

**First International Meeting on the Establishment of the
South Pacific Regional Fisheries Management Organisation**

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INTERACTION WITH OTHER

REGIONAL FISHERIES MANAGEMENT ORGANISATIONS

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Introduction

The South Pacific regional fisheries management organisation (RFMO) proposes to cover all species not already covered by other RFMOs currently in force with competence in the proposed area (see below).

The purpose of this paper is to provide an overview of the main characteristics of other RFMOs in the South Pacific Ocean, in order to provide a reference point when dealing with issues of overlap and compatibility between the proposed South Pacific RFMO and existing agreements.

These RFMOs should be taken into account when determining which species in the South Pacific are already covered by existing RFMOs in force and in formulating measures in the new South Pacific RFMO that are consistent with the best practices found in other RFMOs.

Possible areas where the South Pacific RFMO will need to cooperate with other RFMOs in matters of mutual interest could include exchanges of information and, where relevant, consistent measures in regards to fisheries management, and cooperation in terms of compliance.

The summary is intended as an overview only and further specific information on each of the RFMOs listed can be found on their respective websites.

Other RFMOs in the South Pacific

The proposed area of the South Pacific RFMO will overlap with four RFMOs in force – the CCSBT, the WCPFC, the IATTC and the IOTC. These RFMOs cover highly migratory species, mainly tuna and tuna-like species. The proposed area of the South Pacific RFMO is also adjacent to the area of CCAMLR¹ and relevant obligations with respect to those agreements will need to be taken into account. (The proposed area will also form a boundary with the likely area of the Southern Indian Ocean Fisheries Agreement (SIOFA) which has not yet entered into force.)

Information on these RFMOs, including their structure and membership is set out below.

¹ CCAMLR is not an RFMO but an agreement established as part of the Antarctic Treaty System, in pursuance of the provisions of Article IX of the Antarctic Treaty.

1. CCSBT

Full Name

Convention for the Conservation of Southern Bluefin Tuna (CCSBT).

Area of Competence

The entire range of Southern Bluefin Tuna (SBT) covering approximately 30 degrees South to 50 degrees South in all oceans and the spawning ground of Java, Indonesia.

Objectives

To ensure, through appropriate management, conservation and optimum utilisation of SBT. The Commission provides an internationally recognised forum for other countries/entities to actively participate in SBT issues.

Organisational Structure

Commission, Scientific Committee, Stock Assessment Group, Independent Advisory Panel, Compliance Committee, Extended Commission and Extended Scientific Committee was created in 2001, Secretariat (Executive Secretary).

Key Species and Gear

Southern Bluefin Tuna.

Gear: Purse seine and longline.

Membership

Membership is open to any State whose nationals, residents or vessels engage in fishing for SBT or to any coastal State through whose exclusive economic zone (EEZ) or fishing zone SBT migrates. Regional Economic Integration Organisations (REIOs) are not currently eligible to join. Commission members are Australia, New Zealand, Republic of Korea, Japan, Fishing Entity of Taiwan (member of the Extended Commission since 2002, of which there are five members). The Republic of the Philippines is a cooperating non-member (since 2004).

Participation Criteria

Cooperating non-members (CNMs) cannot vote and do not pay contributions. They may participate fully in discussions but may be excluded from discussions on some agenda items at the discretion of Chair. CNMs are required to observe conservation and management measures of CCSBT. Vessels of CNMs are added to the CCSBT list of vessels authorised to fish for SBT.

Transparency

Publicly accessible website. Meeting minutes and catch data are available online. Non-Governmental Organisations (NGOs) may attend meetings as observers and submit documents with 100 days notice and unanimous consent of parties. NGOs may also attend as Members of Party delegations. Reports and Commission documents are placed in the public domain unless a Party asks for document to be kept confidential. Intergovernmental Organisations (IGOs) and other organisations, including NGOs, may be invited. Opening stages of Commission meetings are open to the public, but subsequent discussions of substance are limited to Members, CNMs and observers. In addition to NGOs and IGOs, observers may be any State or entity that is not a party but is invited by the Commission.

Decision Making

Decisions are made by consensus of members present at the Commission meeting. In case of a vote, each member has one (1) vote however, the Chair cannot vote. Two-thirds of Members constitutes a quorum. The Commission's work is principally done within the Extended Commission.

Monitoring, Control and Surveillance

Parties to the Convention provide the Commission with scientific information, catch and effort statistics, and other data relevant to conservation of SBT and ecologically related species. There is an agreed data set required to be collected by Members and CNMs, and the CCSBT Secretariat maintains this. CCSBT has an established list of authorised fishing vessels, which, as of 1 July 2005, includes all vessels regardless of length. It is obligatory for Members to implement CCSBT conservation and management measures within their EEZs and on their fleets fishing for SBT. There is no boarding and inspection scheme, rather compliance is sought through trade measures. A Trade Information Scheme was implemented in 2000 which states that Members and CNMs require completed CCSBT statistical documentations for all imports of SBT. Members and CNMs will not validate trade documents for, or accept imports from, large scale fishing vessels not on the list of authorised vessels. States who do not cooperate with CCSBT conservation and management measures can face trade restrictions.

Website

<http://www.ccsbt.org>

2. IATTC

Full Name:

Convention For The Establishment Of An Inter-American Tropical Tuna Commission (IATTC).

Area of Competence

Generally considered to be the Eastern Pacific Ocean (EPO), which is currently defined as the area bounded by the coastline of North, Central and South America 40 degrees North, 150 degrees West, 40 degrees South.

Objectives

To maintain populations of yellowfin and skipjack tuna as well as other species taken by tuna vessels in EPO and to cooperate in gathering and interpreting data to facilitate management of stocks at levels permitting Maximum Sustainable Yields year after year.

Organisational Structure

Commission, National Sections, Permanent Scientific Staff, and Secretariat, working groups and other subsidiary bodies including the Permanent Working Group on Compliance, Joint Working Group on Fishing by Non-Parties, Working Group on By-Catch, Working Group on Stock Assessments.

Key Species and Gear

Species: *Highly Migratory Fish Stocks* – Yellowfin, bigeye, albacore, skipjack, bonito, pacific bluefin tuna, sailfish, billfishes, including marlin and swordfish.

Gear: Purse seine, longline and pole and line (baitboat).

Membership

Open to States (not REIOs²) whose nationals participate in fisheries in the Area upon contracting parties' unanimous consent. Members pay dues and participate in data collection and research. Contracting Parties are Costa Rica, Ecuador, El Salvador, France, Guatemala, Japan, Mexico, Nicaragua, Panama, Peru, Spain, United States of America, Vanuatu, Venezuela. Cooperating Non-Contracting Parties (NCPs) or Cooperating Fishing Entities are Canada, China, the European Union, Honduras, Republic of Korea and Chinese Taipei.

² A Protocol to amend the 1949 Convention to allow REIOs to become members was open for signature in 1999 and currently remains open. To come into effect it needs to be ratified, approved, accepted or acceded to by all parties to the Convention. This has not yet occurred.

Participation Criteria

Each Contracting Party may appoint from one (1) to four (4) members, which is known as their national section. Each Party may then establish an Advisory Committee for its national section, which should comprise of delegates who are well informed about tuna fisheries problems of common concern. They can attend non-executive sessions of the Commission but have no entitlement to vote. NCPs may participate in meetings as observers, must report fisheries statistics and research programs in the area, comply with all conservation measures and resolutions and inform IATTC of compliance measures. Status is reviewed annually. The purse seine capacity resolution prohibits the entry of new vessels without a corresponding reduction of the existing fleet, and, new entrants to the purse seine fishery must arrange with existing participants to enter.

Transparency

Publicly accessible website. Meeting minutes, reports and scientific information are available online. The Commission must send invitations to be observers of regular and special meetings to all non-member States with coastlines bordering the IATTC area or whose nationals participate in fisheries covered by the IATTC. They also must send invitations to IGOs who have regular contact with the IATTC or whose work is of interest to the Commission. Any other organisation that has a legitimate interest in the work of the Commission may send observers with 120 days prior notice and provided no objection is raised in writing by a Contracting Party. Observers may present orally at Commission meetings subject to Chair's discretion, provided no Member objects. Chair must give prior approval for circulation of documents by observers.

Decision Making

Decisions, resolutions, recommendations and publications of the Commission must be approved by unanimous vote. Each national section has the right to one (1) vote. There is no objection or opting out procedure. All resolutions are binding. All management measures apply equally inside EEZ and on high seas. Contracting Parties enforce management measures within their national jurisdiction.

Monitoring, Control and Surveillance

Fishery dependant data is provided to the IATTC Scientific Staff. The Director is required to report annual catches of Convention species by flag and gear type to the Parties by 1 June of the following year. A tagging program is in place to collect data on tuna populations. 100% observer coverage on purse seine vessels with at-sea reporting by observers and weekly data submission to Secretariat. No observers on longline or small purse seine vessels. The IATTC register of vessels and sighting and reporting system for vessels operates in the area. The Director notifies flag-states of non-compliant vessels. Flag States then order the vessel to withdraw from area. There is no at-sea inspection scheme for non-flag States.

Website

<http://www.iattc.org>

3. IOTC

Full Name

Agreement For The Establishment Of The Indian Ocean Tuna Commission (IOTC).

Area of Competence

The Indian Ocean, extended to the South of Australia to 20 degrees East.

Objectives

To promote cooperation among Members with a view to ensuring, through appropriate management, the conservation and optimum utilisation of stocks covered by the agreement and encouraging sustainable development of fisheries based on such stocks. IOTC has competency for SBT but, by agreement CCSBT manages SBT in IOTC Convention Area.

Organisational Structure

Commission, Scientific Committee, other subsidiary bodies such as committees and working groups necessary for the purposes of this agreement, including the Compliance Committee, Standing Committee on Administration and Finance, Sub-Commissions and Working Parties.

Key Species and Gear

Species: *Highly Migratory Species (UNCLOS Annex 1)* – yellowfin tuna, skipjack, bigeye tuna, albacore tuna, kawakawa, frigate tuna, bullet tuna, Indo-Pacific king mackerel, swordfish, black marlin, striped marlin, Indo-Pacific blue marlin (also southern bluefin tuna but CCSBT has primary responsibility).

Non-Highly Migratory Species – longtail tuna, narrow barred Spanish mackerel, Indo-Pacific sailfish.

Gear: Purse seine, longline, pole and line (baitboat), gillnet and artisanal (trolling, handline and traps).

Membership

Membership to the IOTC is open to:

- members of the UN or one of its specialised agencies
- members of the International Atomic Agency
- coastal States located in all or part of the IOTC area
- States whose vessels engage in fishing in the area and for the stocks concerned, and
- REIOs to which a State has transferred competence over matters within the purview of the IOTC.

To become members they must accept the IOTC Agreement. To accommodate new entrants, IOTC encourages participation as cooperating NCPs for States with financial constraints. Contracting Parties are Australia, China, Comoros, European Commission, Eritrea, France, Guinea, India, Islamic Republic of Iran, Japan, Kenya, Republic of Korea, Madagascar, Malaysia, Mauritius, Sultanate Oman, Pakistan, Republic of the Philippines, Seychelles, Sri Lanka, Sudan, Thailand, Republic of Vanuatu and United Kingdom. NCPs are Indonesia and South Africa.

Participation Criteria

Contracting Parties vote and must contribute annually to the budget.

Transparency

Publicly accessible website. Meeting minutes are published online. NCPs may attend meetings. IGOs and NGOs, upon request, may be invited to participate as observers. Observers may submit memoranda and participate at discussions (they have no voting rights). A list of observers must be submitted 30 days prior to the meeting.

Decision Making

Decisions are generally reached through consensus. Each Contracting Party has one (1) vote. Commission can adopt binding conservation and management measures by a two-thirds majority of members present and voting. Contracting Parties may object in which case the decision is not binding on them. Non-binding recommendations can be adopted by the majority.

Monitoring, Control and Surveillance

Contracting Parties are subject to mandatory statistical reporting and confidentiality procedures. Stock assessment is peer reviewed through species working parties. The Secretariat maintains a capability in stock assessment in order to ensure that parties without scientific capabilities have access to relevant information. There are currently no provisions for at-sea boarding and inspection. In 2002, a “positive list” of vessels that can operate in the Regulatory Area was established. Unlisted vessels cannot fish for, retain or tranship tuna or tuna like-species. A record is kept of known vessels that have carried out Illegal, Unreported and Unregulated (IUU) fishing in the IOTC. The port Inspection scheme is binding on Contracting Parties. Contracting Parties and NCPs must have prior authorisation for at-sea or in-port transhipment.

Website

<http://www.iotc.org>

4. WCPFC

Full Name

Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC).

Area of Competence

Western and Central Pacific Ocean (as defined in Article 3 of the Convention)

Objectives

To ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks (Annex 1 of UNCLOS and other species as the Commission may determine) in the Western and Central Pacific Ocean in accordance with UNCLOS and UNFSA except sauries

Organisational Structure

Commission, Scientific Committee, Technical and Compliance Committee, Northern Committee, Secretariat (Executive Director).

Key Species and Gear

Species: All highly migratory fish stocks of the Convention Area as listed in Annex 1 of UNCLOS.

Gear: Purse seine, longline, pole and line (baitboat), commercial and artisanal trolling and handline.

Membership

The Commission currently has 25 Members and two Cooperating Non-Members. Tokelau and the three Pacific Overseas Territories of France are Participating Territories within the Commission.

Members of the Commission

Australia, Canada, China, Cook Islands, Federated States of Micronesia, European Community, Fiji, France (including French Polynesia, New Caledonia and Wallis and Futuna), Japan, Korea, Kiribati, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, and Vanuatu. Indonesia and the United States of America are cooperating non-members.

Participation Criteria

All contracting parties must contribute to the budget, the amount based on an equal basic fee, the wealth of the country, and a variable fee depending on catch taken within EEZ and on high seas. Contracting parties must apply convention principles.

Transparency

Publicly accessible website. Meeting minutes and background papers are available online. Subject to the Commission rules and procedures, representatives from NCPs, IGOs and NGOs shall be given the opportunity to participate in Commission meetings and its subsidiary bodies as observers or otherwise as appropriate. They are permitted to give oral presentations and distribute papers through the Secretariat with the approval of the Chairperson.

Decision Making

Decisions will be made by consensus wherever possible. Consensus means absence of any formal objection by a Party. In cases where consensus is not reached, and there is not express requirement for consensus, decisions on questions of substance will be taken by a three-quarter majority overall and in each chamber (Forum Fisheries Agency and non-Forum Fisheries Agency members). Such decisions will be binding 60 days after the date of its adoption.

Monitoring, Control and Surveillance

Contracting Parties must provide data annually and as otherwise requested to the Commission. Catch, effort, biological and other data and information must be collected in accordance with Annex 1 of UNFSA.

Article 26 establishes a boarding and inspection procedure which is currently under development. Pending the development of that procedure Articles 21 and 22 of UNFSA will be applied from mid-June 2006. Article 27 established port State inspection procedure, which allows the port State to prohibit landings and transshipments if the catch was taken in a manner that undermines the effectiveness of conservation and management measures adopted by the Commission.

Website

<http://www.wcpfc.org>

5. CCAMLR

Full Name

Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR).

Area of Competence

The Southern Ocean surrounding Antarctica. The northern boundary is the Antarctic Convergence.

Objectives

To ensure the conservation, including rational use, of Antarctic marine living resources.

Organisational Structure

Commission (2 Standing Committees on implementation and compliance and administration and finance), Scientific Committee and its Working Groups and Secretariat.

Key Species and Gear

Species: Antarctic Krill, Patagonian toothfish, Antarctic toothfish, sub-Antarctic lantern fish, mackerel icefish, Antarctic rock cod and crabs.

Gear: Pots (crab), bottom trawls, bottom long lines, squid jigs.

Membership

Membership is open to any State interested in research of harvesting activities in relation to the marine living resources to which this Convention applies. Also open to REIOs subject to the criteria listed in Article XXIX of the Convention.

Members

Argentina, Australia, Belgium, Brazil, Chile, European Commission, France, Germany, India, Italy, Japan, Republic of Korea, Namibia, New Zealand, Norway, Poland, Russia, South Africa, Spain, Sweden, Ukraine, United Kingdom, United States of America, Uruguay.

Participation Criteria

All members of the Commission pay dues, are involved in scientific research and/or fishing, subject to conservation measures and have voting rights. Acceding Parties that are not Members of the Commission agree to be bound by the Convention but do not pay dues.

Transparency

Publicly accessible website which includes scientific data, minutes of meetings, and member activity reports. NGOs and IGOs may participate as observers of Commission and Scientific Committee meetings with the unanimous approval of Members.

Decision Making

Decision making is consensus based; only Members of the Commission may participate in decisions. Members failing to pay contributions for 2 consecutive years lose right to participate in decision making during period of default. Resolutions are non-binding. Decisions on conservation measures are binding 180 days after Commission notification.

Monitoring, Control and Surveillance

Each vessel licensed by CCAMLR Members to fish in the Convention Area is required to have VMS, monitored by flag State. Parties submit VMS data to CCAMLR as it is collected via the flag State or on a voluntary basis directly from the vessel to the Secretariat.

Data collection by CCAMLR includes fishery catch and effort statistics, data collected by scientific observers on fish bycatch, incidental mortality of seabirds and marine mammals, biological information and biomass estimates and Catch Documentation Scheme (CDS) landing and trade statistics of toothfish. Presumption exists that if CDS is not completed, fishing is IUU.

Vessels licensed to fish are included on List of regulated vessels. There is a presumption that vessels not on the list are IUU.

Website

<http://www.ccamlr.org>

6. Other - EC-Chile Provisional Arrangement concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean

Although not an RFMO, mention should also be made to the EC-Chile Provisional Arrangement concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean of 25 January 2001. This Bilateral Arrangement is endowed with a Bilateral Scientific and Technical Commission, and it provides for a multilateral extension which so far is limited to a Multilateral Arrangement on Exchange of Information concerning the above-mentioned swordfish stocks. The EC, Chile, Chinese Taipei, Colombia, Ecuador, Japan and Peru are Parties to this Multilateral Arrangement. The IATTC and the CPPS are Observers. contact points for further information on this subjects are the European Commission and the Chilean Ministry for Foreign Affairs