



CCSBT-EC/1910/14

## Terms of Reference for the 2021 Performance Review of the CCSBT

### Purpose

To develop a Terms of Reference for the Performance Review of the CCSBT to be conducted during 2021.

### Background

The CCSBT's first Performance Review was conducted in 2008. This involved a self-assessment of the CCSBT's performance by the Performance Review Working Group (PRWG) which was made up of representatives from the Extended Commission. The PRWG used the criteria agreed at Kobe 1<sup>1</sup> for reviewing the performance of regional fisheries management organisations. The CCSBT also selected an independent expert (United States Ambassador David Balton) to review the PRWG's self-assessment and other information relevant to the performance of the Commission.

The second Performance Review of the CCSBT was an independent review undertaken by Dr. Serge Garcia, Chair of the IUCN Fisheries Expert Group, and Ms. Holly Koehler, Vice President for Policy and Outreach at the International Seafood Sustainability Foundation (ISSF). This review also used the Performance Review criteria from Kobe 1, assessed the progress made by the CCSBT since the first assessment, and assessed the CCSBT's performance against the best available international standards.

The third Performance Review was scheduled, in the CCSBT's Strategic Plan, to be conducted during 2019. However, CCSBT 25 agreed that the third Performance Review of the CCSBT should be postponed until 2021. The Extended Commission (EC) noted that in 2021, the new Management Procedure will be in place with the new management objectives, an up-to-date stock assessment will have been conducted (in 2020), and that the outcomes will be available from the 2019 UNFSA Informal Consultations<sup>2</sup> focusing on Performance Reviews of RFMOs.

A summary of the key points relating to the Performance Reviews of RFMOs from the Chairperson of the 2019 UNFSA Informal Consultations from the DRAFT report of these consultations<sup>3</sup> is provided at **Attachment A**. Some of these points are relevant to the planning for the 2021 Performance Review.

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<sup>1</sup> The 2016 joint meeting of the five Tuna RFMOs in Kobe, Japan.

<sup>2</sup> Fourteenth 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.

<sup>3</sup> The final report from these consultations was not available at the time of finalising this paper.

## Terms of Reference for the 2021 Performance Review

In developing the Terms of Reference for the 2021 Performance Review, decisions need to be made in relation to the:

1. Composition and selection of the Performance Review Panel;
2. Criteria for evaluating the CCSBT's performance;
3. Resources available to the Panel;
4. Report of the Performance Review; and
5. Process for consideration and follow-up of Performance Review recommendations.

### 1. Composition and selection of the Performance Review Panel

The criteria for the Independent Review Panel for the CCSBT's 2014 Performance Review did not require any of the Panel to have experience of the CCSBT or knowledge of the SBT fishery. In fact, it required that individuals *"Should not be a national of the Member or have been a permanent resident or have worked for the parties since 31/12/2003 [the last 10 years] except where Parties reach a consensus to chose the qualified individuals"* which largely precludes experience and knowledge of the CCSBT. A lack of CCSBT experience and knowledge on the Performance Review Panel makes it difficult for the Panel to provide the most relevant and practical recommendations in the CCSBT context.

Most recent Performance Reviews of other RFMOs that the Secretariat has examined<sup>4</sup> includes RFMO Members on the review panel. This provides the Panel with the necessary experience and knowledge of the RFMO as well as giving the RFMO greater ownership of the outcomes of the Performance Review. Furthermore, one of the key points from the Chair's draft summary of the 2019 UNFSA Informal Consultations stated that:

*"In the selection of review panels, consideration should be given to including experts from both within and outside the organization, representing developed States and developing States, including SIDS, and different areas of expertise (e.g. fisheries science, fisheries management and law). Financial and practical considerations, including in relation to allowing panel members to attend meetings of the RFMO where practical, should also be considered."*

Taking these matters into account, it is proposed that the Performance Review Panel contain 4-6 individuals, comprising 2-4 Member experts and 2 independent experts. The Member experts should have extensive experience with the CCSBT and, as a group, the Panel should have expertise in fisheries management, fisheries science, compliance and legal governance at the international level.

A draft, of the composition and operation of the CCSBT's third Performance Review Panel, including the above proposal, is provided at **Attachment B**. It is also proposed that one of the independent experts would Chair the Panel and that the independence criteria for the independent experts on the Panel be similar to the criteria agreed at CCSBT 23 for the independent Chairs of CCSBT subsidiary bodies. It is envisaged that the Secretariat would

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<sup>4</sup> The latest Performance Reviews of CCAMLR, IATTC, ICCAT, IOTC, NPAFC, NAFO, SPRFMO and WCPFC were examined by the Secretariat. All review panels, except IATTC, include some Member experts. IATTC's Panel was quite different as it used an independent contractor selected through a competitive process.

provide support to the Panel and that there would be one or two physical meetings of the Panel. An approximate cost for the Performance Review of AU \$125,000 has been included in the indicative budget for 2021.

The proposed selection process for the Panel is also included in **Attachment B**. It is suggested that the Member experts be elected at CCSBT 27 (October 2020) and that the Secretariat commence the selection process for the independent experts during July 2020 to enable sufficient time to complete the process prior to CCSBT 27.

The EC is invited to consider the composition, selection and operation of the Performance Review Panel.

## **2. Criteria for evaluating the CCSBT's performance**

In developing the terms of reference for a Performance Review, the Chair's draft summary of the 2019 UNFSA Informal Consultations noted that both the commonalities among different RFMOs and the differences among them<sup>5</sup>, should be taken into account. It was also noted that the need for RFMOs to integrate the impacts of external factors, including cross-cutting issues and new and emerging issues, into their working processes through performance reviews should also be considered.

The first two Performance Reviews of the CCSBT, examined the CCSBT's performance against the agreed criteria from Kobe 1. To maintain a common approach between RFMOs it would seem reasonable to continue to use the Kobe criteria and to update these criteria to reflect changes that were made to the criteria for the 2016 Performance Review of ICCAT. However, the CCSBT differs from many RFMOs in that it does not have a Convention Area, it manages a single species, it seeks to manage the resource through a TAC and allocation of the TAC rather than through management of fishing capacity, and there are only two developing States in its Membership (which are amongst the more developed of States classified as being developing). Consequently, some of the Kobe criteria, particularly those relating to management of fishing capacity and capacity development for developing States, may be of a lower priority or less relevance to the CCSBT than for other RFMOs.

A modification of the Kobe Performance Review criteria is provided at **Attachment C**. The modified criteria include the additional criteria from ICCAT's 2016 Performance Review (shown as tracked changes) and highlights some criteria that may be of lower priority for the CCSBT.

The EC is invited to consider whether it wishes to use the Kobe criteria for the Performance Review, and if so, whether to include the additional criteria from ICCAT, whether there are any criteria of a lower priority that should be removed, and whether there are any additional criteria that the CCSBT's performance should be evaluated against.

Additional criteria could include the CCSBT's performance in implementing relevant recommendations from previous reviews taking into account the initial comments on those recommendation provided by the EC and its subsidiary bodies. The recommendations of the previous Performance Review, together with comments provided on these recommendations by the EC and its subsidiary bodies are provided in **Attachment D** for reference.

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<sup>5</sup> Including with regard to their different organisational structures, specific regional needs and geo-political environment.

### 3. Resources available to the Panel

It is suggested that the following resources be provided to the Performance Review Panel:

- The [Report of the Performance Review Working Group \(2008\)](#)
- The [Report of the Independent Expert \(David Balton\) on the Performance Review \(2008\)](#)
- The [Performance of the CCSBT 2009-2013: Independent Review](#).
- All other publicly available CCSBT meeting reports, documents and data requested by the Panel; and
- Access<sup>6</sup> to Secretariat staff, independent Chairs (including Compliance Committee, Extended Scientific Committee and Ecologically Related Species Working Group) and Members to respond to questions from the Panel.

Furthermore, the Chair's draft summary of the 2019 UNFSA Informal Consultations noted that:

- *“The success of performance review processes, and their follow-up, ultimately depends on the level of support and commitment of member States”*; and
- *“Performance reviews may benefit from the participation of a wide range of relevant stakeholders, including States, intergovernmental organisations, non-governmental organisations, and academia in the performance review process. Input should also be sought from the secretariat of the relevant RFMO, where appropriate”*.

Consequently, it is important that CCSBT Members be fully committed to supporting the Performance Review. The EC may also wish to consider whether to involve stakeholders in the Performance Review and how this might be achieved. Options for involving stakeholders could include:

- Inviting submissions from stakeholders in relation to the agreed criteria for evaluating the CCSBT's performance;
- Developing a questionnaire to seek responses from stakeholders in key areas;
- Inviting key stakeholders to make a presentation to a meeting of the Performance Review Panel; and/or
- Inclusion of one or two stakeholder experts in the Performance Review Panel.

The EC is invited to consider the resources to be provided to the Performance Review Panel, including the involvement of stakeholders in the Performance Review.

### 4. Report of the Performance Review

The Chair's draft summary of the 2019 UNFSA Informal Consultations noted that: *“The recommendations emanating from performance reviews should be prepared in such a manner as to facilitate their implementation, for example, by indicating priorities, timelines and projected costs, to the extent possible”*, and that *“The performance review process, outcomes and follow-up should be transparent, including by making all relevant performance review reports publicly available.”*

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<sup>6</sup> By email, telephone, and direct person to person contact where this is practical and cost effective.

The Secretariat recommends that the final report of the Performance Review Panel should be a concise, well-structured and easy to read document that:

- Describes the process and steps taken to conduct the review (e.g. documents examined, individuals that were consulted etc.);
- Presents the outcomes of the review;
- Provides recommendations from the Panel for the CCSBT on how to improve its performance with respect to the review criteria; and
- Prioritises the recommendations from the perspective of the Panel.

It is further recommended that the Chair of the Performance Review Panel present its report to the annual meeting of the CCSBT in October 2021 and respond to questions from Members concerning the report. The report should be published on the public area of the CCSBT's website and the joint tuna RFMO website ([www.tuna-org.org](http://www.tuna-org.org)) after the annual meeting.

The EC is invited to consider the nature of the report to be produced by the Performance Review Panel.

## **5. Process for consideration and follow-up of Performance Review recommendations**

The Chair's draft summary of the 2019 UNFSA Informal Consultations stated that *“There should be a process in place for the timely consideration, implementation and follow-up of performance review recommendations, for example, through the introduction of a standing agenda item on performance reviews. It is important that all recommendations emanating from performance reviews be considered by the appropriate RFMO/A body, with a view to determining their acceptability and ensuring their implementation.”*. This is a particularly important point for proper evaluation and implementation of the recommendations from the Performance Review. One possible process and timeline is as follows:

- October 2021: The Performance Review outcome is presented to the EC and discussed by the EC. The EC then provides direction to its subsidiary bodies in relation to evaluating aspects of the Performance Review recommendations that are relevant to them. The EC should also decide whether there are any urgent recommendations that should be implemented prior to completing an Implementation Plan for the recommendations of the Performance Review.
- September 2022: The ESC considers the Performance Review recommendations relevant to it and prepares advice to the EC.
- October 2022: The CC considers the Performance Review recommendations relevant to it and prepares advice to the EC.
- October 2022: The EC considers the advice from the ESC and CC and also discusses any EC specific recommendations. The EC should then provide direction to the Strategy and Fisheries Management Working Group (SFMWG) for preparing an implementation plan for the Performance Review recommendations<sup>7</sup>.
- February/March 2023<sup>8</sup>: The ERSWG considers the Performance Review recommendations relevant to it and prepare advice for the SFMWG;

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<sup>7</sup> This could involve updating the CCSBT's Strategic Plan or preparing a stand-alone Implementation Plan.

<sup>8</sup> This date assumes that the two-year cycle for holding ERSWG meetings continues and that the advice from ERSWG 13 *“that February/March was the best time of year to hold an ERSWG meeting”* is followed.

- Approximately June/July 2023: The SFMWG consider the advice from all the subsidiary bodies together with the directions from the EC and develop an implementation plan for the Performance Review recommendations.
- October 2023: The EC consider and adopt an Implementation Plan for the Performance Review recommendations.
- Future annual meetings: A standing item would be placed on the agenda for following up on progress made against the Implementation Plan. This would be similar to the past standing item on annual meeting agendas regarding progress with implementing the Action Plan of the CCSBT Strategic Plan.

Once agreed, this process (particularly the cost of the SFMWG meeting) should be included in the budget.

The EC is invited to consider the process for consideration and follow-up of Performance Review recommendations.



## Annex I

### **Key points relating to the performance reviews of regional fisheries management organizations and arrangements raised during the fourteenth round of Informal Consultations, summarized by the Chairperson**

On the basis of the presentations and discussions at the fourteenth round of Informal Consultations of States Parties to the Agreement, the Chairperson would like to draw attention to the following key points that, in his personal view, emerged from the Consultations. It is noted that since these key points were not discussed at the Consultations, they remain under the sole responsibility of the Chairperson.

- The Agreement assigns a fundamental role to RFMO/As in the conservation and management of straddling fish stocks and highly migratory fish stocks as a primary vehicle for cooperation amongst States in this regard. Thus, the full and effective implementation of the provisions of the Agreement depends on the effectiveness of RFMO/A performance in fulfilling the functions set out in the Agreement.
- Over the past fifteen years, performance reviews of RFMO/As have proven to be an effective tool for strengthening the performance of RFMO/As, bringing them closer to the standards set out in the Agreement. However, regular performance reviews remain critical and have a continuing benefit, particularly since many covered fish stocks remain overexploited and their sustainability still needs to improve substantially in order to meet the goals set forth in the 2030 Agenda for Sustainable Development.
- Performance reviews are also an important tool for the implementation of the recommendations of the Review Conference, the resolutions of the General Assembly and other relevant commitments set forth in international instruments.
- RFMO/As should be encouraged to continue to undertake periodic performance reviews, with a view to continuing to improve their ability to effectively conserve and manage fish stocks in accordance with the Convention, the Agreement and related instruments.
- The success of performance review processes, and their follow-up, ultimately depends on the level of support and commitment of member States of RFMO/As.
- Performance reviews should be undertaken in a timeframe that would ensure priority is given to the consideration of recommendations, bearing in mind the overall workload and workflow of the RFMO/A in question. The interval between performance reviews should be set so as to maximize their impact and effectiveness. For example, the time between reviews could be adjusted on the basis of the scope of performance reviews, whereby a longer interval would be expected between general reviews and a shorter interval between more focused or thematic performance reviews.

- Consideration should also be given to financing the costs of the performance review, including the possibility of setting aside annual contributions for that purpose in the RFMO/A regular budget rather than requesting a special assessment.
- In developing the terms of reference for an RFMO/A performance review, both the commonalities among different RFMO/As, including with regard to their role and functions under the Convention and the Agreement and related instruments, their processes and the challenges they face, and the differences among them, including with regard to their different organizational structures, specific regional needs and geo-political environment should be taken into account. The need for RFMO/As to integrate the impacts of external factors, including cross-cutting issues and new and emerging issues, into their working processes through performance reviews should also be considered.
- Performance reviews may benefit from the participation of a wide-range of relevant stakeholders, including States, intergovernmental organizations, non-governmental organizations, and academia in the performance review process. Input should also be sought from the secretariat of the relevant RFMO/A, where appropriate.
- In the selection of review panels, consideration should be given to including experts from both within and outside the organization, representing developed States and developing States, including SIDS, and different areas of expertise (e.g. fisheries science, fisheries management and law). Financial and practical considerations, including in relation to allowing panel members to attend meetings of the RFMO where practical, should also be considered.
- The recommendations emanating from performance reviews should be prepared in such a manner as to facilitate their implementation, for example, by indicating priorities, timelines and projected costs, to the extent possible.
- There should be a process in place for the timely consideration, implementation and follow-up of performance review recommendations, for example, through the introduction of a standing agenda item on performance reviews. It is important that all recommendations emanating from performance reviews be considered by the appropriate RFMO/A body, with a view to determining their acceptability and ensuring their implementation.
- The performance review process, outcomes and follow-up should be transparent, including by making all relevant performance review reports publicly available.
- The Review Conference on the Agreement, the General Assembly and other relevant intergovernmental processes can play an important role in performance reviews as a source of global standards and criteria for performance reviews, as well as other guidance, as appropriate. Consideration should be given on how to reinvigorate the Kobe process as a forum for the exchange of information, best practices and lessons learned in relation to performance review processes.
- The need for States to cooperate in order to enhance the ability of developing States, in particular the least-developed among them and SIDS, to conserve and manage

straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks, to enable their participation in high seas fisheries for such stocks and to facilitate their participation in sub-regional and RFMO/As, must be considered and addressed, including through the Assistance Fund under Part VII of the Agreement. It is crucial that this important funding mechanism, which is an essential part of the Agreement itself and which could significantly enhance the ability of developing States to exercise their rights and fulfil their obligations under the Agreement, be revitalized and maintained through adequate and sustainable funding.

## **Composition, Operation and Selection Process for the Performance Review Panel**

### **Composition of the Performance Review Panel**

The independent performance review panel will be comprised of between four and six people as described below:

- Between two and four experts from different Members of the Extended Commission (EC). The Member experts should have extensive experience with the CCSBT and, as a group, the Panel should have expertise in fisheries management, fisheries science, compliance and legal governance at the international level.
- Two independent external internationally recognised experts with expertise, as a group, in the best practices for international fisheries management (including compliance) and fisheries science. The external experts shall not be officers or officials of the CCSBT or of a CCSBT Member government at the time of appointment nor throughout the term of the contract to conduct the performance review.

### **Chair and operation of the Performance Review Panel**

- The Chair of the Performance Review Panel will be chosen by the EC from one of the independent external experts. The Chair will present the report of the Performance Review Panel to the annual meeting of the CCSBT.
- It is envisaged that there will be one or two physical meetings of the Panel as determined by the Panel.
- The Panel will determine its own mode of operation for conducting the performance review and for preparing its report.
- The Secretariat will provide support to the panel by answering queries and providing background material requested by the Panel and assisting in the organisation of Panel meetings. The Executive Secretary will attend meeting(s) of the Panel if requested by the Chair of the Panel.
- If agreed by the EC, in order to save costs, all work of the review panel will be conducted in English. However, the Secretariat will translate the final report into both official languages of the CCSBT.

### **Funding**

- The participation and attendance of meetings by CCSBT Member experts will be funded by the relevant Member.
- Consultancy fees, travel and associated costs of the two independent experts will be funded by the CCSBT.
- Hire of any necessary meeting venue(s), equipment and catering will be funded by the CCSBT.

### **Selection Process**

The process for selecting the panel for the performance review panel is outlined below:

- Experts from Members of the Extended Commission will be nominated and elected at the annual meeting prior to commencement of the Performance Review (i.e. CCSBT 27).
- The two independent external experts will be selected intersessionally, preferably prior to CCSBT 27. This will involve:
  - Members providing a list of potential independent external experts, together with background information on those candidates, to the Secretariat;

- The Secretariat circulating the lists of candidates, together with the background information on those candidates, to all Members;
- Members ranking candidates as well as their preference for the Chair of the Panel and advise the Secretariat; and
- The Secretariat contacting the suitable candidates in order of rankings and engaging two candidates to conduct the review.

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### Agreed Criteria from Kobe 1 for Reviewing the Performance of Regional Fisheries Management Organizations (RFMOs)

(relevant criteria from the 2016 Performance Review of ICCAT have been added as tracked changes and criteria that may be of a lower priority to the CCSBT have been highlighted in yellow)

Area	General Criteria	Detailed Criteria
1. Conservation and management	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> <li>• <u>Extent to which capacity building initiatives are put in place to improve data collection in developing economies.</u></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> <li>• <u>Extent to which the structure, processes, procedures, and expertise of the Scientific Committee and of the RFMO Secretariat meet the needs and resources of the RFMO as well as the highly demanding data and technical requirements of the most recent modelling platforms.</u></li> </ul>
	<u>Participation and capacity building</u>	<ul style="list-style-type: none"> <li>• <u>Extent to which RFMO Members and cooperating non-members participate actively in the provision of the scientific advice.</u></li> <li>• <u>Extent to which capacity building initiatives are put in place to facilitate the effective participation of developing economies in Scientific Committee activities.</u></li> </ul>
	<u>Long-term planning and research</u>	<ul style="list-style-type: none"> <li>• <u>Extent to which RFMO adopts and regularly reviews a long-term strategy for the Scientific Committee to implement.</u></li> <li>• <u>Extent to which the research coordinated or undertaken directly by RFMO is aligned with the needs of the Commission to fulfil its mandate.</u></li> </ul>

Area	General Criteria	Detailed Criteria
	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>• <del>Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries.</del></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> <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>
	<u>Reporting Requirements</u>	<ul style="list-style-type: none"> <li>• <u>Analysis of RFMO reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to CPCs.</u></li> </ul>
2. Compliance and enforcement	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>• <u>Extent to which RFMO has adopted Port State Measures pursuant to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.</u></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>

Area	General Criteria	Detailed Criteria
	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>
	<u>Reporting Requirements</u>	<ul style="list-style-type: none"> <li>• <u>Analysis of RFMO reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to Members.</u></li> </ul>
3. <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> <li>• <u>Extent to which these procedures are effectively implemented in RFMO.</u></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>
4. <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>
	<u>Confidentiality</u>	<ul style="list-style-type: none"> <li>• <u>Extent to which RFMO has set security and confidentiality standards and rules for sharing sensitive scientific and operational/compliance data.</u></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, <u>as well as with other relevant international organizations.</u></li> </ul>
	<u>Participation and capacity building</u>	<ul style="list-style-type: none"> <li>• <u>Extent to which RFMO members and cooperating non-members participate actively and meaningfully in the work of the Commission and its subsidiary bodies.</u></li> <li>• <u>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.</u></li> </ul>
	Special requirements of developing States	<ul style="list-style-type: none"> <li>• <u>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.</u></li> <li>• <u>Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26.</u></li> </ul>
5. <i>Comparison with other RFMOs</i>	<u>Best practices</u>	<ul style="list-style-type: none"> <li>• <u>To the extent possible, evaluate the extent to which RFMO'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.</u></li> <li>• <u>Identification of areas/best practices that would allow RFMO to enhance its performance.</u></li> </ul>
	<u>Kobe</u>	<ul style="list-style-type: none"> <li>• <u>Extent to which RFMO implemented the Kobe III recommendations and comparison to the degree of implementation in other tuna RFMOs.</u></li> </ul>
56. <i>Financial and administrative</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 RFMO's decisions.</li> </ul>

Area	General Criteria	Detailed Criteria
<i>issues</i>	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, <u>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.</u></li> </ul>

### Recommendations from the 2008 and 2014 Performance Reviews of the CCSBT

**Key:** SA-2008 CCSBT's 2008 self-assessment of performance; PR-2008 CCSBT's 2008 Independent Review of Performance (undertaken by Ambassador Balton); PR-2014 2014 Independent Review of CCSBT Performance.

Source of recommendation	2008 Performance review recommendations	2014 Performance review recommendations	Initial comments from the Extended Commission and its subsidiary bodies following the 2014 performance review <sup>1</sup>
<b>Conservation and management</b>			
<b>Status of living marine resources</b>			
SA-2008-1	Support best endeavours of the ESC to recreate historical catch and catch per unit of effort series for the fishery but give maximum priority to accurate reporting and validation of future catch and effort.	<b>PR-2014-1:</b> The original recommendation remains valid and efforts should continue in the same direction. <b>PR-2014-2:</b> The compliance with and efficiency of the Data Verification procedures should be regularly checked.	ESC: Done. These are ongoing processes of the Commission.
PR-2008-1	Develop stock assessment methodologies that are robust to past underreporting.	<b>PR-2014-3:</b> The CCSBT ESC should undertake from time to time (e.g. every 5-6 years) an assessment of the robustness of the assessments, e.g. through retrospective analysis, comparing past forecasts with subsequent realizations.	ESC: Low priority. Largely captured by the MP approach.
PR-2008-2	Take a precautionary approach to management and lower the TAC as the uncertainty increases.	<b>PR-2014-4:</b> The recommendation, in its present form might be considered as fulfilled as long as the MP / Metarule "tandem" function properly (See PR-2008-3 on SBT stock rebuilding strategy). <b>PR-2014-5:</b> In the future, the CCSBT could undertake to test the robustness of the MP to climate change. It should also take every opportunity to give priority to stock rebuilding above increasing catch, when exceptional positive recruitment spikes occur above the variations against which the MP has been tested.	ESC: Done. Assuming ongoing MP / meta rule application.  ESC: Low priority. Existing robustness tests broadly cover this as well.

<sup>1</sup> These are initial comments from the Extended Commission and its subsidiary bodies on some of the recommendations. Acronyms are as follows: Extended Commission (EC), Compliance Committee (CC), Extended Scientific Committee (ESC) and Ecologically Related Species Working Group (ERSWG). Comments from Secretariat paper CCSBT-CC/1410/05 are indicated with "CCSec". Comments from this paper are included where the paper indicated that no new action items are required by the Compliance Committee in response to the performance review recommendation. These comments are included here because the Compliance Committee did not consider these specific recommendations in its report(s).

PR-2008-3:	Determine management objectives and rebuild strategy consistent with UNFSA requirements to guide future scientific assessments. Set TACs at a level that will allow the stock to rebuild.	<b>PR-2014-6:</b> Every effort should be made to enhance (speed-up) the rebuilding trajectory in line with the precautionary approach to fisheries (cf. PR-2008-2). Special efforts should be made to identify additional measures (e.g. protected areas) to support spawning and recruitment and improve resilience to fishing and climate change.	ESC: EC responsibility for first part of recommendation.  ESC: Low priority. Efforts already being made within constraints of existing operating environment.
SA-2008-2	Make the maximum effort to implement the items which have been identified and prioritised by the Extended Scientific Committee in the CCSBT's Scientific Research Program (Attachment 9 of the SC12 Report)	<b>PR-2014-7:</b> The CCSBT could consider the feasibility of a collaborative programme (between RFMOs and institutions competent in biodiversity conservation) to assess ex ante the likely impacts of climate change on the tuna ecosystems, the SBT, the ERS, their productivity, distribution and resilience. The outcome of this work would indicate which ocean parameters could be usefully monitored to better inform the Meta Rule of the MP Process.	ESC: Low priority.  ERSWG: The ERSWG supported this recommendation noting that the ecosystem approach is growing in importance and requires collaboration. This recommendation has been added to the ERSWG's workplan.
SA-2008-3	Assess and monitor, directly or with other RFMOs, the risks and impacts on ERS and adopt a mitigation strategy.	<b>PR-2014-8:</b> The CCSBT should specify the mitigation strategies for each ERS, area and fishery with their objectives (short and long-term), management and enforcement measures, and performance assessment. Considering the amount of work this represents, each strategy should also specify the order of priority given by the CCSBT to the different ERS, areas and fisheries, and it should record its rationale for these decisions.	ERSWG: The ERSWG strongly supported this recommendation and viewed it as a high priority. Links were noted between this recommendation and recommendations 25 and 32. The work could be conducted in collaboration with other tuna RFMOs.
SA-2008-4	To base decisions on periodic full assessments of the SBT stock and establishing a rebuild strategy.	<b>PR-2014-9:</b> It can be considered that the recommendation is being implemented and has been integrated in the CCSBT best practice. No more recommendation needed.	
<b>Data collection and sharing</b>			
SA-2008-5	Develop a strategy to collect and share data between CCSBT Members and RFMOs.	<b>PR-2014-10:</b> Based on the above the original SA recommendation might be considered as completed. However the PR suggests maintaining it as a leading title under which for more specific recommendations might be nested as need arise, e.g. regarding the SBT catches in recreational and artisanal fisheries.	ERSWG: The ERSWG supported the original recommendation noting that limited data sharing in this context reduces the working group's effectiveness. The ERSWG does not consider the original recommendation to be complete.

SA-2008-6	Clear standards are to be set on the type of data and level of detail to be provided by Members [and cooperating non-members], in order to ensure the science process has the information it requires.	<b>PR-2014-11:</b> More efforts need to be made to resolve the data confidentiality (regarding observers and operational fishery data) in order to improve the resolution and accuracy of the assessments and precision of the scientific advice.	<p><b>ESC:</b> Access to data sets and operational data would appreciably enhance the work of the ESC, recognising nevertheless that commercial confidentiality concerns would need to be addressed by the Extended Commission.</p> <p><b>ERSWG:</b> The ERSWG supported this recommendation and noted that it would be very beneficial.</p>
SA-2008-7	All members and cooperating non-members fulfil the UNFSA / Kobe requirements regarding collection and sharing of data (e.g.: Scientific data; Observers' data; ERS data; Catch documentation; Listing of vessels and farms; Transshipment; Data gap-filling; and data confidentiality (SA-2008). See also SA-2008-10.	<b>PR-2014-12:</b> The initial recommendation, as formulated, seems to have accomplished its role and could be considered as completed and replaced, in the future by more specific ones.	
SA-2008-8	Commercial confidentiality should no longer limit the access to data within the CCSBT. Members should make every effort to ensure that domestic constraints on data provision will not undermine the conservation and management efforts by CCSBT. Members and Cooperating Non-Members fully comply with the confidentiality agreements and provisions within the CCSBT.	<b>PR-2014-13:</b> As long as the confidentiality problem will hamper the quality of the scientific assessment efforts CCSBT should continue to improve the accessibility of "confidential" data for this purpose, with appropriate safeguards. A time limit should be adopted in the data confidentiality rules, putting most if not all data in the public domain after a given period of time sufficient to reduce sufficiently or eliminate any risk from its broader use.	<p><b>ESC:</b> EC to address.</p> <p><b>ERSWG:</b> The ERSWG supported the first sentence of this recommendation, in the context that the data needs to be used in a collaborative approach, but had reservations about making data public after a set period of time.</p>
SAWG-2010 (Scientific Advice Working Group (of Kobe II))	Range of recommendations on data collection and sharing.	<b>PR-2014-14:</b> It is recommended that the SAWG recommendations be carefully examined and integrated in the data collection and sharing agenda.	<p><b>ESC:</b> Ongoing.</p> <p><b>ERSWG:</b> The ERSWG found it difficult to respond to this as it did not have the suite of SAWG recommendations before it.</p>

Quality and provision of scientific advice			
SA-2008-9	Achieve a better balance between the scientific efforts dedicated to SBT on the one hand and ERS on the other.	<b>PR-2014-15:</b> The above recommendation is important and is probably a long-term one with implications for research but also for management. However, because of the subjectivity of the concept of balance and its potential financial implications, it should be used as a "chapeau" and be complemented by more specific ones, related to specific species/areas requiring more attention.	<p><b>ESC:</b> Ongoing. Support noted through progress of the ERSWG.</p> <p><b>ERSWG:</b> The ERSWG supported this recommendation and noted that it was fundamental to moving towards and ecosystem approach. It was also noted that this type of balance is relevant to observer programs and the time observers spend on ERS activities. The working group noted that it has been valuable having an independent chair and that aligning closely to the ESC model (such as having independent experts) may help to progress work more rapidly. The ERSWG noted the value of having independent experts at the SMMTG meeting.</p>
SA-2008-10	The current structure of the Extended Scientific Committee, especially, the independent chairs and advisory panel, should be maintained.	<b>PR-2014-16:</b> No additional recommendation is needed regarding the continuing role of the ESC Independent Chair and Panel	
SA-2008-11	In light of the requirement to focus on future information with which to assess the stock status of SBT, the number and skill sets of independent experts required in support of the scientific process should be reviewed.	<b>PR-2014-17:</b> Assess the eventual gaps in scientific skills and proceed to fill them through recruitment (including of new/ complementary profiles in the Independent Panel) and capacity building in partner countries.	<p><b>ESC:</b> Ongoing. High priority in the case of the Independent Panel.</p> <p><b>ERSWG:</b> This recommendation was supported by the ERSWG. The ERSWG noted the ideas on capacity building developed at the SMMTG and ERSWG and that these are likely to come to fruition through the Birdlife International component of the ABNJ Tuna Project.</p>
SA-2008-12	The need for a management procedure for the fishery in the short term should be reconsidered in light of the alternative approach of periodic stock assessments using the agreed operating model.	<b>PR-2014-18:</b> The original recommendation should be considered as superseded. No new recommendation needed as the MP is now integrated in the assessment and advisory tool box of the Commission and its performance will be regularly assessed.	

Kobe III-1: Management Strategy Evaluation (MSE)	Contribute to a Joint Technical WG on MSE to facilitate the implementation the PA (Kobe III p.4 and Annex 3 § 1.3)	<b>PR-2014-19:</b> The CCSBT should continue to contribute to tuna RFMOs effort to develop MSE capacity and implementation. As the Joint WG now exists, more specific recommendations might be more useful in the future.	ESC: Ongoing.
SAWG-2010	- Regular large scale tagging programs (including archival tagging) to estimate natural mortality growth and movement patterns as well as tuna behavior and vulnerability.	<b>PR-2014-20:</b> Large scale tagging programmes do not seem to be undertaken anymore which means that the recommendation above is not fulfilled. It should be maintained or formally rejected by the ESC with an explicit rationale.	ESC: Low priority. Focus is on gene tagging for absolute estimates of recruitment.
SAWG-2010	- The study of spatial aspects of stock assessment to substantiate spatial management measures.	<b>PR-2014-21:</b> Efforts to gain information on the spatial structure and movements of the SBT stock and the fleets exploiting it should be continued as they are of paramount importance for management and conservation. <b>PR-2014-22:</b> A spatial, ecosystem-based framework could be developed as a strategic layer of assessment, added to the presently more tactical framework (imposed by the knowledge available as well as the need to deliver an undifferentiated TAC estimate), to be used every 5-10 years, perhaps in connection (not in synchrony) with the MP 6-yearly performance assessment, for obtaining a more realistic foresight.	ESC: Low priority for additional work but some work already occurring.  ESC: Low priority unless new evidence indicating stock structure becomes available.
SAWG-2010	- The use of high-resolution spatial ecosystem models to better integrate biological features of tuna stocks and their environment. - Agree on a list of minimum standards for stock assessment	<b>PR-2014-23:</b> The recommendation is apparently being implemented across various activities. It should probably be maintained until a formal document is agreed and published on minimal stock assessment standards.	ESC: Low priority for future work.
SAWG-2010	- Develop research capacity in developing Members' countries	<b>PR-2014-24:</b> This subject is important for the future of the CCSBT decision making progress and legitimacy and should be elevated to a continuing recommendation. The direct role of CCSBT might be limited (by its funding and own capacity to train) but it could help identify needs, promote assistance and monitor capacity-building activities directly related to the fulfilment of its mandate.	ESC: Ongoing. High priority.  ERSWG: The ERSWG supports capacity building as an important endeavour. The CCSBT should seek to fund such work from both its own resources and external sources wherever possible. It was noted that ACAP had a secondments grant program specifically aimed at capacity building.

Bycatch policy and management strategy	No specific recommendations	<b>PR-2014-25:</b> It is recommended to bring together all the elements presently related to ERS to elaborate a proper policy and management strategy for ERS, adopting clear objectives as well as reference values or trends, limits and targets, against which performance could be assessed. Better use of observers would improve the efficiency of the policy.	<b>ERSWG:</b> The ERSWG strongly supported this recommendation and regarded it as high priority, noting that this has links to recommendation 8. Harmonisation with other tuna RFMOs should be considered.
<b>Adoption of conservation and management measures</b>			
SA-2008-13	The CCSBT should continue to make conservation and management measures which are consistent with scientific advice from the Extended Scientific Committee.	<b>PR-2014-26:</b> As a consequence, the recommendation above, in its present form, could be considered as being implemented correctly. As it seems to have been incorporated in the ordinary practice of the EC, it might be eliminated from the list and replaced, as appropriate with more specific ones in the future.	
SA-2008-14	The CCSBT should satisfy the UNFSA standards.	<b>PR-2014-27:</b> This recommendation refers to an international legal obligation. It could be maintained but cannot be usefully assessed unless it is made more specific (see next recommendation). New recommendations could, for example, call for explicit implementation of instruments that further the implementation of UNCLOS and UNFSA such as International Guidelines and Action Plans for management of fishing capacity, control of IUU, management of sharks, etc... or the CBD and WSSD requirements for Marine Protected Areas (e.g. to protect SBT spawners and juveniles or ERS) and other international agreements. It could also call for binding measures for CCSBT ERS conservation and management.	
SA-2008-15	The parties to the Convention could review the Convention and modernise it to UNFSA standards.	<b>PR-2014-28:</b> The CCSBT should formally consider the need to align its Convention to the UNFSA principles and standards. A gap analysis could be an easy first step based on which a decision to proceed with a formal revision or through Strategic and management planning could be explicitly made.	

SA-2008-16	The CCSBT should develop a Strategic Plan plus a Management Plan to implement minimum standards for the fishery (SA-2008).	<b>PR-2014-29:</b> The CCSBT should pursue the effort of coherent planning. As conservation and management are the core of the CCSBT mandate and the Strategic Plan provides a comprehensive framework for fulfilling that mandate, it could be suggested to attach to the recently adopted Strategic Plan (as an annex) a management Plan, going into more implementation details. This could help avoid duplication and integrate better the policy, the strategy and the management plan. The management procedure and metarule processes are part of the Management Plan.	
SA-2008-17	Consider moving to alternative allocation principles of the TAC rather than set tonnages.	<b>PR-2014-30:</b> The present practice fulfills the recommendation. As long as members and candidate members find the present approach convenient, there is no reason to change it.	
Kobe-1: Ecologically related species	Strengthen conservation and management measures to minimize harmful impacts of SBT fisheries on non-target populations and their ecosystems and ensure long-term sustainability, using the best scientific evidence available. In particular: Increase attention on sharks, seabirds, turtles and mammals (KIII.5.b.f), minimizing the impact of fishing (KI.I.10; KI.I.11). Assess and manage sharks (KI.I.11; KII.1f; KIII.5.b.d). Require the use of on-board observers to collect discards data (KIII.5.b.a);	<b>PR-2014-31:</b> There is obviously a trade-off in the use of the observers' time which affects the precision of the data (and ensuing assessments) of SBT and ERS respectively. Although the detailed data collected eventually by observers is not known, a minimal assessment of the state of the ERS (or contribution to such assessment in a collaborative framework) will probably require more ERS data to be collected. The use of video cameras might be a useful assistance to the observer.	<b>ESC:</b> Refer to ERS  <b>ERSWG:</b> The ERSWG noted that the workload of observers is an issue, but is one of the cheapest options when considering alternatives to reducing uncertainty in risk assessments. This recommendation should not be limited to video cameras. The use of e-monitoring and e-reporting can also be useful in reducing the workload of observers.
Kobe-1: Ecologically related species	Ensure that [management] measures reflect international agreements, tools and guidelines to reduce bycatch, including the relevant provisions of the FAO Code of Conduct, the IPOAs for Seabirds and Sharks and the FAO guidelines on sea turtles. (BCWG 2010).	<b>PR-2014-32:</b> The CCSBT relies on its members to comply with non-CCSBT institutions requirements and the degree of control or verification by CCSBT of the effectiveness is not clear and possibly insufficient. Formally adopting the relevant FAO IPOAs, adapting them to regional plans of Action (RPOAs), and instituting an implementation framework would be an efficient way to align CCSBT management practices with the international standards while strengthening the purely voluntary FAO instruments.	<b>ERSWG:</b> The ERSWG supported this recommendation and noted that the FAO IPOAs are useful resources that provides guidance in a number of areas and the FAO best practice guidelines provides a useful framework. It was also noted that this recommendation is linked to recommendations 8 and 25, and that this recommendation should be considered in the context of the limited resources of Members.

<p>Kobe-1: Ecologically related species</p>	<p>Adopt the following principles reflecting best practice: bycatch avoidance and mitigation measures should be: (1) binding, (2) clear and direct, (3) measureable, (4) science-based, (5) ecosystem-based, (6) ecologically efficient (reduces the mortality of bycatch), (7) practical and safe, (8) economically efficient, (9) holistic, (10) collaboratively developed with industry and stakeholders, and (11) fully implemented.</p>	<p><b>PR-2014-33:</b> The real extent of the problem (if any) in relation of turtles and mammals should be transparently assessed by the ERSWG. The overall policy in relation to ERS, summarized in the Strategic Plan, provides the higher level frame for the ERS part of a future management plan.  <b>PR-2014-34:</b> As mentioned in the PR-2008, the most effective way to reduce collateral impacts on ERS is through binding measures implemented by members and cooperating non-members and the duty to do so is established through the commitments made by governments in other fora to use the CCSBT and other RFMOs for just such purposes. The commitments are referred to also in the Kobe criteria a, h, and i.</p>	<p><b>ERSWG:</b> The ERSWG noted that the ERS part of a management plan should cover all ERS, including turtles and mammals, and the relative priority of species groups should be assigned in the future.   <b>ERSWG:</b> The ERSWG commented that any progress in this direction needs to be resolved at the Extended Commission level.</p>
<p>PR-2008-4</p>	<p>Apply 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 (PR-2008; Kobe I, § I.1.4 and 1.10).</p>	<p><b>PR-2014-35:</b> This generic recommendation has very long-term implementation implications and could be considered as being implemented continuously as long as a precautionary MP is used together with the metarule. If formally adopted as a Principle (possibly inserted in a revised Convention), it would not need to be carried forward as a recommendation.</p>	
<p>Kobe-2: the ecosystem approach</p>	<p>Apply the Ecosystem Approach to Fisheries (EAF) to manage bycatch of target and non-target species (Kobe I, §I.4, §.I.10);</p>	<p><b>PR-2014-36:</b> Consider the present elements of the CCSBT fishery policy and management framework which belong to an EAF. Identify possible gaps, discuss them, and move to fill them. Assess explicitly the compliance with the agreed EAF framework.</p>	
<p>Kobe-3: rebuilding plans</p>	<p>Adopt and implement effective rebuilding plans for depleted or overfished stocks (Kobe I § 1.4);</p>	<p><b>PR.2014-35:</b> As it stands the original recommendation is largely completed with the adoption of a Management procedure and a Strategic Plan. However, the effectiveness of the rebuilding strategy and plans needs to be regularly checked for performance.</p>	

Capacity management			
PR-2008-5	The CCSBT should at very least implement the recommendations set forth in the FAO International Plan of Action on the management of fishing capacity.	<p><b>PR-2014-37:</b> As a minimum, the CCSBT should continue to monitor the list of vessels (authorized and IUU) and develop indices of capacity (e.g. number of vessels as corrected by size, tonnage and technology) to ascertain that capacity is adjusted to the stock's biological productivity (and hence to the TAC).</p> <p><b>PR-2014-38:</b> If the stock builds up, the TAC will increase and higher capacity will be needed to take it. As CCSBT plans to assess the MSY (or MEY) replacement yield, it should simultaneously project the capacity it will need, compare it to the present one and act accordingly.</p> <p><b>PR-2014-39:</b> A longer-term proposition might be to seek agreement of other tuna RFMOs for a coordinated regional management of tuna fleets capacity to connect to the Global Register of ATVs.</p>	
Compatibility of management measures			
SA-2008-18	The CCSBT's arrangements in relation to catch limits and national allocations are compatible between high seas and in areas under national jurisdiction. The CCSBT should continue to ensure that measures are compatible.	<b>PR-2014-40.</b> Because of the central importance of spawning and recruitment for stock rebuilding, additional efforts should be made to develop, in Indonesian waters, spatio-temporal restrictions, equitable and compatible with the rest of the management strategy.	<b>ESC:</b> Low priority. Refer to comments in 2014-6.
Fishing allocations and opportunities			
SA-2008-19	The CCSBT should improve its accountability for decision making and move towards separating the TAC decision from allocation decisions... the CCSBT should consider moving to national allocations based on alternative principles, rather than set tonnages.	<b>PR-2014-41:</b> This recommendation has been completed and the required separation between the TAC determination and the national allocations is now institutionalized and part of the normal practice of the CCSBT.	

Compliance and enforcement			
Flag State duties			
SA-2008-20	All members and cooperating non-members should continue to take all necessary actions to ensure compliance with conservation and management measures adopted by the CCSBT. There is now an urgent need for CCSBT to finalise longer term MCS arrangements centred on harmonised arrangements under a CDS.	<b>PR-2014-42:</b> The CCSBT should continue to ensure compliance by all possible means, including through continued, and full implementation of the enhanced Compliance Committee process, QAR program and compliance action plans and policies. Any additional recommendations on compliance that stem from these new processes should be specific and lead to action by the CCSBT in accordance with the rules and procedures of the Compliance Committee and related Compliance Action Plan and tools. No additional recommendations are necessary.	<b>CCSec:</b> No specific additions have been made for this item as it is addressed by the overall revised CAP <sup>2</sup> (2015-2017).
Port State measures			
SA-2008-21	Bearing in mind the need to avoid duplication of effort, the [outcome of the] FAO Technical Consultation on Port State Measures that was held in Rome on 23-27 June 2008, provides the Commission with some guidance on a preferred model when considering implementation of any CCSBT Port State measure. That new agreement may not enter into force for several years. In the meantime, the CCSBT should move to adopt a broader set of Port State Measures designed to prevent the landing and transshipment of illegal, unreported and unregulated SBT catches – including by vessels on the CCSBT authorized vessel list.	<b>PR-2014-41:</b> The CCSBT should accelerate its progress in developing a Resolution on Port State Measures consistent with the 2009 FAO Port States Agreement.	<b>CCSec:</b> This is specified to occur in 2015 and 2016 in the revised CAP.

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<sup>2</sup> Compliance Action Plan

Monitoring, control and surveillance (MCS)			
SA-2008-22	As the CCSBT does not have its Convention area and SBT migrates into the other tuna RFMOs' areas of jurisdiction, the CCSBT should cooperate with the other tuna RFMOs to optimise harmonisation; improve global effectiveness; and avoid duplication of work. The CCSBT should prioritise the development of MCS in the context of a compliance plan.	PR-2014-43: Considering that both technology and sister RFMOs programmes keep evolving, the CCSBT should continue to improve its MCS measures and scheme, and take additional steps to harmonize its MCS measures with other RFMOs. Details on areas to harmonize further are examined below.	CCSec: the revised CAP for 2015-2017 has been amended to add some additional text regarding harmonising with other RFMOs' systems and processes.

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<p>SA-2008-23</p>	<p>Acknowledging the 2007 Kobe commitment to consistent ROP standards, the CCSBT should align its observer program with those of other RFMOs which also have an observer program such as CCAMLR and the IOTC.</p>	<p>PR-2014-44: The CCSBT should accelerate its efforts to strengthen its Scientific Observer Standards and ensure they are harmonized with those of neighboring RFMOs with respect to ERS observer data.</p> <p>The CCSBT should also give serious consideration to the development of a ROP, perhaps through forging a relationship with the WCPFC to allow for mutual recognition or cross endorsement of observers, as the WCPFC and IATTC have done.</p>	<p>ESC: Done. New observer standards endorsed by the ESC.</p> <p>ERSWG: The ERSWG strongly supported this recommendation and considered it as high priority. The January 2015 meeting of the joint tuna RFMO bycatch technical working group for harmonisation of longline bycatch data collected by tuna RFMOs was recognised in this context.</p> <p>CCSec: Not added to the revised CAP because work is already in progress on this item within the ERSWG community. A joint tRFMO technical bycatch working group meeting on longline observer bycatch data is scheduled for January 2015. The results of this meeting are expected to be considered at ERSWG 11 in March 2015.</p> <p>ESC: Serious consideration has already been given to an ROP by the CC/EC. This is referred to CC/EC.</p> <p>CCSec: Not added to revised CAP (2015-2017) due to the difficulty Members have had on agreeing to a ROP. However, Members should discuss whether they wish to reconsider this issue as suggested by the recommendation.</p>
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PR-2008-6	A VMS that is not centralised has limited effectiveness and CCAMLR has adopted a centralised VMS (SA-2008). Although most CCSBT members require their vessels to use satellite-based vessel monitoring systems (VMS) and despite the adoption in 2006 of a CCSBT resolution committing members and cooperating non-members to adopt an integrated VMS system, the CCSBT still does not have such a system in place. The Commission should institute one promptly.	<p><b>PR-2014-45:</b> The CCSBT should trigger paragraph 5 of its 2008 CCSBT Resolution and goal 8.3 of its Compliance Action Plan, and review and revise the Resolution to include specific baseline operational VMS standards for SBT vessels regardless of their area of operation, such as reporting frequencies, recipients and use of VMS data (such as by the CCSBT Secretariat, SC/ESC, and ERSWG and Compliance Committees (other than summary reports currently required under the 2008 Resolution).</p> <p>For instance, CCSBT members and CNMs could agree that their SBT vessels operating in other RFMO Convention Areas would transmit the VMS reports sent under those VMS programs to the CCSBT Secretariat.</p>	<p><b>CC:</b> Agreed to review the CCSBT's 2006 and 2008 VMS Resolutions in its Compliance Action Plan for 2018-2020.</p> <p><b>CCSec:</b> Not added to revised CAP (2015-2017). The main RFMO of relevance (IOTC) with respect to the quantity of SBT caught, does not have VMS transmissions sent to the Secretariat.</p>
Transshipment at sea	No specific recommendations	<p><b>PR-2014-46:</b> The CCSBT should accelerate its progress in reviewing its Transshipment Program for tuna longline vessels in conjunction with the development of a Port State measures resolution that is consistent with the 2009 FAO Port States Agreement.</p> <p>The CCSBT should also be prepared to develop rules to govern at sea transshipment involving purse seine vessels that are consistent with those adopted by the WCPFC, if at-sea transshipment activities involving such vessels begin to be utilized in the future.</p>	<p><b>CCSec:</b> This is specified to occur in 2015 in the revised CAP (2015-2017).</p> <p><b>CCSec:</b> Not included in CAP (2015-2017) as there is no transshipment at sea from purse seine vessels. This will be revised according to the recommendation if considered likely to occur in the future.</p>
High seas boarding and inspection	No specific recommendations	<b>PR-2014-47:</b> CCSBT should therefore develop as a matter of priority procedures for high seas boarding and inspection of SBT vessels.	<b>CC:</b> Did not reach consensus on including an action item in the 2018-2020 Compliance Action Plan.

Follow-up on infringements			
SA-2008-24	The CCSBT should, as a minimum, establish agreed rules on the treatment of overcatch (requirement of payback). Ideally, the CCSBT should establish a range of penalties in relation to all conservation measures.	<b>PR-2014-48:</b> The CCSBT has taken steps since 2008 to considerably strengthen its compliance assessment processes and tools, including a framework for applying a range of penalties for instances of Member and CNM non-compliance with CCSBT measures. CCSBT should continue to refine these tools and ensure they are transparently and fairly implemented when necessary to ensure legitimacy and integrity in its system, thereby creating an incentive for compliance among members and CNMs.	<b>CC:</b> The meeting recommended that the Corrective Actions Policy be revised to specify that a public record of breaches of national allocations of the global TAC be developed and maintained. This record would include the corrective actions that were taken in relation to these breaches.
Cooperative mechanisms to detect and deter non-compliance			
SA-2008-25	<ul style="list-style-type: none"> <li>- All Members and Cooperating Non-Members should submit their national reports to the CCSBT.</li> <li>- The CCSBT allocate sufficient time to the CC and the Extended Commission to allow them to complete both routine and development work each year.</li> </ul>	<b>PR-2014-49:</b> The CCSBT has taken steps since 2008 to considerably strengthen its compliance assessment processes and tools, including reworking its Compliance Committee terms of reference, giving the Committee adequate time to meet, and adopting an IUU Vessel List measure. Members and CNMs are cooperating with the process, providing their national reports on time and submitting themselves to a multilateral review of their compliance in the Compliance Committee. The CCSBT should continue implement these tools fully and ensure non-compliance is transparently and fairly assessed, thereby creating an incentive for compliance among members and CNMs. The CCSBT should also consider mandating that a member who is being considered for a sanction under its policies may not participate in the decision-making on that issue.	

Market-related measures			
SA-2008-26	<ul style="list-style-type: none"> <li>- The CCSBT should thus continue to move forward smartly toward the adoption and implementation of a full Catch documentation system (CDS).</li> <li>- The CCSBT should implement a CDS as matter of urgency.</li> <li>- Pending implementation of a CDS, all members and cooperating non-members should be required to implement the TIS.</li> <li>- The CCSBT should monitor all market and port states and encourage compliance with CCSBT monitoring and trade measures.</li> </ul>	<p><b>PR-2014-50:</b> The initial recommendations are already fairly well implemented. CCSBT should explore all available options for tracking the trade of SBT between those States that are not members or CNMs, and continue to engage in outreach (both from the Secretariat and individually as CCSBT members or CNMs, such as through diplomatic channels and in bilateral contacts) to those non-member nations to encourage their participation in and implementation of the CCSBT CDS.</p>	<p><b>CCSec:</b> These recommendations are already covered in the existing CAP (2015-2017).</p>
Decision-making, transparency and dispute settlement			
Decision-making and transparency			
SA-2008-27	<p>Consensus decision making does mean that some decision making is delayed but the Commission could also consider that some day to day operational decision making could be devolved to the Chair or the Executive Secretary (by unanimous decision of the Commission).</p>	<p><b>PR-2014-51:</b> As changing the CCSBT decision-making model (from unanimous to majority decision-making) would require amending the Convention, no specific recommendations are offered. However, should the CCSBT decide to embark on a process to evaluate and modify its Convention provisions – as several other RFMOs have done in the last decade (e.g., see NAFO, NEAFC, ICCAT and IATTC) and which is noted in the CCSBT Strategic Plan- there are a number of alternative models for decision-making (currently employed by other RFMOs) from which it could choose.</p>	

SA-2008-28	<p>- As [the rules and procedures on observers] are not in keeping with the spirit of current international fisheries governance frameworks, the CCSBT should consider modernizing Rule 3 of its rules of procedure.</p> <p>- The CCSBT and its members should improve openness by better publication of the rules for observers. One possible option would be to put the information about the current arrangements to accept observers on the CCSBT website.</p>	<p><b>PR-2014-52:</b> The present policy and regulations of CCSBT regarding observers are now in line with international standards and the initial recommendations can be considered as fulfilled and dropped.</p>	
<b>Decision-making and dispute settlement</b>			
Kobe-4: dispute settlement	<p>Establish adequate mechanisms for dispute settlement.</p>	<p><b>PR-2014-53:</b> It is recommended that the CCSBT seriously consider developing an alternative approach to dispute settlement/conflict resolution to avoid the potential for future stalemates that could significantly compromise the conservation and management of the SBT resource. As noted by the PR-2008, the additional dispute settlement rules provided by the UNFSA could usefully be used as now all CNMs and members of the Extended Commission, except Taiwan, are party to the UNFSA.</p>	
<b>International cooperation</b>			
<b>Relationship to cooperating non-members (CNMs)</b>			
Kobe-5: Cooperating non-members	<p>Extent to which the RFMO facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status.</p>	<p><b>PR-2014-54:</b> CCSBT has given particular attention to the subject of non-members with a view to facilitate their participation in the governance process. No particular recommendation is therefore needed except to continue paying attention to the issue and pursue its efforts towards the remaining non-members and potential newcomers in the fishery.</p>	<p><b>CCSec:</b> No specific additions have been made for this item as it is addressed by the overall CAP (2015-2017).</p>

Relationship to non-cooperating non-members			
Kobe-6: Non-cooperating non-members	Members and cooperating non-members of CCSBT should share information about non-cooperating non-members' vessels fishing on SBT and take appropriate measures to deter the activities of such vessels.	<b>PR-2014-55.</b> CCSBT has given particular attention also to the subject of non-cooperating non-members with a view to deter the activities of their vessels. CCSBT should continue its efforts to improve collaboration with all the actors in the fishery to continue to strengthen its efforts in combating IUU fishing activities and ensure the effective implementation of its measures and programs. In addition, the development of port State measures in line with the FAO Port States Agreement (as is discussed in section 4.2.2) could greatly assist in this area.	<b>CCSec:</b> No specific additions have been made for this item as it is addressed by the overall CAP (2015-2017).
Cooperation with other RFMOs			
SA-2008-29 PR-2008	<p>- There are significant opportunities for the CCSBT to work more closely with and to harmonise measures with other RFMOs, especially with the other tuna-RFMOs, and this should be a priority area for the CCSBT.</p> <p>- The CCSBT should add combating IUU fishing activities to the list of crosscutting issues affecting all tuna RFMOs, as well as monitoring and regulating transshipment, particularly given CCSBT's geographical overlap with the Indian Ocean Tuna Commission and the Western and Central Pacific Fisheries Commission.</p>	<b>PR-2014-56:</b> Given the reliance of the CCSBT, in many ways, on cooperative relationships with other RFMOs for "harmonizing" with (and using directly) a number of those neighbouring RFMOs' measures, the work called for by the Kobe process and its 2010 workshops is particularly relevant. The CCSBT should look seriously for opportunities to re-invigorate discussions among its neighbouring RFMOs to work more closely to implement the Kobe recommendations. Key areas of collaboration include: more systematic exchange of data and information (interoperable databases); additional harmonization of measures; conducting more joint scientific workshops; increasing coordination of compliance work, particularly to combat IUU fishing and conserve and manage ERS; large-scale tagging programmes; ecosystem approach implementation; large scale ecosystem-based modelling; Management Strategy Evaluation; harmonisation of MCS systems; common formats for assessing compliance (with data reporting; infringements, etc.); capacity-building (e.g. training courses); and development of common positions at IUCN, CITES, CBD, and the UNGA.	<p><b>ESC:</b> Ongoing. High priority on a case by case basis (e.g. exchanging data for estimates of unaccounted mortality).</p> <p><b>ERSWG:</b> The ERSWG strongly supports this recommendation and notes that this sort of cooperation is essential to undertaking broader scale assessments.</p> <p><b>CCSec:</b> The harmonisation and capacity building components of this with highlighted text are already covered in the revised CAP (2015-2017), so no additional changes were required to address those.</p>

Special requirements of developing States			
SA-2008-30	No change [in the CCSBT policy regarding developing Members and CNMs] is necessary.	<b>PR-2014-57:</b> As is noted it is Strategic Plan, the CCSBT should develop a more comprehensive strategy for addressing the capacity building needs, particularly with regard to compliance with CCSBT obligations, programs, and implementing the CDS, of developing State members/CNMs. One model to consider is that of the IOTC, which conducts compliance “missions” in country to assist developing State members in identifying areas of deficiency and in developing an action plan to improve.	<b>CC:</b> Agreed to include targeted analysis of capacity building needs and Compliance “missions” to assist developing State Members in its Compliance Action Plan for 2018-2020.
Financial and administrative issues			
Availability of resources for RFMO activities			
SA-2008-31	The CCSBT should consider establishing a position at the Secretariat to: (i) provide policy and management advice; (ii) take a more proactive role in seeking advice/positions of members; and (iii) enhance implementation of the Strategic Plan.	<b>PR-2014-58:</b> This recommendation has been fully implemented.	
Financial resources	No specific recommendations	<b>PR-2014-59:</b> This, together with the fact that there do not seem to be any indication of under-delivery, would indicate that resources allocated by Members to the Commission are more than sufficient to cover planned activities. The resulting systematic carry-over is probably an illustration of the Secretariat's concern with financial efficiency. However, systematic carry-over is usually not considered good budgetary practice as, in principle, unless all funding requests were accepted during the budgeting process, the savings indicate that activities that were not funded for lack of funds could have been undertaken and suffered unnecessarily from the decision. Uncertainties are always an issue but if they always result in carry-over they may indicate there may be room for improved planning (with better risk assessment). A more professional advice should be given by the Auditor.	<b>EC:</b> The FAC also considered the Performance Review Panel's comments regarding regular budget under-spending, but no changes were recommended in this regard

Funding of the aerial survey	No specific recommendations	The PR-2014 does not have the elements needed to propose any recommendation on this subject.	
<b>Efficiency and cost-effectiveness</b>			
SA-2008-32	The Secretariat should continue to run the CCSBT efficiently and effectively.	<b>PR-2014-60:</b> Considering the values generated and the costs supported one might suspect that real "efficiency" might be made more by accelerating stock rebuilding than reducing administrative and research costs. As a consequence, considering that the CCSBT deals with one single species and few markets. It might be in a better position than other tuna RFMOs to consider undertaking at least a preliminary economic analysis of implications of its rebuilding strategy (taking into account, first, only market values) in order to shed some light on the economic implications of the parameters presently used for the Management Procedure and the planned rebuilding trajectory (still undefined).	
<b>Overall CCSBT performance review process</b>			
FAO review of performance reviews in RFMOs	<ol style="list-style-type: none"> <li>1. Performance Review Panels: Use a common approach and criteria but maintain flexibility.</li> <li>2. Budget: Provide a reasonable and appropriate budget for the PR.</li> <li>3. Cooperation: If needed call for cooperation with other RFMOs to enhance the PR.</li> <li>4. Role of the Secretariat: Play a proactive role, as a resource and a participant in the PR.</li> <li>5. Role of Members: Should be encouraged to provide views/ comments on the PR.</li> <li>6. Role of other stakeholders: Should be encouraged to provide views/comments on the PR.</li> <li>7. Methodology: Provide maximum opportunity for communication among the panel members, by one or more meetings and or through other means.</li> </ol>	<p><b>PR-2014-61:</b> Based on the above elements of evidence, it appears that the CCSBT has satisfactorily fulfilled the criteria established for the RFMOs Performance Review process.</p> <p><b>PR-2014-62:</b> If not available yet, It would be useful and in line with best administration practices, to keep a formal record of all recommendations with related metadata (date, subject, achievements, current status, etc.). It is therefore recommended to keep such a formal central repository of the recommendations emanating from the EC and ESC, and also from working groups or other processes.</p> <p><b>PR-2014-63:</b> The fact that the Strategic Plan is structured along the main Kobe Criteria mean that sooner rather than later, the Performance Review could become an integral part of the Strategic Plan implementation and the Recommendation Repository an important part of the implementation dashboard.</p>	