mitigation and distribution
- Post-release survival of sharks, manta and devil rays, sea turtles, and seabirds
- Best practices for handling and release techniques of all taxa listed above
- Shark bycatch mitigation, primarily in longlines and also purse seines and gillnets
- Seabird bycatch mitigation in artisanal fisheries
- Sorting grids for small fish, tunas and other species
- Economic benefits of reducing bycatch
- Multi-taxa impacts of bycatch mitigation measures
- Assess impacts of gillnets/driftnet fishing on bycatch species
- Rate of marine mammal depredation and its relation to bycatch in longline fisheries
- Review of Ecological Risk Assessment methods
- Research to improve life history parameters, including biological parameters on all bycatch species.
- Evaluate the feasibility of video and other electronic monitoring and other technology in the context of tuna RFMO.
- Pursue observer coverage and adequate sampling of artisanal fisheries

VII. Future of the Joint Bycatch Working Group and Work Plan

The Working Group agreed to meet electronically every 3 months and to meet in person whenever possible in conjunction with Kobe meetings or in the absence of Kobe meeting every three years. Over the next several years the Working Group proposes the following work plan:

- Harmonization of data collection
- Development of harmonized identification guides and release protocols
- Identify and recommend research priorities
- Prioritization of collaborative work
- Progress BMIS information sharing website
- Funding sources
- Compliance with data reporting requirements

In accordance with the Bycatch Joint Technical Working Group: Terms of Reference, the Working Group hereby forwards its report, recommendations, provisional list of research priorities, and work plan for consideration by each RFMO, including, as appropriate, their technical bodies, in accordance with the procedures of each RFMO. The Working Group noted that the discussions and conclusions from this meeting in no way supercede or take away from the "Proposals for Immediate Action" from Kobe 2 and the Kobe 2 Bycatch Workshop. The Working Group looks forward to receiving feedback from the RFMOs as it continues its work.

Appendix A

List of Participants

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Appendix B

Agenda

First Meeting of the Joint Tuna RFMO Technical Bycatch Working Group La Jolla, CA July 11, 2011

Agenda

1. Opening of the Meeting
2. Appointment of Chair
3. Appointment of Rapporteur
4. Adoption of the Agenda
5. Review of the Kobe II Bycatch Meeting Report, including Terms of Reference for the Joint Tuna RFMO Technical Bycatch Working Group
6. Update on tuna RFMO bycatch conservation and management measures
7. Review existing bycatch data collection requirements of the Tuna RFMOs, including data fields and collection protocols of logbook and observer bycatch data
8. Recommendations to be presented at Kobe III
 - a. *Provide guidance, to the extent possible, on the harmonization of data collection protocols among Tuna RFMOs. I will check but think US is pulling this together*
 - b. *As time allows, recommendations on the harmonization of conservation and management measures across RFMOs*
9. Develop a Workplan for future meetings of working group
 - a. *Plan should include, inter alia, the following elements:*
 - i. *Further discussions on data protocols and harmonization, including guidance for improving data collection efforts (e.g., information to be collected) within individual RFMOs and among RFMOs collectively*
 - ii. *Review existing bycatch measures by each Tuna RFMO*
10. Review existing bycatch mitigation measures adopted by each Tuna RFMO
11. Consider new mitigation research findings to assess the potential utility of such measures in areas covered by other Tuna RFMOs taking into consideration differences among such areas.

12. *Identify species of concern that, based on their susceptibility to fisheries and their conservation status, require immediate action across Tuna RFMOs.*
13. *As appropriate, develop recommendations to improve bycatch management within and amongst RFMOs*
 - i. *Review and identify appropriate qualitative and quantitative species population status determination methods for bycatch species.*
 - ii. *Review data analyses to identify all fishery and non-fishery (e.g. oceanographic and physical) factors contributing to bycatch, taking into account the confidentiality rules of each RFMO.*
 - iii. *Review and compile information on bycatch research that has been already conducted or is currently underway to delineate future research priorities and areas for future collaboration.*
- b. *Discuss appropriate role for observers at future meetings*

14. Other Matters

15. Adoption of Report

16. Adjournment

Appendix C Process for Key Shark Species Designation

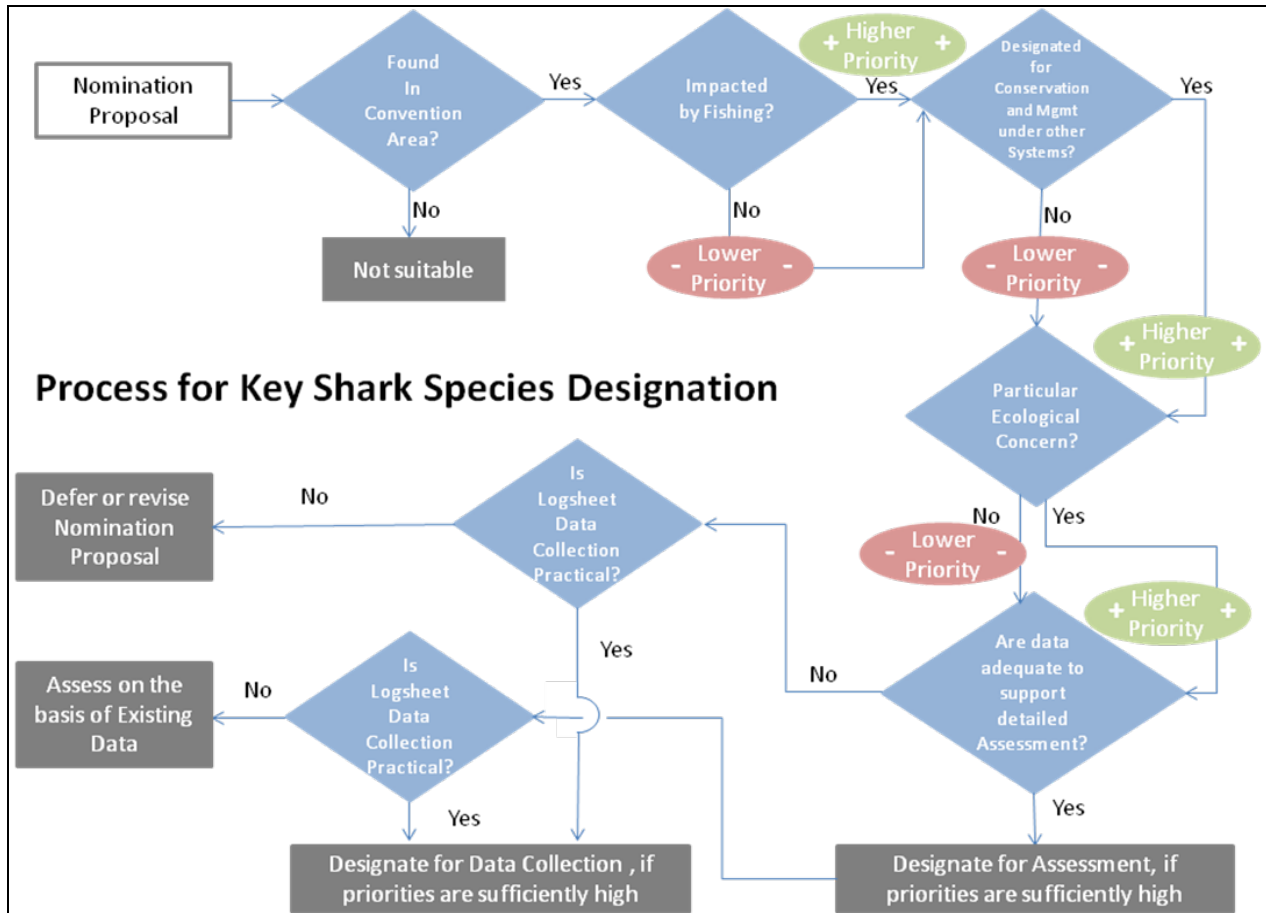


Figure 1. Flowchart illustrating a qualitative process based on factors (blue diamonds) to be considered in designation of key shark species for the WCPFC, and how these considerations lead to one of five outcomes (gray rectangles). Clarke, S. 2011. A Proposal for a Process for Designating WCPFC Key Shark Species for Data Provision and Assessment. Secretariat of the Pacific Community. WCPFC-SC7-2011/EB-WP-05.

KOBE III RECOMMENDATIONS

I. Science

- (1) Recognizing that the five tuna Regional Fisheries Management Organizations (tRFMOs) have different data confidentiality rules, and noting this might curb the exchange of data across tRFMOs, Kobe III participants recommended that tRFMO Secretariats cooperate to develop common data confidentiality rules and a draft protocol for data sharing. The protocol will specify the types of data to be shared, how it can be used, and who can have access to it.
- (2) Emphasizing the potential of the Kobe II Strategy Matrix (K2SM) to communicate efficiently among all stakeholders and to assist in the decision-making process according to different levels of risk, but also recognizing that substantial uncertainties still remain in the assessments, Kobe III participants recommended that the Scientific Committees and Bodies of the tRFMOs develop research activities to better quantify the uncertainty and understand how this uncertainty is reflected in the risk assessment inherent in the K2SM.
- (3) Recognizing that a Management Strategy Evaluation (MSE) process needs to be widely implemented in the tRFMOs in the line of implementing a precautionary approach for tuna fisheries management, it is recommended that a Joint MSE Technical Working Group be created and that this Joint Working Group work electronically, in the first instance, in order to minimize the cost of its work.

II. Management

Bycatch Working Group

- (4) In accordance with the Terms of Reference for the Joint Technical Bycatch Working Group (JTBWG), which were adopted at the Kobe II Bycatch Workshop, Kobe III participants welcomed the report of the first meeting of the JTBWG and recommended that it be transmitted to each tRFMO for its consideration.

Capacity and Allocation

- (5) Kobe III participants recommended that each tRFMO Secretariat annually measure existing capacity in tuna fisheries under its jurisdiction and monitor where that capacity is used and by whom. The results of this work should be referred to the respective Commission for its consideration.
- (6) In order to assist in the analysis and appropriate management decision-making to reduce overfishing and overcapacity, Kobe III participants recommended that by 2013 each tRFMO establish a record of vessels, by gear type, actively fishing for stocks under its jurisdiction, and that all tRFMO Secretariats coordinate the establishment of a common vessel database linked, to the extent possible, to the existing consolidated list of active vessels, taking into account the requirements of each tRFMO for vessel registration.

- (7) Kobe III participants recommend that developed fishing members freeze large-scale purse-seine capacity under their flag. Based on the status of the stocks, each tRFMO should consider a scheme for:
- Reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies; and
 - Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate.

Decision-Making

- (8) Kobe III participants recommended that the decision-making framework guidelines outlined in Annex XX be referred to the respective tRFMOs for consideration.

III. Compliance and Enforcement

- (9) Kobe III participants noted their appreciation for the work already conducted by the tRFMO Secretariats on the development of a consolidated list of authorized vessels, including the implementation of unique vessels identifier (UVIs), and recommended that they continue these efforts. Furthermore, the participants recommended that these efforts be coordinated with the Food and Agriculture Organization of United Nation's (FAO) effort to develop and implement a global record of fishing vessels, refrigerated transport vessels, and supply vessels.
- (10) Kobe III participants recommended that tRFMOs cooperate to harmonize illegal, unregulated and unreported (IUU) vessel listing criteria, processes, and procedures, to the maximum extent possible, and move towards adopting principles, criteria, and procedures for cross-listing IUU vessels that are listed on the IUU list of other tRFMOs, taking into account the principles in Annex XX.
- (11) Kobe III participants recommended that the tRFMOs establish a common format for assessing compliance with data reporting requirements. Furthermore, to facilitate compliance, participants recommended that all tRFMOs streamline and harmonize their reporting formats, procedures, and timing.
- (12) Kobe III participants, reaffirming the recommendations regarding port state measures and catch document schemes (CDS), recommended that tRFMOs, developed States, and NGOs accelerate efforts to provide capacity building assistance through various means, including workshops, to implement CDS, port state measures, and data collection and to participate in the scientific work.

IV. Future of Kobe Process

- (13) To support the ongoing importance of meeting the core objective of the Kobe process to harmonize approaches and actions of the five tRFMOs, a Steering Committee will be established, comprised of the Chairs and Vice Chairs of each of the five tRFMOs, supported by the five Executive Directors/Secretaries of those same tRFMOs.
- (14) The Steering Committee's mandate will be to review and report to the five tRFMOs, on a regular basis as determined by the Steering Committee, on the implementation of the recommendations agreed to during the Kobe process, including those adopted at Kobe III. The first meeting of the Steering Committee will take place during the FAO Committee on Fisheries (COFI) meeting in Rome, July 2012, and the work of the Steering Committee will be guided by the principle of transparency.
- (15) Beginning from the adoption of this recommendation at Kobe III, the Secretariat of each of the five tRFMOs will propose that the agenda of their respective annual meetings include a specific item on the Kobe process, to be introduced and led by the Commission Chair, and focused on a review by the tRFMO members of the Kobe process recommendations requiring action by that tRFMO.
- (16) Tuna RFMO members should provide input to the Steering Committee through the Chair(s) of their respective RFMO(s) and during the annual review at the RFMO meeting(s).

Decision-Making Framework Guidelines

BACKGROUND FOR AGENDA ITEM V.d.ii**Topic: Kobe III Guidelines - Addressing overfishing and/or stocks that are overfished**

At Kobe I, the five tuna regional fisheries management organizations (RFMOs) Commissioners agreed to the “Kobe Plot” (or Chart, see below) as a harmonized diagram showing the current and historical level of biomass (B) and fishing mortality (F) versus B_{MSY} ¹ and F_{MSY} in three colors (green, yellow and red) to illustrate the status of a given stock of tunas. The Kobe Plot has become a standard feature of scientific and policy documents at the tuna RFMOs, and facilitates presentation of stock assessment results in an easily understood, clear and concise manner.

Kobe II produced the “Kobe II Strategy Matrix” (K2SM) as a harmonized format for presentation of fishery management alternatives. The K2SM is expected to improve the way in which the tuna RFMOs’ Scientific Committees communicate to the Commissioners the potential risks and consequences of management options. When possible, K2SM tables, or similar tools, can guide Commission discussions when adopting conservation and management measures with the aim of providing a high probability of achieving and maintaining stocks at levels consistent with Convention objectives. The precautionary approach, which reflects the UN Fish Stocks Agreement as well as certain tuna RFMO Conventions, may be implemented by adopting a higher level of probability.

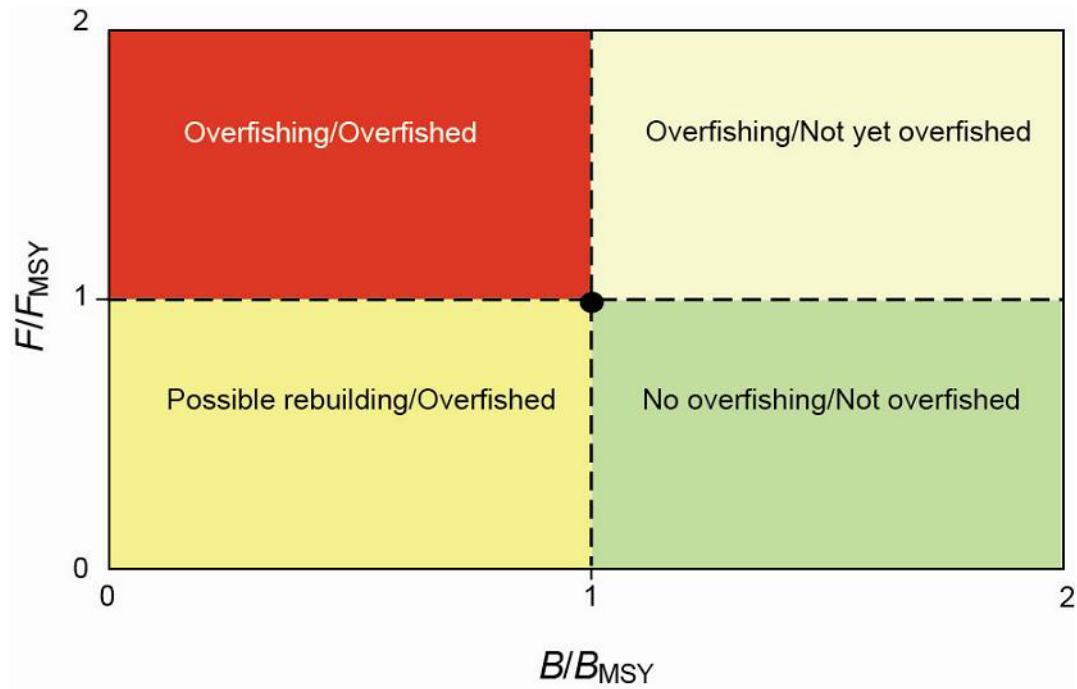
The Kobe III meeting presents an opportunity to develop this process further by establishing guidelines for decision-making on conservation and management measures that are based on objectives stipulated in the Convention of the applicable tuna RFMO and/or objectives that have been previously agreed. This work should build upon the stock status represented in the Kobe Plot as well as the options in the K2SM, taking a precautionary approach through specific probability levels. These guidelines can consist of harvest control rules that establish a target level of biomass (*e.g.* B_{MSY}) and a limit level of fishing mortality (*e.g.* F_{MSY}). The precautionary approach may also be incorporated by setting target B sufficiently above B_{MSY} and/or limit F sufficiently below B_{MSY} to take uncertainties into account.

Potential guidelines for decision-making on conservation and management measures

1. For stocks that are in the green zone, management measures should be established which result in a low probability of exceeding limit F .
2. For stocks that are in the lower left-hand yellow zone, management measures should be established which result in a reasonably high probability of rebuilding biomass to target B within a certain timeframe, with a low probability of exceeding limit F .
3. For stocks that are in the upper right-hand yellow zone, management measures should be established that result in a low probability of exceeding limit F within a certain timeframe, and with a reasonably high probability of maintaining biomass at target B .
4. For stocks that are in the red zone, management measures should be established which result in a reasonably high probability of rebuilding biomass to target B within a certain timeframe and which result in a low probability of exceeding limit F within a certain timeframe.
5. When the relevant Commission is unable to reach agreement on management measures, a default measure will be in effect. The default measure, (*e.g.* set fishing mortality at the level with a low probability of exceeding F_{MSY}) must be specified in advance.

¹ MSY = Maximum sustainable yield

6. For stocks that are in the red zone and whose fishing mortality levels and biomass levels are such that, according to scientific advice, the stock is in imminent danger of collapse, fishing mortality should be set at a level of zero (closure).



IUU Vessel Cross-Listing Principles

BACKGROUND FOR AGENDA ITEM VII.c.i.

Topic: Harmonized IUU Vessel Lists across T-RFMOs

As a tool to help curtail illegal, unreported and unregulated (IUU) fishing, four of the five tuna regional fisheries management organizations (RFMOs) have established IUU vessel listing procedures. The listing process differs slightly among each organization, and only ICCAT provides for cross-listing vessels from other tuna RFMOs' IUU vessel lists. The lack of cross-listing can limit the effectiveness of the IUU vessel list as a tool, given that fishing vessels are capable of moving across ocean basins, even within a single year. The Kobe III meeting presents an opportunity to make progress on efforts to create a harmonized IUU vessel list across all five t-RFMOs. Such an outcome would be consistent with the Kobe I and Kobe II recommendations, and it would contribute to the development of a global IUU vessel list.

A possible product of Kobe III is a model measure on the establishment of a common IUU vessel list. This model measure could provide each tuna RFMO with a process for adding other tuna RFMOs IUU-listed vessels to its IUU list. The process could be based on the ICCAT procedure in ICCAT [Recommendation 09-10](#), which provides for cross-listing once an IUU vessel list and supporting information is received from another tuna RFMO. As procedures for addition or deletion of a vessel from the list are different in each RFMO, the model measure should leave the specifics of such procedures up to each organization. A provision of information supporting the listing on other t-RFMO vessel lists could address due process concerns. If this model measure were adopted by each t-RFMO, this could be an important first step in the creation of a global IUU tuna vessel list.