



CCSBT-EC/1210/16

## Activities with Other Organisations

### Purpose

To brief the Extended Commission on interactions with other organisations during 2012 and proposals for 2013.

### 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 at CCSBT 18 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 Thirty-first annual meetings of the Commission and Scientific Committee, commencing from 22 October 2012.

### Activities of the Secretariat with other Organisations

#### Activities during 2012

Participation by the Secretariat in meetings of other organisations was described in the Report from the Secretariat (CCSBT-EC/1210/04). These meetings were the EU Conference on "RFMOs – Fit for the Future", COFI (and associated meetings), and a video conference amongst the tuna RFMO data managers in relation to the consolidated list of authorised vessels.

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 2013

Known meetings of interest to the Extended Commission are:

- 24<sup>th</sup> session of the Coordinating Working Party on Fisheries Statistics (CWP) and the 8<sup>th</sup> Steering Committee meeting of the Fisheries Resources Monitoring System (FIRMS) (4-8 February 2013).
- Meetings in relation to the Kobe Process, including the Kobe Steering Committee, the Management Strategy Evaluation Working Group and the Bycatch Joint Technical Working Group (all meetings are expected to be electronic or in association with related meetings).
- 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 2013 provides for participation of the Data Manager at the CWP/FIRMS meeting and the ERSWG Chair at Bycatch Joint Technical Working Group meetings. The budget also includes, as a contingency, costs for attendance of one Secretariat staff member at a single meeting in Europe or the US (only half of the approximate costs are budgeted, the remainder would need to be funded through savings).

### **Relationship with CCAMLR**

Consideration of a cooperative arrangement between CCSBT and CCAMLR has been underway within the CCSBT and between the CCSBT and CCAMLR since CCSBT 12 (October 2005). The CCSBT has made little progress in this matter.

On 9 January 2012, CCAMLR wrote to CCSBT to advise that CCAMLR members considered that CCSBT and CCAMLR should endeavour to finalise a Memorandum of Understanding (MoU) between the two organisations as a matter of urgency and requested that CCSBT Members consider this request at the earliest opportunity.

CCAMLR's letter, together with the recent history of discussions within the CCSBT in relation to an MoU were distributed to CCSBT Members in Circular #2012/001. This Circular also requested that Members advise if they still supported development of an MoU with CCAMLR and if they wished to conduct intersessional discussion on this matter. Circular #2012/001 is attached as Annex 1 for information.

Members' responses to Circular #2012/001 are provided at Annex 2. In brief, most responses stated continued support for development of an MoU, but some Members considered that intersessional discussion might not be productive and considered that the issue should be discussed at the Extended Commission's annual meeting.

The two current versions of the MoU that have been considered by CCSBT Members are at pages 8-10 and 11-14 of Annex 1. A new, third version of the MoU has been developed by the Secretariat and is provided at Annex 3 for possible consideration by Members. CCAMLR's request to CCSBT appears to be motivated by the desire for general cooperation (particularly in relation to minimisation of seabird bycatch) outside the CCAMLR

Convention Area. Consequently, the third version of the MoU focuses on information sharing and bycatch minimisation rather than attempting to define areas of competence and jurisdictional issues, which seems to be one of the main areas in which there is no consensus between CCSBT Members.

Commission for the Conservation of  
Southern Bluefin Tuna



みなみまぐろ保存委員会

18 August 2012

**CCSBT CIRCULAR #2012/001**

**SUBJECT: Memorandum of Understanding between CCAMLR and CCSBT**

Please see the attached letter from the CCAMLR Executive Secretary at **Attachment A**, in which CCAMLR considers that CCAMLR and CCSBT should endeavour to finalise a Memorandum of Understanding (MoU) between the two organisations as a matter of urgency and has requested that CCSBT Members consider this request at the earliest opportunity.

An extract from the advance copy of the Report of CCAMLR's Thirtieth Meeting is at **Attachment B**. Paragraphs 6.5 and 6.6 of this extract suggest that the latest request from CCAMLR is motivated by the desire for general cooperation (particularly in relation to minimisation of seabird bycatch) outside the CCAMLR Convention Area.

The CCSBT last considered this matter at CCSBT 17 (2010), and reported the following:

70. *The Executive Secretary presented CCSBT-EC/1010/17 which included an update on the limited intersessional progress in relation to the relationship with the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR), and with other organisations.*
71. *The meeting noted that Australia and New Zealand were still undergoing consultations on this matter.*
72. *Australia urged all Members not to fish in the CCAMLR area for SBT at this time (Attachment 14).*

**Attachment C** provides a copy of CCSBT-EC/1010/17, which contains the two versions of the MoU that were being considered at that time.

The Secretariat is not aware of any progress in this matter since CCSBT 17. The Secretariat is also not certain as to whether or not there is still a consensus amongst CCSBT Members to develop a MoU between CCSBT and CCAMLR.

In order to facilitate progress in this matter, I request that each Member **advise me of the following by 10 February 2012**. Lack of responses by the deadline will be considered to be positive responses to both questions.

- (a) Do you still support development and implementation of a MoU between CCSBT and CCAMLR?
- (b) Would you like the Secretariat to conduct another round intersessional discussion on this matter? A positive response to this question should only be provided if you are also providing a commitment to actively consider this matter intersessionally and to provide responses to the Secretariat in a timely manner.

The Secretariat will also place this matter on the Draft Provisional Agenda for CCSBT 19.

If there is consensus for the Secretariat to conduct another round of intersessional discussion, the Secretariat's objective will be to produce a single MoU (from the two drafts in **Attachment C**) for consideration at CCSBT 19. The Secretariat would hold discussions with selected Members in an attempt to find an acceptable approach to the MoU. One approach may be to focus the MoU on areas of cooperation between CCSBT and CCAMLR such as information sharing and bycatch minimisation rather than attempting to define areas of competence and jurisdictional issues, which seem to be the main area of disagreement between CCSBT Members and does not seem to be part of CCAMLR's current request.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Robert Kennedy". The signature is fluid and cursive, with the first name "Robert" and the last name "Kennedy" clearly distinguishable.

Robert Kennedy  
Executive Secretary

**CCAMLR**PO BOX 213, NORTH HOBART, TASMANIA 7002 AUSTRALIA  
181 MACQUARIE STREET, HOBART, TASMANIA 7000 AUSTRALIA  
Website: [www.ccamlr.org](http://www.ccamlr.org)Phone: (61) 3 6210 1111  
Fax: (61) 3 6224 8744  
Email: [ccamlr@ccamlr.org](mailto:ccamlr@ccamlr.org)Monday 9<sup>th</sup> January, 2012

Mr Robert Kennedy,  
Executive Secretary,  
Commission for the Conservation of Southern Bluefin Tuna  
PO Box 37  
West Deakin  
ACT 2600  
Australia

Dear Bob,

You will recall that CCAMLR and CCSBT have had the matter of a formal Memorandum of Understanding (MoU) under consideration since late 2005. At their most recent meeting, CCAMLR-XXX in October/November 2011, CCAMLR Members requested the CCAMLR Secretariat to write to CCSBT to advise that CCAMLR members consider that the two organisations should endeavor to finalise the MoU as a matter of urgency.

I would appreciate it if you could arrange for CCSBT members to give this request consideration at the earliest opportunity. If there is anything that you consider the CCAMLR Secretariat may be able to provide to assist CCSBT members give further consideration to this request please do not hesitate to contact me.

Yours sincerely

Andrew Wright  
Executive Secretary

Working Group on Incidental Mortality Associated with Fishing (WG-IMAF) for their contributions to this success. France reiterated its intention to implement all measures possible to further reduce seabird mortality to near-zero levels.

6.4 The Commission endorsed the advice from the Scientific Committee regarding proposals to vary mitigation measures within a fishery in Subarea 48.3 and Division 58.5.2 (SC-CAMLR-XXX, paragraphs 4.9 and 4.10).

6.5 Noting that seabird by-catch outside the Convention Area presents a significant risk to Convention Area seabirds, the Commission encouraged all Members that are engaged in fisheries management bodies in areas adjacent to the Convention Area to implement best-practice mitigation to reduce seabird by-catch.

6.6 The Commission noted that a draft Memorandum of Understanding (MoU) in respect of general cooperation, including on seabird by-catch mitigation, that had been forwarded by CCAMLR three years ago was still under consideration by CCSBT and requested the Executive Secretary to write to CCSBT to urge progress in this matter.

6.7 In response to a request for an update on interactions between ACAP and CCAMLR following the MoU between the respective Secretariats signed in 2008, the ACAP Observer noted that these interactions have been very effective in promoting the exchange of information and expert advice on issues of relevance to the respective organisations. Noting in particular that, as WG-IMAF will no longer meet annually, this continuing coordination between the Secretariats will be essential if ACAP is to provide expert advice on issues being addressed by the Scientific Committee and the Commission.

6.8 The Commission endorsed the recommendation of the Scientific Committee in respect of the continued and enhanced engagement between the Secretariats of ACAP and CCAMLR (SC-CAMLR-XXX, paragraph 4.15).

6.9 The Commission endorsed the clarification regarding the definition of 'stick water' and the proposed revision to CM 25-03 (SC-CAMLR-XXX, paragraph 4.17). It requested advice from the Scientific Committee as to whether a similar clarification could also apply to stick water generated in the process of finfish fishing and whether a similar revision should be made to CM 25-02 next year.

## MARINE PROTECTED AREAS

7.1 The Commission noted the outcomes of the Workshop on MPAs (SC-CAMLR-XXX, Annex 6) and expressed its gratitude to France for hosting the workshop and to the Co-conveners for their extensive work in preparation for and during the workshop.

7.2 The Commission endorsed the recommendation that the CCAMLR Secretariat liaise with the UK to further develop the GIS database to aid the management of spatial data, including in the development of proposals for MPAs and to make this database available for the use of all Members (SC-CAMLR-XXX, paragraph 5.13).



CCSBT-EC/1010/17

## Activities with Other Organisations

### Purpose

To consider the CCSBT's relationship with CCAMLR and ACAP, and to brief the Extended Commission on interactions with other organisations during 2010 and proposals for 2011.

### Relationship with CCAMLR

#### (a) Invitation to the 29<sup>th</sup> session of CCAMLR

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) has invited CCSBT to participate as an Observer in the Twenty-ninth Meetings of the CCAMLR Commission and Scientific Committee (Hobart, 25 Oct. – 5 Nov. 2010). It would be useful for CCSBT to nominate one of its Members that will be attending CCAMLR to act as the official “observer” on CCSBT's behalf. That Member could report relevant outcomes from CCAMLR's meeting to the Extended Commission in 2011.

#### (b) Formalising the arrangement between CCSBT and CCAMLR

Discussion of this matter has been underway within the CCSBT and between the CCSBT and CCAMLR since CCSBT12 (October 2005). This matter was considered by CCSBT 16, which reported that:

- “71. The Executive Secretary presented CCSBT-EC/0910/19 which provided an update on intersessional progress on the relationship with The Commission for Conservation of Antarctic Marine Living Resources (CCAMLR), and with other organisations. This paper included a draft arrangement between CCSBT and CCAMLR.
72. The Meeting noted that the relationship with CCAMLR had been a long standing issue that had been underway since 2005, and reaffirmed its commitment to formalising an arrangement between the two organisations.
73. After some discussion on the content of the draft arrangement, the Extended Commission agreed that further revision of the arrangement would take place intersessionally, with a view to formalising this as soon as practicable.”

Unfortunately, there has been little intersessional progress on the arrangement since then. A summary of the intersessional discussion is as follows:

- In December 2009, Australia provided a revised version of the Arrangement with CCAMLR;
- Members were requested to provide comments on Australia's revision. The comments were polarised, with Taiwan and Japan preferring the draft presented in CCSBT-EC/0910/19 for CCSBT 16 (provided at **Attachment A**<sup>1</sup>), and New Zealand considering Australia's modifications (together with changes from the European Union) as provided at **Attachment B** to be an improvement over the version presented to CCSBT 16.
- Many of the differences in the two versions of the Arrangement were different small improvements to an earlier common draft and in most cases were not incompatible. However, the differences in Section 2 of the Arrangements were of a fundamental nature. To help find a solution, on 2 February 2010, the Secretariat asked Members to

<sup>1</sup> This attachment includes intersessional changes suggested by Taiwan.



provide the rationale behind their views for their preferences to the content of Section 2. The Secretariat circulated the views of Japan, Taiwan and Korea on this, but has not progressed the matter further because both Australia and New Zealand have advised that they are working on the matter and that their consultations are still continuing.

## **Relationship with ACAP**

The Agreement on the Conservation of Albatrosses and Petrels (ACAP) has expressed interest in negotiating a Memorandum of Understanding (MOU) with the CCSBT with a view to facilitate cooperation between the Secretariats and to support efforts to minimise the incidental by-catch of albatrosses and petrels. Development of an MOU with ACAP is consistent with recommendation 13 of the joint tuna RFMO workshop on management issues relating to bycatch (see Attachment C of CCSBT-EC/1010/10) to:

*“Actively develop collaborations between relevant fishing industry, IGOs and NGOs, universities and others as appropriate, and RFMOs to assess the impact of bycatch on the five taxa, study the effectiveness of bycatch mitigation measures, and further the understanding of population dynamics of species of conservation concern.”*

During November 2009, ACAP provided a template for an MOU to the CCSBT Secretariat, which has since been modified by the Secretariat to incorporate intersessional comments it requested from CCSBT Members. The draft arrangement is provided at **Attachment C**. However, there has been no discussion within the CCSBT regarding the desirability of establishing an MOU with ACAP. The CCSBT would need to agree to development of an arrangement with ACAP before considering the details of the attached draft arrangement.

## **Activities with other organisations in 2010**

Participation by the Secretariat in meetings of other organisations was described in the Report from the Secretariat (CCSBT-EC/1010/04) and in the Report from the 2010 joint tuna RFMO workshops (CCSBT-EC/1010/10).

In addition, the Secretariat is in regular contact with the Secretariats of the other tuna RFMOs on matters of mutual interest, including MCS measures (transshipment, VMS), the global register of tuna vessels and other matters on an ad-hoc basis.

## **Proposed activities with other organisations for 2011**

Known meetings of interest to the Extended Commission are:

- 29<sup>th</sup> session of the FAO Committee of Fisheries<sup>2</sup> (COFI) (31 Jan. - 4 Feb. 2011).
- 3<sup>rd</sup> meeting of the Regional Secretariat's Network (RSN) (7-9 Feb. 2011).
- Meeting of the tuna Secretariat's database experts to facilitate the development of a unique vessel identifier (UVI) for the global list of tuna vessels<sup>3</sup> (February 2011).
- Third Joint Meeting of Tuna Regional Fisheries Management Organisations (Kobe 3) (11-15 Jul. 2011).
- Annual meetings of other tuna regional bodies.
- CCAMLR annual meeting.

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<sup>2</sup> A meeting of tuna Secretariats is likely to be held in the margins of COFI or the following RSN meeting.

<sup>3</sup> Travel of participants to be funded by the International Seafood Sustainability Foundation (ISSF).

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 2011 provides for participation of the Executive Secretary at COFI (and the associated Regional Secretariat's Network meeting) and Kobe 3. In addition, it is proposed that the Database Manager attend the meeting of Secretariat database experts on development of a UVI, but through funding by ISSF not the Extended Commission.

**Arrangement with CCAMLR presented to CCSBT 16 in CCSBT-EC/0910/19 and further modified to include intercessional comments from Taiwan**

**Draft**  
**Arrangement between**  
**The Commission for the Conservation of Southern Bluefin Tuna**  
**and**  
**The Commission for the Conservation of Antarctic Marine Living Resources**

The Commission for the Conservation of Southern Bluefin Tuna (hereafter CCSBT) and the Commission for the Conservation of Antarctic Marine Living Resources (hereafter CCAMLR),

**NOTING** that the objective of the Convention for the Conservation of Southern Bluefin Tuna (hereafter CSBT Convention) is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna;

**NOTING FURTHER** that the objective of the Convention on the Conservation of Antarctic Marine Living Resources (hereafter CAMLR Convention) is the conservation of Antarctic marine living resources, which includes rational use;

**RECOGNISING** that under the CSBT Convention, CCSBT claims competence over southern bluefin throughout its migratory range;

**NOTING** that Article 12 of the CSBT Convention requires CCSBT to collaborate with other inter-governmental organisations which have related objectives to, among other things, obtain the best available information including scientific information to further the attainment of the objective of the CSBT Convention and seek to avoid duplication with respect to the work of the other organisations;

**NOTING FURTHER** that the Preamble to the CAMLR Convention recognises that it is desirable for CCAMLR to establish suitable machinery for recommending, promoting, deciding on and co-ordinating the measures and scientific studies needed to ensure the conservation of Antarctic marine living organisms;

**CONSIDERING** that Article II of the CAMLR Convention requires that any harvesting and associated activities in the CAMLR Convention Area shall be conducted in accordance with that Convention's provisions and with the specified principles of conservation which include, *inter alia*, maintenance of the ecological relationship between harvested, dependent and related populations of Antarctic marine living resources;

**NOTING** that provisions of the CAMLR Convention address the conservation of non-target, associated or dependent species which belong to the same ecosystem as the target species;

**NOTING FURTHER** that the Preamble to the 2008 CCSBT Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna identifies that CCSBT is determined to mitigate incidental harm to ecologically related species caused by fishing for southern bluefin tuna;

**DESIRING** to put into place arrangements and procedures to promote cooperation in order to enhance the conservation and rational use of stocks and species which are within the competence and/or of mutual interest of both organisations so as to avoid duplication or conflict between the activities of the two organisations;

**NOW THEREFORE** CCSBT and CCAMLR record the following understandings:

### **1. OBJECTIVE OF THIS ARRANGEMENT**

The objective of this Arrangement is to facilitate, where appropriate, cooperation between CCSBT and CCAMLR ('the Commissions') with a view to enhancing the conservation and rational use of stocks and species which are of interest to the Commissions.

### **2. COMPETENCE**

The Commissions understand that:

- (i) CCSBT is the appropriate body to develop and implement conservation and management measures for southern bluefin tuna;
- (ii) Within the CAMLR Convention area, CCAMLR is the appropriate body to develop and implement conservation and management measures for all other marine living resources that fall within the CAMLR Convention; and
- (iii) While CCSBT has competence of southern bluefin tuna throughout its migratory range, vessels of CCSBT members will pay due regard to CCAMLR's conservation and management measures in the CAMLR Convention Area.

### **3. AREAS OF COOPERATION**

The Commissions will establish and maintain consultation and cooperation in respect of matters of common interest, in the following areas:

- (i) Exchange of meeting reports, information, documents and publications regarding matters of mutual interest, consistent with the information sharing policies of each Commission.
- (ii) Exchange of data and scientific information of common interest, consistent with the information sharing policies of each Commission. In addition:
  - CCSBT will provide a report each year to CCAMLR covering the stock assessment of southern bluefin tuna for that year and the latest southern bluefin tuna catch data classified by ocean, gear and catching country; and
  - CCAMLR will provide a report to CCSBT each year detailing any catches (by flag and gear) of southern bluefin tuna from vessels fishing under CCAMLR's jurisdiction.
- (iii) Where appropriate, collaborating on analyses and research efforts relating to species of mutual interest.
- (iv) Consideration on methods of recognising and cooperating with each other's conservation and management measures.
- (v) Consistent with each Commission's rules of procedure, granting of permanent reciprocal observer status to representatives of the Commissions in relevant meetings of each Commission respectively.

#### **4. CONSULTATIVE PROCESS**

To facilitate effective development, implementation and enhancement of cooperation, the Commissions may establish a consultative process between the two respective Secretariats that includes, telephone, email and similar means of communications. The consultative process may also proceed in the margins of meetings at which the Commissions' Secretariats are represented by appropriate staff.

#### **5. MODIFICATION**

This Arrangement may be modified at any time by the mutual written consent of the Commissions.

#### **6. LEGAL STATUS**

This Arrangement does not create any legally binding rights or obligations.

This Arrangement does not alter the obligations of members of either body to comply with the conservation and management measures of those bodies.

#### **7. OTHERS**

- (i) The cooperation under this Arrangement will commence on the date of signature.
- (ii) Either Commission may end the cooperation under this Arrangement by giving six months prior written notice to the other Commission.
- (iii) The cooperation under this Arrangement will continue to operate for three (3) years. At that stage the Commissions will review the operation of the Arrangement and decide whether it will be renewed.

#### **8. SIGNATURE**

Signed at ..... this .....day of .....[Year]

.....  
**Chair CCSBT**

.....  
**Chair CCAML**

**Modified Arrangement with CCAMLR suggested by Australia, including intersessional changes suggested by the European Union**

**Draft**  
**Arrangement between**  
**The Commission for the Conservation of Southern Bluefin Tuna**  
**and**  
**The Commission for the Conservation of Antarctic Marine Living Resources**

The Commission for the Conservation of Southern Bluefin Tuna (hereafter CCSBT) and the Commission for the Conservation of Antarctic Marine Living Resources (hereafter CCAMLR);

**NOTING** that the objective of the Convention for the Conservation of Southern Bluefin Tuna (hereafter CSBT Convention) is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna;

**NOTING FURTHER** that the objective of the Convention for the Conservation of Antarctic Marine Living Resources (hereafter CAMLR Convention) is the conservation of Antarctic marine living resources, which includes rational use;

**RECOGNISING** that under the CSBT Convention, CCSBT claims competence over southern bluefin throughout its migratory range;

**NOTING** that Article 12 of the CSBT Convention requires the CCSBT to collaborate with other inter-governmental organisations which have related objectives to, among other things, obtain the best available information including scientific information to further the attainment of the objective of the Convention and seek to avoid duplication with respect to the work of the other organisations.

**NOTING FURTHER** that the Preamble to the CAMLR Convention recognises that it is desirable for CCAMLR to establish suitable machinery for recommending, promoting, deciding on and co-ordinating the measures and scientific studies needed to ensure the conservation of Antarctic marine living organisms;

**CONSIDERING** that Article II of the CAMLR Convention requires that any harvesting and associated activities in the CAMLR Convention Area shall be conducted in accordance with that Convention's provisions and with the specified principles of conservation which include, *inter alia*, maintenance of the ecological relationship between harvested, dependent and related populations of Antarctic marine living resources;

**NOTING** that provisions of the CAMLR Convention address the conservation of non-target, associated or dependent species which belong to the same ecosystem as the target species;

**NOTING FURTHER** that the Preamble to the 2008 CCSBT Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna identifies that the CCSBT is determined to mitigate incidental harm to ecologically related species caused by fishing for southern bluefin tuna;

**DESIRING** to put into place arrangements and procedures to promote cooperation in order to enhance the conservation and rational use of stocks and species which are within the competence and/or mutual interest of both organisations so as to avoid duplication or conflict between the activities of the two organisations;

**NOW THEREFORE** the CCSBT and CCAMLR record the following understandings:

### **1. OBJECTIVE OF THIS ARRANGEMENT**

The objective of this Arrangement is to facilitate, where appropriate, cooperation between the CCSBT and CCAMLR ('the Commissions') with a view to enhancing the conservation and rational use of stocks and species which are of interest to both Commissions.

### **2. JURISDICTION**

The Commissions understand that:

- (i) In cases where setting a total allowable catch (TAC) for southern bluefin tuna within the CAMLR Convention area should be necessary, CCAMLR and CCSBT should cooperate to establish the TAC;
- (ii) Fishing for southern bluefin tuna within the CAMLR Convention area will be limited to CCSBT authorised fishing vessels which are also vessels licensed to fish under CCAMLR;
- (iii) The CCSBT is the appropriate body to develop and implement conservation and management measures for southern bluefin tuna outside the CAMLR Convention area;
- (iv) Within the CAMLR Convention area, CCAMLR is the appropriate body to develop and implement conservation and management measures for all marine living resources that fall within its convention, including southern bluefin tuna; and
- (v) Vessels licensed to fish under CCAMLR and CCSBT authorised fishing vessels fishing for southern bluefin tuna in the CAMLR Convention Area will comply with all CCSBT conservation and management measures and all CCAMLR conservation and management measures.

### **3. AREAS OF COOPERATION**

The Commissions will establish and maintain consultation and cooperation in respect of matters of common interest to both organisations. In particular, the Commissions will:

- (i) exchange meeting reports, information, documents and publications regarding matters of mutual interest, consistent with the information sharing policies of each Commission;
- (ii) exchange data and scientific information in support of the work and objectives of both Commissions, consistent with the information sharing policies of each Commission including, but not limited to information on:
  - (a) vessels authorised to fish in accordance with the Commissions' conservation measures;
  - (b) illegal, unreported and unregulated fishing vessels;
  - (c) all catch, bycatch and vessel data;
  - (d) an annual CCSBT report to CCAMLR covering the global stock assessment of southern bluefin tuna for that year; and the latest southern bluefin tuna catch data classified by ocean, gear and catching country; and
  - (e) an annual CCAMLR report to CCSBT detailing any catches (by flag and gear) of southern bluefin tuna from vessels fishing within the CAMLR Convention area.
- (iii) cooperate to harmonise approaches in areas of mutual interest and concern, most notably on bycatch of non-target, associated and dependent species (ecologically related species);
- (iv) where appropriate, collaborate on analyses and research efforts relating to species of mutual interest;
- (v) consider methods of recognising and cooperating with each other's conservation and management measures; and
- (vi) consistent with each Commission's rules of procedure, grant permanent reciprocal observer status to representatives of the respective Commissions in relevant meetings of each Commission.

#### **4. CONSULTATIVE PROCESS**

To facilitate effective development, implementation and enhancement of cooperation, the Commissions may establish a consultative process between the two respective Secretariats that includes, telephone, email and similar means of communications. The consultative process may also proceed in the margins of meetings at which both Commissions' Secretariats are represented by appropriate staff.

#### **5. MODIFICATION**

This Arrangement may be modified at any time by the mutual written consent of both Commissions.

#### **5. LEGAL STATUS**

This Arrangement does not create legally binding rights or obligations.

This Arrangement does not alter the obligations of members of either body to comply with the management and conservation measures of those bodies.



**6. OTHERS**

- (i) This Arrangement will commence on signature.
- (ii) Either Commission may terminate this Arrangement by giving six months prior written notice to the other Commission.
- (iii) This Arrangement will continue to operate for three (3) years. At that stage the Commissions will review the operation of the Arrangement and decide whether it will be renewed.

**7. SIGNATURE**

Signed at ..... this .....day of .....[Year]

.....  
**Chair CCSBT**

.....  
**Chair CCAML**

Draft

**DRAFT ARRANGEMENT**  
**between**  
**THE SECRETARIAT OF THE COMMISSION FOR THE CONSERVATION OF**  
**SOUTHERN BLUEFIN TUNA**  
**and**  
**THE SECRETARIAT FOR THE AGREEMENT ON THE CONSERVATION**  
**OF ALBATROSSES AND PETRELS**

.  
. . . [ Not included as not relevant to current subject matter (MOU with CCAMLR) ]

DRAFT

## **Members' Responses to CCSBT Circular #2012/001**

### **Australia**

... "Australia continues to support the development and implementation of an MOU between CCSBT and CCAMLR.

However, in its current form, we do not feel the draft MOU will produce a useful discussion if it was to be circulated intersessionally by the Secretariat.

We look forward to progressing the MOU in the near future."

### **Japan**

... "Regarding the point (a), Japan would like to support development and implementation of an MOU itself. I guess many of the Members would also support it. We however recognize that the issue is the contents of the MOU. We think it can be discussed in this year's annual meeting.

Regarding the point (b), we can be flexible. If all the other Members are supportive of the intersessional discussion, Japan is ready to attend it. On the other hand, as there is a considerably big differences in the opinions among Members, we are not sure if such an intersessional discussion would be effective. We feel this issue can be handled in the annual meeting in October, without an intersessional discussion. Further, our position on this issue is, as we have already mentioned in the past, we support the original draft arrangement text (CCSBT-EC/0910/19 Attachment A), or the text with some slight modification, including as proposed by Taiwan."

### **Korea**

... "Regarding the request on the MOU between CCAMLR and CCSBT, I would like to advise as follows;

- (a) : yes
- (b) : intersessional discussion would be OK but I would like to take the draft to the CCSBT19 for consideration after the intersessional discussion as an official agenda, and Korea supports Attachment A rather than Attachment B. As for Attachment B, I found something that seems to be unusual (e.g CCAMLR licensed in (ii) and the issues related to the competence over SBT in (iv) of section 2, 'Jurisdiction') and I think these issues need to be discussed and clarified at the Commission meeting."

### **New Zealand**

... "New Zealand still supports development and implementation of an MOU between CCSBT and CCAMLR, and would be happy to participate in intersessional discussions on this topic."

### **Taiwan**

... "in relation to the Memorandum of Understanding between CCMLAR and CCSBT, as my understanding, members have different views on bycatch issue. We think CCSBT should seek general agreement for member's argument during the next annual meeting before further discussion with CCMLR."

### **Third Version of the Arrangement with CCAMLR**

*(Created by the Secretariat by making the following main changes to the version of the MoU provided at pages 11-14 of Annex 1: (i) Removing items relating to competence/jurisdiction (this includes some elements of the preamble and a section on jurisdiction); and (ii) Improving transparency in the subsection on the exchange of data by adding two footnotes that disclose the currently limited availability of some of this information from the CCSBT. A “tracked changes” copy of this version of the MoU is available from the Secretariat on request.*

## **Draft** **Arrangement between** **The Commission for the Conservation of Southern Bluefin Tuna** **and** **The Commission for the Conservation of Antarctic Marine Living Resources**

The Commission for the Conservation of Southern Bluefin Tuna (hereafter CCSBT) and the Commission for the Conservation of Antarctic Marine Living Resources (hereafter CCAMLR);

**NOTING** that the objective of the Convention for the Conservation of Southern Bluefin Tuna (hereafter CSBT Convention) is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna;

**NOTING FURTHER** that the objective of the Convention for the Conservation of Antarctic Marine Living Resources (hereafter CAMLR Convention) is the conservation of Antarctic marine living resources, which includes rational use;

**RECOGNISING** that Article 12 of the CSBT Convention requires the CCSBT to collaborate with other inter-governmental organisations which have related objectives to, among other things, obtain the best available information including scientific information to further the attainment of the objective of the Convention and seek to avoid duplication with respect to the work of the other organisations.

**CONSIDERING** that the Preamble to the CAMLR Convention recognises that it is desirable for CCAMLR to establish suitable machinery for recommending, promoting, deciding on and co-ordinating the measures and scientific studies needed to ensure the conservation of Antarctic marine living organisms;

**NOTING** that provisions of the CAMLR Convention address the conservation of non-target, associated or dependent species which belong to the same ecosystem as the target species;

**NOTING FURTHER** that the Preamble to the 2008 CCSBT Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna identifies that the CCSBT is determined to mitigate incidental harm to ecologically related species caused by fishing for southern bluefin tuna;

**DESIRING** to put into place arrangements and procedures to promote cooperation in order to enhance the conservation and rational use of stocks and species which are within the competence and/or mutual interest of both organisations so as to avoid duplication or conflict between the activities of the two organisations;

**NOW THEREFORE** the CCSBT and CCAMLR record the following understandings:

## **1. OBJECTIVE OF THIS ARRANGEMENT**

The objective of this Arrangement is to facilitate, where appropriate, cooperation between the CCSBT and CCAMLR ('the Commissions') with a view to enhancing the conservation and rational use of stocks and species which are of interest to both Commissions.

## **2. AREAS OF COOPERATION**

The Commissions will establish and maintain consultation and cooperation in respect of matters of common interest to both organisations. In particular, the Commissions will:

- (i) exchange meeting reports, information, documents and publications regarding matters of mutual interest, consistent with the information sharing policies of each Commission;
- (ii) exchange data and scientific information in support of the work and objectives of both Commissions, consistent with the information sharing policies of each Commission including, but not limited to information on:
  - (a) vessels authorised to fish in accordance with the Commissions' conservation measures;
  - (b) illegal, unreported and unregulated (IUU) fishing vessels<sup>1</sup>;
  - (c) catch, bycatch and vessel information and/or data<sup>2</sup>;
  - (d) an annual CCSBT report to CCAMLR covering the global stock assessment of southern bluefin tuna for that year; and the latest southern bluefin tuna catch data classified by ocean, gear and catching country; and
  - (e) an annual CCAMLR report to CCSBT detailing any catches (by flag and gear) of southern bluefin tuna from vessels fishing within the CAMLR Convention area.
- (iii) cooperate to harmonise approaches in areas of mutual interest and concern, most notably on bycatch of non-target, associated and dependent species (ecologically related species);
- (iv) where appropriate, collaborate on analyses and research efforts relating to species of mutual interest;
- (v) consider methods of recognising and cooperating with each other's conservation and management measures; and

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<sup>1</sup> Noting that the CCSBT does not currently maintain an IUU vessel list and therefore has no information to share until such time as the CCSBT adopts a resolution to maintain such a list.

<sup>2</sup> Noting that CCSBT bycatch data is currently limited to information provided in reports to the CCSBT; that the confidentiality classification of any future detailed data may prevent its release; and that catch data relating to individual vessels is classified as confidential.

- (vi) consistent with each Commission's rules of procedure, grant permanent reciprocal observer status to representatives of the respective Commissions in relevant meetings of each Commission.

### **3. CONSULTATIVE PROCESS**

To facilitate effective development, implementation and enhancement of cooperation, the Commissions may establish a consultative process between the two respective Secretariats that includes, telephone, email and similar means of communications. The consultative process may also proceed in the margins of meetings at which both Commissions' Secretariats are represented by appropriate staff.

### **4. MODIFICATION**

This Arrangement may be modified at any time by the mutual written consent of both Commissions.

### **5. LEGAL STATUS**

This Arrangement does not create legally binding rights or obligations.

This Arrangement does not alter the obligations of members of either body to comply with the management and conservation measures of those bodies.

### **6. OTHERS**

- (i) This Arrangement will commence on the date of signature.
- (ii) Either Commission may terminate this Arrangement by giving six months prior written notice to the other Commission.
- (iii) This Arrangement will continue to operate for three (3) years. At that stage the Commissions will review the operation of the Arrangement and decide whether it will be renewed.

### **7. SIGNATURE**

Signed at ..... this .....day of .....[Year]

.....  
**Chair CCSBT**

.....  
**Chair CCAMLR**