

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMMISSION INTERAMERICANA DEL ATÚN TROPICAL

78TH MEETING

PANAMA
23-27 JUNE 2008

DOCUMENT IATTC-78-15

**PERFORMANCE REVIEWS OF TUNA REGIONAL FISHERIES
MANAGEMENT ORGANIZATIONS**

1. MEETINGS OF TUNA RFMOs

1.1. Kobe Meeting

In January 2007, the five regional fisheries management organizations (RFMOs) responsible for tunas and tuna-like species¹ held their first joint meeting in Kobe, Japan. Attached to this document are the Meeting Report (Annex A) and the Course of Actions for RFMOs agreed by the Meeting (Annex B).

The meeting agreed, *inter alia*, that:

- a. Those RFMOs should have reviews of their performance conducted in accordance with a common methodology and a common set of criteria. The goal of the performance reviews shall be to assist the RFMOs, through these evaluations, in improving their effectiveness and efficiency in fulfilling their mandates.
- b. As decided by each RFMO, the reviews should be conducted by a team of individuals drawn from the RFMO secretariat, members of that RFMO, and outside experts, with a view to ensuring objectivity and credibility;
- c. The results of the performance reviews should be presented, in the first instance, to the RFMO in question for consideration and possible action. The results of the reviews should also be made public on the respective RFMO websites, and may also be considered at future meetings of these RFMOs, COFI, and other relevant bodies.
- d. The first performance reviews should commence as soon as practicable, following the development of a performance review framework, through electronic means, which is subject to the approval of the tuna RFMOs. The performance standards (criteria) should be based on the common elements of the RFMO charters, the best practices of each RFMO, and relevant provisions of applicable international instruments.
- e. Each RFMO should decide on the precise timing of its first performance review and on follow-up performance reviews, with a view to having performance reviews undertaken every 3-5 years.

Following the meeting, Ambassador David Balton of the United States carried out further consultations at the margins of United Nations Fisheries Stock Agreement (UNFSA) meeting, and subsequently sent to the Chairs of the RFMOs a memorandum with a suggested set of criteria for reviewing the performance of RFMOs (Annex C). Those suggested criteria could be considered by the RFMOs if they so desired.

1.2. Meeting of Chairs of Tuna RFMOs

In accordance with the Course of Actions adopted at the Kobe Meeting a Tuna RFMO Chairs' Meeting was held on 5-6 February 2008 in San Francisco, USA, to “discuss follow-up actions by each tuna

¹ Commission for the Conservation of Southern Bluefin Tuna (CCSBT); Indian Ocean Tuna Commission (IOTC); Inter-American Tropical Tuna Commission (IATTC); International Commission for the Conservation of Atlantic Tuna (ICCAT); Western and Central Pacific Fisheries Commission (WCPFC)

RFMO” in response to the Course of Actions. The meeting was also attended by officers and secretariats of the five RFMOs, the Chair of the Kobe Meeting, and a representative from FAO.

The Secretariat of each RFMO presented the follow-up actions taken by their respective organizations during the past year in response to the Course of Actions.

It was agreed to present the results of that meeting to all members at their next annual meeting for their consideration. The report of the meeting² can be found at <http://www.tuna-org.org/meetings2008.htm>. Some of the main suggestions are as follows:

1. **Consistency of conservation and management measures with scientific advice.** A critical task that many of the RFMOs are currently facing is to establish and implement conservation and management measures that are consistent with advice from their scientific bodies.
2. **Trade/catch tracking systems.** Public pressure to supply products from sustainable sources is increasing. Catch Documentation Schemes (CDSs) are more comprehensive than the current statistical document programs because they cover products from catch to market, and can therefore improve the quality and quantity of data available, which in turn can strengthen management.
3. **Harmonized vessel lists.** The current lists of registered vessels could be improved by distinguishing between active and inactive vessels. In addition, procedures of the five RFMOs for adding vessels to, and removing them from, IUU vessel lists, including due process, should be clear and compatible.
4. **Compliance and Monitoring, Control and Surveillance (MCS).** Compliance by members with adopted conservation and management measures is a common problem among RFMOs, and the activities of non-compliant members could undermine compliance efforts by all other members. Possible options for improving compliance among members include sanctions for non-compliant members and shifting to centralized and integrated MCS measures.
5. **Capacity building and assistance.** The effective participation of all members, particularly developing countries, is essential for an RFMO to function properly. Therefore, capacity building and financial assistance to developing countries for participation in meetings, data collection, implementation of conservation and management measures, human resource training and scientific research, are very important, and RFMOs should consider the issue further.

2. ACTIONS TAKEN BY RFMOs TO CARRY OUT PERFORMANCE REVIEWS

The different decisions taken by RFMOs to carry out the evaluation of their performance are summarized in Table 1. The North East Atlantic Fisheries Commission ([NEAFC](#)) is not a tuna RFMO, but is included in the table because it is to date the only RFMO that has carried out a [complete performance review](#).

3. STATUS OF THE EVALUATION IN THE IATTC

This issue was discussed at the 75th Meeting of the IATTC in June 2007. On that occasion Spain, supported by Japan and the United States, introduced a draft resolution to implement the Kobe recommendations for a performance (Annex D). This was briefly discussed by the meeting, but no agreement was reached, and it was decided to take up the issue again at the next meeting of the Commission. There was no time to discuss the issue during the Commission’s meetings in October 2007 and March 2008, although it was on the agenda.

The main proposals included in the draft resolution were:

- a. The Commission shall conduct a Performance Review, which shall be carried out on the basis of the provisional list of criteria attached to the draft resolution.

² http://www.tuna-org.org/Documents/RFMO_CHAIRS_FEB%205-6_FRISCO_Phils.pdf

- b. A Review Panel composed of a representative from 6 Parties of IATTC, a representative from a 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.

- c. The IATTC Secretariat shall provide logistical support to the Review Panel, and will participate in the work of the Panel as the Panel deems necessary.
- d. Travel and accommodation costs for the participation in the Review Panel meetings for external experts shall be borne by the IATTC Budget. IATTC Parties shall bear the costs of their own representatives participating in the Review Panels proceedings.
- e. 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 2009 Annual Meeting. The Director shall distribute the report and recommendations to Parties and observers and place them on the Commission's website.

During the discussion of this proposal, some delegations pointed out the following issues:

- a. The criteria must be discussed and modified in accordance with the characteristics of each RFMO, in this case the IATTC.
- b. The IATTC staff must participate in the evaluation, since technical and scientific components must be considered.
- c. Considering the high cost of operating a sustainable fishery, trade and market access of the fisheries products must be considered as a criterion for the evaluation.
- d. The degree of correspondence between the scientific recommendations and the conservation measures adopted is an important indicator of the sustainability of the fishery, so this criterion must be included in the evaluation.

4. FUTURE ACTIONS

At this meeting, the Commission should decide its next steps in considering the implementation of the measures agreed at the Kobe Meeting. The draft resolution includes a procedure for carrying out the evaluation, so the Commission should decide about:

1. The final text for a resolution elaborating how to carry out the evaluation, keeping in mind the agreement at the Kobe Meeting that "as decided by each tuna RFMO, the reviews should be conducted by a team of individuals drawn from the RFMO secretariat, members of that RFMO and outside experts, with a view to ensuring objectivity and credibility."
2. Defining the criteria for the evaluation.
3. The independent experts that could participate in the Panel. The case of NEAFC, which nominated experts from FAO and the UN Division of Ocean Affairs and the Law of the Sea ([DOALOS](#)), and an independent scientific expert, could be useful as a framework for the decision.
4. Agree upon or authorize a budget to provide for conducting the review.
5. Which of the other actions recommended by the Kobe Meeting should be addressed by the IATTC, and in what manner.

TABLE 1. Summary of the status of performance reviews by the NEAFC and the five tuna RFMOs

RFMO	Evaluated by	Participation of Secretariat	Evaluation criteria	Status
NEAFC	Panel of 3 Members and 3 independent members (FAO, DOALOS, scientific).	Member of Panel	5 criteria, agreed prior to Kobe Meeting: Conservation and management of fisheries resources; Monitoring, control and enforcement; Decision making and dispute settlement procedures; Co-operation; and NEAFC in a regional and international context	Concluded
CCSBT	Self-assessment by a group of a representative of each Member; review of the self-assessment report by independent expert(s)	Member of Panel	Based on Kobe criteria	Self-evaluation in process; expected to be concluded for CCSBT 15 (October 2008)
ICCAT	Panel of 3 external experts in the fields of fisheries management, fisheries biology and international law	Facilitate Panel activities	Based on Kobe criteria; possible additional criteria for specific characteristics of ICCAT	ICCAT will discuss final report of the Panel at its meeting in November 2008
IOTC	Panel of representatives of 6 Members, plus independent outside scientific expert	Facilitate Panel activities	Based on Kobe criteria; possible additional criteria for specific characteristics of IOTC	Panel Review to be completed 60 days prior to next IOTC Session, June 2008, and published on IOTC website
WCPFC	Pending decision	Pending decision	Pending decision	To be discussed at annual meeting, December 2008
IATTC	Pending decision	Pending decision	Pending decision	To be discussed at annual meeting, June 2008

Annex A.

Report of the Joint Meeting of Tuna RFMOs Kobe, Japan – January 22 – 26, 2007

The Government of Japan, with technical assistance provided by the Food and Agricultural Organization of the United Nations (FAO), organized and hosted the first Joint Meeting of Tuna RFMOs from January 22nd to 26th 2007 in Kobe, Japan. The meeting included participants from 54 Members and cooperating non-Members of 5 tuna RFMOs (IATTC: Inter-American Tropical Tuna Commission, ICCAT: International Commission for the Conservation of Atlantic Tunas, IOTC: Indian Ocean Tuna Commission, WCPFC: Western and Central Pacific Fisheries Commission, and CCSBT: Commission for the Conservation of Southern Bluefin Tuna), as well as representatives of the Secretariats of the 5 tuna RFMOs, one non-Member, 7 inter-governmental organizations and 7 non-governmental organizations. The list of participants is attached as **Appendix 1**.

The list of documents discussed in the Joint Meeting and the adopted agenda are attached as **Appendix 2** and **3**, respectively.

Mr. Toshiro Shirasu, Director-General of Fisheries Agency of Japan, opened the Joint Meeting. The opening statement of Mr. Shirasu is attached as **Appendix 4**. Mr. Masanori Miyahara (Japan) was elected as the Chairperson.

An open-ended drafting committee to develop the Course of Actions for RFMOs from the Kobe meeting of joint tuna RFMOs was created.

Dr. Sachiko Tsuji (FAO) made presentations on the status of tuna stocks and data availability of tuna resources. A summary of stock status of tuna resources and the explanatory document for data availability are attached as **Appendix 5** and **6**. It was noted with concern that most commercially important tuna stocks in the world are fully or over-exploited.

Mr. Yuichiro Harada (OPRT) and Mr. Lahsen Ababouch (FAO) made presentations on the status of the sashimi and canned tuna product markets, respectively. The presentations are attached as **Appendix 7** and **8**. It was noted that the demand for both sashimi and canned tuna is continuously increasing in the world.

Dr. Robin Allen (IATTC), Dr. Bill Hogarth, Mr. Driss Meski, Dr. Jerry Scott and Dr. Victor Restrepo (ICCAT), Mr. John Spencer and Mr. Alejandro Anganuzzi (IOTC), Mr. Andrew Wright (WCPFC), and Mr. Neil Hermes (CCSBT) made presentations on the organization of, conservation and management measures taken by, and challenges of their respective tuna RFMOs. The challenges commonly faced by those RFMOs include establishment of effective and comprehensive stock rebuilding programs, collection of reliable data for stock assessment, restriction of fishing capacity/fishing effort, implementation of effective MCS (monitoring, control and surveillance) measures, striking a balance between the needs of developed and developing states, and effective cooperation among the tuna RFMOs. Their presentations are attached as **Appendix 9, 10, 11, 12, and 13**.

Mr. John Spencer (European Community) acted as a facilitator on the agenda of “Coordination of Measures of RFMOs”. The issues discussed under this agenda included IUU fishing, trade and catch tracking programs, transshipments and data collection and reporting. Participants underlined the need for a stronger cooperation and coordination among tuna RFMOs on all of those issues. Particularly, unification of lists of authorized as well as IUU vessels, data sharing among tuna RFMOs, and establishment of harmonized regulation for transshipment including a global observer scheme for carrier vessels could be the first area of coordination, following some technical discussions.

Mr. Glenn Hurry (Australia) acted as a facilitator on the agenda of “Addressing Fishing Capacity, Fishing Effort and Compliance”. It was agreed that in general global fishing capacity for tunas is too high and should not increase, and be reduced as appropriate, while recognizing the aspiration of developing states,

particularly small island developing states and territories, for the development of their fisheries industries. The need for tuna RFMOs to set sustainable catch and effort limits and address issues of allocation was also discussed in conjunction with overcapacity. It was also recognized that an improved, comprehensive and integrated MCS package of measures needs to be developed. The conference noted the importance of the outcome of the St John conference and the 2006 FAO workshop on capacity to the Joint Meeting.

Mr. David Balton (USA) acted as a facilitator on the agenda of “Responsible Actions to Address the Concerns raised by the International Community”. It was agreed that the five tuna RFMOs should have their performance reviewed in accordance with a common methodology, based on common criteria to the extent possible. Participants also agreed on the need to implement the ecosystem-based approach and precautionary approach and urgent need to develop and implement measures to minimize the by-catch of other ocean species in tuna fisheries (particularly sea turtles, seabirds and sharks) as well as devising ways to increase assistance to developing countries.

Based on the discussions above, the Drafting Committee developed a draft Course of Actions for RFMOs from the Kobe meeting of joint tuna RFMOs, which describes (I) key areas and challenges, (II) technical work to cooperate across RFMOs to address the challenges, and (III) follow-up actions. The Joint Meeting agreed upon the Course of Actions by consensus as attached as **Appendix 14**. The participants confirmed that their willingness to implement the Course of Actions through their participation in tuna RFMOs.

In relation to paragraphs 3 and 13 in Section I of the Course of Actions, the meeting noted the special requirements of developing coastal states, particularly small island developing states and territories, as shown in **Appendix 15**.

The United States of America offered to host the technical working group (July 2007 in conjunction with the ICCAT intersessional meetings) and an ad-hoc Tuna RFMO Chairs’ meeting (probably January or February 2008) mentioned in Section II and III respectively of the Course of Actions. The European Community offered to host the second Joint Meeting of Tuna RFMOs in 2009. The Joint Meeting welcomed the both offers. Mr. Miyahara declared the close of the first Joint Meeting of tuna RFMOs.

Annex B.

Course of Actions for RFMOs from the Kobe meeting of joint tuna RFMOs (January 26, 2007, Kobe, Japan)

The assembled members and cooperating non members of the five tuna RFMOs present at the Joint Meeting of Tuna RFMOs, recognizing the critical need to arrest further stock decline in the case of depleted stocks, maintain and rebuild tuna stocks to sustainable levels and deal effectively with overfishing, overcapacity and IUU fishing activities, jointly commit to take urgent actions to co-operate through tuna RFMOs in accordance with their obligations under international law.

While noting that tuna RFMOs have different characteristics, pressures on their individual stocks, and management arrangements, it was agreed that enhanced cooperation among tuna RFMOs on a broad range of issues can increase their effectiveness and efficiency and provide improved management of all tuna stocks.

I. Key areas and challenges

Recognizing that priorities may vary from tuna RFMO to tuna RFMO, the following are identified as key areas and challenges to be urgently addressed through effective cooperation and coordination among the five tuna RFMOs to improve their performance:

1. Improvement, sharing and dissemination of data and stock assessments and all other relevant information in an accurate and timely manner including development of research methodologies
2. Development, where appropriate, and application of equitable and transparent criteria and procedures for allocation of fishing opportunities or level of fishing effort, including provisions to allow for new entrants
3. Controls, including capacity reduction as appropriate, to ensure that actual total catch, fishing effort level and capacity are commensurate with available fishing opportunities in order to ensure resource sustainability of tuna stocks while allowing legitimate fishery development of developing coastal states, particularly small island developing states and territories
4. Ensuring that management measures are based on the best scientific advice available and consistent with the precautionary approach, particularly, with respect to establishment of effective stock rebuilding measures and other measures to maintain stocks at sustainable levels
5. Ensuring compliance through establishment of integrated MCS (monitoring, control and surveillance) measures that could include VMS, observers, boarding and inspection schemes, port state controls, market state measures, stronger controls on transshipment, and monitoring of bluefin tuna farming, and the harmonization of those measures across the five tuna RFMOs where appropriate to avoid duplication and increase cost efficiency
6. Application of penalties and sanctions of adequate severity to deter IUU fishing by both non-members and members
7. Development and implementation of stronger measures to prevent, deter and eliminate IUU fishing including, mechanisms to identify and quantify IUU activities based on trade and other relevant information, a system to exchange information on IUU fishing among RFMOs and among flag states, port states and market states and coastal states, consolidation of the positive and negative lists as described in section II below, effective control over nationals in accordance with their duties under international law, identification of beneficial ownership and demonstration of “genuine link” and dissemination of relevant information to the public
8. Establishment and implementation of a system to monitor catches from catching vessels to markets
9. Reviewing the performance of tuna RFMOs in accordance with ANNEX I
10. Implementation of the precautionary approach and an ecosystem-based approach to fisheries management including improved data collection on incidental by-catch and non-target species and establishment of measures to minimize the adverse effect of fishing for highly migratory fish species on ecologically related species, particularly sea turtles, seabirds and sharks, taking into account the

characteristics of each ecosystem and technologies used to minimize adverse effect

11. Development of data collection, stock assessment and appropriate management of shark fisheries under the competence of tuna RFMOs
12. Research and development of techniques to reduce incidental take of juvenile tunas during tuna fisheries, in particular FAD operations
13. Provision of adequate capacity building assistance, including human resource development, for developing coastal states, particularly small island developing states and territories, towards responsible fishery development, including participation in RFMO and scientific meetings, fisheries data collection and stock assessment and implementation of MCS measures
14. Enhancement of cooperation among scientists, relevant experts and with other relevant fisheries organizations possibly through organization of symposia or working groups on appropriate topics of common interest. Coordination of timing of annual meetings and scientific meetings with a view to avoiding their overlap as well as allowing an adequate interval between scientific and annual meetings and between proposal submission and annual meetings

II. Technical work to cooperate across RFMOs will commence by addressing the following challenges.

1. Harmonization and improvement of the trade tracking programs and, as appropriate, development of catch documentation including tagging systems as required
2. Creation of a harmonized list of tuna fishing vessels that is as comprehensive as possible (positive list) including use of a permanent unique identifier for each vessel such as an IMO number. The positive list should include support vessels. Creation of a global list of IUU vessels.
3. Harmonization of transshipment control measures
4. Standardization of presentation form of stock assessment results

III. Follow-up actions

1. Report to 2007 FAO Committee on Fisheries (COFI)

Participants request Japan to report the results of this Meeting to the 2007 COFI.

2. Implementation at each RFMO in 2007

Members shall commence implementing the measures foreseen in this Course of Actions at the 2007 annual meeting of each tuna RFMO as a matter of priority, consistent with the respective convention.

3. Establishment of a follow-up mechanism (ANNEX II)

(1) Policy level

An ad-hoc tuna RFMO Chairs' meeting should be held in January or February 2008 in the United States to discuss follow-up actions by each tuna RFMO. The meeting should be held with the participation of the appropriate representation from the tuna RFMOs secretariats, as well as representation from the FAO.

(2) Technical level

A technical working group (WG) consisting of appropriate experts from tuna RFMOs is established to consider technical issue 1 in section II of this Course of Actions. The first WG meeting will be held in July 2007 in the United States in conjunction with the ICCAT intersessional meetings and the tuna RFMOs will consider the results of such work during the 2008 annual meetings. The 5 tuna RFMO secretariats will jointly consider the technical issues 2 and 3 in section II on the occasion of the meeting of FAO COFI in 2007. Technical issue 4 will be considered by the scientific chairs of the 5 tuna RFMOs. The results on the 4 technical issues should be reported to the next joint RFMO meeting.

4. Next joint RFMO meeting

The next joint RFMO meeting is expected to be held in January/February 2009 in the European Community. It is desirable to hold the following joint meetings every two years but such frequency of meetings should be subject to a decision by the 2nd joint RFMO meeting.

Attachment on RFMO Performance Review

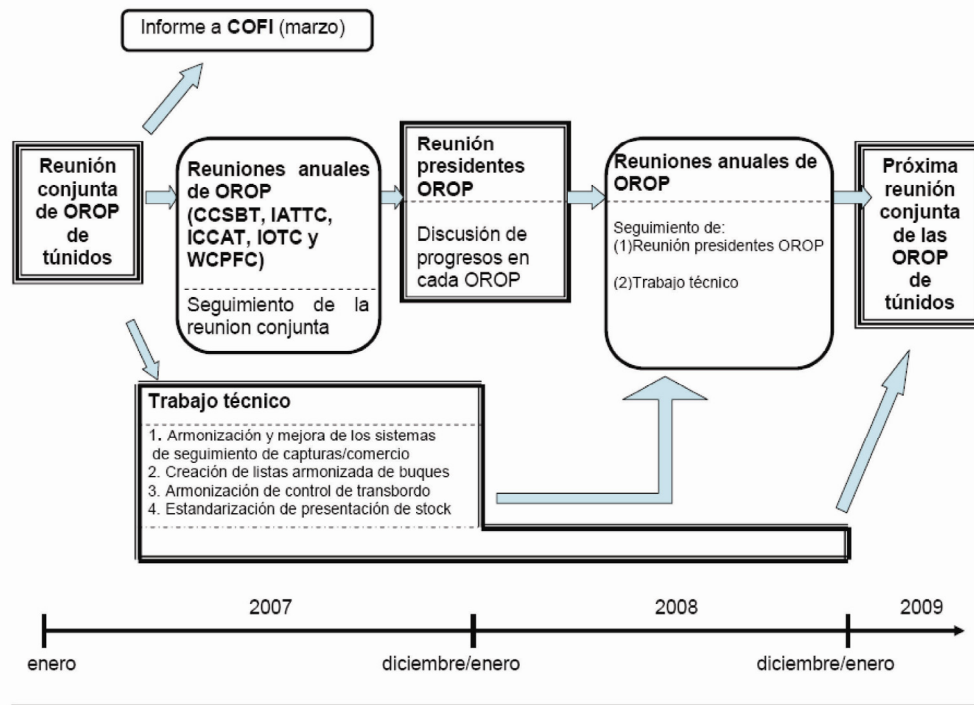
The five tuna RFMOs should have reviews of their performance conducted in accordance with a common methodology and a common set of criteria. The goal of the performance reviews shall be to assist the RFMOs, through these evaluations, in improving their effectiveness and efficiency in fulfilling their mandates.

As decided by each tuna RFMO, the reviews should be conducted by a team of individuals drawn from the RFMO secretariat, members of that RFMO and outside experts, with a view to ensuring objectivity and credibility.

The results of the performance reviews should be presented in the first instance to the tuna RFMO in question for consideration and possible action. The results of the reviews should also be made public on the respective RFMO website, and may be considered as well at future meetings of the five tuna RFMOs, COFI, and other relevant bodies.

The first performance reviews should commence as soon as practicable, following the development of a performance review framework through electronic means which is subject to the approval of the tuna RFMOs. The performance standards (criteria) contained in the framework should be based on the common elements of the tuna RFMO charters, best practices of each tuna RFMO and relevant provisions of applicable international instruments.

Each tuna RFMO should decide on the precise timing of its first performance review and on follow-up performance reviews, with a view to having performance reviews undertaken every 3-5 years.



Annex C.

30 April 2007

Indian Ocean Tuna Commission
Chair: Mr. John Spencer
Secretary: Alejandro Anganuzzi

Western and Central Pacific Fisheries Commission
Chair: Mr. Glenn Hurry
Executive Director: Mr. Drew Wright

International Commission for the Conservation of Atlantic Tunas
Chair: Dr. William Hogarth
Executive Secretary: Mr. Driss Meski

Inter-American Tropical Tuna Commission
Director: Dr. Robin Allen

Commission for the Conservation of Southern Bluefin Tuna
Chair: Mr. Daryl Quinlivan
Executive Secretary: Mr. Neil Hermes

Dear Chairs and Heads of Secretariats,

Enclosed for the consideration of your respective Regional Fisheries Management Organizations (RFMOs) is a set of suggested criteria for use in reviewing the performance of those RFMOs.

As you are aware, the international community has called for the performance of RFMOs to be reviewed. For example, the Review Conference for the 1995 United Nations Fish Stocks Agreement urged RFMOs to “undergo performance reviews on an urgent basis, whether initiated by the organizations themselves or with external partners; encourage the inclusion of some element of independent evaluation in such reviews; and ensure that the results are made publicly available. The reviews should use transparent criteria based on the Agreement and other relevant instruments, including best practices of regional fisheries management organizations.” Similarly, United Nations General Assembly Resolution 61/105 urged States, through their participation in RFMOs, to undertake performance reviews of those organizations.

The Joint Meeting of the five Tuna RFMOs that took place in Kobe, Japan, in January 2007 agreed, *inter alia*, that:

- those RFMOs should have reviews of their performance conducted in accordance with a common methodology and a common set of criteria;
- as decided by each RFMO, the reviews should be conducted by a team of individuals drawn from the RFMO secretariat, members of that RFMO and outside experts, with a view to ensuring objectivity and credibility;

- the results of the performance reviews should be presented in the first instance to the RFMO in question for consideration and possible action and could be discussed in other relevant fora as well;
- the results of the reviews should also be made public on the respective RFMO website;
- the first performance reviews should commence as soon as practicable; and
- each RFMO should decide on the precise timing of its first performance review and on follow-up performance reviews, with a view to having performance reviews undertaken every 3-5 years.

As envisioned at the Kobe Meeting, I have led an informal process over the past few months to develop a common set of criteria that the five Tuna RFMOs could consider in undertaking performance reviews. This process included a discussion on the margins of the 27th Committee on Fisheries of the Food and Agriculture Organization and an extended side meeting held in conjunction with the 6th Informal Consultations of States Parties to the 1995 UN Fish Stocks Agreement. Between these two meetings, I also received and incorporated a significant number of comments and suggestions from representatives of governments, international organizations and civil society.

I commend the enclosed criteria for your consideration. I also note that at least one RFMO, the North East Atlantic Fisheries Commission (NEAFC), has completed an initial performance review. You may find the Report of the NEAFC Performance Review Panel at: <http://www.neafc.org/news/docs/performance-review-final-edited.pdf>.

Sincerely,
(signed)

Ambassador David A. Balton
Facilitator, Kobe Meeting of Five Tuna RFMOs
President, Review Conference for the 1995 UN Fish Stocks Agreement

cc:

Commission for the Conservation of Antarctic Marine Living Resources
General Fisheries Commission for the Mediterranean
North Atlantic Salmon Conservation Organization
North East Atlantic Fisheries Commission
North Pacific Anadromous Fish Commission
Northwest Atlantic Fisheries Organization
South East Atlantic Fisheries Organization
Food and Agriculture Organization Fisheries and Aquaculture Department

Suggested Criteria for Reviewing the Performance of Regional Fisheries Management Organizations (RFMOs)

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 RFMO in relation to maximum sustainable yield or other relevant biological standards. • 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 “non-target species”). • Trends in the status of those species.
	Data collection and sharing	<ul style="list-style-type: none"> • Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I. • Extent to which RFMO members and cooperating non-members, individually or through the RFMO, 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 RFMO and shared among members and other RFMOs. • Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required.
	Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which the RFMO 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 RFMO 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 RFMO has applied the precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points. • Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. • Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries. • Extent to which the RFMO 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. • Extent to which the RFMO 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.
	Capacity management	<ul style="list-style-type: none"> • Extent to which the RFMO has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries. • Extent to which the RFMO 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 as reflected in UNFSA Article 7.
	Fishing allocations and opportunities	<ul style="list-style-type: none"> • Extent to which the RFMO agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants as reflected in UNFSA Article 11.

2	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> Extent to which RFMO members are fulfilling their duties as flag States under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other international instruments, including, inter alia, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable.
		Port State measures	<ul style="list-style-type: none"> Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3. Extent to which these measures are effectively implemented.
		Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> Extent to which the RFMO 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.
		Follow-up on infringements	<ul style="list-style-type: none"> Extent to which the RFMO, its members and cooperating non-members 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 RFMO 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 these mechanisms are being effectively utilized.
3	<i>Decision-making and dispute settlement</i>	Market-related measures	<ul style="list-style-type: none"> Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States. Extent to which these market-related measures are effectively implemented.
		Decision-making	<ul style="list-style-type: none"> Extent to which RFMO has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner.
4	<i>International cooperation</i>	Dispute settlement	<ul style="list-style-type: none"> Extent to which the RFMO has established adequate mechanisms for resolving disputes.
		Transparency	<ul style="list-style-type: none"> Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9. Extent to which RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.
5	<i>Financial and administrative issues</i>	Relationship to cooperating non-members	<ul style="list-style-type: none"> Extent to which the RFMO 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 RFMO, as well as measures to deter such activities.
		Cooperation with other RFMOs	<ul style="list-style-type: none"> Extent to which the RFMO 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 RFMO recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5. Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26.
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 RFMO and to implement the RFMO's decisions.
		Efficiency and cost-effectiveness	<ul style="list-style-type: none"> Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat.

Annex D.

INTER-AMERICAN TROPICAL TUNA COMMISSION

75TH MEETING

CANCUN (MEXICO)
25-29 JUNE 2007

PROP B1A

SUBMITTED BY JAPAN, SPAIN AND THE UNITED STATES

**RESOLUTION BY IATTC TO UNDERTAKE A PERFORMANCE REVIEW
OF THE ORGANISATION**

The Inter-American Tropical Tuna Commission (IATTC):

Taking into account the desirability for IATTC to respond positively to the 2006 UN Resolution 61/105 calling for Regional Fisheries Management Organisations (RFMOs), such as IATTC, to undertake urgently a Performance Review;

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;

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;

Recognising that other RFMOs are also in the process of undertaking similar Performance Reviews;

Aware that the international community has expectations that all RFMOs will undertake a Performance Review thereby respecting the UN Resolution 61/105 and the need for accountability in regard to the stewardship entrusted to RFMOs for the conservation of the fisheries resources;

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

Resolves 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.
2. A Review Panel composed of a representative from 6 Parties of IATTC, a representative from a 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.
3. The IATTC Secretariat shall provide logistical support to the Review Panel, and will participate in the work of the Panel as the Panel deems necessary.
4. Travel and accommodation costs for the participation in the Review Panel meetings for external experts shall be borne by the IATTC Budget. IATTC Parties shall bear the costs of their own representatives participating in the Review Panels proceedings.
5. 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 2009 Annual Meeting. The Director shall distribute the report and recommendations to Parties and observers and place them on the Commission's website.

**Suggested Criteria for Reviewing the Performance of
Regional Fisheries Management Organizations (RFMOs)**

	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 RFMO in relation to maximum sustainable yield or other relevant biological standards. • 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 “non-target species”). • Trends in the status of those species.
		Data collection and sharing	<ul style="list-style-type: none"> • Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I. • Extent to which RFMO members and cooperating non-members, individually or through the RFMO, 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 RFMO and shared among members and other RFMOs. • Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required.
		Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which the RFMO 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 RFMO 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 RFMO has applied the precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points. • Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. • Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries. • Extent to which the RFMO 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. • Extent to which the RFMO 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.
		Capacity management	<ul style="list-style-type: none"> • Extent to which the RFMO has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries. • Extent to which the RFMO 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 as reflected in UNFSA Article 7.
		Fishing allocations and opportunities	<ul style="list-style-type: none"> • Extent to which the RFMO agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants as reflected in UNFSA Article 11.

2	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> Extent to which RFMO members are fulfilling their duties as flag States under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other international instruments, including, inter alia, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable.
		Port State measures	<ul style="list-style-type: none"> Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3. Extent to which these measures are effectively implemented.
		Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> Extent to which the RFMO 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.
		Follow-up on infringements	<ul style="list-style-type: none"> Extent to which the RFMO, its members and cooperating non-members 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 RFMO 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 these mechanisms are being effectively utilized.
		Market-related measures	<ul style="list-style-type: none"> Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States. Extent to which these market-related measures are effectively implemented.
		3	<i>Decision-making and dispute settlement</i>
Dispute settlement	<ul style="list-style-type: none"> Extent to which the RFMO has established adequate mechanisms for resolving disputes. 		
4	<i>International cooperation</i>	Transparency	<ul style="list-style-type: none"> Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9. Extent to which RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.
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		Efficiency and cost-effectiveness	<ul style="list-style-type: none"> Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat.