

21 International fishery management arrangements

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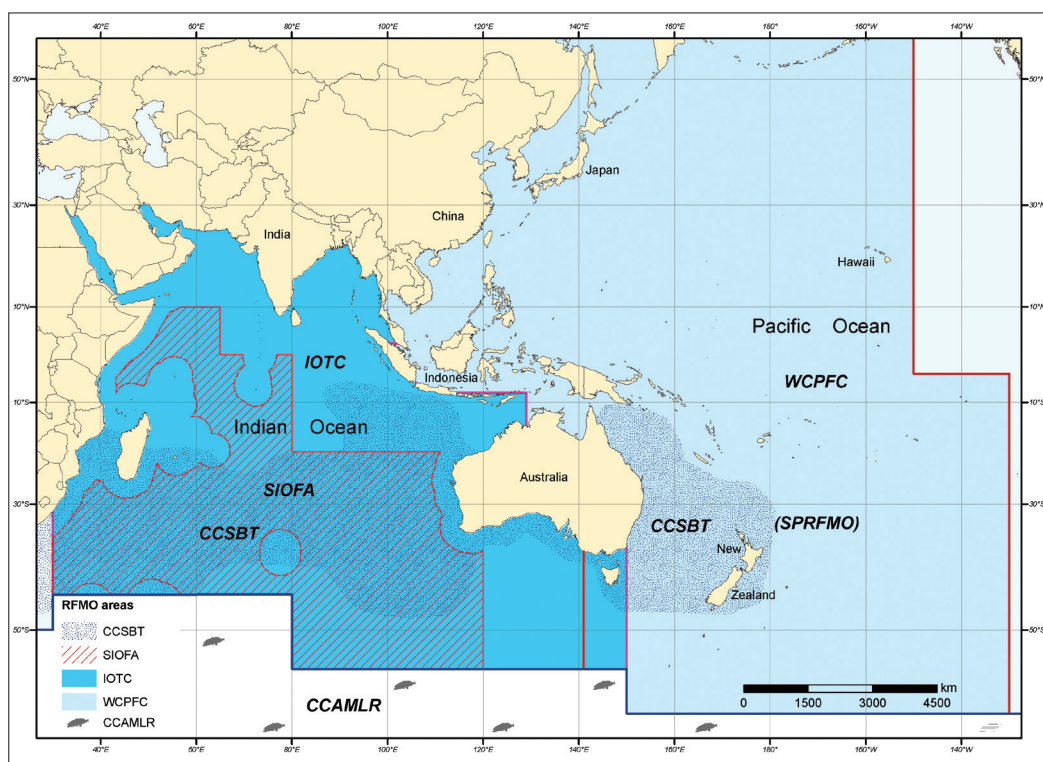


FIGURE 21.1 Areas of competence for regional fisheries management organisations and bodies to which Australia is a party

21.1 INTRODUCTION

Several Australian fisheries target fish stocks that have ranges extending outside the Australian Fishing Zone (AFZ) into the high-seas and the Exclusive Economic Zones (EEZ) of other countries. Fishing fleets from other

countries target these stocks outside the AFZ. These stocks are important for Australian fishing industries and regionally, in terms of food and economic security. In this situation, management responsibility is shared by multiple governments through international instruments (conventions and agreements,

Table 21.1, Fig. 21.1), implemented through a regional fisheries management organisation (RFMO) or body. Effective management of the Australian component of these fisheries cannot be achieved in isolation of regional management because of the shared nature of the stocks and Australia's obligations under the international instruments. As a party to these international instruments, Australia is obliged to implement measures agreed by the relevant RFMO in managing its domestic fishery or measures that exceed them; in a number of cases, Australia's domestic standards exceed those agreed by RFMOs.

This chapter provides an overview of the international management arrangements to which Australia is a party. Detailed status reports of the domestic fisheries involved are provided in Chapters 22–28. The Torres Strait fisheries, which are also international fisheries, differ substantially from the fisheries described here and are addressed in Chapters 14–18.

Through its participation in RFMOs and other international fisheries-related forums, Australia aims to implement its commitments and obligations under overarching international instruments, including the 1982 *United Nations Convention on the Law of the Sea* (UNCLOS), the 1995 *Agreement for the Implementation of the Provisions of the UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* (UN Fish Stocks Agreement), and the *United Nations General Assembly (UNGA) Resolution on Sustainable Fisheries* (UNGA61/105).

The species targeted by high-seas fisheries vary with the area and the fleets. Some of the most extensive high-seas fisheries are pelagic fisheries targeting highly migratory tunas and billfishes (defined under UNCLOS Annex 1). Currently, five RFMOs manage these highly migratory species, and Australia belongs to three of these (Table 21.1). In recent years, there has been increasing focus on the high-seas fisheries for non-highly migratory species, including demersal fisheries targeting finfish around seamounts (such as orange roughy—*Hoplostethus atlanticus*) and pelagic fisheries targeting species such as Chilean jack mackerel (*Trachurus murphyi*). The species—both

finfish and invertebrates—targeted in Antarctic waters are also a major focus of international management.

The management arrangements for the highly migratory tunas and billfish that are targeted by Australian fisheries are developed under three international agreements:

- Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean
- Convention for the Conservation of Southern Bluefin Tuna
- Agreement for the Establishment of the Indian Ocean Tuna Commission.

Arrangements for demersal species in Antarctica waters and the AFZ of Australia's sub-Antarctic islands are developed under the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

Australia is also participating in the development of new agreements where there are gaps in the international management of non-highly migratory stocks in the high seas. These stocks are targeted on the high seas but no agreement or organisation yet exists with competency to establish management measures for these stocks. In 2006, Australia signed the Southern Indian Ocean Fisheries Agreement (SIOFA), a new agreement covering the majority of the Indian Ocean that has yet to enter into force. Since 2006, Australia has participated in negotiations for the development of the South Pacific Regional Fisheries Management Organisation (SPRFMO). The discussions focus on the southern Pacific Ocean, north of CCAMLR's jurisdiction, and on species that are not covered by the Western and Central Pacific Fisheries Commission (WCPFC). It is anticipated that the convention text establishing the SPRFMO will be adopted in late 2009.

Australia's continued engagement in RFMO negotiations and processes is critical to supporting access for the Australian industry and promoting responsible management to ensure sustainability of the fisheries and the ecosystems that support them. In 2006, the UNGA Resolution on Sustainable Fisheries

called for countries to develop and apply best-practice guidelines for regional fisheries. Following this, the tuna RFMOs agreed, at their first joint meeting in 2007, to undergo performance reviews. To date, these have been completed for the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and the Indian Ocean Tuna Commission (IOTC). The reviews highlight critical areas where management, research and processes need to be significantly strengthened.

Australia is also party to a range of international conservation commitments that apply generally to regional fisheries management. Relevant United Nations agreements include:

- International Plan of Actions for the Conservation and Management of Sharks, and Reducing Incidental Catch of Seabirds in Longline Fisheries
- Convention on the Conservation of Migratory Species of Wild Animals, including the Agreement of the Conservation of Albatrosses and Petrels
- Convention on Biological Diversity
- Convention on International Trade in Endangered Species of Wild Flora and Fauna.

Commitments by RFMOs to meeting the objectives of these instruments are often in the form of RFMO-specific conservation and management measures, or overarching commitments made by United Nations member states. In the context of these commitments, scientific research has raised concerns over the level of shark catch in high-seas tuna fisheries; in some cases, shark is regarded as a valuable byproduct. There is also long-standing concern about the incidental catch of seabirds (particularly albatross and petrels) and marine turtles in international fisheries. Australia has long been an advocate and leader in the development and implementation of conservation and management measures to address these concerns. For example, Australia has played an instrumental role in the development of RFMO measures to meet the requirements of the international plans of action mentioned above. The WCPFC, IOTC and CCSBT have

all agreed on measures that start to address some of the bycatch issues; although, in the case of the CCSBT, these are voluntary or non-binding measures. However, a lack of effective implementation is of ongoing concern, and the lack of robust data on bycatch is a serious issue for all three RFMOs. This lack of data is hampering assessments of the scale of impact and the effectiveness of mitigation measures.

There is an increasing emphasis internationally on the need for effective implementation of ecosystem-based approaches to fisheries management. This is explicit in the UN Fish Stocks Agreement and some of the regional fisheries management instruments. Since the CCAMLR has the explicit objective of ecosystem conservation, the management of fishing activities in CCAMLR waters incorporates bycatch and ecosystem concerns. The CCAMLR management approach is an exception, as RFMO management typically remains centered on target stocks. A shift away from the traditional focus on target stocks to an ecosystem-based approach will be a significant challenge for RFMOs in the immediate future.



Tuna processing in Benoa, Indonesia

PHOTO: DAVID WILSON, BRS

TABLE 21.1 Regional fisheries management conventions and agreements to which Australia is a party

International convention/ agreement	Commencement date	Membership
Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean—implemented by the Western and Central Pacific Fisheries Commission	2004	Members: 25. Cooperating non-members: 5. Other: 7 participating territories and the fishing entity of Taiwan
Convention for the Conservation of Southern Bluefin Tuna—implemented by the Commission for the Conservation of Southern Bluefin Tuna	1994	Members: 5. Cooperating non-members: 3. Other: Fishing entity of Taiwan is a member of the Extended Commission
Agreement for the Establishment of the Indian Ocean Tuna Commission—implemented by the Indian Ocean Tuna Commission	1996	Members: 27. Cooperating non-contracting parties: 3
Convention for the Conservation of Antarctic Marine Living Resources	1982	Members: 25. Non-member contracting parties: 9
Southern Indian Ocean Fisheries Agreement	Adopted 2006, not yet entered into force	Participants: 11
South Pacific Regional Fisheries Management Organisation	Process for establishment commenced in 2006	Participants: 24

– = not applicable, as these instruments are not yet adopted or entered into force; EEZ = Exclusive Economic Zone;
UNCLOS = United Nations Convention on the Law of the Sea

Species covered	Total target species catch	Australian fisheries covered
All highly migratory fish stocks listed in Annex I of UNLCOS except sauries. The main target species for Australian fisheries are: albacore tuna (<i>Thunnus alalunga</i>) bigeye tuna (<i>Thunnus obesus</i>) skipjack tuna (<i>Katsuwonus pelamis</i>) yellowfin tuna (<i>Thunnus albacares</i>) broadbill swordfish (<i>Xiphias gladius</i>) striped marlin (<i>Tetrapturus audax</i>)	2 396 815 t (2007)	Eastern Tuna and Billfish Fishery, Eastern Skipjack Fishery (see Chapters 22, 23)
Southern bluefin tuna (<i>Thunnus maccoyii</i>)	11 540 t (2007)	Southern Bluefin Tuna Fishery (see Chapter 24)
Sixteen species. The main target species for Australian fisheries are: albacore tuna (<i>Thunnus alalunga</i>) bigeye tuna (<i>Thunnus obesus</i>) skipjack tuna (<i>Katsuwonus pelamis</i>) yellowfin tuna (<i>Thunnus albacares</i>) broadbill swordfish (<i>Xiphias gladius</i>) striped marlin (<i>Tetrapturus audax</i>)	1 457 316 t (2007)	Western Tuna and Billfish Fishery, Western Skipjack Fishery (see Chapters 25, 23)
All living marine resources. The main target species for Australian fisheries are: Patagonian toothfish (<i>Dissostichus eleginoides</i>) Antarctic toothfish (<i>Dissostichus mawsoni</i>) icefish (<i>Champsocephalus gunnari</i>)	174 619 t (2007–08)	Heard Island and McDonald Islands Fishery, Macquarie Island Toothfish Fishery (see Chapters 27, 28)
Fish, molluscs, crustaceans and other sedentary species within the area, but excluding sedentary species subject to the fishery jurisdiction of coastal states and highly migratory species	–	High-seas permits
Predominantly discrete high-seas stocks and stocks that straddle the high-seas and the EEZs of coastal states. These fisheries are both pelagic and demersal. The highly migratory species are excluded	–	High-seas permits

21.2 WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION

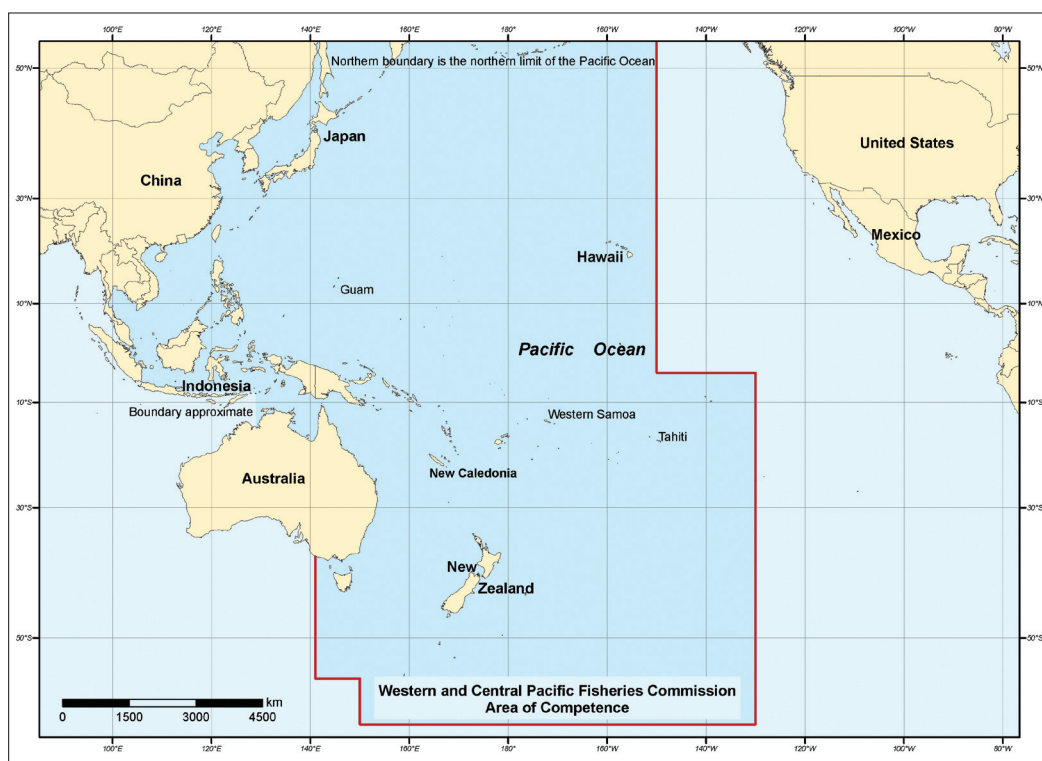


FIGURE 21.2 Western and Central Pacific Fisheries Commission (WCPFC) area of competence

The WCPFC is responsible for the world's largest and most valuable tuna fishery. In 2007, the total tuna catch of the fishery was worth US\$4 billion and contributed 55% of the global tuna catch. Many nations fish for tuna within the WCPFC's area of competence. According to the WCPFC vessel register (updated 25 May 2009), there are currently 9177 authorised vessels from 27 flag states, although the number of active vessels is likely to be significantly lower. The WCPFC area of competence (Fig. 21.2) includes the EEZ of many small island developing states in the Pacific, for whom tuna fishing is a significant source of income.

Fishing vessels range from small, artisanal vessels working in coastal areas to large industrial fleets. The main fishing gears used are purse seine (with or without fish aggregating devices), longline and pole-and-line. Before the 1980s, pole-and-line was the

major gear; since then, the catch of the purse-seine fleets has increased substantially and they are now responsible for most of the catch. The purse seiners target skipjack tuna (*Katsuwonus pelamis*) and also catch substantial amounts of bigeye tuna and yellowfin tuna (*Thunnus obesus* and *T. albacares*), whereas the longliners target albacore (*T. alalunga*), bigeye tuna (*T. obesus*) and yellowfin tuna (Fig. 21.3). Australia's component of the fishery is primarily in the longline sector (Eastern Tuna and Billfish Fishery—ETBF) and the purse-seine sector (Eastern Skipjack Fishery).

The 2007 total tuna catch was the highest ever recorded, and purse-seiners caught 73% of the catch (longliners: 9%, pole-and-line: 9%) (Lawson 2008). Skipjack contributed 72% of the 2007 total tuna catch and yellowfin tuna 18%. Most of the catch (73%) was reported by the Republic of Korea, Indonesia, Japan, Papua New Guinea, Philippines and the Fishing

Entity of Taiwan (Lawson 2008). The total catch of Australia’s ETBF longline fleet (6867 t) in 2007 was less than 0.3% of the total WCPFC catch, with bigeye tuna, yellowfin tuna and broadbill swordfish (*Xiphias gladius*) making up the majority of Australia’s catch (detailed in Chapter 22).

The WCPFC receives advice on stock status from its Scientific Committee (SC) and associated working groups, which evaluate the stock assessments or available indicators. Currently, management is primarily through input controls, with no total allowable catch (TAC) or allocation, although flag-based limits have been agreed for bigeye tuna. The SC uses the reference points of B_{MSY} and F_{MSY} in providing their advice on stock status; species with biomass estimates $<B_{MSY}$ are classified as overfished, and fishing mortality $>F_{MSY}$ is

classified as overfishing. There are currently no agreed harvest strategies or explicit limit reference points. In 2008, the WCPFC agreed to measures to reduce the fishing effort for bigeye tuna and prevent increases in the fishing effort for yellowfin tuna.

The WCPFC has agreed to binding measures to address the impact of fishing on marine turtles, seabirds and sharks, although the current lack of data will make monitoring the effectiveness of these measures difficult. There is no observer program—which is important for validating bycatch data—covering all the fleets, although such a program is in the advanced stages of development. Currently, a risk assessment approach, similar to that used in Commonwealth-managed fisheries, is being applied to all bycatch species to identify those potentially at risk due to bycatch in the WCPFC.

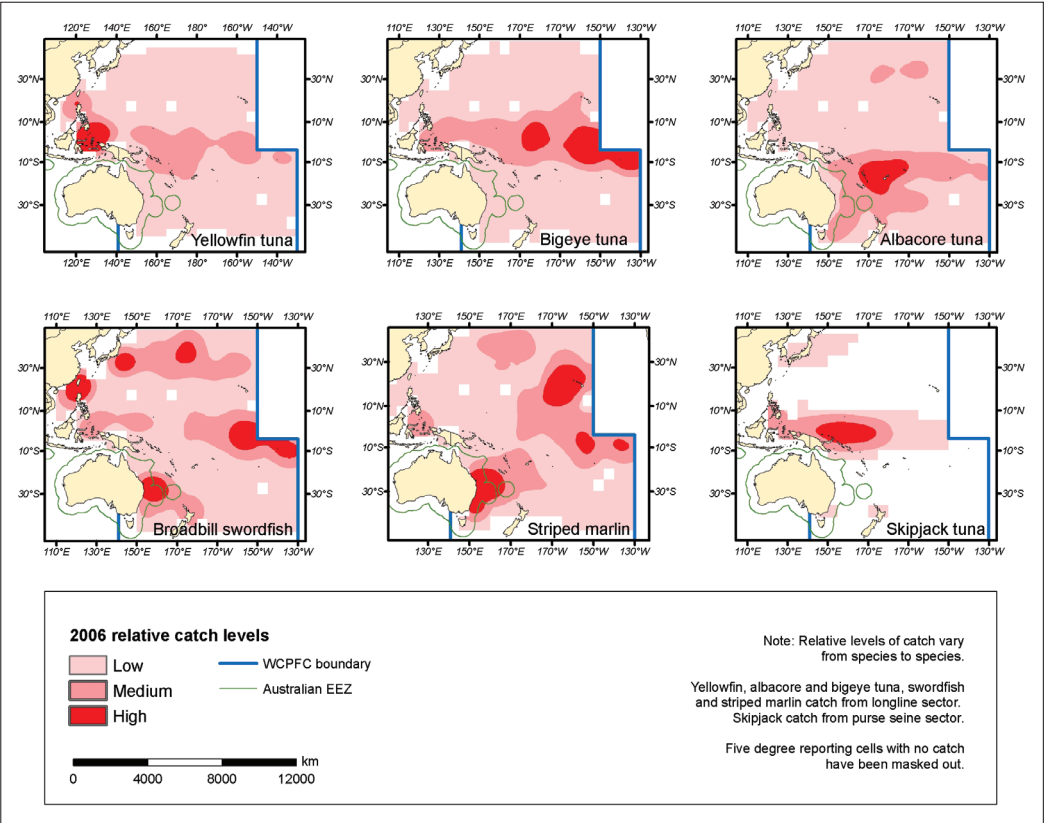


FIGURE 21.3 Relative catch levels of key target species in the WCPFC, 2006

21.3 COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA

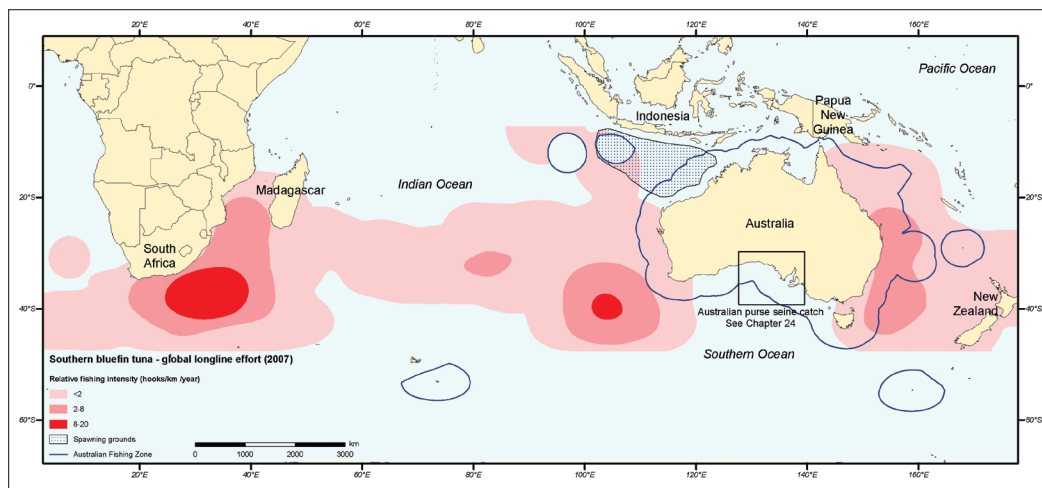


FIGURE 21.4 Relative fishing intensity for SBT in the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) area of competence, 2007

The Convention for the Conservation of Southern Bluefin Tuna, which established the CCSBT, originated from discussions between Australia, Japan and New Zealand in the late 1980s. The convention applies when parties are fishing for southern bluefin tuna (SBT), rather than applying to fishing within a specified geographic area. Therefore, it covers areas of the Indian, Atlantic and Pacific Oceans, overlapping with CCAMLR, WCPFC and IOTC areas of competence (Fig. 21.1).

Most fishing vessels are large-scale, industrial vessels, which use pelagic longlines to target surface schools. Globally, just over half of the Total Allowable Catch (TAC) is taken by the longline fleets, mostly in the Indian Ocean. The Indonesian SBT catch is principally taken as a byproduct of longlining for tropical tunas on the SBT spawning ground, near Java. In contrast, the Australian fishery uses purse seines to catch juveniles, which are then grown out in aquaculture cages. The Australian purse seine catch is nearly half the TAC. A small amount is caught by longline in the ETBF. The CCSBT approved vessel list currently has 1743 fishing vessels from nine flags and 62 carrier vessels (last updated 6 May 2009).

The CCSBT's primary management tool is a global, multiyear TAC, which is allocated to the parties as national allocations. Currently, Australia, Japan, the Republic of Korea and the Fishing Entity of Taiwan have the majority (89%) of the global TAC.

The CCSBT receives advice on the status of SBT from its SC and Stock Assessment Group and an advisory panel that provides external input. In 2000, the CCSBT agreed to develop a management strategy, analogous to a



Tuna auction, Tsukiji Market, Tokyo

PHOTO: NEIL BENSLEY, BRS

harvest strategy, that would include agreed rules for determining how the TAC would be set. Work towards this started in 2002 but stalled in 2005 due to the revelation of substantial unreported catches over an extended period. In 2009, work recommenced towards the development of a management strategy, focused initially on reconditioning the stock assessment operating model and testing candidate decision rules.

The CCSBT Ecologically Related Species Working Group that discusses bycatch and ecosystem issues. This working group was initially established because of concerns regarding the incidental catch of seabirds. Aside from the CCAMLR, the CCSBT is the RFMO with the greatest overlap with the known distribution of albatross and petrels (Small 2005). Working group discussions have been hampered by a lack of available data on interactions with bycatch. In 2008, the CCSBT agreed to a non-binding resolution under which vessels would implement the bycatch mitigation measures of the WCPFC and the IOTC when fishing in these areas. Vessels fishing in CCAMLR waters must abide by the CCAMLR's management measures.

The performance review of the CCSBT (Bolton 2008; CCSBT 2008) focused on a range of issues and noted that the CCSBT has significant challenges to face in fulfilling its mandate. In terms of the scientific base for management, the review noted with concern

overfishing and under-reporting of global catches. The need to establish a reliable and accurate historical catch and catch per unit effort (CPUE) series for the fishery and the importance of accurate reporting and validation of future catch and effort were highlighted. Recommendations of the review included agreement on management objectives and a rebuilding strategy. The review also recommended more balance, in terms of scientific effort and management focus, between SBT and ecologically related species.



Fresh tuna for auction, Tsukiji Market, Tokyo

PHOTO: NEIL BENSLEY, BRS



Processing tuna for sashimi, Tsukiji Market, Tokyo

PHOTO: NEIL BENSLEY, BRS

21.4 INDIAN OCEAN TUNA COMMISSION

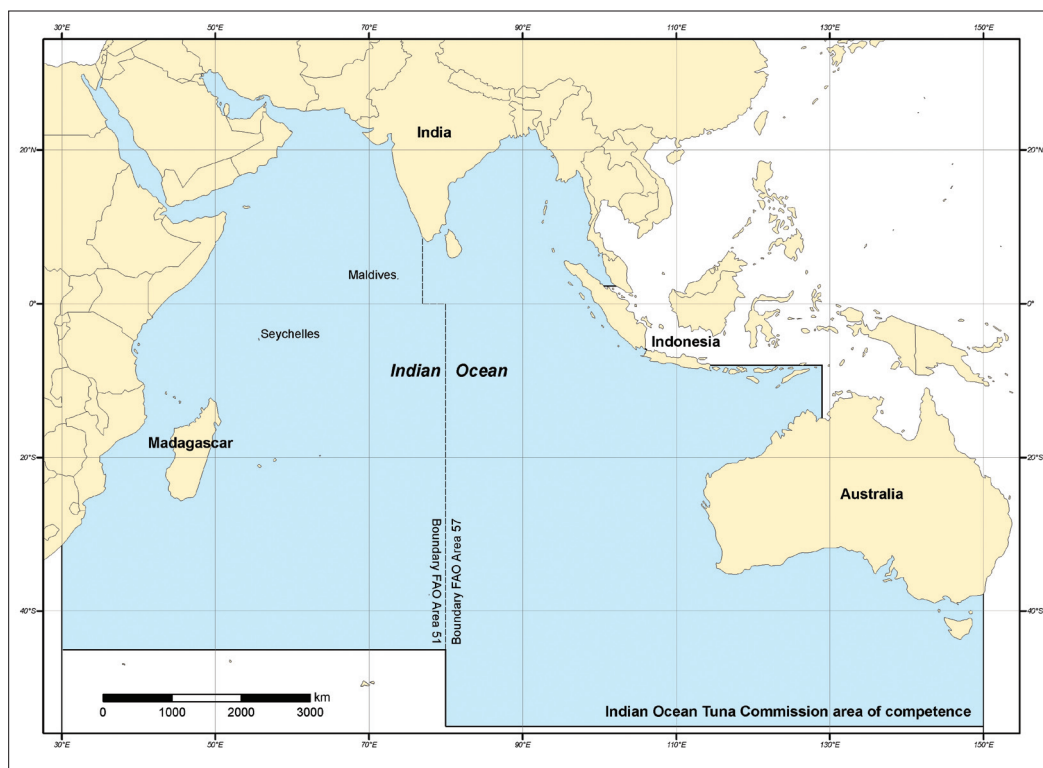


FIGURE 21.5 Indian Ocean Tuna Commission (IOTC) area of competence

The IOTC differs from the WCPFC and the CCSBT in that it was established under the auspices of the UN Food and Agriculture Organization (FAO). This means that its membership is limited, and some key fishing entities are prevented from joining IOTC. It also means that financial and budget approval is held by the FAO and that the FAO Council or Director-General can amend measures agreed by the IOTC.

Similar to the WCPFC, the IOTC area of competence (Fig. 21.5) covers a large number of countries and both artisanal and industrial tuna vessels. The IOTC record of authorised vessels identifies 3315 fishing and/or carrier vessels of greater than 24 m, from 28 flag states (updated 25 May 2009). The number of artisanal tuna vessels (less than 24 m) fishing within the EEZs of Indian Ocean coastal states is reportedly in the tens of thousands, although

no comprehensive record has been compiled. The main fishing gear used are purse seine, gillnets, longline and pole-and-line.

Since 1992, the total IOTC catch of tuna and tuna-like species has been more than 1 million t, peaking at 1.66 million t in 2006. Skipjack (30% of the 2007 catch) and yellowfin tuna (22%) make up more than half the catch (Fig. 21.6). In 2007, gillnets accounted for 35% of the catch, purse seine 25% and longline 20%. Most catch (60–70%) comes from the western Indian Ocean. The Australian catch in the Western Tuna and Billfish Fishery and Western Skipjack Fishery is very small relative to the entire IOTC catch (see Chapters 23, 25).

The IOTC management approach is through input controls; there are no TACs or allocation. In 2009, the IOTC adopted a measure to limit fishing capacity within the

area. Scientific advice is received from the IOTC’s SC and working parties. There are currently no agreed harvest strategies or reference points. In reporting on the state of stocks, the SC uses the same reference points as the WCPFC (B_{MSY} and F_{MSY}), but there are no explicit limit reference points or decision rules that are followed when reference points are reached.

The IOTC has high reported catches of sharks, and there is also concern for marine turtle and seabird bycatch. In 2005, the parties agreed to a binding resolution regarding the management of shark catch and, in 2006 (and updated in 2008), adopted measures to reduce the incidental catch of seabirds. The most recent commission meeting adopted a resolution regarding turtle bycatch, focused initially on data collection and the development of guidelines for mitigation. Lack of data from

both artisanal and industrial fleets is a significant issue, and data are likely to be insufficient to monitor the effectiveness of these resolutions.

The performance review of the IOTC (Anon 2009) included a review of the IOTC Agreement and noted that a major weakness was that it did not explicitly include concepts such as the precautionary approach and ecosystem-based approach to fisheries management. In terms of management performance, the review noted that the limited quantitative data provided for many stocks was contributing to the high levels of uncertainty in the assessments of stock status. This is suggested to be due to lack of compliance with IOTC resolutions and also the limited information available for artisanal fisheries, which take a large part of the catch.

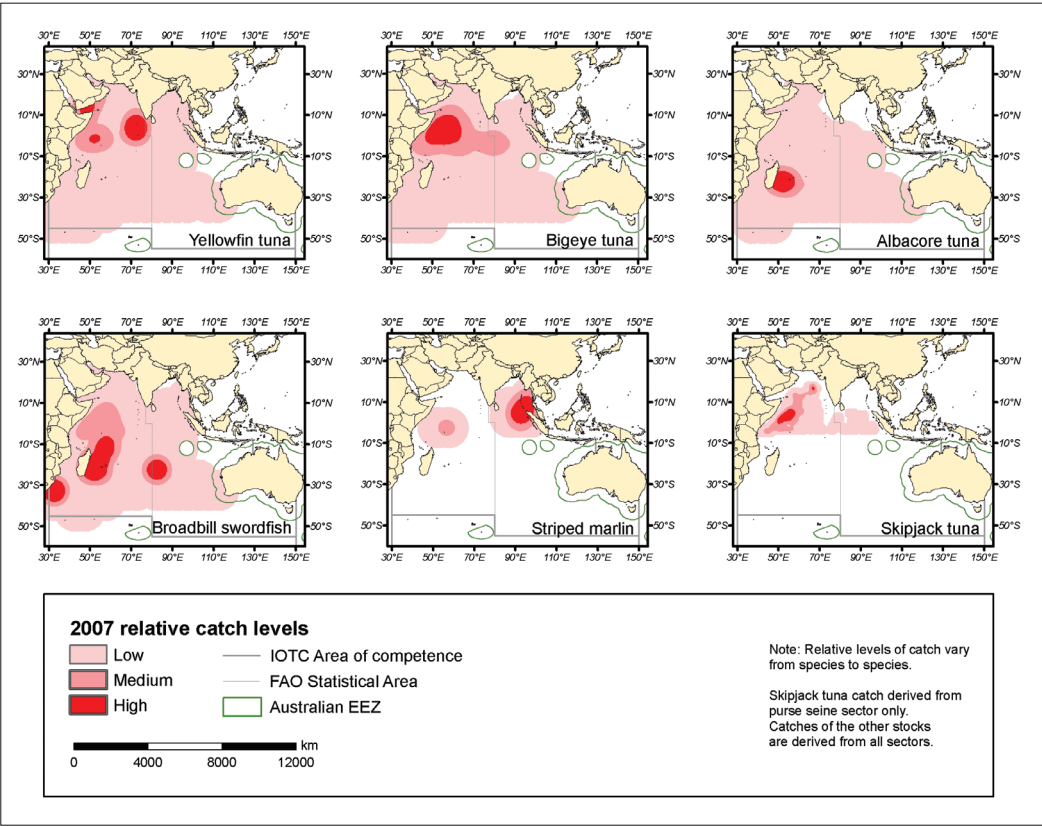


FIGURE 21.6 Relative catch levels of key target species reported in the IOTC, 2007

21.5 COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

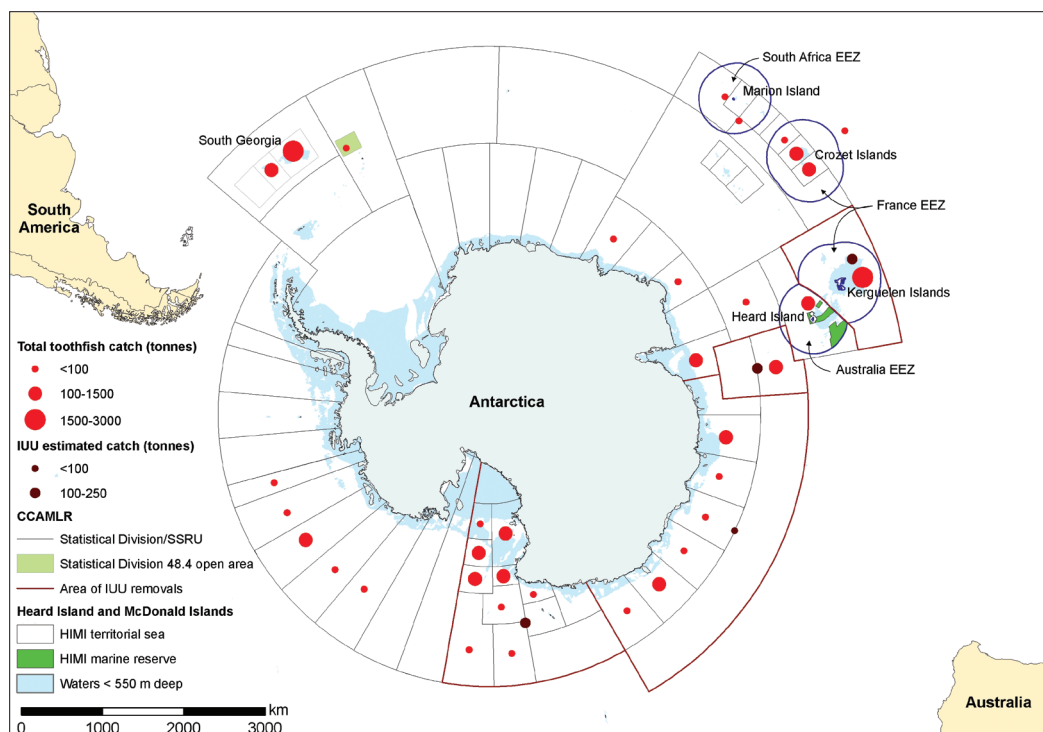


FIGURE 21.7 Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) area of competence and reported toothfish catches, 2007–2008

The CCAMLR was established to manage the Southern Ocean Antarctic ecosystem. It originally stemmed from concern over fishing for krill (*Euphausia superba*) and the effects on the broader Antarctic ecosystem. The convention's objective is the conservation and rational use of marine living resources. In managing fisheries within its area of competence (Fig. 21.7), the CCAMLR uses harvest strategies that specifically incorporate ecological links in setting TACs. The strategies result in conservative TACs that aim to reduce the potential impact of fishing on other species, such as predators of the target species. There is also a focus on mitigating bycatch, particularly of seabirds. Fisheries in the CCAMLR region are required to have high levels of observer coverage and data collection, and there are specific requirements for new or developmental fisheries.

The largest fisheries in terms of catch in CCAMLR waters are for krill (156 521 t in 2007–08) and Patagonian toothfish (*Dissostichus eleginoides*; 12 004 t). Of the Australian fisheries, the Heard Island and McDonald Islands Fishery and Antarctic waters fisheries fall within CCAMLR's jurisdiction. These fisheries, which target toothfish and mackerel icefish (*Champscephalus gunnari*), are described in Chapters 26 and 27. Illegal fishing within the CCAMLR region has been a significant problem during the past decade (Fig. 21.7). The CCAMLR and countries including Australia have implemented a range of methods, including significant investment in enforcement, to reduce illegal fishing. The stock assessments for target species also incorporate estimates of illegal catch.

21.6 SOUTHERN INDIAN OCEAN FISHERIES AGREEMENT

In 2006, Australia signed the SIOFA, which will enter into force once four states (two of which must be coastal states of the Indian Ocean) have ratified it. Under the agreement, Australia is required to ensure that it has effective mechanisms to monitor fishing in the area and report on fishing operations and catch. Australian vessels fishing in the SIOFA region (Fig. 21.1) require high-seas permits. Previously, these were granted on an open-access basis, with few restrictions on the area to be fished or gear used. Since 2006, the Australian Fisheries Management Authority (AFMA) has begun implementing the actions agreed in the UNGA Resolution on Sustainable Fisheries. This has included requiring more detailed permit applications (in terms of gear, proposed area of operation, species targeted), mandatory observer coverage (100% on trawling permits), limiting fishing effort to areas previously fished and provisions to protect ‘vulnerable marine ecosystems’ (FAO 2008).

21.7 SOUTH PACIFIC REGIONAL FISHERIES MANAGEMENT ORGANISATION

The SPRFMO negotiations aim to develop a regional agreement to sustainably manage fisheries for non-highly migratory fish stocks in the southern Pacific Ocean (Fig. 21.1). The final boundary for the area of competence of the proposed organisation and other aspects of the agreement are yet to be finalised; it is anticipated that the convention text will be agreed at a final negotiating session in late 2009.



Shark fins for sale, Thailand

PHOTO: DAVID WILSON, BRS

The area has been fished by vessels from several countries using both pelagic (purse seine, longline and mid-water trawling) and demersal (trawling, longline, pots) gear. The largest fisheries are focused on pelagic species in upwelling areas of higher productivity off the west coast of South America. Other fisheries target demersal species found on seamounts and ridges in the central and western areas of the southern Pacific Ocean. The latter are also the only areas shallow enough for bottom fishing (down to 1500 m). The main target species of the pelagic fisheries is Chilean jack mackerel. The demersal finfish fisheries target a range of species, with the dominant species being orange roughy, oreodories (*Oreosomatidae*), alfonsino (*Beryx splendens*) and blue-eye trevalla (*Hyperoglyphe antarctica*).

The seamounts and ridges are recognised as likely to have ‘vulnerable marine ecosystems’ (FAO 2008). These ecosystems are characterised by a range of criteria, including supporting species that are slow growing or spatially restricted and species and communities that are susceptible to impacts from demersal fishing, particularly trawling. The 2006 UNGA Resolution on Sustainable Fisheries recognised the need to conserve and protect vulnerable marine ecosystems from the impacts of fishing (particularly demersal fishing methods). While discussions for the

development of the SPRFMO are still in progress, Australia and other participants agreed to voluntary interim measures (effective from 30 September 2007). For demersal fisheries, these included limiting effort and catch to existing levels and fished areas, assisting in the identification and mapping of vulnerable marine ecosystems, and assessing the impact of demersal fisheries on these ecosystems. The interim measures for pelagic fisheries also limit fishing effort. As with SIOFA, Australian fishing in the SPRFMO area occurs under high-seas permits, and AFMA has incorporated most of the requirements under the interim measures into permit conditions. There has been relatively little effort in recent years by Australian vessels.



Seychelles fish market PHOTO: DAVID WILSON, BRS

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