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

This document is very similar to Document [IATTC-78-15](#), presented at the 78th Meeting of the Commission in June 2008, and Document [IATTC-79-07](#), presented at the 79th Meeting of the Commission in November 2008. Two different draft resolutions have been presented to address this issue, but nothing has been agreed by the Commission. In this document, Table 1, which summarizes the status of performance reviews by other RFMOs, has been updated.

This important issue, agreed at the first meeting of the tuna 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 large measure because not enough time has been dedicated at meetings to discussing the issue in depth. The Commission needs to approve a resolution to instruct the Director on how to proceed to implement an evaluation of its performance. It should be noted that the other tuna RFMOs are well ahead of the IATTC in this matter; three of the five have already completed their performance reviews.

The RFMOs will be reporting on their progress on this issue at their next meeting, scheduled for July 2009 in San Sebastian, Spain; as matters stand, the IATTC will not be able to report any progress.

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

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)

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 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

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

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 one of the RFMOs that have 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.
- 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.

At the Commission's 78th meeting, in June 2008, Mexico and El Salvador presented a new draft resolution (Proposal G1) which took into account, *inter alia*, the elements noted above, but again there was no detailed discussion of the proposal by the meeting. The proposal was also on the agenda at the

79th meeting, in November 2008, but was not discussed due to a lack of time. The meeting recommended that work be done on the issue via e-mail before the next meeting of the Commission.

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. So far, the draft resolutions have included 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	Secretariat's participation	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	Report concluded ³ . The Commission considered the report at its 15th Annual Meeting and decided to take some actions in accordance with the recommendations. See http://www.ccsbt.org/docs/news.html
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	Report concluded. ICCAT reviewed the Panel's report, presented at the annual 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	Report concluded ⁴ . All IOTC Committees were asked to produce a work plan that took into account the recommendations in the review.
WCPFC	Pending decision	Pending decision	Pending decision	Issue was discussed at 2008 annual meeting; evaluation not budgeted for in 2009. Review could take place in 2010.
IATTC	Pending decision	Pending decision	Pending decision	To be discussed at annual meeting, June 2009

³ http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_15/report_of_PRWG.pdf

⁴ <http://www.iotc.org/files/misc/performance%20review/IOTC-2009-PRP-R%5BE%5D.pdf>