

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

**La Jolla, California (USA)
25-29 June 2012**

DOCUMENT IATTC-83-13

STATUS OF THE IATTC PERFORMANCE REVIEW

For information on the background of this subject, see Document [IATTC-80-13](#), presented at the 80th Meeting of the Commission in June 2009.

It is also important to recall that in four of the five tuna RFMOs performance reviews are well advanced (WCPFC) or have been already finalized (ICCAT, CCSBT, IOTC).

This important issue, agreed at the first meeting of the tuna regional fisheries management organizations (RFMOs) in January 2007, has been on the agenda for all Commission meetings since June 2007, but the Commission has failed to reach agreement on how to proceed with a performance review.

In June 2009, a draft resolution on the review of the IATTC's performance was presented by seven members of the Commission (Costa Rica, El Salvador, Guatemala, Mexico, Nicaragua, Panama and Venezuela – see Appendix 1). After a considerable discussion, in the end no agreement was reached.

Last year, another draft resolution was presented by four members of the Commission (Canada, United States, Japan and the European Union – see Appendix 2).

The main difference between the two draft resolutions is whether the performance review should include the AIDCP or not. As a consequence of the divergences between positions on the convenience or appropriateness of that inclusion, discussions on this issue during the 82nd meeting of the Commission, in June 2011, did not allow for the reaching of a consensus.

An important consideration for the performance review, is the fact that the Commission has been operating under the Antigua Convention for a little less than two years only.

If a resolution on performance review is approved, greater clarity must be provided regarding how to bear the costs resulting from the participation of the outside experts and, if applicable, the national experts from member countries. The two drafts referred to above state that these costs will be paid from the Commission's regular budget. In that case, either the budget will have to be increased, or the Members will have to make extraordinary contributions.

INTER-AMERICAN TROPICAL TUNA COMMISSION

80TH MEETING

LA JOLLA, CALIFORNIA (USA)
8-12 JUNE 2009

PROPOSAL H1

**PRESENTED BY COSTA RICA, EL SALVADOR, GUATEMALA,
MEXICO, NICARAGUA, PANAMA, AND VENEZUELA**

**RESOLUTION ON THE REVIEW OF THE PERFORMANCE OF THE
ORGANIZATION**

The Inter-American Tropical Tuna Commission (IATTC):

Taking into account the agreements and considerations emanating from FAO at its session of [...], as well as UN Resolution 61/105 of 2006 which exhorts Regional Fisheries Management Organizations (RFMOs) to undertake a review of their performance;

Noting the Course of Actions for RFMOs identified at the Joint Tuna RFMOs Meeting in Kobe, Japan, on 26 January 2007, and in particular those related to Performance Reviews, as well as the considerations emanating from the meeting of the Chairs of tuna organizations held in March 2007 in San Francisco, California;

Recognizing that other RFMOs have made progress in the process of Performance Reviews; and

Aware of the importance of developing comprehensive evaluation criteria for measuring the performance of RFMOs appropriate to the reality of the organization, the fisheries that it regulates and their markets;

Resolves as follows:

1. The Commission shall conduct a review of its performance, for presentation at its annual meeting in 2010, with the goal of improving its effectiveness and efficiency in fulfilling its mandates.
2. This review shall be carried out on the basis of the criteria in Annex A taking into account all the programs and activities under the IATTC's responsibility and the relevant international agreements, and instruments related to the conservation and management of fisheries resources.
3. A Review Panel shall be constituted, which shall be responsible for carrying out the review of the performance of the IATTC, in accordance with this Resolution. This panel shall be composed of two/three representatives of IATTC Parties, a member of the Secretariat, and three external experts with suitable experience in fisheries science, in the management of fisheries resources, and in the legal regulation of fisheries, respectively.

The external experts shall be internationally recognized, and shall have experience in, and knowledge on, matters for which the IATTC has responsibility. The members of the Panel should be nationals of the member countries with representations of four identified regions: North, Central and South America, and distant water fishing nations, with knowledge in fisheries management and international fisheries organizations, especially in IATTC's programs and activities.

4. The Review Panel Chairperson shall be a member of the Panel, elected by its members. The Panel may adopt its own rules of procedure and any guideline to perform its work as the members may deem necessary.

5. In order to integrate the Panel, the IATTC Secretariat shall prepare a list of 10 candidates each for both the experts and country representatives, which shall be sent to the Parties through email so they can indicate their respective preferences. The persons that receive the most votes will be selected to integrate the Panel. Member countries may submit the name of a prospective panelist.
6. The Panel shall assess in its final report, the efficiency status of the organization, it shall identify the circumstances which implied such efficiency level and will provide to the Commission with the advice on tools, strategies and main actions to improve the level of efficiency assessed.
7. In reviewing the performance of the Commission and formulating its recommendations the Panel take into consideration the implications of the entering into force of the Antigua Convention
8. The IATTC Secretariat shall provide logistical support to the Review Panel, and its staff will participate in the work of the Panel as required by the members of the Panel.
9. Travel and accommodation costs for the participation in the meetings of the Review Panel for the external experts shall be borne by the IATTC budget. IATTC Parties shall bear the costs of their own representatives who participate in the sessions of the Review Panel. However, if this is not possible for them, their participation shall also be covered by the Commission's budget.
10. The Chair of the Panel shall communicate the report and recommendations of the Review Panel to the Chairman of the IATTC and the Director at least 60 days in advance of the 2010 Annual Meeting. The Director shall distribute the report and recommendations to the IATTC Parties and observers, and publish them on the Commission's website. The Parties may then make their respective observations.
11. The Commission shall consider, and as appropriate adopt, such actions as may improve their performance, in accordance with the results of the review that that Panel presents, identifying, as appropriate, the necessary resources that this may imply on the basis of a cost-benefit approach.

Annex A

Suggested criteria for reviewing the performance of the Commission

	AREA	General Criteria	Detailed Criteria
1	<i>Collection, analysis, and scientific evaluation of information (data)</i>	Data collection and sharing	<ul style="list-style-type: none"> • Extent to which the IATTC has agreed formats, specifications and timeframes for data submissions. • Extent to which the Parties and cooperating non-members of the IATTC, individually or through the Commission, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner. • Extent to which fishing data and fishing vessel data are gathered by the IATTC and shared among members and other RFMOs. • Extent to which the IATTC is addressing any gaps in the collection and sharing of data as required. • Extent to which the data collected by the Commission complies with the stock assessment needs • Degree to which the financial resources allocated to data collection are appropriate • Availability of resources for such data collection.
		Living marine resources	<ul style="list-style-type: none"> • Status of the principal fish stocks under the purview of the IATTC in relation to the maximum sustainable yield or other pertinent biological parameters • Trends in the status of those stocks. • Status of the species that belong to the same ecosystems as, or that are associated with or depend on, the main target stocks (hereafter “non-target species”). • Trends in the status of those species.
		Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which the IATTC receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment. • Extent to which IATTC has developed capacity and infrastructure for carrying out in depth scientific analyses.
2	<i>Adoption of conservation and management measures</i>	Basis and efficiency of measures adopted	<ul style="list-style-type: none"> • Degree of correspondence between the scientific recommendations made by the scientific staff of the Commission and the conservation measures adopted by the Parties • Extent to which the IATTC has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available. • Extent to which the IATTC has adopted the best practices for fisheries management in accordance with the pertinent international instruments, especially those relating to the management of fisheries resources • Extent to which the precautionary approach and ecosystem

			<p>considerations are applied including the application of precautionary reference points.</p> <ul style="list-style-type: none"> • Extent to which the IATTC has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. • Extent to which the IATTC has moved toward the adoption of conservation and management measures for previously unregulated fisheries resources (?) • Extent to which IATTC has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fishing on living marine resources and marine ecosystems. • Extent to which fishing gear and methods are selective, minimize discards and catches of juveniles, and are harmless to the marine environment • Extent to which the IATTC has adopted measures to minimize pollution, waste, discards, catch by lost, abandoned or unutilized fishing gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species • Extent to which the marking of fishing gear, in accordance with the Code of Conduct for Responsible Fishing, has been attempted
		Capacity management	<ul style="list-style-type: none"> • Extent to which the IATTC has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries. • Extent to which the IATTC has taken actions to prevent or eliminate excess fishing capacity and effort.
		Fishing allocations and opportunities	<ul style="list-style-type: none"> • Extent to which the IATTC agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants in accordance with the status of the resources and taking into consideration article 5 of the Code of Conduct for Responsible Fishing and other applicable international instruments. • Extent to which the IATTC allocates fishing opportunities among its members in accordance with international standards.
3	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> • Extent to which IATTC Parties are fulfilling their duties as flag States under the treaty establishing the IATTC pursuant to decisions and measures adopted by IATTC and under other applicable international instruments.
		Port State measures	<ul style="list-style-type: none"> • Extent to which the IATTC has adopted pertinent and necessary measures relating to the exercise of the rights and duties of its members as port States. • Extent to which Port State measures adopted by IATTC are effectively implemented taking into consideration the logistical resource capacity available in Developing States
		Monitoring, control and surveillance	<ul style="list-style-type: none"> • Extent to which the IATTC has adopted integrated MCS measures (e.g., required use of VMS, observers, certification and catch documentation and trade tracking schemes,

		(MCS) *	<p>restrictions on transshipment)</p> <ul style="list-style-type: none"> • Extent to which MCS measures are effectively implemented . • Extent to which these systems contribute to the objectives for which they were created, including, VMS, and the tuna tracking and certification scheme.
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> • Extent to which the IATTC has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance). • Extent to which the IATTC, its Parties and cooperating non-members monitor and follow up on infractions of management measures • Extent to which these mechanisms are being effectively utilized • Extent to which there is reciprocity with other organizations and other states for the exchange of pertinent information
		Trade, market Access related measures and Sustainability	<ul style="list-style-type: none"> • Extent to which the IATTC has adopted measures relating to the exercise of the rights and duties of its members as market States • [Extent to which the adoption of trade related measures by the IATTC, has contributed to the effective implementation of provisions of the IATTC Convention and conservation and management related measures adopted by the Commission and its Programs, including the AIDCP,, in accordance with the applicable provisions of the Commission and consistent with the contents of section 11.2 of the Code of Conduct for Responsible Fishing, including paragraphs 11.2.4, 11.2.5 and 11.2.6. • Extent to which these trade-related measures are effectively implemented • Extent to which market access is restricted by members to the entry of fisheries products for which the IATTC has responsibility and that have been captured in a manner either consistently or inconsistent with the conservation and management measures adopted by the Commission or those of the AIDCP, in accordance with the WTO.
4	<i>Functioning of the Organization</i>	Decision-making	<ul style="list-style-type: none"> • Extent to which IATTC has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner • Extent to which the decision-making procedures are effective and are a factor in the development and adoption of conservation measures
		Transparency	<ul style="list-style-type: none"> • Extent to which the IATTC is operating in a transparent manner, including the participation of NGOs with experience in fisheries resource conservation and management. • Extent to which the IATTC's decisions, reports of meetings, the scientific advice on which decisions are taken, and other relevant materials are made available to the public in a timely

			manner
		Dispute settlement	<ul style="list-style-type: none"> • Extent to which the IATTC has established adequate mechanisms for resolving disputes.
			•
5	<i>International cooperation</i>	Relationship to cooperating non-members	<ul style="list-style-type: none"> • Extent to which the IATTC facilitates cooperation between the Parties and non-members, including through the adoption and implementation of procedures for granting cooperating status.
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> • Extent of fishing activity by vessels of non-members that are not cooperating with the IATTC, as well as measures to deter such activities.
		Cooperation with other RFMOs	<ul style="list-style-type: none"> • Extent to which the IATTC cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.
		Special requirements of developing States	<ul style="list-style-type: none"> • Extent to which the IATTC recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with fishing allocations or opportunities and the development of their capability effectively participate in the scientific assessments made within the framework of the IATTC, and their ability to participate in relevant meetings • Extent to which IATTC Parties, individually or through the IATTC, provide relevant assistance to developing States
6	<i>Financial and administrative issues</i>	Availability of resources for IATTC activities	<ul style="list-style-type: none"> • Extent to which financial and other resources are made available to achieve the aims of the IATTC and to implement the IATTC's decisions. • Extent to which IATTC is efficiently and effectively managing its human and financial resources, including those of the Secretariat. • Extent to which the cost of the Commission's projects and activities justify their financial costs, principally but not exclusively, by means of a cost-benefit analysis.

Appendix 2

INTER-AMERICAN TROPICAL TUNA COMMISSION

82ND MEETING

LA JOLLA, CALIFORNIA (USA)
4-8 JULY 2011

PROPOSAL IATTC-82-G-1A

PRESENTED BY CANADA, THE EUROPEAN UNION, JAPAN, AND THE UNITED STATES

This proposal contains elements from several previous proposals on this matter, presented at various meetings of the Commission since 2007. It seeks to include all the important points raised by the various members in their proposals, and combine them into a single text which reflects these different views and is acceptable to all members of the Commission, so that this important matter can be resolved. A file showing the changes made from the [proposal](#) on which this document is based is available [here](#).

RESOLUTION BY IATTC TO UNDERTAKE A PERFORMANCE REVIEW OF THE ORGANIZATION

The Inter-American Tropical Tuna Commission (IATTC):

Noting the Course of Actions for RFMOs identified at the Joint Tuna RFMOs Meeting in Kobe, Japan on 26 January 2007, and notably those in relation to Performance Reviews and Annex I to Appendix 14 of the Report of the Joint RFMO Meeting;

Taking into account the desirability for IATTC to respond positively to the 2010 UN Resolution 65/38 calling for Regional Fisheries Management Organisations (RFMOs), such as IATTC, to undertake urgently a Performance Review;

Further noting the communication of 30 April 2007 from the Facilitator of the Performance Review Discussion identifying criteria to be used in the undertaking of a Performance Review;

Recalling that CCSBT, ICCAT and IOTC have already conducted Performance Reviews and WCPFC has started the process of undertaking a Performance Review;

Recognizing that a performance review of the AIDCP should be conducted separately by the Parties to the AIDCP since not all members and Cooperating Non-Member of the Commission (hereinafter referred to as "CPC") are Parties to the AIDCP;

Further recognising the urgency in which such Performance Reviews should be undertaken;

AGREED as follows:

1. The Commission shall conduct a Performance Review, which shall be carried out on the basis of the attached provisional list of criteria (ANNEX), taking into account all the programs and activities under the IATTC's responsibility and the relevant international agreements, and instruments related to the conservation and management of fisheries resources .
2. A Review Panel composed of a representative from 4 Members of IATTC (each from North, Central and South America, and distant water fishing members), a representative from an IATTC NGO observer, and 2 external experts with notably scientific, fisheries management and legal experience,

respectively, shall be constituted. The external experts shall be internationally recognised, but not be involved with or have experience of IATTC. The Review Panel Chairperson shall be a Panel member selected by the Panel. The Chairperson must be from a State that is not a Member to the IATTC.

3. The Secretariat shall prepare a list of 5 candidates for external experts, which shall be sent to the Members for their consideration. Members may also submit names of external experts for consideration, which the Secretariat shall circulate to all Members. 2 external experts shall be selected from these names based on the voting of Members.
4. The IATTC Secretariat will not be part of the Review Panel, but it will act as facilitators of its activities, providing logistical support and access to the information to the Review Panel, and will participate in the work of the Panel as the Panel deems necessary.
5. Travel and accommodation costs for the participation in the Review Panel meetings for external experts shall be borne by the IATTC Budget. IATTC Members shall bear the costs of their own representatives participating in the Review Panels proceedings.
6. The Panel Chairperson shall communicate the report and recommendations of the Review Panel to the Chairman of the IATTC and the Director at least 60 days in advance of the 2012 Annual Meeting. The Director shall distribute the report and recommendations to Members and Cooperating Non-Members as well as observers and place them on the Commission's website.

Suggested Criteria for Reviewing the Performance of IATTC

	AREA	General Criteria	Detailed Criteria
1	<i>Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> • Status of major fish stocks under the purview of the IATTC in relation to maximum sustainable yield or other relevant biological parameters. • Trends in the status of those stocks. • Status of species that belong to the same ecosystems as, or are associated with or dependent upon, the major target stocks (hereinafter referred to as “non-target species”). • Trends in the status of those species.
		Data collection and sharing	<ul style="list-style-type: none"> • Extent to which the IATTC has agreed formats, specifications and timeframes for data submission, taking into account relevant international standards. • Extent to which IATTC members and cooperating non-members, individually or through the IATTC, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner. • Extent to which fishing data and fishing vessel data are gathered by the IATTC and shared among members and other RFMOs. • Extent to which the IATTC is addressing any gaps in the collection and sharing of data as required. • Extent to which the data collected by the Commission complies with the stock assessment needs. • Availability of the financial resources necessary for collecting data.
		Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which the IATTC receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.
		Adoption of conservation and management measures	<ul style="list-style-type: none"> • Extent to which the IATTC has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available. • Degree of correspondence between the scientific recommendations made by the Scientific Advisory Committee and/or the scientific staff of the Commission and the conservation measures adopted by the Commission. • Extent to which the IATTC has applied the best practices for fisheries management, including the precautionary approach and ecosystem approach, in accordance with the pertinent international instruments such as the Code of Conduct for Responsible Fisheries. • Extent to which the IATTC has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. • Extent to which the IATTC has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries. • Extent to which the IATTC has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems, including minimization of discards and catches of juveniles. • Extent to which the IATTC has adopted measures to minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques. • Extent to which the IATTC has adopted measures requiring the marking of fishing gear, in accordance with the Code of Conduct for Responsible Fisheries.

		Capacity management	<ul style="list-style-type: none"> • Extent to which the IATTC has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries. • Extent to which the IATTC has taken actions to prevent or eliminate excess fishing capacity and effort.
		Compatibility of management measures	<ul style="list-style-type: none"> • Extent to which measures have been adopted in a manner to ensure compatibility between high seas and areas under national jurisdiction or under each CPC controlled areas.
		Fishing allocations and opportunities	<ul style="list-style-type: none"> • Extent to which the IATTC agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants, taking into account relevant international agreement and the status of resources. • Extent to which the IATTC allocates fishing opportunities among its members.
2	<i>Compliance and enforcement</i>	flag CPC duties	<ul style="list-style-type: none"> • Extent to which CPCs are fulfilling their duties as flag CPCs under the 1949 Convention Establishing an IATTC and the Antigua Convention, pursuant to measures adopted by the IATTC, and under other international instruments, as applicable.
		Port State measures	<ul style="list-style-type: none"> • Extent to which the IATTC has adopted port state measures, relating to the exercise of the rights and duties of its CPCs as port States. • Extent to which these measures are effectively implemented, taking into consideration the logistical resource capacity available in developing CPCs.
		Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> • Extent to which the IATTC has adopted integrated MCS measures (e.g., required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes). • Extent to which these measures are effectively implemented. • Extent to which its CPCs monitor infractions of management measures. • Extent to which these measures are achieving their objectives.
		Follow-up on infringements	<ul style="list-style-type: none"> • Extent to which the IATTC, its CPCs follow up on infringements to management measures.
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> • Extent to which the IATTC has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about noncompliance). • Extent to which these mechanisms are being effectively utilized. • Extent to which the IATTC cooperates with other relevant organizations and States in order to enhance MCS.
		Market-related measures	<ul style="list-style-type: none"> • Extent to which the IATTC has adopted measures relating to the exercise of the rights and duties of its CPCs as market States or area. • Extent to which these market-related measures are effectively implemented. • Extent to which the market-related measures adopted by the IATTC contribute to the sustainable use of fishery resources.
3	<i>Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> • Extent to which the IATTC has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner. • Extent to which the decision-making procedures of the IATTC are effective and contribute to the development and implementation of conservation measures that are in alignment with management objectives.
		Dispute settlement	<ul style="list-style-type: none"> • Extent to which the IATTC has established adequate mechanisms for resolving disputes.
		Transparency	<ul style="list-style-type: none"> • Extent to which the IATTC is operating in a transparent manner, as reflected in relevant international instruments, and the participation of NGOs with adequate experience is permitted. • Extent to which the IATTC decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly

			available in a timely fashion.
4	<i>International cooperation</i>	Relationship to cooperating non-members	<ul style="list-style-type: none"> • Extent to which the IATTC facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status.
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> • Extent of fishing activity by vessels of non-members that are not cooperating with the IATTC, as well as measures to deter such activities.
		Cooperation with other RFMOs	<ul style="list-style-type: none"> • Extent to which the IATTC cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.
		Special requirements of developing States	<ul style="list-style-type: none"> • Extent to which the IATTC recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities and capacity building to participate in scientific work and increase monitoring, control and compliance capabilities, taking into account relevant international instruments. • Extent to which IATTC members, individually or through the IATTC, provide relevant assistance to developing States.
5	<i>Financial and administrative issues</i>	Availability of resources for RFMO activities	<ul style="list-style-type: none"> • Extent to which financial and other resources are made available to achieve the aims of the IATTC and to implement the IATTC's decisions.
		Efficiency and cost-effectiveness	<ul style="list-style-type: none"> • Extent to which the IATTC is efficiently and effectively managing its human and financial resources, including those of the Secretariat. • Extent to which the IATTC conducts cost-benefit analyses of its programs.