



Madrid, 29 March 2019

**SUBJECT: ICCAT PERFORMANCE REVIEWS**

Dear Mr. Serpa Soares,

Following your letter of 28/12/2018, regarding an ICCAT contribution to the upcoming meeting of the *Fourteenth round of informal consultations with States parties to the Agreement for the implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* (the Agreement), please find attached a document expressing our view on the topic of "Performance reviews of regional fisheries management organizations and arrangements".

Please accept the assurances of my highest consideration.

*Executive Secretary*

Camille Jean Pierre Manel

**Attachment:** ICCAT notes on "Performance reviews of regional fisheries management organizations and arrangements".

**ICCAT notes on**  
***“Performance reviews of regional fisheries management organizations and arrangements”***

Since its creation 52 years ago, the International Commission for the Conservation of Atlantic Tunas has undertaken important actions to accomplish its mission in accordance with the objective to manage and conserve tunas and tuna-like species in the Atlantic Ocean and its adjacent seas.

ICCAT's objective is encapsulated in the preamble to its Convention which was signed in 1966. The preamble states: *“The Governments ...considering their mutual interest in the populations of tuna and tuna like fishes found in the Atlantic ocean, and desiring to cooperate in maintaining the populations of these fishes at levels which will permit the maximum sustainable catch for food and other purposes”*. The objective sought by ICCAT is therefore to maintain populations of tunas and tuna like fishes at levels that will permit maximum sustainable yield (MSY).

In light of the difficulties generated by the increasing demand for sea products in general and the increase pressure exerted on the stocks of tuna species in particular, Regional Fisheries Management Organizations (RFMOs) have been called upon to review their achievements. Accordingly, several international authorities have assigned priority to the matter of performance evaluation of the RFMOs, undertaking periodic reviews of their organisation's performance against its objectives.

It was in this context that ICCAT decided at its Annual meeting in 2007 to carry out its first performance, which was concluded in 2008. At the 2015 Annual meeting in Malta, the Commission decided to conduct a second performance review in 2016.

**Scope of ICCAT performance reviews, arrangements, importance of independence and role of the reviewers**

Following these decisions to conduct performance reviews, and through a process which involved the participation of all Contracting Parties, a team of three world renowned experts were selected to carry out these independent performance reviews of ICCAT.

***1st ICCAT Independent Performance Review***

ICCAT appointed an independent panel consisting of Glenn Hurry, Chief Executive Officer of the Australian Fisheries Management Authority (AFMA) and the current Chairman of the WCPFC; Moritaka Hayashi, Professor (now emeritus) of International Law, Waseda University in Japan; and Jean-Jacques Maguire, a well known and respected international fisheries scientist from Canada.

The terms of reference (TORs) of the Review Panel (**Annex 1**) were consistent with those developed at a Joint Meeting of tuna RFMOs, held in January 2007 in Kobe, Japan. The criteria for reviewing performance were based on those put forward by Ambassador David Balton, Chair of the **Sixth round of informal consultations of States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement)** and **facilitator of this item at the 2007 Kobe meeting** as the minimum criteria for RFMOs. ICCAT had worked closely with Ambassador Balton in the drafting of these criteria. These TORs were sufficient to enable the Review Panel to undertake a broad review of ICCAT's performance against its objectives and to recommend approaches that if adopted would strengthen the mandate of ICCAT and improve its performance.

At the time, with some 45 CPCs, including the European Union, it was not possible, in the time allowed, for the review panel to visit individual CPCs to discuss issues of performance and reform. However, experts were aware that many CPCs and stakeholders had strong views both on ICCAT's performance and on potential reforms that they would like to see considered and implemented.

In accepting the task of reviewing ICCAT's performance the panel was of the view that it wanted to conduct a thorough and transparent review and be able to present to ICCAT CPCs and stakeholders a constructive and forward looking report that would help ICCAT move forward into the future. As such, through correspondence, the Panel sought CPC views both on ICCAT's past performance, including successes and

failures that they saw as being important, and on constructive suggestions that CPCs had for improving the organisation. These suggestions related to issues such as modernising the Convention, improving the decision making processes, meeting procedures, improving stock management and assessment procedures, data collection and sharing, conservation and management measures, resource sharing or other issues they considered to be important. The experts were genuinely interested in CPC views and suggestions and encouraged them to send their comments to the Panel.

The report reviewed the Basic Texts, the status of the stocks and the scientific process, the development and application of conservation and management measures and compiled the set of recommendations of the Panel into a compendium for easy reference.

### ***2nd ICCAT Independent Performance Review***

This work was carried out based on the terms of reference that had been developed following several sessions of discussion in the United Nations, FAO and in other meetings of RFMOs. It was possible to carry the work out as a result of the involvement of all the Contracting Parties, who were conscious of the urgent need to take a critical look at what had been accomplished, the motivation of the expert Panel.

The performance review was conducted by a team coordinated by Mr. John Spencer (former Head of Delegation for the European Union in tuna and non-tuna RFMOs) as fisheries management expert; Dr Jean-Jacques Maguire (an independent scientist with considerable experience in providing scientific advice and member of the 2008 Panel as scientific expert); and Dr Erik J. Molenaar (NILOS, Utrecht University & JCLOS, UiT The Arctic University of Norway) as legal expert.

The terms of reference (TORs) of the Review Panel (**Annex 2**) were consistent both with those developed at a Joint Meeting of Tuna RFMOs, held in January 2007, in Kobe, Japan and with the TORs of the 2008 Performance Review Panel. The 2016 TORs permitted the Performance Review Panel to undertake an extensive review of ICCAT's performance against its objectives for the period 2008 to 2016, which was a particularly active period for ICCAT.

The Panel Report notably reviewed ICCAT's Basic Texts, as well as the 2016 version of the draft Amended ICCAT Convention; the status of the stocks and the scientific process; the development and implementation of conservation and management measures; compliance with those measures; and flag State and port State duties. In the final part, the recommendations of the Panel are summarised for easy reference. The Report also reviews whether, and to what extent, the recommendations of the 2008 Panel were addressed by ICCAT.

The terms of reference (TORs) for this Panel were largely the same as those for the 2008 Panel. In each of the sections, the Panel examined what action had been taken by ICCAT in the period 2008-2016, *inter alia*, in regard to the 2008 Panel recommendations.

The Panel evaluated each of the performance criteria against the background of:

- firstly, the recommendations of the 2008 Panel;
- secondly, the action taken by ICCAT in the period 2008-2016, including follow-up on those recommendations which ICCAT judged appropriate;
- and thirdly, the evolution in the status of stocks and other international developments, which the Panel judged relevant.

In certain circumstances, the Panel has grouped a number of performance criteria together in view of their close inter-relationship in the review.

### **Implementation of the recommendations of, and other follow-up to, perform reviews**

No formal mechanism was established to monitor progress after the first performance review. The recommendations of the Panel were considered through the Working Group on the Future of ICCAT which had been established through the *Resolution by ICCAT to Strengthen ICCAT* (Res. 06-18), later supplemented by the *Resolution by ICCAT on a Program of Work for the Working Group on the Future of ICCAT* (Res.11-25). This Working Group monitored overall progress, but did not consider each recommendation in a systematic

way. The Working Group was eventually disbanded in favour of the ICCAT Working Group on Convention Amendment, established to draft an amended Convention text which would take into account some of the important issues which had been raised by the performance Panel.

After the 2nd performance review, ICCAT established through Resolution 16-20 an Ad hoc Working Group to Follow Up on the Second ICCAT Performance Review, which aimed to:

- a) examine the outcomes of the second independent performance review of ICCAT to identify issues raised and recommendations made by the Performance Review Panel that need further consideration; and
- b) propose next steps in light of the examination carried out pursuant to item a) above, in particular draw up a work plan specifying which ICCAT body (Commission, Committee, Working Group or Panel) should consider identified issues and recommendations.

Accordingly the recommendations of the Performance Review Panel were assigned to the various subsidiary bodies of the Commission and each body was requested to give consideration to these. A template had been designed to monitor progress, and it was agreed that this item should be on the agenda each year until action had been taken in respect to all the recommendations considered necessary. The *Template for developing a draft action plan to implement the recommendations from the independent performance review of ICCAT*, is a working document listing the Panel's recommendations, assigning a responsible ICCAT body or bodies as well as timeframes, and initiating next steps and comments (see **Annex 3**).

#### **Actions needed to further strengthen the effectiveness of the performance process**

The process to strengthen ICCAT was initiated in 2005 by Res 05-10. The 2008 ICCAT Performance Review was one of the outcomes of this still on-going process to strengthen ICCAT. Pursuant to Rec. 06-18, ICCAT established the Working Group on the Future of ICCAT (WGFI). This working group had its first meeting in 2009 and was, among other things, charged with follow-up of the 2008 Panel's recommendations<sup>1</sup>. The WGFI met three times; in 2009, 2011 and 2012. Its work on reviewing the existing ICCAT Convention<sup>2</sup> and, notably, its compatibility with developments in international law since the Convention was opened for signature in 1966, was continued by the Working Group on Convention Amendment (WG on Convention Amendment); established in 2012 by Rec. 12-10. In the meantime at the 2018 Commission meeting an agreement was reached on the new text for the Convention amendment, these texts have recently been revised by a Technical and Legal Editing Working Group and the final text will be submitted for adoption by the Commission at the 2019 Annual meeting.

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<sup>1</sup> Report of the 20th Regular ICCAT Meeting (2008), at p. 40 and Rec. 12-10.

<sup>2</sup> International Convention for the Conservation of Atlantic Tunas, Rio de Janeiro, 14 May 1966. In force 21 March 1969, 673 *United Nations Treaty Series* 63 (1969), as amended by Protocols adopted in 1984 and 1992, which both entered into force. A consolidated version is included in the *ICCAT Basic Texts* (7th Revision: 2019) available at: <https://www.iccat.int/Documents/Commission/BasicTexts.pdf>.

## Terms of Reference of the 1st ICCAT Performance Review

### Objective

The objective of the work to be carried out by the Experts shall be to submit reports presenting:

1. The evaluation and analysis of the ICCAT Convention Basic Texts.
2. The assessment on the achievement of ICCAT's objectives (measures in place to achieve ICCAT's objectives and ways to achieve them).
3. Recommendations on how to improve ICCAT performance, including any possible change to the ICCAT Convention.

### Methodology

In coordination with the two other independent Experts, and using as a basis the criteria contained in Annex 3, the Expert shall determine and apply the methodology to be used.

### Criteria

The criteria as presented to the Commission (during the 20th Regular Meeting, Antalya, November 2007; attached herewith) are considered as "minimum". The Experts are invited to consider them as a basis for their evaluation.

### Work schedule

The work estimated is based on 50 working days.

#### **1. Provisional report**

The provisional report will contain the evaluation and the assessment. This report will be sent to the ICCAT Secretariat before 4 August 2008.

#### **2. Revision of the provisional report by the Committee:**

The Experts will meet the Committee, composed by the ICCAT officers, to present and discuss the provisional report.

#### **3. Final report:**

The final report will contain the evaluation, the assessment and the recommendations. This final report will be:

- sent to the ICCAT Secretariat before 15 September 2008.
- immediately distributed to ICCAT CPCs so that it can be considered at the 16th Special meeting of ICCAT (17-24 November 2008),
- discussed at the first meeting of the Working Group on the Future of ICCAT (at a date and place to be determined by the Commission in late 2008 or early 2009).

The Panel Review Coordinator will attend the 16th Special meeting of ICCAT.

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

|          | <i>Area</i>                        | <i>General criteria</i>                          | <i>Detailed criteria</i>   |
|----------|------------------------------------|--|--|
| <b>1</b> | <i>Conservation and management</i> | Status of living marine resources                | <ul style="list-style-type: none"> <li>• Status of major fish stocks under the purview of the RFMO in relation to maximum sustainable yield or other relevant biological standards.</li> <li>• Trends in the status of those stocks.</li> <li>• 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”).</li> <li>• Trends in the status of those species.</li> </ul>  |
|          |                                    | Data collection and sharing                      | <ul style="list-style-type: none"> <li>• Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I.</li> <li>• 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.</li> <li>• Extent to which fishing data and fishing vessel data are gathered by the RFMO and shared among members and other RFMOs.</li> <li>• Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required.</li> </ul>  |
|          |                                    | Quality and provision of scientific advice       | <ul style="list-style-type: none"> <li>• 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.</li> </ul>  |
|          |                                    | Adoption of conservation and management measures | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks.</li> <li>• Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries.</li> <li>• 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.</li> <li>• 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.</li> </ul> |
|          |                                    | Capacity management                              | <ul style="list-style-type: none"> <li>• Extent to which the RFMO has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries.</li> </ul>  |

|          |   |   |   |
|----------|---|---|---|
|          |   |   | <ul style="list-style-type: none"> <li>• Extent to which the RFMO has taken actions to prevent or eliminate excess fishing capacity and effort.</li> </ul>  |
|          |   | Compatibility of management measures                      | <ul style="list-style-type: none"> <li>• Extent to which measures have been adopted as reflected in UNFSA Article 7.</li> </ul>   |
|          |   | Fishing allocations and opportunities                     | <ul style="list-style-type: none"> <li>• 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.</li> </ul>   |
| <b>2</b> | <i>Compliance and enforcement</i>             | Flag State duties   | <ul style="list-style-type: none"> <li>• 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.</li> </ul>                             |
|          |   | Port State measures                                       | <ul style="list-style-type: none"> <li>• 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.</li> <li>• Extent to which these measures are effectively implemented.</li> </ul>   |
|          |   | Monitoring, control and surveillance (MCS)                | <ul style="list-style-type: none"> <li>• 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).</li> <li>• Extent to which these measures are effectively implemented.</li> </ul>   |
|          |   | Follow-up on infringements                                | <ul style="list-style-type: none"> <li>• Extent to which the RFMO, its members and cooperating non-members follow up on infringements to management measures.</li> </ul>  |
|          |   | Cooperative mechanisms to detect and deter non-compliance | <ul style="list-style-type: none"> <li>• 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).</li> <li>• Extent to which these mechanisms are being effectively utilized.</li> </ul>   |
|          |   | Market-related measures                                   | <ul style="list-style-type: none"> <li>• Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States.</li> <li>• Extent to which these market-related measures are effectively implemented.</li> </ul>  |
| <b>3</b> | <i>Decision-making and dispute settlement</i> | Decision-making   | <ul style="list-style-type: none"> <li>• 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.</li> </ul>   |
|          |   | Dispute settlement  | <ul style="list-style-type: none"> <li>• Extent to which the RFMO has established adequate mechanisms for resolving disputes.</li> </ul>  |
| <b>4</b> | <i>International cooperation</i>              | Transparency  | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> |
|          |   | Relationship to cooperating non members                   | <ul style="list-style-type: none"> <li>• Extent to which the RFMO facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status.</li> </ul>  |

|   |  |   |  |
|---|--|---|--|
|   |  | Relationship to non-cooperating non-members   | <ul style="list-style-type: none"> <li>• Extent of fishing activity by vessels of non-members that are not cooperating with the RFMO, as well as measures to deter such activities.</li> </ul>   |
|   |  | Cooperation with other RFMOs                  | <ul style="list-style-type: none"> <li>• Extent to which the RFMO cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.</li> </ul>   |
|   |  | Special requirements of developing States     | <ul style="list-style-type: none"> <li>• 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.</li> <li>• Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26.</li> </ul> |
| 5 | <i>Financial and administrative issues</i> | Availability of resources for RFMO activities | <ul style="list-style-type: none"> <li>• Extent to which financial and other resources are made available to achieve the aims of the RFMO and to implement the RFMOs decisions.</li> </ul>   |
|   |  | Efficiency and cost-effectiveness             | <ul style="list-style-type: none"> <li>• Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat.</li> </ul>  |

**Terms of Reference of the 2nd ICCAT Performance Review**

1. Evaluate how ICCAT has responded to the outcome of the First ICCAT Performance Review of 2008, taking into consideration the discussions/recommendations of the Working Group on the Future of ICCAT, of the Working Group on Convention Amendment and subsequent decisions and practices by the Commission and its subsidiary bodies.
2. Taking into account the evaluation under item 1 above, assess the functioning of the Commission and of its subsidiary bodies, in particular the Compliance Committee and the SCRS.
3. Compare, to the extent possible, the performance of ICCAT with the performance of other tuna RFMOs, i.e. by taking into account the Performance Reviews by other tuna RFMOs and by highlighting best practices adopted by other RFMOs that could help further strengthen ICCAT.
4. Identify areas where improvement is needed to strengthen the organisation further including an analysis of reporting requirements with a view to streamline and make recommendations to the Commission on how performance could be improved, taking into consideration the development in fisheries and ocean management that has taken place during the period covered by the review.

### Criteria for Reviewing the Performance (compared to the previous criteria)

|   | <i>Area</i>                        | <i>General criteria</i>               | <i>Detailed criteria</i>  | <i>Changes compared to 2007 criteria</i> |
|---|------------------------------------|---------------------------------------|---|--|
| 1 | <i>First performance review</i>    | Follow-up to first performance review | <ul style="list-style-type: none"> <li>• Review of actions taken by ICCAT in response to the conclusions and recommendations of the first performance review and consideration of their effectiveness.</li> </ul>   | New item.                                |
| 2 | <i>Conservation and management</i> | Status of living marine resources     | <ul style="list-style-type: none"> <li>• Status of major fish stocks under the purview of ICCAT in relation to maximum sustainable yield or other relevant biological standards.</li> <li>• Trends in the status of those stocks.</li> <li>• 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”).</li> <li>• Trends in the status of those species.</li> </ul>  |  |
|   |                                    | Data collection and sharing           | <ul style="list-style-type: none"> <li>• Extent to which ICCAT has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I.</li> <li>• Extent to which ICCAT members and cooperating non-members, individually or through ICCAT, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner (Task I/II data).</li> <li>• Extent to which fishing data and fishing vessel data are gathered by ICCAT and shared among members and other RFMOs.</li> <li>• Extent to which ICCAT is addressing any gaps in the collection and sharing of data as required.</li> <li>• Extent to which capacity building initiatives are put in place to improve data collection in developing economies.</li> </ul> | Added reference to Task I/II data.       |

|   | <i>Area</i>                                       | <i>General criteria</i>                          | <i>Detailed criteria</i>   | <i>Changes compared to 2007 criteria</i>                                      |
|---|---|--|--|---|
|   |   | Adoption of conservation and management measures | <ul style="list-style-type: none"> <li>• Extent to which ICCAT has adopted conservation and management measures for both target stocks and non-target species that ensure the long-term sustainability of such stocks and species and are based on the best scientific evidence available.</li> <li>• Extent to which ICCAT 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.</li> <li>• Extent to which ICCAT has adopted and is implementing effective rebuilding plans for depleted or overfished stocks.</li> <li>• Extent to which ICCAT has moved toward the adoption of conservation and management measures for previously unregulated fisheries.</li> <li>• Extent to which ICCAT 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.</li> <li>• Extent to which ICCAT 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.</li> </ul> | Suggest deletion of new and exploratory fisheries as not applicable in ICCAT. |
|   |   | Capacity management                              | <ul style="list-style-type: none"> <li>• Extent to which ICCAT has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries.</li> <li>• Extent to which ICCAT has taken actions to prevent or eliminate excess fishing capacity and effort.</li> </ul>  |   |
|   |   | Compatibility of management measures             | <ul style="list-style-type: none"> <li>• Extent to which measures have been adopted as reflected in UNFSA Article 7.</li> </ul>  |   |
|   |   | Fishing allocations and opportunities            | <ul style="list-style-type: none"> <li>• Extent to which ICCAT 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.</li> </ul>   |   |
|   |   | Reporting Requirements                           | Analysis of ICCAT reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to CPCs.  | New item.   |
| 3 | <i>Monitoring, control and surveillance (MCS)</i> | Port State measures                              | <ul style="list-style-type: none"> <li>• Extent to which ICCAT 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.</li> </ul>  | New area (MCS) – previously under "compliance and enforcement".               |

|   | <i>Area</i>                       | <i>General criteria</i>                                   | <i>Detailed criteria</i>   | <i>Changes compared to 2007 criteria</i>  |
|---|-----------------------------------|---|--|---|
|   |                                   |   | <ul style="list-style-type: none"> <li>• Extent to which ICCAT has adopted Port State Measures pursuant to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.</li> <li>• Extent to which these measures are effectively implemented.</li> </ul>   |   |
|   |                                   | Integrated MCS measures                                   | <ul style="list-style-type: none"> <li>• Extent to which ICCAT 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).</li> <li>• Extent to which these measures are effectively implemented.</li> </ul>   | New title (former one: <i>Monitoring, control and surveillance (MCS)</i> ).   |
| 4 | <i>Compliance and enforcement</i> | Flag State duties   | <ul style="list-style-type: none"> <li>• Extent to which ICCAT 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.</li> </ul> |   |
|   |                                   | Cooperative mechanisms to detect and deter non-compliance | <ul style="list-style-type: none"> <li>• Extent to which ICCAT 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).</li> <li>• Extent to which these mechanisms are being effectively utilized.</li> </ul>                       |   |
|   |                                   | Follow-up on infringements                                | <ul style="list-style-type: none"> <li>• Extent to which ICCAT, its members and cooperating non-members follow up on infringements to management measures.</li> <li>• Extent to which ICCAT and its members effectively implement Recommendations 11-15, 06-13, 96-14, 97-01, 00-14, and 11-11.</li> </ul>   | New item.   |
|   |                                   | Market-related measures                                   | <ul style="list-style-type: none"> <li>• Extent to which ICCAT has adopted measures relating to the exercise of the rights and duties of its members as market States.</li> <li>• Extent to which these market-related measures are effectively implemented.</li> </ul>  |   |
|   |                                   | Reporting Requirements                                    | Analysis of ICCAT reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to CPCs   | New item.   |
| 5 | <i>Governance</i>                 | Decision-making   | <ul style="list-style-type: none"> <li>• Extent to which ICCAT has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner.</li> <li>• Extent to which these procedures are effectively implemented in ICCAT.</li> </ul>   | Decision-making/dispute settlement and international cooperation merged together and renamed "Governance."<br>New item. |
|   |                                   | Dispute settlement  | <ul style="list-style-type: none"> <li>• Extent to which ICCAT has established adequate mechanisms for resolving disputes.</li> </ul>  |   |

|   | <i>Area</i>    | <i>General criteria</i>   | <i>Detailed criteria</i>  | <i>Changes compared to 2007 criteria</i>   |
|---|----------------|---|---|--|
|   |                | Transparency  | <ul style="list-style-type: none"> <li>• Extent to which ICCAT is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9.</li> <li>• Extent to which ICCAT decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.</li> </ul>   |  |
|   |                | Confidentiality   | <ul style="list-style-type: none"> <li>• Extent to which ICCAT has set security and confidentiality standards and rules for sharing sensitive scientific and operational/compliance data.</li> </ul>  | New item (from IOTC 2 <sup>nd</sup> Perf. Review).   |
|   |                | Relationship to cooperating non-members                               | <ul style="list-style-type: none"> <li>• Extent to which ICCAT facilitates cooperation between members and nonmembers, including through the adoption and implementation of procedures for granting cooperating status.</li> </ul>  |  |
|   |                | Relationship to non-cooperating non-members                           | <ul style="list-style-type: none"> <li>• Extent of fishing activity by vessels of non-members that do not have cooperating status, as well as measures to deter such activities.</li> </ul>   |  |
|   |                | Cooperation with other RFMOs and relevant international organizations | <ul style="list-style-type: none"> <li>• Extent to which ICCAT cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats, as well as with other relevant international organizations.</li> </ul>   |  |
|   |                | Participation and capacity building                                   | <ul style="list-style-type: none"> <li>• Extent to which ICCAT members and cooperating non-members participate actively and meaningfully in the work of the Commission and its subsidiary bodies.</li> <li>• Extent to which capacity building initiatives and institutional arrangements are in place to facilitate the effective participation of developing economies in the work of the Commission and its subsidiary bodies, including in positions of leadership.</li> </ul>  | New items to parallel similar element under 6. <i>Science</i> .  |
|   |                | Special requirements of developing States                             | <ul style="list-style-type: none"> <li>• Extent to which ICCAT 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.</li> <li>• Extent to which ICCAT members, individually or through ICCAT, provide relevant assistance to developing States, as reflected in UNFSA Article 26.</li> </ul> |  |
| 6 | <i>Science</i> | Quality and provision of scientific advice                            | <ul style="list-style-type: none"> <li>• Extent to which the SCRS 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.</li> <li>• Extent to which the scientific advice is presented consistently with Resolutions 11-14 and 13-15.</li> </ul>  | <p>Copied from previous "conservation and management" with a specific reference to SCRS.</p> <p>New items.</p> |

|   | <i>Area</i>                                | <i>General criteria</i>                       | <i>Detailed criteria</i>  | <i>Changes compared to 2007 criteria</i> |
|---|--|---|---|--|
|   |  |   | <ul style="list-style-type: none"> <li>• Extent to which the structure, processes, procedures, and expertise of the SCRS and of the ICCAT Secretariat meet the needs and resources of ICCAT as well as the highly demanding data and technical requirements of the most recent modelling platforms.</li> </ul>  |  |
|   |  | Participation and capacity building           | <ul style="list-style-type: none"> <li>• Extent to which ICCAT members and cooperating non-members participate actively in the provision of the scientific advice.</li> <li>• Extent to which capacity building initiatives are put in place to facilitate the effective participation of developing economies in SCRS activities.</li> </ul>   |  |
|   |  | Long-term planning and research               | <ul style="list-style-type: none"> <li>• Extent to which ICCAT adopts and regularly reviews a long-term strategy for the SCRS to implement.</li> <li>• Extent to which the research coordinated or undertaken directly by ICCAT is aligned with the needs of the Commission to fulfil its mandate.</li> </ul>   | New items.                               |
|   |  | Best available science                        | <ul style="list-style-type: none"> <li>• Extent to which the <i>Resolution on Best Available Science</i> [is effectively implemented.</li> <li>• Extent to which the SCRS and its working groups apply a total quality management process.</li> </ul>   | New items (from Res. 11-17).             |
| 7 | <i>Comparison with other RFMOs</i>         | Best practices                                | <ul style="list-style-type: none"> <li>• To the extent possible, evaluate the extent to which ICCAT's performance is comparable to other tuna RFMOs in relation to the adoption and implementation of conservation and management measures for target and non-target species, status of the resources under its purview, scientific processes and procedures, and adoption and implementation of MCS measures and compliance review procedures.</li> <li>• Identification of areas/best practices that would allow ICCAT to enhance its performance.</li> </ul> | New item.                                |
|   |  | Kobe  | <ul style="list-style-type: none"> <li>• Extent to which ICCAT implemented the Kobe III recommendations and comparison to the degree of implementation in other tuna RFMOs.</li> </ul>  | New item.                                |
| 8 | <i>Financial and administrative issues</i> | Availability of resources for RFMO activities | <ul style="list-style-type: none"> <li>• Extent to which the need for financial, human, and other resources are effectively forecasted and resources are made available to achieve the aims of ICCAT and to implement ICCAT decisions.</li> </ul>   |  |
|   |  | Efficiency and effectiveness                  | <ul style="list-style-type: none"> <li>• Extent to which ICCAT is efficiently and effectively managing its human and financial resources, including those of the Secretariat, to support Commission objectives and ensure continuity of operations, including through establishment of clear and transparent office policies, structures, roles and responsibilities, and lines of authority; effective internal and external communication; and other aspects of office planning and operations.</li> </ul>  |  |

## **Template for developing a draft action plan to implement the recommendations from the independent performance review of ICCAT**

Following the request by the Commission the *Ad hoc Working Group to follow up on the second ICCAT performance review* worked towards identifying the issues raised by the performance review panel that required further consideration and it attempted to designate the subsidiary body that could best be tasked to take the lead. It also looked at establishing a work plan and a mechanism to monitor progress.

### ***Referral***

The attached table contains a summary of the suggestions that are submitted to the Commission. It is important to indicate first that the Working Group did not discuss the recommendations in substance. The referral – by the Working Group – does not imply an endorsement of the recommendations nor an invitation to the Commission or the subsidiary body to proceed with an implementation.

In a number of cases, the Working Group concluded that the recommendation was an observation or an opinion that required no further follow-up. Also in these cases, the "no follow-up" advice was not intended to imply either endorsement or rejection. In a number of cases, the Working Group found that more than one body needed to consider the recommendation. In such cases however, it indicated which body was best suited to take the lead. In certain cases a body was indicated that may not continue to exist in the future. In such cases the Commission itself would take over the task if and when the body would cease to operate. To guide its work, the Group used the summary list of 131 recommendations such as produced by the performance review experts.

### ***Timing and work plan***

The Working Group also suggested a time frame for the bodies to consider the recommendations and take action (if deemed necessary).

Obviously each body will need to assess the priorities and the workload. The Chair of the Working Group suggested that each body be invited to introduce a review of the PR recommendations in the agenda of each of its future meetings and to report systematically on the progress of such review.

### **Regular follow-up**

The Chair of the Working Group offered to develop a simple tool permitting to monitor the progress in considering and possibly carrying out the recommendation of the PR. This tool will be submitted before long.

### **Template Key:**

#### **Responsible ICCAT Body**

- LEAD = ICCAT body identified to lead oversight of action
- COM = Full Commission
- PA 1 = Panel 1, Tropical tunas (yellowfin, bigeye and skipjack)
- PA 2 = Panel 2, Northern temperate tunas (northern albacore and bluefin)
- PA 3 = Panel 3, Southern temperate tunas (southern albacore and bluefin)
- PA 4 = Panel 4, Other species (swordfish, billfishes, sharks, small tunas, other species)
- COC = Conservation and Management Measures Compliance Committee
- STACFAD = Standing Committee on Finance and Administration
- SCRS = Standing Committee on Research and Statistics
- PWG = Permanent Working for the Improvement of ICCAT Statistics and Conservation Measures
- SWGSM = Standing Working Group on Dialogue between Fisheries Scientists and Managers
- CWG = Working Group on Convention Amendment
- FAD = Ad Hoc Working Group on Fish Aggregating Devices
- SEC = ICCAT Secretariat
- CPCs = Individual Contracting Parties and Cooperating Non-Contracting Parties

## Timeframe

This represents the timeframe for initiating action on the recommendation.

|       |   |
|-------|---|
| ✓     | The recommendation has already been implemented         |
| S     | Short term – initiate action in one to two years        |
| S/M   | Action will be initiated in a short to medium timeframe |
| M     | Medium term – initiate action in three to five years    |
| M / L | Action will be initiated in a medium to long timeframe  |
| L     | Long term – initiate action after five years            |
| NOAC  | No action necessary                                     |

Long term – initiate action after five years

Below it is provided an example of the template structure for developing a draft action plan to implement the recommendations from the independent performance review of ICCAT.

**Example of template structure for developing a draft action plan to implement the recommendations from the independent performance review of ICCAT.**

| Report Chapter   | Recommendations  | LEAD body | Responsible ICCAT Body |      |      |      |      |     |         |      |     |       |     |        |     | Timeframe | Proposed next steps | Observations/ Comments |  |   |   |
|--|--|-----------|------------------------|------|------|------|------|-----|---------|------|-----|-------|-----|--------|-----|-----------|---------------------|------------------------|--|---|---|
|  |  |           | COM                    | PA 1 | PA 2 | PA 3 | PA 4 | COC | STACFAD | SCRS | PWG | SWGSM | CWG | FAD WG | SEC |           |                     |                        | CPCs   |   |   |
| <b>1. Introduction</b>   |  |           |                        |      |      |      |      |     |         |      |     |       |     |        |     |           |                     |                        |  |   |   |
| Draft Amended ICCAT Convention   | The Panel recommends that ICCAT  |           |                        |      |      |      |      |     |         |      |     |       |     |        |     |           |                     |                        |  | Note: Convention Amendment related Recs: 1, 2, 3, 44, 89, 90.   |   |
|  | 1. Urges its CPCs to make all necessary efforts to bring the work of the WG on Convention Amendment to a successful conclusion. This also includes agreement:  | CWG       | X                      |      |      |      |      |     |         |      |     | X     |     |        |     |           | X                   | S                      | Work underway by CWG.  |   |   |
|  | 1. a) on rules and procedures to ensure the smooth and timely adoption and entry into force of the amendments to the ICCAT Convention, either by adopting the amendments by the Commission or by a Conference of Plenipotentiaries of the Contracting Parties; and | CWG       | X                      |      |      |      |      |     |         |      |     |       | X   |        |     |           |                     |                        | S  | Issue already part of CWG discussions; would need to be further considered by the CWG and/or Commission once Convention amendments are agreed.  |   |
|  | 1. b) on a (de facto) provisional application of some or all amendments to the ICCAT Convention from the time of their adoption.   | CWG       | X                      |      |      |      |      |     |         |      |     |       | X   |        |     |           |                     | X                      | Issue would need to be considered once Convention amendments are agreed. |   |   |
| 2. Urge its Members, following the conclusion of the work of the WG on Convention Amendment, to make all necessary efforts to ensure that the amendments to the ICCAT Convention enter into force as soon as possible. | COM  | X         |                        |      |      |      |      |     |         |      |     |       |     |        |     |           |                     | X                      | Issue would need to be considered once Convention amendments are agreed. |   |   |
| ICCAT Basic Texts  | 3. The Panel recommends that ICCAT make consolidated versions of individual basic ICCAT instruments available on the ICCAT website.  | STACFAD   | X                      |      |      |      |      |     | X       |      |     |       |     |        |     |           |                     | X                      | S  | Refer this and related recommendations, in particular those concerning revisions to ICCAT's Rules of Procedure and observer rules, to STACFAD for consideration and appropriate action, including providing advice to the Commission on the timing for posting of these documents on the ICCAT website. | Mail voting procedures (Rule 9) need particular attention. In addition, several other recommendations from the Performance Review relate to revisions to ICCAT's Rules of Procedure and should be considered as a package by STACFAD. |