

# Questions to Mary Harwood

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Will Zacharin (Primary Industries, South Australia) wanted to know how one reconciled the different scientific assessments that are being presented in this sort of negotiation?

Mary Harwood responded that many of the CCSBT's current difficulties relate to different interpretations of the existing data and different treatments of those data in stock assessment. While there may be a fair degree of agreement on current stock status (e.g. in terms of % parent biomass remaining from virgin levels) the real differences arise when scientists try to predict stock levels in the future, i.e. the 'fan' of probability for outcomes with stock projections against an assumed catch level. One issue is just the sheer amount of time needed to work collaboratively through all the various scientific issues, and to try and understand each others' positions. Working through the fine detail of those differences, progress is made each year, but problems remain. The CCSBT is trying various approaches to trying to improve communication amongst the scientists and managers of the member countries, including a special workshop on that subject in Sydney in May 1997.

Peter Young (University of Queensland) commented that inevitably there is uncertainty regarding stock assessments, and results and negotiations are often sub-optimal, and asked whether it is worth a dedicated area of research to look at negotiation in this environment.

Mary Harwood responded that was an excellent question — and that such research is well worthwhile. However an issue for those of us deep in the fray is that describing the inner workings of negotiations is not something we are at liberty to do. It is not in Australia's interest for us to lay our negotiating cards on the table. We have many PhD students calling up DPIE, saying 'Give me the complete picture on exactly what happened in the negotiations and how X was achieved'. While external analysis might be of interest, when we're in ongoing negotiations, it's just not feasible or reasonable to 'tell all'. The challenge is to facilitate such research without prejudicing Australia's interests in future negotiations.

Andre Punt (CSIRO Marine Research) pointed out that countries may provide a lot of information but may not be eligible for quota allocations.

Mary Harwood agreed that this is an issue in relation to Taiwanese catches of SBT. Taiwan is not eligible to join CCSBT but it does seem feasible to construct some sort of satellite relationship that connects Taiwan to the Commission. Obviously the closer the relationship that can be achieved, the greater the prospects for direct cooperation from the authorities which control fishing in Taiwan. The challenge is one of creative diplomatic drafting to make a linking instrument to the convention that does justice to Australia's one China policy but also recognizes the need to secure

cooperation from Taiwanese authorities and fishermen.

David Hall (Director of Fisheries, NT) asked about the percentage allocation to the member states of the Commission for SBT and the recent move by Japan to effectively lease part of the Australian quota from Australian industry. To what extent are those percentage allocations enshrined in property rights, a concern as an Australian being that the Japanese down the track might be trying to move this leasehold into some sort of freehold deal if the relative property rights are not enshrined in some sort of legislation.

Mary Harwood responded that these issues arise if there is, say, a temporary lease deal between the Australian and Japanese industries whereby 1500 tonnes of Australian quota are to be fished on the high seas by Japan. The legal mechanism for such an arrangement appears for there to be a supplementary allocation *via* CCSBT to Japan for that period, with a commensurate temporary "freeze" on some Australian quota. The concern is that Japan could be in position at the

end of three years to claim that the quota should be theirs from then on.

There has been considerable work on pre-conditioning allocation in the CCSBT. In the early 1990s an elaborate schedule was agreed which prescribed the way future allocations would be made *if* the TAC were increased. Basically it meant quota parity between Japan and Australia after about 2000 tonnes of additional quota with New Zealand also increasing its quota allocation. Japan has sought to dismantle this schedule for the last couple of years — understandably because they want to keep the balance in their favour.

The impact of any international lease deal on subsequent quota allocations is an important issue. As well as affecting the rights of those fishermen who choose to participate, such lease deals can inadvertently affect the value of the rights of all Australian SBT quota holders if Australia's allocation in later years is influenced by the lease deal. Clearly, for such a deal to proceed, Australia would need to have a pre-agreed mechanism guaranteeing "claw-back" of the quota at the end of the lease period.