



2021 CCSBT Interim Performance Review
Performance Review Panel

Contents

Background.....	2
Progress so far	3
Interim findings and recommendations.....	3
Conservation and Management (Science).....	3
Status of living marine resources	3
Data Collection and sharing	5
Accuracy and quality of fisheries data for target and non-target stocks.....	7
Participation and Capacity Building.....	9
Long-term planning and research.....	9
Adoption of Conservation and Management Measures (Management).....	10
Compatibility of Management Measures.....	13
Fishing allocations and opportunities	14
Decision Making.....	14
Compliance and Enforcement	15
Monitoring, Control and Surveillance (MCS)	15
Cooperative Mechanisms to detect and deter non-compliance	18
Follow-up on infringements	19
Flag State duties	19
Port State measures.....	19
Market-related measures.....	20
Reporting requirements.....	21
International cooperation	22
Transparency.....	22
RFMO data exchange confidentiality.....	23
Relationship to cooperating non-members.....	24
Relationship to non-cooperating non-members.....	25
Cooperation with other RFMOs.....	26
Participation and capacity building.....	27
Special requirements of developing States.....	28
Comparison with other RFMOs/Kobe Process.....	28
Best practices	29
Financial and administrative issues.....	30
Availability of resources for RFMO activities	30
Efficiency and cost-effectiveness.....	31

Background

At its Twenty-Sixth Annual Meeting, held on 17th October 2019, the CCSBT adopted the Terms of Reference for its Performance Review, to be carried out during 2021, by an independent performance review panel. The CCSBT Extended Commission (EC) appointed the following members to the Panel.

Two independent external internationally recognized experts:

Professor Fábio Hazin (Brazil)

Mr. Bill Gibbons-Fly (USA) (Chair)

From an IOTC Member country that is not also a CCSBT Member:

- Mr. Hussain Sinan (Maldives)

From CCSBT Members:

- Mr. Hong-Yen Huang (Taiwan) as an expert from a distant water far seas fishing Member.

- Prof. Indra Jaya (Indonesia) as an expert from a coastal State developing Member.

- Mr. Dominic Vallières (New Zealand) as an expert from a developed coastal Member.

Unfortunately, Mr. Gibbons-Fly could not continue with the work due to personal reasons. Consequently, Professor Hazin was appointed as the Chair. Tragically, Professor Hazin passed away during the review. Mr. Sinan was subsequently appointed as the new Chair of the Panel.

Due to limitations in time and resources, the CCSBT further agreed through circular #2021/038 that an interim report will be provided to the October 2021 meeting of the Extended Commission and that a final report would be completed by 1st March 2022. This interim report includes: an update on the progress that has been made in the performance review; a set of draft recommendations from the review; and a separate document containing a collation of the results and opinions from the Performance Review Questionnaire.

Progress so far

CCSBT Performance Review formally began in November 2020. The Performance Review Panel (hereafter referred to as the Panel) in January 2020 agreed to progress the CCSBT Performance Review through:

- An extensive review of the documents (reports, resolutions, recommendations, plans and past performance reviews) by the Panel.
- Administration of a questionnaire to seek feedback from stakeholders (Members, fishing industry representatives, various CCSBT subsidiary body Chairs, Non-Governmental Organizations, IGOs and Secretariat staff). A google form was developed to administer the questionnaire. A total of 35 responses were received. "Views of stakeholder" is annexed to this report.

The Panel also aimed to complete the report by the end of August 2020. However, due to unforeseen circumstances, the work has been delayed. This interim report is based on the preliminary review conducted by the Panel members and the views of the stakeholders. Following any feedback received from Commissioners at EC, the Panel will reconvene to assess the recommendations further and finalize its advice.

Interim findings and recommendations

Conservation and Management (Science)

Status of living marine resources

1. Southern bluefin tuna (SBT), the species for which CCSBT has the primary management authority, has been steadily recovering since the 2008 Performance Review. The CCSBT has addressed most of the

shortcomings in assessing the status of the stocks, such as uncertainties in data, cooperation of members, and the entry of new members who were historically fishing for SBT.¹ Furthermore, CCSBT conducted extensive work from 2002 to 2011 to develop a Management Procedure (MP) to guide the total allowable catch (TAC) setting process for SBT. CCSBT's extended Scientific Committee (ESC) tested a variety of candidate MPs with the aid of an operating model.

2. The CCSBT adopted the MP, known as the "Bali Procedure," with an interim rebuilding reference point of 70% probability of rebuilding the stock to 20% of the original spawning biomass by 2020. The 2020 stock assessment has shown consistent improvement in the status of the SBT. The stock is recovering at approximately 5% per year and is on the verge of meeting the initial rebuilding target.²(Table 1).

Table 1: Trend of SBT in relation to various reference points from 2014 to 2020

Variable	2014 Status	2017 Status	2019 Status	2020 Status
Relative TRO	0.09 (0.08-0.12)	0.13 (0.11-0.17)	0.17 (0.15-0.21)	0.20 (0.16-0.24)
Relative B10+	0.07 (0.06-0.09)	0.11 (0.09-0.13)	0.14 (0.12-0.17)	0.17 (0.14-0.21)
F relative to F _{MSY}	0.66 (0.39-1.00)	0.50 (0.38-0.66)	0.55 (0.41-0.74)	0.52 (0.37-0.73)
TRO rel. to TRO _{MSY}	0.38 (0.26-0.70)	0.49 (0.38-0.69)	0.64 (0.47-0.91)	0.69 (0.49-1.03)
TRO rel. to TRO _{min} in 2009	n/a	n/a	1.79 (1.63-1.93)	1.91 (1.78-2.10)
B10+ rel. to B10+ _{min} in 2009	n/a	n/a	1.57 (1.45-1.72)	1.73 (1.63-1.94)

3. In 2020, CCSBT adopted a new MP, known as the "Cape Town Procedure," which aims to rebuild the stock with a 50% probability of achieving 30% of the original spawning biomass by 2035. This target is beyond the initial rebuilding target set out in the 2011 MP – the Bali Procedure. Thus, the CCSBT's implementation of MPs for SBT sets out a perfect example of the use of MPs in stock recovery and management.
4. CCSBT must be cautious about ensuring that Members stay within their allocations and address any management failures that could lead to catching in excess of that allocation.
5. **The PR-Panel will likely be recommending that Members continue to support the MP including by remaining within their allocation limits and eliminating areas of uncertainty that could undermine its performance.**
6. An area of concern for CCSBT is its inability to date to address the impact of SBT fisheries on non-target species that belong to the same ecosystem.³, in particular seabirds. Out of the 18 species of albatrosses with distributions that overlap with the SBT fishery, ACAP's Population and Conservation

¹ Since the 2014 performance review, the European Union became a Member of the EC on 13th October 2015 and South Africa on 15th February 2016.

² CCSBT (2020) Report of the Twenty-fifth meeting of the Scientific Committee, 7th September 2020
https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_27/report_of_SC25.pdf

³ Paragraph 40 to 44, of CCSBT's Report of the Fifth meeting of the Strategy and Fisheries Management Working Group, 6 – 8 March 2018.
https://www.ccsbt.org/en/system/files/OMMP9_Rep01_report_of_SFMWG5.pdf.

In the meeting, most members of CCSBT agree that ecologically related species Working Group has been ineffective.

Status Working Group (PaCSWG) assesses eight species in decline, five as stable, three as unknown and two as increasing. Of the seven petrel species with distributions that overlap with SBT fisheries, PaCSWG assesses three as declining, one as stable, and three as increasing.⁴.

7. Furthermore, a collaborative risk assessment of the impact of surface longline fishing on albatross and petrel species carried by Japan, New Zealand, South Africa, and Australia found that for 9 out of the 25 albatross and petrel species, the impact of fishing exceeds population productivity⁵. There is some debate amongst Members about whether CCSBT holds the mandate to manage seabirds. However, it must be noted that almost all RFMOs, in particular the WCPFC (for example, CMM 2018 – 03), ICCAT (for example Resolution 11-09) and IOTC (for example, Resolution 12/06), have adopted Conservation and management measures (CMMs) to manage seabirds, even though the latter does not have explicit reference to manage seabirds.
8. In 2018, CCSBT did adopt the *Resolution to Align CCSBT's Ecologically Related Species measures with those of other tuna RFMOs*. However, that Resolution does not prevent the CCSBT from taking more stringent measures aimed at conserving ERS, particularly seabirds. CCSBT must increase its effort in terms of time and resources for the ERSWG and ESC, and clear objectives by EC need to be put in for ERS.
9. **The PR-Panel will likely recommend looking for ways to address any clarity issues surrounding CCSBT's mandate around the management of ERS. Further, the Panel will likely suggest increasing resources for ERSWG and the EC to develop strengthened CMMs on ERS, particularly in reducing seabird mortality. The PR will also recommend continuing to strengthen the implementation of the IPOAs and FAO guidelines to reduce turtle mortality in fishing operations.**

Data Collection and sharing

10. CCSBT collects various data and information for scientific purposes (both target and ecosystem-related species) through various data exchanges. It also collects information for compliance through the CDS, authorizations (farms, fishing vessels and career vessels), transshipment reports, port inspections, and annual reports submitted to the compliance committee and the EC (Figure 1). Templates for these datasets are provided for ease of data submission and to create a harmonized dataset across Members⁶. Significant progress has been made for data collection, processing, and analysis in CCSBT since PR-2008 and subsequently after PR-2014.

⁴ Birdlife (2019) An update on the Status and Trends of ACAP – Listed Albatrosses and Petrels in the CCSBT Area https://www.ccsbt.org/en/system/files/ERSWG13_22_ACAP_StatusSummary_ACAPspp_2019.pdf

⁵ Abraham et al. (2017). Assessment of the risk of commercial surface longline fisheries in the southern hemisphere to ACAP seabird species. https://www.ccsbt.org/en/system/files/ERSWG13_BGD03_NZ_Assessment_RiskOfCommercialSLLFisheriesToSeabirds.pdf

⁶ CCSBT data submission requirements and guidelines for Members. <https://www.ccsbt.org/en/content/data-submission-requirements>

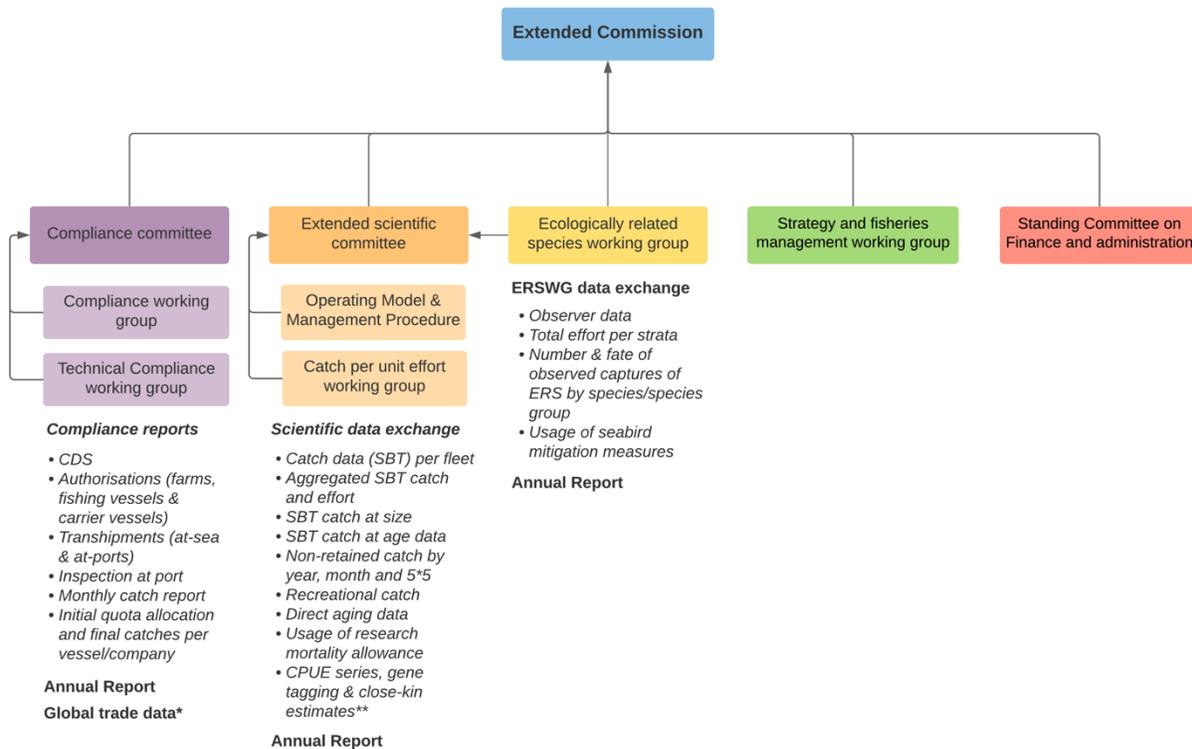


Figure 1: CCSBT Reporting requirements from Members to various subsidiary bodies. * Global trade data are independently sourced by the Secretariat. ** Gene-tagging and close-kin estimates are provided through CCSBT funded research/monitoring projects.

11. CCSBT has adopted “Rules and Procedures for the Production, Access to, and Dissemination of Data Compiled by the CCSBT” (updated: 12th October 2017). This has enabled more transparency in disseminating data, including the type of data available on the CCSBT public website and the various Members-only sections of the CCSBT site. However, both PR-2008 and PR-2014 recommended that data that has not historically been publicly available could be made available after a given period. This recommendation has not been implemented.
12. Capacity-building activities for developing Members have been limited to date. In 2019, CCSBT hosted a ‘CCSBT maturity workshop’ in Bali, Indonesia, which provided information on maturity staging, histological features, etc. Further, some developed Members in CCSBT have offered once-off training programs for developing countries to improve data collection systems. However, there is a clear gap between developing and developed Members in CCSBT regarding data collection and reporting.
13. CCSBT has a 10% target scientific observer coverage⁷ and a 100% observer coverage in vessels during transshipment operations at sea⁸. Although the majority of Members appear to be meeting the

⁷ https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/observer_program_standards.pdf

⁸ https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Transshipment.pdf

standard, some Members persistently fail to meet the target⁹. This poses a risk to the monitoring, control and surveillance aspects and the data and science-driven fisheries management processes of the CCSBT, particularly for ecosystem-related species. Furthermore, there have been questions raised at the Compliance Committee over the accuracy of bycatch data among Members fishing with similar gear in similar areas.

14. Information that some Members have submitted in their annual reports to the Compliance Committee and the EC is ambiguous when assessing compliance with the current binding and recommendatory ERS measures of the relevant RFMOs.¹⁰ There are unequal levels of reporting and diligence shown by Members of CCSBT regarding ERS management, which undermines broader efforts to address this issue.
15. There has been a move in other tuna RFMOs to automate the process of data collection through e-reporting platforms (data reporting and port inspections) to speed up the process and minimize reporting errors.¹¹ This is of particular importance for CCSBT's catch documentation scheme (CDS). It plays a critical role in monitoring, controlling, and surveillance of SBT. Furthermore, this would also address some of the inconsistencies in data reporting, particularly for ecosystem-related species. CCSBT has informed the PR of work already underway to develop an online data submission/sharing system that will integrate the data submission process, particularly compliance-related data submission.
16. CCSBT has established good working relationships with other tuna RFMOs. However, one of the recommendations of SMMTG on requesting other tuna RFMO secretariats to provide brief descriptions of the availability and Resolution of fishing effort metadata has made little progress, particularly for ERS.
17. **The PR-Panel will likely be recommending that CCSBT continue to improve the quality of data from Members through improvements in data transmissions (including electronic means) and capacity-building programs. Further, as a matter of urgency, address issues with Members with inadequate observer coverage and improve ERS data.**

Accuracy and quality of fisheries data for target and non-target stocks

18. As mentioned, CCSBT has made substantial progress in the data collection and verification process. The Compliance Committee verifies the data for completeness, accuracy, and consistency by

⁹ CCSBT (2020) Compliance with CCSBT Management Measures, https://www.ccsbt.org/en/system/files/CC15_04_Compliance_w_Measures.pdf

¹⁰ CCSBT (2020) Annual Report on Members' implementation of ERS measures and performance with respect to ERS

¹¹ IOTC is developing electronic monitoring and reporting information system (E-MARIS) for data reporting and electronic port state measures application (E-PSM). WCPFC has implemented WCPFC high Seas Transshipment E-Reporting Application (TSER).

comparing the data provided through the compliance-related reports and relevant data exchanges (both ESC and ERSWG) (Figure 1).

19. Through this established process, incomplete datasets, duplications, discrepancies among various datasets, non-reporting and late reporting by some Members for SBT have been identified. Some Members also persistently do not submit copies of all expected import copies of CDS documents to the Secretariat¹². For ERS species, scientific observer data remains a significant concern, as discussed above. Some members did not achieve the overall scientific observer effort coverage, and another did not submit necessary data to determine observer coverage, and some members only achieved a 50% representativeness (or less for their observer coverage)¹³.
20. Thus, the reliability and quality of the data that some members provide remain a considerable concern. This poses a significant risk in producing the best scientific advice relevant to the fish stocks and other living marine resources and the effects on the marine environment. The EC could establish processes to remedy these through capacity-building programs and the introduction of e-reporting platforms.
21. The scientific processes (structure, processes, procedures, and expertise) established in CCSBT for SBT are among the best in the world. The CCSBT scientific processes allow new methodologies (such as gene-tagging and close-kin captures) to be incorporated to improve the existing scientific processes. Further, the independent advisory Panel established in 1998 has provided re-assurances through the peer-reviewed process into stock assessment and scientific processes established by CCSBT¹⁴. Expert consultants have been hired on an ad-hoc basis when required as well. However, as CCSBT evolves into a global leader in sophisticated methodological stock assessment models and MSE processes, there is a fear that the highly technical nature of this process will exclude all but a handful of technical experts. Further, the information by scientists needs to be distilled and non-technical of nature to ensure transparency. Thus, continual dialogue and capacity building are necessary to maintain a level playing field and confidence, facilitating consensus decision-making and stability of CCSBT.
22. The ERSWG follows a similar process as EC but without an independent scientific advisory panel. Nonetheless, at its meetings, ERSWG benefits from significant IGO and NGO expertise (typically ACAP, BirdLife International, Humane Society International and TRAFFIC). The ERSWG task is to provide information and advice to the EC on issues relating to species associated with SBT, with specific reference to species (both fish and non-fish) that may be affected by SBT fisheries; and predator and prey species, which may affect the condition of the SBT stock. The time gap (biannual) between

¹² CCSBT (2020) Compliance with CCSBT Management measures. https://www.ccsbt.org/en/system/files/CC15_04_Compliance_w_Measures.pdf

¹³ CCSBT (2020) Report of the Fifteenth Meeting of the Compliance Committee.

https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_27/report_of_CC15.pdf

¹⁴ <https://www.ccsbt.org/en/content/scientific-process>

ERSWG meetings and the issue around the CCSBT mandate remains significant impediments for the quality of assessment, continuity, and implied commitment by EC on ERS species.

23. **The Panel will likely be recommending that the inconsistencies across the Membership in terms of quality and completeness of data reporting be addressed. Further, those possible areas where members are failing to comply are identified and conducting capacity-building programs for those areas. PR-2014-19 on CCSBT to continue capacity-building work in MSE should continue.**

Participation and Capacity Building

24. Most of the CCSBT Members attend scientific meetings and do participate in the development of management advice. All Members have an equal opportunity to voice any concern and contribute to the process. However, there seems to be an asymmetry in commitment, investment, and understanding regarding the provision of scientific advice to the EC, with some Members more active than others. Although this situation is understandable given the differing history of participation, the distinct economic capacity of Members, differing levels of technical expertise and language barriers, it is not ideal. It can undermine the CCSBT's ability to reach a consensus.
25. Secretariat has been exceptional in providing assistance to Members in the preparation of national reports and data exchange. In the early days of the MP development process, domestic capacity-building initiatives were held to introduce concepts. However, recently the capacity-building work has been rare. CCSBT's 2015 – 2020 Strategic Plan identifies capacity building needs of developing Members in terms of compliance with CCSBT obligations as a key challenge¹⁵. Even though goal 10 of the Strategic Plan is to develop a programme to assist countries with Commission requirements, not much progress has been achieved.
26. **The Panel will likely encourage the Members' active participation in the ESC process to develop its advice to the EC. Further, CCSBT needs to systematically formulate a capacity-building work plan to improve data collection, scientific analysis, and compliance-related activities.**

Long-term planning and research

27. The ESC maintains a Scientific Research Program (SRP)¹⁶ that is intended to be updated every 5-years. The SRP specifies annual work program activities (including specific research activities with timeframe, priority for each item and intention of the research) undertaken by the CCSBT, Members and the ESC. Based on the SRP, the ESC and EC develop the ESC 3-year Work Plan, which includes a description of the required financial and administrative resources from the CCSBT. Whenever the ESC fails to carry out tasks established in the Work Plan, the reasons for failure are examined. The task is

¹⁵ CCSBT (2015) Strategic Plan for the Commission for the Conservation of Southern Bluefin Tuna.
https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/CCSBT_Strategic_Plan.pdf

¹⁶ CCSBT (2014) Report of the Nineteenth Meeting of the Scientific Committee, Attachment 10, p.94
https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_21/report_of_SC19.pdf

usually re-incorporated into the Work Plan, with the required changes to address and rectify those reasons. This process has been largely successful in ensuring the necessary alignment of the work done by the ESC with the needs and priorities set by the Commission (for example, stock assessments are undertaken, and advice is provided to the Commission to inform decisions on changes the total allowable catch).

28. The last SRP covered from 2014 to 2018 inclusive, and it was planned to be revised in 2020 targeting the next five years (it was on hold for the new SBT rebuilding target to be adopted by EC and the new MP development to be completed). However, due to other priorities and the COVID-19 pandemic, at the 2020 ESC meeting, there was not enough time to consider a revised SRP, the discussion on the new SRP was postponed to 2021 for the subsequent approval by the Commission. Even though some of the stakeholders noted that the ESC had given a low priority for long-term strategic planning, the processes within the ESC have been working well. However, there are some minor concerns, especially regarding the cost-benefit of some of the scientific activities and efficient utilization of the budget. Omission of CDS data and absence of stereo video in farming activities in SRP is also of concern.
29. **The Panel will likely be recommending to prioritize the establishment and ongoing review of long-term strategic planning.**

Adoption of Conservation and Management Measures (Management)

30. The management procedure (MP) and the Resolution on allocating the Global Total Allowable Catch (TAC) provide the foundation for stock management. Since the PR-2008, CCSBT has adopted the MP known as 'Bali Procedure' based on the Scientific Committee (SC)'s recommendation in 2011. Subsequently, CCSBT has updated the MP to guide the setting of TAC for 2021 onwards - known as the 'Cape Town Procedure.' The new MP incorporates new data series, which includes data from the gene tagging program and incorporates spawning stock estimates from close-kin mark-recapture.
31. The MP guides the total allowable catch determination to a level leading to the progressive rebuilding of the stock. The MP is tuned to achieve this objective with a probability of 70% to rebuild 20% of the virgin stock biomass (SSB₀) by 2035. Maximum and minimum allowed changes in annual TAC to be 3000t and 100t, respectively. The adopted triennial TAC will be implemented by default every year unless exceptional circumstances emerge (in applying the Meta rule). With the current model and assumptions, there is a 50% probability that 30% of initial Total Reproductive Output (TRO) with a constant annual TAC of 17,647 t would be reached in 2033. Right now, the TRO has risen to approximately 20% of its initial biomass.
32. The Resolution on allocation has been in line with the MP, and it should continue for the stock to recover in the long run. Under the adopted MPs, the TAC is set in three-year periods. The Commission also makes an allowance for Research Mortality Allowance (RMA). From 2018, Members are required

to account for all fishing mortality of SBT (including commercial fishing, discards, recreational catches, and artisanal fishing) from within their allocation of the TAC. The new MP also incorporates plausible IUU catches within the reference set of operating models, improving decision-making. The Commission has taken scientific advice from the extended scientific committee (ESC) and has incorporated it within its calculation of the TAC. There is also flexibility provided to Members for limited carry-forward of unfished allocations between quota years.

Table 2: Effective Catch limits (in tonnes) to Members under Resolution on allocation. * Reflects the voluntary transfers of 21t that Japan provided to Indonesia and 27t that Japan is provided to South Africa during the 2018 – 2020 quota period. ** Reflects voluntary transfers of 21t that Japan provided to Indonesia and 27t that Japan is provided to South Africa during 2021- 2023 quota period, voluntary transfers of 7t that Australia provided to Indonesia in 2021 to 2023 quota period and a Special temporary allowance of 80t to Indonesia for 2021.

	2015	2016-2017	2018-2020	2021
Japan	4,847	4,737	6,117*	6,197.4**
Australia	5,665	5,665	6,165	6,238.4**
Republic of Korea	1,140	1,140	1,240.5	1,256.8
Fishing Entity of Taiwan	1,140	1,140	1,240.5	1,256.8
New Zealand	1,000	1,000	1,088	1,102.5
Indonesia	750	750	1,023*	1,122.8**
South Africa	40	150	450*	455.3**
European Union	10	10	11	11

33. However, there are concerns that there is poor communication between scientists and managers, especially in relation to the assumptions behind and the operation of the OMs and the MPs. This poses a risk in the future, and CCSBT needs to invest resources to communicate science for policymakers effectively.
34. The CCSBT can be modelled as an example in the development and implementation of MP for target stocks to meet the Commission's objectives. However, it is essential not to lose sight of the management objective and continue to build on the excellent work done to date.
35. On the other hand, information on ecologically related species has improved since PR-2008 and PR-2014. In 2019, the Commission revised the recommendation to mitigate the impact of Ecologically Related species fishing for Southern Bluefin tuna and asked Members to the extent possible, to implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds), the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), and the FAO Guidelines to reduce sea turtle mortality in fishing operations (FAO-Sea turtles) if they have not already done so.

36. However, there are instances when the now mandatory measures, primarily to address seabird bycatch in fisheries, are not being implemented or fully implemented. This is evident in observer coverage, the use of mitigation measures, and the increase in bycatch of seabirds and sharks.
- 37. The Panel will likely be recommending improved implementation of CMMs based on ESC and ERSWG advice for both target and non-target stocks. Further, CCSBT should implement CMMs for non-target stocks which hold the same level of effort and scrutiny as those aimed at the management of SBT.**
38. In 2010, the CCSBT amended the rules of procedure to incorporate a precautionary approach in the scientific advice to the Commission and the decision-making processes.¹⁷ The MP incorporates uncertainties and has a procedure to deal with exceptional circumstances. The ESC and the Extended Commission will not define all possible exceptional circumstances in an MP but have established sound mechanisms in the MP to determine such exceptional signals. These include reviews of stock and fishery indicators, input indicators into MP, population dynamics, fishery and fishing operational changes in every ESC.
39. As stated in PR-2014, the management procedure (Bali Procedure and the Cape Town Procedure) is effectively a rebuilding plan for overfished SBT stocks. The CCSBT has followed its advice from adopting the MPs in 2011 to fish within the TAC and at times paying back for over catch by some Members. The MP is tuned to achieve this objective with a probability of 70% to rebuild 20% of the virgin stock biomass (SSB₀) by 2035. Monitoring and evaluation of the effectiveness of the MP are checked annually by the ESC, and thus, the recommendation in PR-2014 is completed. Even though there are systems established to rebuild SBT, concerns remain that Members may be overfishing their allocation, and this poses a significant risk to the success of the rebuild strategy.
- 40. PR Panel will likely be recommending continued monitoring to ensure the effectiveness of the rebuilding strategy for SBT.**
41. As stated above, CCSBT has not addressed the increase in bycatch, especially from ecologically vulnerable and threatened species. Some Members have not implemented measures that the Commission has agreed to, and fleets who have implemented the measures continue to record high mortality, in particular for seabirds¹⁸.
42. Furthermore, it is a massive concern that CCSBT Members have not always met the observer coverage standards; in particular, observer coverage should be based on 'spatial-temporal representativeness'

¹⁷ Rule 8bis of the Rules of Procedure states that "The Scientific Committee shall incorporate advice consistent with the precautionary approach in its advice to the Commission" and Rule 10(2) states that "The Commission shall articulate the rationale for its decisions, including where they differ from the scientific advice provided to the Commission, for inclusion in the report of every annual or special meeting prepared by the Executive Secretary."

¹⁸ https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_27/report_of_CC15.pdf

as specified in the CCSBT's Scientific Observer Program Standards and recommended by the Seabird Mitigation Measures Technical Group (SMMTG). Some Members have not met the overall threshold of 10% of observer coverage. Members who have met the 10% target have not met the "representativeness" criteria recommended by the SMMTG.

43. **The Panel will likely recommend the development of additional measures to reduce bycatch, particularly seabirds, and develop an incentivized mechanism to combat an increase in bycatch and address the impact of fisheries on living marine life resources and the ecosystem.**
44. CCSBT has not implemented any measures to minimize pollution, waste, discards or to mitigate lost or abandoned gear and its impact on associated or dependent species as this was not considered a priority by Members. The criteria were not assessed in 2008 nor the 2014 performance review. CCSBT convention does not explicitly provide the Commission with a mandate on these aspects. Still, as a party to the UNFSA, Members of the Commission have an obligation to maintain marine ecosystems and minimize the risk of long-term or irreversible effects of fishing operations. Furthermore, there is a growing concern on the impact of lost or abandoned gear and its impact¹⁹ CCSBT needs to review the level of impact in CCSBT fisheries and identify ways to minimize it.
45. **The Panel will likely recommend analyzing the potential impact of lost or abandoned gear in CCSBT and, if there are any, identifying mechanisms to mitigate those impacts.**

Compatibility of Management Measures

46. Article 7 of UNFSA mandates adopting compatible management measures both in EEZ and in the high seas and the mandate to fulfill six main principles. These include a) to take into account management measures taken by coastal states within EEZ b) take into account previously agreed standards in the high seas, c) take into account previously agreed measures by RFMOs, d) take into account biological unity and biological characteristics e) to take into account the respective dependence of coastal states and the states fishing on the high seas, and f) ensure that the measures do not result in a harmful impact on the living marine resources as a whole.
47. The Resolutions and Recommendations by the CCSBT are both applied in the exclusive economic zone of Members and on the high seas. MP, allocation and monitoring, control, and surveillance measures are applied for vessels regardless of size. However, the lack of jurisdiction for CCSBT makes it challenging to implement these MCS measures.
48. In PR-2014-40, it was recommended that CCSBT make additional efforts to develop in Indonesian waters, Spatio-temporal restrictions, equitable and compatible with the rest of the management strategy. ESC has conducted further genetic studies in Indonesian waters to estimate the total reproductive output better. These data are used in the population dynamics model in the newly

¹⁹ <http://www.fao.org/blogs/blue-growth-blog/improvingoceanhealth/en/>

developed Cape Town Procedure. However, CCSBT has not explored whether Spatio-temporal restrictions are needed, equitable and compatible with the Management Strategy. Thus, the recommendation of 2014 remains.

49. **The Panel will likely recommend additional work to identify compatibility issues and risks with adopting resolutions from other RFMOs, especially monitoring, compliance, and surveillance for ERS and develop mitigation measures.**

Fishing allocations and opportunities

50. CCSBT has resolved the issues in allocation pre-2003 and has separated the allocation and the TAC determination process through the development and the implementation of the MP. The allocations are made in accordance with the Resolution on the allocation of the Global Total Allowable Catch (updated in 2017). Even though questions remain about the participation of non-Members, the new MP accounts for a possible catch of non-Members, previously estimated at around 306t. However, every effort needs to be made for the effective participation of non-Members in CCSBT. The process so far in CCSBT is commendable. However, with the participation of new Members, there is unhappiness about the allocation process, especially among the developing coastal states. There needs to be a mechanism to revisit the allocation process that reflects the development aspirations of coastal states as per article 24 of the UNFSA to maintain the stability of CCSBT. This could also facilitate the participation of new members or participants, as reflected in UNFSA Article 11.
51. Furthermore, CCSBT also needs to implement a mechanism in fishing allocations to encourage non-members to join the RFMO as per article 11 of UNFSA.
52. **The Panel will likely recommend implementing a transparent allocation mechanism that reflects coastal States' rights and special requirements of developing Coastal States as per UNFSA to maintain the stability of the CCSBT. The Panel will also likely recommend implementing a mechanism to encourage non-members with a fishing history in SBT to join CCSBT.**

Decision Making

53. Article 7 of the CCSBT Convention prescribes that those decisions are to be taken by unanimous vote of Members present at the CCSBT meeting (Members who have not paid their contributions for two consecutive years do not have the right to vote). Furthermore, operational decisions are also made intersessionally via circulars. However, issues with having a unanimous decision-making model remain and have been highlighted extensively in PR-2014. However, this requires modification of the CCSBT Convention, which has been advised and highlighted in the CCSBT Strategic Plan. Thus, the PR-2014 recommendation remains.
54. CCSBT has taken considerable strides to improve transparency since 2008. PR-2014 recommended additional elements for CCSBT to improve transparency. Since PR-2014, reports of all meetings,

including the Compliance Committee documents, are available to the public. Even though CCSBT Rules of Procedure (Rule 3) creates a potentially restrictive barrier for effective participation of observers (participation can be blocked by a single Member, unlike in other RFMOs), this has never occurred in practice.

55. New observers and observers that do not hold a long-term observer status still need to apply 50 days before the relevant meeting. Long-term observers do not need to apply, and meeting documents are circulated to them.
56. PR-2008 and PR-2014 discussed the issues extensively with a lack of a dispute settlement mechanism. The dispute settlement provisions of the CCSBT (including the annex) and the outcomes of the Southern Bluefin Tuna Case (Australia and New Zealand vs Japan)²⁰ have been well referenced in these reports. However, since 2008, there has not been any further consideration of the issue. This is partly due to the lack of willingness of the Commission to modify the Convention. Dispute settlement mechanisms are central to the organization's stability, given that it is an option for parties to explore if they feel existing processes have unfairly treated them. Thus, the PR-2014 recommendation remains.
57. **The Panel will likely be supporting the previous recommendation (PR-2014-53) to 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 SBT resources.**

Compliance and Enforcement

Monitoring, Control and Surveillance (MCS)

58. The CCSBT has a range of MCS measures in place, including a catch documentation scheme (CDS), records of authorized vessels, carrier vessels and farms, VMS requirements, transshipment requirements (including observers for at-sea transshipments) and port State measures. These measures are well-documented and are easily accessible via the CCSBT website²¹. MCS measures are another critical area where CCSBT has suffered a significant setback due to its lack of spatial boundaries.

Authorized Vessels and Farms

59. The CCSBT has adopted resolutions to regulate, monitor and report SBT catch from authorized vessels²², growth in authorized in farms²³, and transshipment²⁴. CCSBT maintains a well-maintained

²⁰ https://legal.un.org/riaa/cases/vol_XXIII/1-57.pdf

²¹ <https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>

²² Resolution on a CCSBT Record of Vessels Authorized to Fish for Southern Bluefin Tuna (revised in 2019)

https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Authorised_Fishing_Vessels.pdf

²³ Resolution on the Establishment of a Record of Authorized Farms (revised in 2010)

https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_AuthorisedFarms.pdf

²⁴ Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels (revised in 2017)

https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Transshipment.pdf

database of these authorized vessels, carrier vessels and farms. Members are not allowed to land or trade SBT caught by fishing vessels/harvested from farms or transshipped to carrier vessels, not on these lists. In 2019, the Resolution on a CCSBT Record of Vessels Authorized to Fish for Southern Bluefin Tuna was revised to request all "motorized inboard" fishing vessels of less than 100 gross tonnages down to a size limit of 12 meters in length overall (LOA) in CCSBT records shall have IMO numbers issued to them by the end of 2021 (i.e. effective from 1st January 2022).

Vessel Monitoring System (VMS)

60. In 2008, the CCSBT adopted the Resolution on establishing the CCSBT Vessel Monitoring System (revised in 2017), which requires CCSBT Members and Cooperating Non-Members to adopt and implement VMS that complies with the IOTC, WCPFC, CCAMLR, or ICCAT VMS requirements according to the respective Convention Area in which the SBT fishing is being conducted. Even though there have been discussions on improving the VMS programme in CCSBT, any VMS reforms in CCSBT have been parked to observe the possible reforms in other RFMOs.
61. According to the national reports provided to the CCSBT's 15th Compliance Committee (2020), all members have fully implemented the VMS system in all the vessels²⁵.

Observer Program

62. The CCSBT negotiated to adopt a regional Scientific Observer Program from 2010 to 2014. However, without an agreement in place, the EC instead decided to update the CCSBT Scientific Observer Program Standards (SOPS) in 2015. The minimum requirement for the national observer program of Members took into account the overlapping Convention areas and the compatibility of management measures with other RFMOs. The target observer coverage is 10% for catch and effort monitoring for each fishery and must be representative of different vessel types in distinct areas and times.²⁶ Lack of observer coverage and representativeness have been discussed in the report earlier. The CCSBT needs to act quickly to remedy the situation with observer coverage.

High Seas Boarding and inspection

63. The PR-2014 recommended that the CCSBT establish high seas boarding and inspection procedures as a matter of priority. The recommendation was based on the fact that parties to CCSBT are also parties to UNFSA articles 21 and 22. The PR-2014 also recognized that the absence of a CCSBT convention area "is not a good reason for failing to have such rules, given the clear requirements of the UNFSA."

²⁵ Indonesia has advised the Compliance Committee in 2020, the mandate to install VMS applies to vessels above 30GT fishing in the high seas.

²⁶ CCSBT Scientific Observer Program Standards (2015)

https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/operational_resolutions/observer_program_standards.pdf

64. However, the 2015 Strategic Action Plan nor the Compliance Action plan has addressed the matter. Mandates under international law should be applied thoroughly. There are various options for the CCSBT to explore even without a convention area. Since CCSBT members are present in ICCAT and IOTC, a similar scheme as in WCPFC could be explored using already established practices, such as the transshipment observer program in CCSBT/IOTC.

Catch Documentation

65. The CCSBT Catch Documentation Scheme (CDS)²⁷ is one of the most critical compliance assessment tools used by the CCSBT. There is no exemption from the rule, and all CCSBT members have to fill in the CDS for transshipments, landings, exports, imports, and re-exports under the jurisdiction of the members and cooperating non-members. The CDS also applies to transfers of SBT into and between farms of members or cooperating non-members. As mentioned, an electronic CDS could speed up the Process of the CDS and will reduce a lot of paperwork, cross-references, and compliance-related matters.

66. In general, members have followed the CDS scheme. However, CDS documents are frequently late from some Members and are not provided unless prompted. Furthermore, they are sometimes not properly validated and are of dubious quality and require follow-up by the Secretariat.

67. Under the Resolution establishing the CDS scheme, members report catch tagging forms, farm stocking forms, and farm transfer forms. This information is currently being supplied to the Secretariat. However, the information has not been used by the Secretariat (except for cross verification of CDS data), the compliance committee, nor the ESC. The information in these forms provides a valuable tool for compliance-related matters and the scientific committee. Members of the CCSBT spend an enormous amount of financial and human resources to collect these data (particularly the catch tagging data). However, it is unbelievable that this information cannot be used because of the objections by some members.

68. **The Panel will likely be recommending:**

- a. **to establish a high sea boarding and inspection scheme as per PR-2014;**
- b. **to make use of the data collected through the CDS in CC and the ESC;**
- c. **to strengthen the observer program;**
- d. **to review existing standards for observer coverage to allow the use of Electronic Monitoring; and**
- e. **CCSBT members to advocate for more stringent VMS measures in other RFMOs.**

²⁷ Resolution on the implementation of a CCSBT catch documentation scheme (revised on Oct 2019).
https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_CDS.pdf

Cooperative Mechanisms to detect and deter non-compliance

69. CCSBT has established several mechanisms to detect and deter non-compliance. Formal mechanisms to monitor compliance of Members/CNMs in CCSBT include i) an annual report from the Secretariat on compliance with measures²⁸; ii) a close review of that report and Members' own annual reports by the Compliance Committee (including by NGOs)²⁹; iii) an MCS information collection and sharing policy (for sharing information on potential non-compliance)³⁰; and iv) Quality Assurance Reviews (QARs) to independently audit Members' systems against CCSBT's Minimum Performance Requirements. For deterring and correcting non-Compliance, CCSBT also has an IUU vessel list and a Corrective Actions Policy. The CCSBT also publishes non-compliance with allocations on its website. All members have gone through at least one round of QAR.
70. These mechanisms have detected several non-compliance aspects of members and have been efficient. Even though the QARs have been a valuable tool in independently assessing the management systems in Members, there is no systematic follow-up. CCSBT should consider establishing a regular mechanism to follow up on the findings of the QARs.
71. Even though an Action Plan was adopted in 2000 to detect and address IUU fishing of non-members, it has been outdated. However, the CCSBT has taken ad-hoc measures when it has received credible information through various sources (enforcement, reports from fleets, AIS, notifications from NGOs, information from transshipment, observers etc.). CCSBT secretariat also has regular contact and information sharing with other RFMO secretariats, private intelligence parties, NGOs and has maintained a regular budget and contract with AIS specialists. Furthermore, CCSBT also has formal mechanisms to detect IUU catches, such as i) monitoring of global trade statistics for SBT trade; ii) examining transshipment observer reports for undeclared SBT in the Indian Ocean and the Atlantic Ocean; iii) conducting analysis of IOTC and WCPFC catch and effort data in SBT fishing grounds to estimate the extent of Member SBT catches (conducted by ESC); iv) collection of sashimi samples from China and DNA analysis to determine the level of SBT presence in restaurants in China. Despite these efforts, there are concerns that SBT information is not reliably identified and captured in transshipments at sea and in port.
- 72. The Panel will likely be recommending continued implementation of the compliance processes according to the Compliance Plan and to ensure that non-compliance is addressed and effective punitive and corrective actions are applied. Further, CCSBT needs to formalize and strengthen the information sharing with other RFMO secretariat and alternative information sources.**

²⁸ Compliance with CCSBT Management measures prepared by the Secretariat
https://www.ccsbt.org/en/system/files/CC15_04_Compliance_w_Measures.pdf

²⁹ Annual Report for the Compliance Committee and the EC (Revised in October 2020)
https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/templates/Annual_CC-EC_Reporting_Template.docx

³⁰ MSC information collection and sharing: Compliance Policy Guideline 4
https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/operational_resolutions/CPG4_Information_Collection_Sharing.pdf

Follow-up on infringements

73. As discussed above, CCSBT has adopted Compliance Policy Guidelines (CPGs) to facilitate the Compliance Plan. Among the CPGs, the Compliance Action Plan is a useful tool to address infringements by Members. However, the Compliance Action Plans are a guideline and not a resolution and Members do not have to abide by them. Furthermore, the policy only addresses infringements relating to SBT and not ERS. Given the significant issues identified in this PR relating to ERS, it is important to broaden the scope of the corrective action policy.
74. Furthermore, as noted earlier, the CCSBT does not have adequate measures for follow-up, whether its infringements are identified in the compliance assessments, or the quality assurance reviews. This has been identified as one of the significant gaps in the compliance assessment process. If CCSBT establishes such a process, it would be easier to flag continuous hurdles faced by Members to fulfill the obligations of CCSBT. This process could also be linked to prioritizing capacity-building activities.
75. **The Panel will likely recommend a strengthened compliance assessment process and corrective actions policy, including ERS, and establish a formal follow-up process on infringements.**

Flag State duties

76. All Members of the Extended Commission of the CCSBT are either parties to the UNFSA and UNCLOS or have committed to enforce obligations under international instruments, including the UNFSA and UNCLOS. CCSBT parties have shown remarkable cooperation for the conservation and management of SBT species but have not shown that level of enthusiasm for ERS. Further, CCSBT Members have operationalized CCSBT Resolutions and have introduced most of them into national laws and regulations. CCSBT Members have continued to improve their domestic systems to adhere to the measures, in particular, SBT related measures. The Quality Assurance Reviews conducted by independent firms have shown great strides taken by CCSBT Members to improve these systems.
77. **The Panel will likely be recommending that Members continue to ensure that their domestic management meets the international obligations set forth by the Convention and relevant CMMs.**

Port State measures

78. The CCSBT adopted "*Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port,*" which applies to foreign fishing vessels and carrier vessels other than container vessels carrying southern bluefin tuna (or fish products originating from southern bluefin tuna fisheries). The Resolution contains many of the core elements of the FAO Port State Measures Agreement (PSMA). The Resolution was recommended by the 10th Compliance Committee and was adopted in the 22nd EC in 2015. The Resolution was modified last in 2018³¹. Currently, all CCSBT has provided the required list of authorized ports to CCSBT, in accordance with the Resolution. In addition, the relevant Members

³¹https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Minimum_Port_Inspection_Standards.pdf

have implemented their domestic regulations and arrangements for conducting the required port inspections. Furthermore, CCSBT has also adopted the "*Resolution on action plans to ensure compliance with Conservation and Management Measures (adopted in 2009)*," which requires the port states to inspect the transshipment of SBT. The "*Resolution on Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities for Southern Bluefin Tuna (revised in 2019)*" states that Members shall not authorize RFMO IUU vessels to enter and use their ports except for force majeure.

79. The CCSBT is unique among the tuna RFMOs in that it does not have a defined Convention Area, and it covers only one species of tuna (SBT). SBT is also landed in various ports, however, not just in those of countries that are members of the CCBST. This results in the need for greater coordination between CCSBT and other RFMOs, including the use of observers and port inspection reports from them. CCSBT publishes a list of designated ports, points of contact and notification periods on its public website. Ports that do not appear on the designated list of ports published on the CCSBT website are not acceptable as Member or CNM ports of transshipment/landing for the fishing vessels or carrier vessels covered by the Resolution.
80. Although the measure was good, its implementation was not ideal since most inspection reports have been provided to the Secretariat very late or incomplete. Also, despite Members having spent a good deal of time discussing and finally agreeing upon an update to the CCSBT's Resolution on Minimum Standards for Inspection in Port (Annex B), to include information on compliance with Seabird Bycatch Mitigation Measures for longline vessels, no Member has ever used the CCSBT version of Annex B to report that information, instead have used the IOTC or ICCAT version. So CCSBT never receives any additional data on the bycatch mitigation measures from that form.
81. **The Panel will likely be recommending strengthening the port State measures Resolution in conformity with the FAO PSMA and strengthen mechanisms to monitor compliance with the Resolution, including greater coordination with other RFMOs and timely reporting of Members.**

Market-related measures

82. CCSBT's primary market-related measure is the "*Resolution on the Implementation of a CCSBT Catch Documentation Scheme*," adopted in 2008 and implemented since 2010. The function of this program, inter alia, is to track and validate all SBT products (besides fish parts other than the meat) flow from catch to the point of the first sale. All transshipments, landings of domestic product, exports, imports and re-exports of SBT must be accompanied by the appropriate CCSBT CDS Document(s). The structure and implementation of the CDS are relatively mature and are implemented across all members of CCSBT.
83. Besides Members of the CCSBT, the United States, as a Non-Member, also voluntarily comply with the CDS resolution in terms of SBT products that go through or end up in their market to enhance the

monitoring of SBT product flow since 2013 and 2014, respectively. Significant shortcomings of the CDS is the inability to track SBT product once it goes to a non-cooperative Non-Member State. These States are often reluctant to respond when efforts are made to communicate with them. Even though almost all SBT fishing nations are CCSBT members and Japan is by far the largest market, consumption of SBT is not limited to SBT members. Thus, every effort needs to be made to communicate with those Members or through relevant RFMOs.

84. In terms of the compliance situation of Members, there are still standing issues of persistent non-compliance of the CDS resolution (failure to submit some CDS forms on time or at all or failure to provide the correlated CDS forms in the correct combination in time), mainly due to inconsistency of the domestic regulation or institution regards to the CCSBT CDS requirement. In order to address the non-compliance issues mentioned above, the discussion for an overall revision of the CDS resolution has been brought up since 2015. On the other hand, the possibility of transforming the current paperback CDS into an electronic CDS (eCDS) has been explored since 2017. In 2019, there was an agreement among Members that it would be desirable to implement an eCDS given the efficiencies it could provide, particularly to developing country Members. However, Members generally supported developing a trial eCDS based on the current (2014) CDS Resolution given the unresolved issues with regard to CDS.
85. Besides the CDS resolution, the market-related measure of the CCSBT to facilitate the monitoring of the SBT product also includes the Global Trade Atlas (GTA) and UN COMTRADE database analysis. The Secretariat subscribed to the GTA trade database (changed to UN COMTRADE in 2019) and provided a research report most years to identify the trade of SBT products between CCSBT Members and Non-Members. Members are tasked to investigate any abnormal incident and report back to the Commission.
86. **The Panel will likely recommend strengthening the implementation of the CDS resolution and addressing areas of consistent non-compliance by Members. Recommendations will also likely suggest that the implementation of an eCDS be prioritized.**

Reporting requirements

87. CCSBT Members have various "regular" reporting requirements, including scientific data (scientific data exchange and ERSWG data exchange), compliance-related documents/data/information (e.g. CDS documents, required notification for vessel authorization, transshipment declaration, port inspection reports, etc.) and national reports for ESC/ERSWG/CC&EC (Figure 1). The reporting requirements that Members must provide in their annual reports and to certain meetings of the CCSBT and data submission requirements can be easily found on the CCSBT website³². Such regular reporting requirements are integrated/separated to area/purpose so that Members (and the Secretariat) can avoid redundancy and reduce unnecessary burden. The CCSBT has established

³² Annual reporting and documentation requirements: <https://www.ccsbt.org/en/content/annual-reporting-and-documentation-requirements-members-and-cnms>. Data reporting requirements: <https://www.ccsbt.org/en/content/data-submission-requirements>

templates for each requirement so that Members can cover all items systematically. For example, various compliance-related reports required by several resolutions are integrated into the "template for the Annual Report to the CC and EC."

88. However, there is still some duplication in reporting requirements due to meeting schedules, and the reports provided year to year by Members. This shortcoming, however, was recently addressed for the annual meetings of the Compliance Committee (CC) and Extended Commission (EC) by placing "standing items" in an "unchanging" Annex to the annual report template and identifying any changes to the standing items in the main part of the report. An important additional advantage of this new report format is that the readers of the report do not need to re-read standing items each year. Consideration could also be given as to whether a similar report format would be useful for the Extended Scientific Committee and the Ecologically Related Species Working Group annual reports.
89. With these mechanisms in place, it should be noted that most CCSBT members have been adhering to the data collection requirements. When there are non-compliance issues relating to data, these have been addressed and rectified. However, there are still issues with late submissions and incomplete submissions and need to be rectified.
90. **The Panel will likely be recommending to review the reporting templates periodically.**

International cooperation

Transparency

91. Articles 12 of the UNFSA and 7.1.9 of the Code of Conduct on Responsible Fisheries focus on ensuring transparency in the decision-making process and enabling meaningful engagements from intergovernmental and non-governmental organizations. In both those areas, the most recent performance review found that measures taken by the CCSBT had sufficiently addressed concerns raised in the previous review, and no further improvements were suggested. Accordingly, the CCSBT can be seen as entering this review from a position of relative strength in terms of the existing level of transparency. This view was also reflected by stakeholders surveyed for this review, with most considering CCSBT to be sufficiently transparent.
92. Although decision-making falls primarily within the purview of the Extended Commission, much of the work in support of those decisions take place within subsidiary bodies, and therefore, transparency in their processes is equally important in meeting the overall objectives of this goal.
93. Since the last review, Members have agreed to make all supporting documents to subsidiary bodies available on the CCSBT website. This change has removed the previous hurdle of requesting access to individual documents from the Secretariat and has enhanced transparency across all areas of this Commission's work. Survey respondents noted this improvement, however, some suggested that

without institutional knowledge or access to the CCSBT, Private Area decisions could still be difficult to find.

94. Additionally, the Rules of Procedure were amended in 2018 to allow the intersessional decision-making process to approve the release of meeting documents prior to the annual meeting of the EC. This additional flexibility should help alleviate some of the concerns raised by survey respondents in relation to the delays in the release of meeting reports until the close of the Extended Commission. This is particularly important for subsidiary bodies that at times occur months prior to the Extended Commission.
95. The Process for Review of External Documents including Possible Non-Compliances of Members adopted at CCSBT26, does have the potential to create a barrier for external participants to fully engage with the CCSBT noting the requirement for early submission and the potential for external papers to be withdrawn. The latter, in particular, does create the potential for critics of the CCSBT or its individual members to feel that they have been unfairly silenced. Survey respondents also identified this risk.
96. The Expert Panel recognizes that the likelihood of this scenario is somewhat mitigated by the requirement to demonstrate errors of fact and reach consensus across the Membership before an external paper can be forced to be withdrawn. However, we would encourage CCSBT Members to monitor the usage of these provisions to ensure that they do not create unintended consequences that could reduce transparency and external engagement.
97. **The Panel will likely be recommending:**
 - a. **the ESC to improve the accessibility of reports to non-technical readers;**
 - b. **that the use of head of delegation meetings at the EC be minimized;**
 - c. **that the process for review of external documents, including possible non-compliances of Members, be monitored to ensure that it does not create a barrier for externals to engage with the CCSBT; and**
 - d. **that access to the CCSBT compendium of measures is made available on the public portion of the CCSBT website.**

RFMO data exchange confidentiality

98. This evaluation criterion relates strictly to the security and confidentiality standards used by CCSBT when sharing information with other RFMOs.
99. The Memorandum of Cooperation on the Exchange and Release of Data signed in 2016 between the WCPFC and CCSBT is currently the only arrangement which allows data that is not publicly available to be shared with another RFMO. This instrument includes provisions to ensure that the data provided is treated in confidence and only used for the purposes of the Conventions of the WCPFC and CCSBT.

100. Additional MoUs are in place with IOTC and ICCAT, but these are focused on operational aspects of transshipments rather than systematic exchange of data. The Review Panel considers that the provisions found in the Memorandum of Cooperation on the Exchange and Release of Data with the WCPFC sufficiently address any potential concerns surrounding the security and confidentiality of data with that particular RFMO.

101. The Panel will likely not be providing a recommendation.

Relationship to cooperating non-members

102. The CCSBT does not currently have any Cooperating Non-Members. Both the European Union and South Africa have been granted Membership to the Extended Commission since the most recent performance review, while the cooperating non-Member status of the Philippines was not renewed when reviewed as part of CCSBT24.

103. As part of EC proceedings, the Secretariat reports back on all activities conducted in the year that were aimed at enhancing the CCSBT's relationship with non-Members. These activities typically involve correspondence inviting non-Members to attend future meetings of the Extended Commission or encourage cooperation with CCSBT initiatives such as the Catch Documentation Scheme. These efforts have led to sustained engagement from States such as Singapore and the USA. However, it does not appear that these States have an immediate desire to seek Cooperating Non-Member status.

104. The process for those seeking to gain cooperating non-Member status is clearly defined within the Resolution to Establish the Status of Cooperating Non-Member of the Extended Commission and the Extended Scientific Committee. This process is also summarised and readily accessible on the CCSBT public website.

105. One of the areas that are not well addressed as part of the Resolution to Establish the Status of Cooperating Non-Member of the Extended Commission and the Extended Scientific Committee is the issue of allocation for Cooperating Non-Members. The Resolution simply states that the Extended Commission may negotiate catch limits for Cooperating Non-Members when deciding upon a total allowable catch and its allocation.

106. The Resolution on the Allocation of the Global Total Allowable Catch is similarly ambiguous, once again stating only that the allocation of the TAC may be revised but offering no further guidance as to what should guide this decision.

107. This lack of certainty around the consideration of Cooperating Non-Member allocation may serve as a disincentive to those assessing the costs associated with the additional obligations of the status against its potential benefits.

108. The Convention also provides guidance on the factors that should be considered when determining allocations among the Parties, but no such guidance exists when determining what, if any, allocation should be given to Cooperating Non-Members.
109. The development of a more detailed allocation model for new Members was discussed during SFMWG5, where Members expressed concerns about the potential for such an exercise to encourage greater fishing interest from Non-Member fleets.
- 110. The Panel will likely be recommending that guidelines be developed and used when determining what, if any, allocation should be made to Cooperating Non-Members. A further recommendation to encourage countries that informally cooperate with CDS to formalize their cooperation by requesting OSEC status will likely be made.**

Relationship to non-cooperating non-members

111. As the southern bluefin stock rebuilds, there is an increasing potential for the activities of non-Members to impact the management objectives of the CCSBT and, therefore, a greater need to quantify and manage these activities. This is true both in terms of the potential catch by non-Member flagged vessels and the use of non-Member markets. The CCSBT has benefited tremendously from having key markets for southern bluefin tuna either by Members or cooperating with the requirements of the CDS, but this is potentially weakening over time as secondary markets grow in importance.
112. The CCSBT has approached the issue of non-Member fishing activity through both internal and external mechanisms. Internally, the CCSBT has conducted work as part of its scientific process to attempt to quantify the likely scale of non-Member catch. Outputs from this work have been used in the development of a new management procedure, thereby providing for some reflection of the uncertainty in the overall global catch as part of the scientific process. The CCSBT also utilizes a robust catch documentation scheme to limit the likelihood of non-Member catch entering the market of Members.
113. The Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port was adopted in 2015, which also addresses one of the recommendations made as part of the previous Performance Review.
114. Considerable efforts have also been made by the CCSBT Secretariat, on behalf of Members, to engage with Non-Cooperating Non-Members. Much of this outreach has been aimed at encouraging greater engagement with the CCSBT by participating in its meetings as an observer or cooperating with the requirements of the catch documentation scheme. China, in particular, has been the target of much of the recent outreach, but to date, those efforts have resulted in a limited engagement. Although outreach has not always yielded greater engagement in Commission proceedings, it has seen some

Non-Cooperating Non-Members take action to limit their activities in response to CCSBT requests (as evidenced by the recent constraints put in place by China on its fleet).

115. The issues identified earlier in regard to the ambiguity surrounding the potential allocation to new Members are equally relevant for Non-Cooperating Non-Members.
116. **The Panel will likely be encouraging continued efforts to increase engagement from Non-Cooperation Non-Members in CCSBT processes, particularly the CDS. The Panel will also likely recommend the development of guidelines when determining what, if any, allocation should be made to new members.**

Cooperation with other RFMOs

117. The CCSBT works most closely with the tuna RFMOs, whose area of competence overlaps with the distribution of southern bluefin tuna (ICCAT, IOTC and WCPFC). The relationship with these three RFMOs includes formal and informal mechanisms to enhance effectiveness across the respective fisheries. Within these RFMOs, the closest relationship is with the IOTC and the ICCAT, which is understandable given that the CCSBT's transshipment monitoring program utilizes IOTC and ICCAT transshipment observers.
118. In addition, the CCSBT Executive Secretary has frequent communication with CCAMLR on administrative matters (as both RFMOs are located in Australia with similar headquarters agreements and staff regulations) and with other RFMOs, RFBs and IGOs, which are Members of the Regional Secretariat Network. In particular, the Executive Secretary held extensive discussions with other RFMO Secretariat during the COVID-19 pandemic to enhance the CCSBT's ability to operate effectively during this period. The Executive Secretary also continues to represent the interests of Members through his engagement as part of COFI proceedings and associated meetings.
119. The CCSBT Compliance Manager regularly engages with other practitioners in the field, both directly and through the Tuna Compliance Network, the International MCS Network and engaging with INTERPOL, Pew, ISSF, GFW and TMT. The CCSBT Database Manager similarly engages with other RFMO data managers and has established an arrangement with the SPC for CCSBT to use SPC's TUFMAN 2 software as the foundation for CCSBT's online systems and electronic CDS that is under development.
120. Additionally, individual CCSBT Members report back annually on the most recent activities of other relevant Commissions (i.e., CCAMLR, ICCAT, IOTC, WCPFC and IATTC). This practice ensures that the CCSBT and its Members maintain visibility across RFMOs on activities that may support or impact the work of this Commission.
121. The CCSBT (including the Secretariat) regularly engages with non-governmental organizations such as Birdlife International, ACAP, and Traffic on matters of relevance to this Commission.

122. **The Panel will likely be recommending that Members look for opportunities to continue and reinvigorate the cooperation instigated through the Kobe Process.**

Participation and capacity building

123. The CCSBT, with its singular species scope and small Membership, is uniquely placed amongst RFMOs, and these circumstances should provide an environment that supports active participation across the Membership.
124. Attendance at Extended Commission meetings has been without fault. However, some gaps exist in terms of Member attendance at subsidiary bodies of the Commission. It also appears that Members are successfully meeting most of their reporting obligations.
125. Although the Commission does not currently have Cooperating Non-Members, the successful ascension from the EU and South Africa to EC membership does reflect their previous track record of input while both were still Cooperating Non-Members. The Philippines' lack of engagement, particularly its failure to meet reporting obligations and attend meetings, has been cited as the primary reason for its previous cooperating non-Member status revocation.
126. Like other RFMOs, CCSBT was forced to undertake virtual meetings in the most recent year because of the COVID-19 global pandemic. This change of format is likely to have constrained the opportunity for engagement. However, it does appear that the essential work of the Commission was successfully carried out. The restrictive nature of engagement through virtual forums creates a risk that the relationships established between Members will erode over time and impact the Commission's ability to reach consensus in decision-making.
127. The CCSBT Rules of Procedure state that the Commission shall elect a Chair and Vice-Chair at the end of the annual meeting but that should they fail to do so, the Member that will host the next annual meeting will provide the Chair. This latter option has been the common practice for a several years now, which has provided an opportunity for all Members, including developing States, to share this position of leadership.
128. However, the Chairmanship of subsidiary bodies is not directly linked to the hosting Member for that year and instead are appointed based on the nominations put forward by individual Members. At the time of this review, most subsidiary body Chairing roles within the CCSBT were held by individuals from either Japan, Australia, or New Zealand, and these three founding Members have largely dominated these appointments throughout CCSBT's history.
129. **The Panel will likely be recommending that Members look for additional opportunities to engage with one another outside of the traditional meeting dates of the CCSBT to ensure that the limited**

time available at CCSBT meetings is maximized. Further effort should also be made to encourage experts from developing Members to fill chairing roles within subsidiary bodies. Members should also consider the use of co-Chairs to specifically develop technical skills.

Special requirements of developing States

130. As previously identified in other CCSBT performance reviews, the special requirements of developing States are not formally recognised within the Convention, but efforts are made in practice to recognize the differing circumstances of Members. This is perhaps best reflected in the approach taken in assessing and remedying compliance. The Compliance Strategy, in particular, recognizes the need to balance potential punitive actions with capacity building.
131. The CCSBT Secretariat has engaged in targeted activities with developing State Members on topics such as the CDS. Individual Members have also provided or offered assistance across a number of areas, but these initiatives do not appear to reflect a broader assistance strategy.
132. The Convention does not specifically recognize the needs of developing States when listing the matters to be considered when deciding upon allocation but does allow for "any other factor" deemed appropriate by the Commission to be factored in. Given the history of this Commission, this omission is understandable but has created uncertainty when determining how best to accommodate the inclusion of developing State Members. This uncertainty, in turn, has led to frustration from developing State Members during recent allocation discussions and questions of fairness.
133. In the past, the CCSBT has specifically earmarked money within its budget for "assistance to developing States," but this practice ceased in 2016 as those funds were largely going unused.
134. **The Panel will likely be recommending amendments to the Convention to specifically recognize the needs of developing States given the current composition of the Membership, particularly relating to considerations for allocation. Further, the Panel will likely be recommending to develop a targeted program of assistance to developing Members.**

Comparison with other RFMOs/Kobe Process

135. Many of the specific recommendations of Kobe III have been touched upon in other parts of this report, and this section is primarily focused on assessing overall implementation. It should be noted that this evaluation is being undertaken in a wider context of diminished activity under the Kobe Process. The CCSBT has reflected this shifting context with its recent decision to no longer hold a standing agenda item dedicated to the Kobe process as part of its annual Extended Commission proceedings.
136. The unique single species nature of the CCSBT has, at times, made it difficult to accommodate the advice of Kobe III that is often designed with a multi-species and defined geographical mandate in mind.

137. One example of this dichotomy is reflected in the Kobe III focus on capacity constraints. Members of the CCSBT have rightfully placed little effort in addressing the capacity constraint recommendations of Kobe III, given the robust management framework in place to monitor and control catch allocations within the CCSBT. All CCSBT Members have now reported on the fishing capacity of their flagged fleet.
138. Some of the CCSBT's most recent decisions have arguably served to support many of the harmonization and coordination objectives of Kobe III. Of particular note is the adoption in 2018 of the Resolution to Align CCSBT's Ecologically Related Species measures with those of other tuna RFMOs, which removed any previous ambiguity about the obligations of CCSBT Members when operating within the Area of Competence of another RFMO.
139. Similarly, the cross-listing provisions of the Resolution on Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities for Southern Bluefin Tuna (SBT) have also enhanced coordination between CCSBT and other RFMOs.
140. **The Panel will likely be recommending that the Commission continue to engage with Kobe intersessional process, particularly as they relate to areas of shared interests.**

Best practices

141. CCSBT has shown remarkable progress in the rebuilding of the SBT stocks through science, innovation, and decision-making. As mentioned above, CCSBT can be modelled as the global leader in the development of OM and MP through innovation and strong scientific models. Further, CCSBT members can take great pride in the fact that they have achieved a relatively stable TAC allocation mechanism (guided by the outputs of a robust MP). In spite of this, areas for improvement persist, including in terms of allocation to developing Members and new Members.
142. However, CCSBT has been poor in implementing measures for non-target stocks, and these have been noted in the previous performance review, compliance reports and the EC. There are mechanisms and options for CCSBT to conserve and manage stocks, such as i) amend the CCSBT convention, ii) adopt non-target specific measures and iii) adopt non-target specific measures in other RFMOs. Given that CCSBT members are leaders in other RFMOs (WCPFC, ICCAT and IOTC), there is a strong possibility of adopting such measures.
143. As suggested earlier, CCSBT also needs improvement in adopting electronic catch documentation, compliance processes and observer schemes. These have been addressed extensively in other RFMOs, and CCSBT should follow a similar path.
144. **The Panel will likely support the good work undertaken by CCSBT for SBT and recommend a similar process for non-target species. The Panel will likely be recommending for CCSBT to improve the**

implementation compliance processes and observer schemes and support the introduction of e-CDS.

Financial and administrative issues

Availability of resources for RFMO activities

145. The Finance and Administration Committee under the Extended Commission examines the financial position of the CCSBT, budget items, possible savings, and contributions by Members, taking into account the required resources, in particular for science programs. The Commission's general budget has been slightly increased every year, resulting in an increase in contributions by Members. The increases have been most notable since the large increase in the cost of the science program from 2016. In fact, the current contribution from Members is still below the annual running costs of the CCSBT. Fortunately, since this time, some CCSBT Members have made significant voluntary contributions by funding meetings and providing research grants which have minimized increases in contributions. CCSBT Members have also contributed voluntarily to projects which have significantly improved the performance of the RFMO, in particular, the scientific programs and projects. Unlike other RFMOs, CCSBT is not faced with unpaid contributions by Members, even though there are occasional delays in payments from Members.
146. CCSBT's financial regulations were updated in 2018 to allow internationally recognized independent auditors, other than just the Auditor-General or equivalent statutory authority from a Member of the Commission, to be appointed as the Commission's external auditor. This subsequently enabled the cost of the annual audit to be approximately halved. One of the main recent recommendations from the auditor was to formalize the accounting policy regarding the treatment of resources received free of charge and in-kind contributions. The new policy was agreed upon by the Finance and Administration Committee at the annual meeting following the auditor's recommendation.
147. As noted, CCSBT has allocated sufficient funds to implement projects and various plans. However, recent events (reduced budget for some key projects and change in procedures) show the need for CCSBT to establish a reserve /savings fund. This is a practice followed by other RFMOs to be utilized in extraordinary circumstances and maintain budget fluidity even when there is a delay in payments from Members. A similar process was agreed in the 27th Annual meeting, establishing a 'Contributions Stabilisation Fund' to allow an even distribution of the savings made in 2020 due to the COVID-19 pandemic over the coming years. Furthermore, the Secretariat identified \$500,000 in its savings account that has been used partially (\$123,000) so far to fund some scientific work. However, a reserve or savings fund's primary use goes beyond that and formalizing this fund will allow CCSBT more breathable space and transparency in the decision-making process. Furthermore, there needs to be better communication between Finance and Administration Committee and various subsidiary bodies regarding financial and administrative needs to improve the decision-making process.

148. The Panel will likely recommend that a reserve/savings fund be formalized to be utilized in extraordinary circumstances and allow greater flexibility between financial years.

Efficiency and cost-effectiveness

149. Even with its limited staff, the Secretariat has been very professional and has contributed significantly to the performance of the Commission. Their contribution to the operation of CCSBT is commendable.

150. The functions of the CCSBT Secretariat specified by the Convention, the CCSBT Rules of Procedures and the Resolution to Establish an Extended Commission and an Extended Scientific Committee are:

- (a) receiving and transmitting the Commission's official communications.
- (b) facilitating the collection of data necessary to accomplish the objective of the Convention.
- (c) preparing administrative and other reports for the Commission and the Scientific Committee.
- (d) preparing an annual report on the Secretariat's activities for the annual meeting of the Commission.

151. The Secretariat, therefore, has various roles and regular tasks, including, for example, managing and implementing the Commission's budget, handling communications between Members or other bodies, facilitating intersessional discussions between various bodies, hosting and managing CCSBT databases and website, arranging CCSBT meetings (including preparation of various documents), running and managing CCSBT CMMs, developing electronic facilities (e.g., online data submission system, e-CDS, etc.),

152. The appointment of the CCSBT Chair has been problematic, given the often-late nominations of Chairs by Members and the occasional replacement of Chairs after the nomination. This hinders the Secretariat's preparation for the Annual meeting and results in poor governance of the CCSBT because the Chair is typically unable to provide leadership to the CCSBT outside of annual meetings. Rule 4(1) of the CCSBT's rule of procedure, the CCSBT allows CCSBT to elect the Chair and Vice-Chair of the Commission and the extension of the pre-election period. However, this practice is yet to be followed in CCSBT.

153. **The Panel will likely recommend encouraging earlier nominations for Chair of CCSBT from hosting Member ahead of Commission meetings and encourage the re-election of Chairs for up to 4 years as is allowed in 4(1) of the Rules of Procedure to provide better governance of the CCSBT.**
