



2021 CCSBT Performance Review

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Abbreviations

ACAP	The Agreement on the Conservation of Albatrosses and Petrels
AIS	Automatic Identification System
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin tuna
CDS	Catch Documentation Scheme
CMM	Conservation and Management Measures
CNM	Cooperating Non-Member
e-CDS	electronic CDS
EC	Extended Commission
ERS	ecologically related species
ERSWG	Ecologically Related Species Working Group
ESC	Extended Scientific Committee
FAO	Food and Agriculture Organization of the United Nations
ICCAT	International Commission for the Conservation of Atlantic Tuna
IGO	intergovernmental organization
IOTC	Indian Ocean Tuna Commission
IUU	illegal, unreported and unregulated
LOA	Length Overall
MCS	Monitoring, Control and Surveillance
MP	Management Procedure
MSE	management strategy evaluation
MSY	maximum sustainable yield
NGO	nongovernment organization
PR	performance review
QAR	Quality Assurance Review
RFMO	Regional Fisheries Management Organizations
ROP	Rules of Procedure
SBT	Southern Bluefin tuna
SMMTG	Seabird Mitigation Measures Technical Group
SRP	Scientific Research Program
t	tonnes
TAC	Total Allowable Catch
TRO	Total Reproductive Output
UNCLOS	United Nations Law of the Sea Convention
UNFSA	United Nations Fish Stocks Agreement
USA	United States of America
VMS	Vessel Monitoring System
WCPFC	Western and Central Pacific Fisheries Commission

Executive Summary

At the time of the 2008 Performance Review, the CCSBT was identified as being “at a moment of chaos and consternation regarding its aims and their plausibility”. However, since then the CCSBT has performed exceptionally well in rebuilding the southern bluefin tuna (SBT) stock. The management procedure (the Cape Town Procedure, adopted in 2020), the operating model, and the work done by the Extended Scientific Committee is among the best scientific work undertaken by Regional Fisheries Management Organizations (RFMOs). Overall, the management of SBT is equally well-regarded although equity concerns regarding the distribution of the total allowable catch (TAC) have emerged of late. The Extended Commission has taken onboard the scientific advice and applied the management measures necessary to ensure that the levels recommended by the MP. However, it is essential that Members continue to support the MP, including by remaining within their respective allocations, and eliminating areas of uncertainty such as Non-Member catches that could undermine the performance of the Cape Town Procedure.

While the CCSBT’s management and scientific processes for SBT stocks can be considered a leading example for other RFMOs, the same cannot be said for the management of non-target species in the SBT fishery. There are significant concerns for some ecologically related species (ERS), in particular seabirds. The CCSBT’s shortcomings in relation to ERS need to be addressed urgently; if they are not, the CCSBT’s performance with respect to SBT may be overshadowed by the lack of urgency with regard to the management of ERS.

The CCSBT has a range of monitoring, control, and surveillance (MCS) measures in place. The CCSBT is in a strong position to monitor the trade of SBT given the dominance of a single market, and the Catch Documentation Scheme (CDS) has played a central role in MCS measures. However, some of the documents from the CDS are not fully utilised for compliance and scientific purposes and the emergence of new markets undermines the long-term strength of the CDS. The CCSBT is in the process of introducing an electronic CDS, and this process needs to be fast-tracked to obtain the maximum benefits from the CDS.

The issue of lack of observer coverage by some Members, including representativeness according to the standards adopted by the CCSBT, also needs to be resolved. Electronic monitoring is used by some Members, and the Panel recommends that the CCSBT undertake analysis on how electronic monitoring could be used more broadly in SBT fisheries. The CCSBT has undertaken Quality Assurance Reviews (QARs) to understand the gaps in Member’s systems and process against the CCSBT’s minimum performance requirements. This has provided a good basis for Members to independently assess their management systems. However, the lack of a follow-up process means that the maximum value of QARs has not been realised. If the CCSBT decides to implement regular QARs in the future, it should also consider implementing a process for conducting follow-up reviews.

The CCSBT Convention (which came into force in 1994) is becoming outdated and does not represent modern fisheries management principles and mandates as enshrined in international law. The CCSBT has addressed some of the Convention's gaps by adopting various resolutions, but the CCSBT Membership has expanded in size and composition since the Commission was established to the point where the existing Convention no longer reflects the current operating environment. The issues facing the current CCSBT membership differ from the initial concerns of the three original Members, particularly as the Membership now includes developing countries. This issue is one that is likely to grow as the stock continues to rebuild and the likelihood of increased interest in the fishery from non-Members grows. The CCSBT must adapt to these changes and adopt a forward-thinking approach in terms of welcoming new members and addressing issues such as allocation mechanisms.

One of the biggest issues facing the CCSBT is the diversity of its membership, and the discrepancies that exist in terms of capacity and ability to fully participate in the Commission's scientific and management processes, particularly as it relates to developing Members. The CCSBT's scientific process for the management of SBT is based on emerging scientific methodologies and complex mathematical and computational models. However, there needs to be broad participation by Members and a shared understanding of these scientific processes if CCSBT Members are to follow the Commission's scientific and management advice; failure on this regard clearly poses a huge risk for the management of SBT and ERS. The CCSBT needs to provide scientific advice that is easily understandable for managers, create capacity building programs, and find mechanisms to allow broader participation of Member scientists in the scientific process.

Background

1. The Strategic Plan of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) calls for undertaking periodic performance reviews (PRs) to assess opportunities for improvements¹. PRs were conducted in 2008 (PR2008) and 2014 (PR2014)².
2. At its Twenty-fifth Annual Meeting (CCSBT 25, held in 2018), the CCSBT agreed that the third PR would be conducted during 2021 (PR2021). In 2019, CCSBT 26 adopted the terms of reference for PR2021. It was agreed the review would be carried out during 2021 by an Independent Performance Review Panel (the Panel). The CCSBT Extended Commission (EC) appointed the following members to the Panel:
3. Two independent external internationally recognized experts:
 - Professor Fábio Hissa Vieira Hazin (Brazil)
 - Mr. Bill Gibbons-Fly (USA) (Chair)
4. One member from an Indian Ocean Tuna Commission (IOTC) Member country that is not also a CCSBT Member:
 - Dr. Hussain Sinan (Maldives)
5. Three members from among the CCSBT membership as follows:
 - 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 developing coastal State Member.
 - Mr. Dominic Vallières (New Zealand) as an expert from a developed coastal State Member.
6. 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 and Dr. Sinan was subsequently appointed as the Panel's new Chair.
7. Due to limitations of time and resources, the CCSBT further agreed through circular #2021/038 that an interim report would be provided to the October 2021 meeting of the EC and that a final report would be completed by 1 March 2022.

¹ CCSBT (2015) [Strategic Plan for the Commission for the Conservation of Southern Bluefin Tuna](#).

² PR2008, comprising a self assessment and independent review: CCSBT (2008) [Report of the Performance Review Working Group](#) (July); and (ii) an independent review: CCSBT (2008) [Report of the Independent Expert](#) (September); and PR2014: S. Garcia and H. Koehler (2014) [Performance of the CCSBT 2009-2013: Independent Review](#).

Methodology

8. The CCSBT Performance Review formally began in November 2020. In January 2021, the Panel agreed to progress the CCSBT Performance Review through two primary avenues: an extensive document review by the Panel, and submission of a questionnaire to CCSBT members.
9. The document review included a review by the Panel of reports, resolutions, recommendations, plans, and past performance reviews, including the following:
 - 1.1. Basic information regarding the CCSBT
 - The CCSBT website (www.ccstb.org) on the origins of the Convention, the Commission's role, and steps to becoming a Member of the CCSBT
 - Report on Biology, Stock Status and Management of Southern Bluefin tuna
 - The Convention text of the CCSBT
 - Chairing arrangements for CCSBT subsidiary bodies
 - Rules of Procedure (ROP) of the CCSBT
 - Resolutions adopted by the CCSBT
 - Terms of reference for subsidiary bodies
 - 1.2. The CCSBT's Management Objectives, Vision, Goals and Action Plan
 - The CCSBT's Strategic Plan
 - Previous Performance Review Reports
 - Terms of reference for the 2021 Performance Review (found in Annex 1)
 - 1.3. Current Stock Status of SBT
 - Stock Assessments
 - Report on Biology, Stock Status and Management of Southern Bluefin tuna
 - Reports of the Extended Scientific Committee (ESC)
 - 1.4. Conservation and Management Measure (CMMs)
 - Resolutions and Recommendations
 - Reports of the EC
 - Reports of the ESC
 - Reports of the Ecologically Related Species Working Group (ERSWG)
 - 1.5. Compliance and Enforcement Measures
 - Monitoring, Control and Surveillance resolutions
 - The CCSBT Compliance Plan
 - Compliance Policy Guidelines
 - Reports of the Compliance Committee
 - 1.6. Data Submission Requirements
 - Resolutions on data collection, management, and confidentiality

- Compliance Policy Guidelines
- Data submission requirements
- Scientific data exchange
- ERSWG data exchange
- Annual reports
- Scientific Observer program standard

1.7. Finance and Administration

- Rules of Procedure of the CCSBT
- Financial Regulations
- Staff regulations
- Headquarters Agreement
- Rules of procedures for protection, access to, and dissemination of data compiled by the CCSBT
- Attendance by observers
- Process for review of external documents including possible non-compliance of Members

10. The questionnaire sought feedback from stakeholders (Members, fishing industry representatives, various CCSBT subsidiary body Chairs, nongovernment organizations (NGOs), intergovernmental organizations (IGOs), and Secretariat staff). A Google form was developed to administer the questionnaire, and 35 responses were received, which are presented in Views of the Stakeholders (Annex 4 to this report). Those responses reflect the views of stakeholders, not the Panel.

Findings and Recommendations

11. The following discussion of the Panel's findings, as well as the specific PR2021 recommendations, are grouped according to the focus area and criteria used to evaluate performance. Annex 2 presents the evolution of CCSBT PR recommendations (from PR2008, PR2014, and PR2021) against these criteria, and includes the Panel's priority rankings of the PR2021 recommendations. Annex 3 presents the evolution of CCSBT performance against the main criteria for evaluation (from PR2008, PR2014, and PR2021).

Conservation and Management

Status of living marine resources

- *Status of major fish stocks under the purview of CCSTB in relation to maximum sustainable yield or other relevant biological standards.*
 - *Trends in the status of those stocks.*
12. Southern bluefin tuna (SBT), the species for which the CCSBT has primary management authority, has been steadily recovering since PR2008. The CCSBT has addressed most of the shortcomings identified by PR2008 and PR2014 that affected SBT stock assessments, such as data uncertainties and issues with cooperation on the part of Members. The inclusion of new Members who historically fished for SBT has subsequently improved the status of data collection and verification³. Furthermore, the CCSBT conducted extensive work from 2002 to 2011 to develop a Management Procedure (MP) to guide the process for setting the total allowable catch (TAC) for SBT. The CCSBT's ESC tested a variety of candidate MPs with the aid of an operating model.
 13. In 2011, the CCSBT adopted the "Bali Procedure" MP with an interim rebuilding reference point of 70% probability of rebuilding the stock to 20% of the original spawning biomass by 2035. The SBT stock status, as assessed via the CCSBT's Operating Model, has improved consistently since then, at about 5% per year, and is on the verge of meeting the initial rebuilding target (Table 1)⁴.

Table 1: Trend of Southern Bluefin Tuna status 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)

B10+ = biomass of age 10+, F = fishing mortality, MSY = maximum sustainable yield, n/a = not available, TRO = total reproductive output

³ Since the 2014 Performance Review, the European Union became a Member of the EC on 13 October 2015 and South Africa on 15 February 2016.

⁴ CCSBT (2020) [Report of the Twenty-fifth Meeting of the Scientific Committee](#) (7 September).

14. In 2020, the CCSBT adopted the Cape Town Procedure MP⁵, which aims to build on the success of the previous MP and to rebuild the stock with a 50% probability of achieving 30% of the original spawning biomass by 2035. This target exceeds the initial rebuilding target set out in the 2011 Bali Procedure MP.
15. Much of the success behind the stock's recovery can be attributed to the CCSBT's clear focus on the management objectives, aided by consensus agreement among Members regarding allocation of the TAC during the recovery period. The recovery has also been aided by the robust scientific processes, in particular the development of the MP, and the scientific projects that contributed to further improvements in the MP. Furthermore, the monitoring, control, and surveillance (MCS) measures established by the EC have helped to ensure that all Members are compliant and contributed to the recovery of the stocks.
16. However, the CCSBT must work to ensure that Members comply with their allocations and address any management failures that could lead to catches that exceed those allocations.
17. In the 2018 to 2020 quota allocation process, an allowance of 306 tonnes (t) was set aside to account for illegal, unreported and unregulated (IUU) catch by non-Members. For 2021–2023, the Cape Town Procedure incorporates plausible IUU catches within the operating models. This process could be further enhanced by improving information regarding the level of non-Member catches.
18. PR2014 (in recommendation PR2014-6) identified the need to develop additional measures, such as protected areas to support spawning and recruitment, and improve resilience to fishing and climate change (footnote 2). The MP takes into account several of these precautionary measures. However, it is important to identify whether there is a need for additional measures to support the SBT stock rebuilding trajectory.

PR2021-01: Members continue to support the MP, by remaining within their allocation limits, and eliminating areas of uncertainty such as Non-Member catches that could undermine its performance.

PR2021-02: Explore the need for additional measures (such as protected areas and area closures) to support spawning and recruitment.

⁵ CCSBT. [Resolution on the Adoption of a Management Procedure](#) (updated 14-17 October 2019)

- *Status of species that belong to the same ecosystems as, or are associated with or dependent upon, the major target stocks (“non-target species”).*
 - *Trends in the status of those species.*
19. An area of concern for the CCSBT is its inability to date to address the impact of SBT fisheries on non-target species that belong to the same ecosystem⁶, in particular seabirds. With respect to the 18 albatross species with distributions that overlap with the SBT fishery, the Population and Conservation Status Working Group of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) assesses that eight species are in decline, five are stable, the status of three is unknown, and two are increasing. Regarding the seven petrel species with distributions that overlap with SBT fisheries, ACAP’s Population and Conservation Status Working Group assesses that three are declining, one is stable, and three are increasing⁷.
 20. Furthermore, a collaborative risk assessment of the impact of surface longline fishing on albatross and petrel species carried out 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 productivity⁸.
 21. There is some debate amongst Members about whether the CCSBT has the mandate and authority to manage seabirds. However, it must be noted that almost all RFMOs — in particular the Western and Central Pacific Fisheries Commission (WCPFC) (for example, through CMM 2018–03), International Commission for the Conservation of Atlantic Tuna (ICCAT) (in Resolution 11-09) and IOTC (in Resolution 12/06) — have adopted CMMs to manage seabirds, even though the agreement establishing the IOTC does not include an explicit reference to managing seabirds. The ambiguity about the responsibility and authority of the CCSBT has contributed, in part, to the ineffective management of ecologically related species (ERS). Furthermore, the lack of annual meetings of the ERSWG has equally slowed progress in this area. The Panel acknowledges and supports the proposal made at CCSBT 28 (in 2021) to host annual meetings of ERSWG. This could be facilitated through a combination of virtual and face-to-face meetings to reduce costs to the CCSBT.
 22. In 2018, the CCSBT adopted a Resolution to align CCSBT’s ERS measures with those of other tuna RFMOs (updated during CCSBT 28).⁹ However, that Resolution does not prevent the CCSBT from taking more stringent measures aimed at conserving ERS,

⁶ CCSBT (2018) [Report of the Fifth Meeting of the Strategy and Fisheries Management Working Group \(6 – 8 March\)](#), paras. 40–44. At the meeting, most CCSBT Members agreed that the ERSWG has been ineffective.

⁷ ACAP and Birdlife International (2019) [An update on the Status and Trends of ACAP–Listed Albatrosses and Petrels in the CCSBT Area](#)

⁸ E. Abraham et al (2017) [Assessment of the risk of commercial surface longline fisheries in the southern hemisphere to ACAP seabird species](#). CCSBT-ERS/1905/BGD 03.

⁹ CCSBT. [Resolution to Align CCSBT’s Ecologically Related Species measures with those of other tuna RFMOs](#) (updated October 2021)

particularly seabirds. The CCSBT must increase its effort (in time and resources) that is focussed on the ERSWG and ESC, and the EC needs to establish clear objectives for ERS.

23. Recent studies have shown significant likely impacts due to climate change, mostly with changes in tuna distribution.¹⁰ This would impact future management of SBT and ERS. Due to the CCSBT's unique mandate without a convention area, PR2014-7 recognised the need for a collaborative programme with other RFMOs to identify such impacts, on ecosystems, SBT, ERS, and their productivity, distribution, and resilience. However, little progress has been made on this recommendation, and it is restated as PR2021-05.

PR2021-03: Amend the CCSBT Convention to clarify the role and mandate of CCSBT with regards to non-target species.

PR2021-04: Encourage the development of strengthened CMMs on ERS.

PR2021-05: Increase the attention and focus on ERS through annual meetings of ERSWG.

PR2021-06: Consider the feasibility of a collaborative programme (between RFMOs and institutions with competency in biodiversity conservation) to forecast the likely impacts of climate change on tuna ecosystems, SBT, ERS, and their productivity, distribution, and resilience.

Data collection and sharing

- *Extent to which the RFMO has agreed formats, specifications, and timeframes for data submission, taking into account UNFSA Annex I.*
 - *Extent to which RFMO members and cooperating non-members, individually or through the RFMO, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner.*
 - *Extent to which fishing data and fishing vessel data are gathered by the RFMO and shared among members and other RFMOs.*
 - *Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required, particularly possible unaccounted fishing mortalities.*
 - *Extent to which capacity building initiatives are put in place to improve data collection in developing States*
24. The CCSBT collects various data and information for scientific purposes on both target and ERS through various data exchanges. It also collects information for compliance through the Catch Documentation Scheme (CDS), authorizations (from 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

¹⁰ J. Bell et al (2021) [Pathways to Sustaining Tuna-dependent Pacific Island Economies During Climate Change](#). *Nature Sustainability*, 4, 900-910; and I. Senina et al (2018) [Impact of Climate Change on Pacific Tropical Tunas and their Fisheries in High Sea and Pacific Islands Waters](#). WCPFC-SC14-2018/EB-WP-01.

across Members.¹¹ CCSBT has made significant progress with respect to data collection, processing, and analysis since PR2008 and PR2014 (footnote 2).

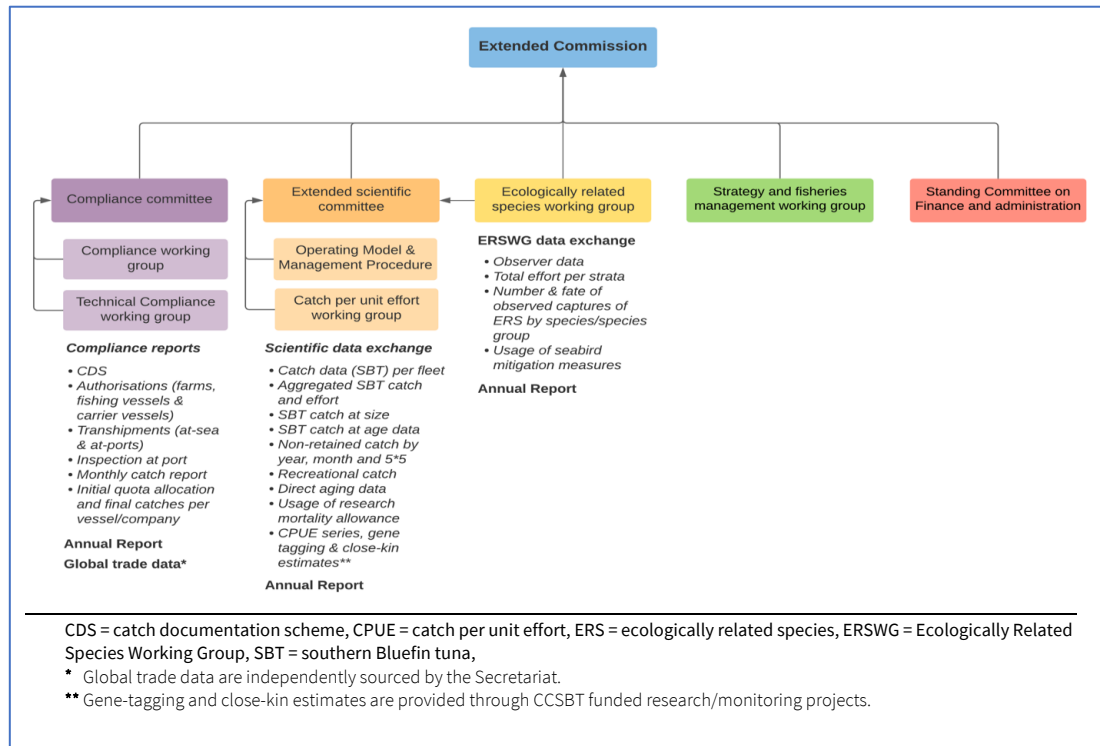


Figure 1: CCSBT Reporting Requirements from Members to Various Subsidiary Bodies.

25. The CCSBT has adopted data production, access and dissemination rules that have 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 website.¹² However, both PR2008 and PR2014 recommended that data that has not historically been publicly available could be made available after a given period. The Panel recognises that this recommendation, which was first made in 2008, has not yet been addressed, and acknowledges the recommendation's rationale and importance. Although the Panel recognises that the recommendation is not a current priority, CCSBT should review data transparency and availability for data that are not currently publicly accessible.
26. Data-related capacity-building activities for developing Members have been limited to date. In 2019, the CCSBT hosted a CCSBT maturity workshop in Bali, Indonesia; it included provision of information on maturity staging and histological features. In addition, some developed CCSBT Members have offered one-off training programs for developing countries to improve data collection systems. However, clear gaps remain between CCSBT Members regarding data collection and reporting.

¹¹ [CCSBT data submission requirements and guidelines for Members.](#)

¹² CCSBT. [Rules and Procedures for the Production, Access to, and Dissemination of Data Compiled by the CCSBT](#) (updated 12 October 2017).

27. The CCSBT has a 10% target for scientific observer coverage,¹³ and a requirement of 100% observer coverage aboard vessels during transshipment operations at sea.¹⁴ Although the majority of Members appear to be meeting these standards, some consistently fail to meet the 10% scientific observer coverage target.¹⁵ This poses a risk to the MCS aspects and the data and science-driven fisheries management processes of the CCSBT, particularly for ERS. Electronic monitoring has been used by some Members and this approach could be used by CCSBT to address some gaps in human-observer coverage. The CCSBT could also undertake analysis on how electronic monitoring could be used in SBT fisheries.
28. Information that some Members have submitted in their annual national reports to the Compliance Committee and the EC is ambiguous when assessing compliance with the current binding and recommended ERS measures of the relevant RFMOs¹⁶. There are unequal levels of reporting and diligence shown by CCSBT Members regarding ERS management, which undermines broader efforts to address this issue.
29. Other tuna RFMOs have moved to automate data collection processes through e-reporting platforms for data reporting and port inspections, with the goal of speeding up the process and minimizing reporting errors.¹⁷ This could facilitate real-time monitoring of catch, landing, and port inspection data, enabling improved data and data analysis for both target and non-target stocks. This is of particular importance for the CCSBT's CDS, which plays a critical role in SBT MCS. Furthermore, this would also address some inconsistencies in data reporting, particularly for ERS. The CCSBT has informed the Panel of work underway to develop an online data submission and sharing system that will integrate the data submission process, particularly compliance-related data submission.
30. The CCSBT has established good working relationships with other tuna RFMOs. However, the Seabird Mitigation Measures Technical Group (SMMTG) recommendation — that the CCSBT request that other tuna RFMO secretariats provide brief descriptions of the availability and resolution of fishing effort metadata — has made little progress.

PR2021-07: Improve transparency by providing and making public, historical data and information that are not currently accessible in the public domain.

PR2021-08: Conduct capacity building programs to improve data collection and reporting, in particular in developing countries.

¹³ CCSBT (2015) [Scientific Observer Program Standards](#)

¹⁴ CCSBT [Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels](#) (revised 12 October 2017)

¹⁵ CCSBT (2020) [Compliance with CCSBT Management Measures](#)

¹⁶ CCSBT (2020) [Annual Report on Members' implementation of ERS measures and performance with respect to ERS](#). CCSBT-CC/2010/05 (Rev. 2)

¹⁷ IOTC is developing an electronic monitoring and reporting information system (E-MARIS) for data reporting and an electronic port state measures application (E-PSM). WCPFC has implemented WCPFC high Seas Transshipment E-Reporting Application (TSER).

PR2021-09: Increase efforts to improve observer coverage, in accordance with the standard agreed by the CCSBT.

PR2021-10: Conduct analysis on the use of electronic monitoring to supplement human observer coverage in SBT fisheries.

PR2021-11: Establish mechanisms to improve consistency and avoid ambiguity in national reports.

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

- a. 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.*
- b. 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*

31. As mentioned, the CCSBT has made substantial progress in the data collection and verification process. The Compliance Committee verifies data for completeness, accuracy, and consistency by comparing the data provided through compliance-related reports and relevant data exchanges (with both ESC and ERSWG) (Figure 1).
32. This data collection and verification process has successfully identified various issues with submitted data (e.g., incomplete and duplicative data, and discrepancies among various datasets), as well as non-reporting and late reporting by some Members for SBT. Some Members also consistently do not submit copies of all expected import copies of CDS documents to the Secretariat.¹⁸ For ERS species, scientific observer data remain a concern (para. 27). Some Members did not achieve the overall scientific observer effort coverage, or did not submit the necessary data to determine observer coverage, and some Members only achieved 50% representativeness (or less) for their observer coverage¹⁹.
33. Thus, there remain considerable concerns regarding the reliability and quality of the data that some Members provide. This poses a significant risk, in terms of producing the best scientific advice relevant to fish stocks, other living marine resources, and the effects of fishing on the marine environment. The EC could establish processes to address these concerns through capacity-building programs and the introduction of e-reporting platforms.

¹⁸ CCSBT (2020) [Compliance with CCSBT Management measures](#).

¹⁹ Representativeness of 100% means that the target of 10% observer coverage was achieved for all statistical areas that were fished, while a representativeness of 50% means that the target observer coverage was only achieved for half of the areas that were fished. See CCSBT (2020) [Report of the Fifteenth Meeting of the Compliance Committee](#), para. 10 and footnote 5.

34. The scientific process (comprising the structure, processes, procedures, and expertise) established by the CCSBT for managing SBT are among the best in the world. The CCSBT scientific process allows incorporation of new and improved methodologies (such as gene-tagging and close-kin mark-recapture), while the Independent Advisory Panel (established in 1998) provides reassurance — through the peer-review process — regarding the CCSBT’s stock assessment and broader scientific processes²⁰. In addition, expert consultants have been hired when required. However, as the CCSBT evolves into a global leader in sophisticated methodological stock assessment models and management strategy evaluation processes, there is a fear on the part of CCSBT Members, which is shared by the Panel, that the highly technical nature of this process will exclude all but a handful of technical experts. Further, in the interest of transparency, the information developed by scientists needs to be distilled and made available in a non-technical format. Consequently, ongoing dialogue and capacity building are necessary to ensure equal access to information, build confidence, facilitate consensus-based decision-making, and maintain the stability of the CCSBT. The Panel acknowledges the discussions in the ESC and EC in 2021 with regards to improvements in dialogue and communication between the EC and ESC, and the need to have multiple communication approaches. These include: providing non-technical information and factsheets, conducting annual science-manager dialogues and in-country seminars, allowing extra time for discussions between scientists and the Independent Advisory Panel, and producing an ESC Chair’s summary for EC²¹.
35. The ERSWG follows a similar process as the ESC but without an independent scientific advisory panel. Nonetheless, at its meetings, the ERSWG benefits from significant IGO and NGO expertise (typically from ACAP, BirdLife International, Humane Society International and TRAFFIC). The ERSWG’s 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 that may affect the condition of the SBT stock. ERSWG meetings are held biannually, resulting in inevitable delays when addressing issues within CCSBT’s mandate; this constitutes a significant impediment to addressing ERS, in terms of assessment quality, continuity, and the implied commitment to ERS on the part of the EC.

PR2021-12: Continue to develop and embed innovative methods such as gene tagging and close-kin mark-recapture to improve scientific processes.

PR2021-13: Achieve a better balance between the scientific efforts dedicated to SBT and ERS.

²⁰ CCSBT. [Scientific Process: Scientific Committee](#).

²¹ The issue is discussed in detail in CCSBT (2021) [Report of the Twenty-Sixth Meeting of the Scientific Committee](#), paras. 151–158

PR2021-14: Identify gaps in scientific skills among CCSBT Members and fill these through recruitment and capacity building in Member countries.

PR2021-15: Continue to contribute to efforts by tuna RFMOs to develop management strategy evaluation and implementation capacity through the Joint Technical Working Group on MSE, and other avenues.

PR2021-16: Continue to study spatial aspects of the SBT stock structure and movements, and the fleets that exploit SBT.

PR2021-17: Address inconsistencies across Members in terms of quality and completeness of data reporting.

PR2021-18: Develop research capacity in Member countries, in particular developing States.

PR2021-19: Continue to improve the flow of information and dialogue between scientists and managers as agreed in ESC and EC.

PR2021-20: Establish a clear and concise bycatch policy and management strategy.

Participation and Capacity Building

- *Extent to which CCSTB Members and CNMs participate actively in the provision of the scientific advice.*
 - *Extent to which capacity building initiatives are put in place to facilitate the effective participation of developing States in Scientific Committee activities.*
36. Most CCSBT Members attend scientific meetings and participate in the development of management advice. All Members have an equal opportunity to voice their concerns and contribute to the process. However, there appear to be differences with respect to the commitment, investment, and understanding of Members regarding the provision of scientific advice to the EC, with some Members more active than others. During 2017 – 2021, a total of 90 different individuals from CCSBT Member countries participated in the CCSBT ESC meetings. Only 11 scientists participated in all of the meetings, and nearly half of the scientists participated in one meeting. This participation trend in the ESC illustrates the importance of continued capacity building and information flow. Although this situation is understandable given Members' differing history of participation, economic capacity, and technical expertise, as well as the impact of language barriers, it is not ideal, and can undermine the CCSBT's ability to reach a consensus on management decisions based on scientific findings.
37. ESC meetings in 2020 and 2021 (ESC 25 and ESC26) were held virtually, and saw increased participation by most Members (Figure 2). Two Members were unable to participate in ESC26 (and one in ESC25) due to unforeseen circumstances. It is essential that all

Members be involved in providing scientific advice to the CCSBT, and the CCSBT should take advantage of future virtual settings to improve participation by Members.

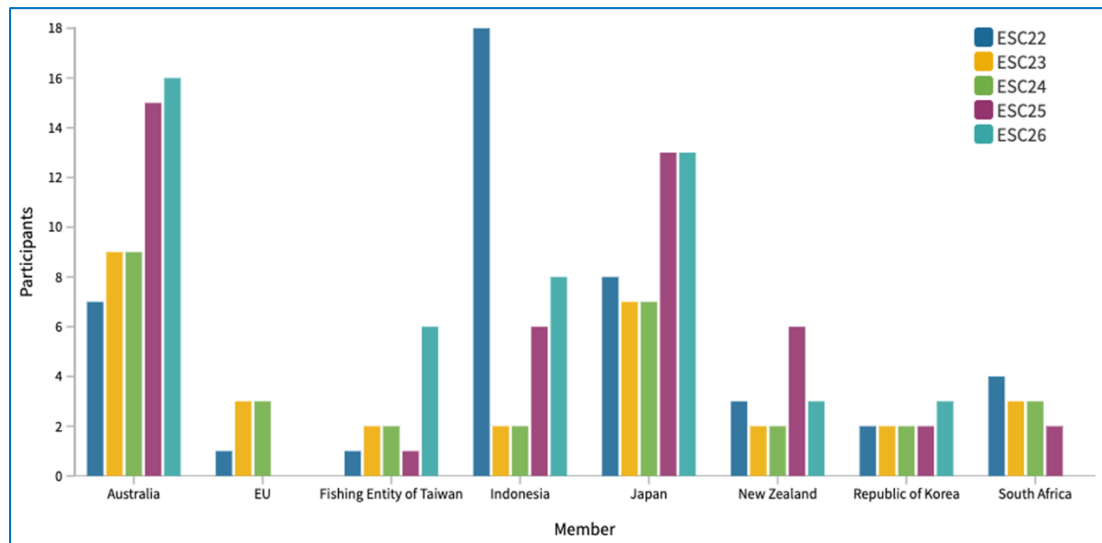


Figure 2: Number of participants in Member delegations in Extended Scientific Committee (ESC) Meetings from 2017 (ESC22) to 2021 (ESC26).

38. The Secretariat has been exceptional in providing assistance to Members in preparing their national reports, and in facilitating data exchanges. In the early days of the MP development process, domestic capacity building initiatives were held to introduce concepts, but capacity building work has been rare more recently. The CCSBT's 2015–2020 Strategic Plan (footnote 1) identifies the capacity building needs of developing Members in terms of compliance with CCSBT obligations as a key challenge. Although goal 10 of the Strategic Plan is to develop a programme to assist countries with Commission requirements, little progress has been achieved.

PR2021-21: Explore mechanisms for an increase in active participation of Members in the ESC process in developing advice to the EC, such as hosting hybrid meetings.

PR2021-22: Formulate and implement a capacity-building work plan to improve data collection, scientific analysis, and compliance-related activities.

Long-term planning and research

- *Extent to which the CCSTB adopts and regularly reviews a long-term strategy for the Scientific Committee to implement.*
 - *Extent to which the research coordinated or undertaken directly by the CCSTB is aligned with the needs of the Commission to fulfil its mandate.*
39. The ESC maintains a Scientific Research Program (SRP),²² which is intended to be updated every five years. The SRP specifies annual work program activities, including specific

²² CCSBT (2014) [Report of the Nineteenth Meeting of the Scientific Committee](#), Attachment 10, p. 94.

research activities, and specifies a timeframe and priority for each item, and the intention of the research. The annual work program activities are 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 financial and administrative resources required from the CCSBT. If the ESC fails to carry out tasks established in the Work Plan, the reasons for the failure are examined, with the task usually re-incorporated into the Work Plan, including any changes required to address and rectify the problems identified. This process has been largely successful in ensuring the work done by the ESC is aligned 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 to the TAC).

40. The most recent SRP covered 2014–2018, and was to be revised in 2020, again targeting a five-year period; the delay in revising the SRP was to enable a new SBT rebuilding target to be adopted by the EC, and development of a new MP to be completed. However, the combination of other priorities and the COVID-19 pandemic resulted in a lack of time at ESC25 (in 2020) to consider a revised SRP, and discussion on a new SRP was postponed to ESC26 for subsequent approval by the Commission. Although some stakeholders noted that the ESC placed a low priority on 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 scientific activities, and efficient utilization of funding. The inability to access certain CDS data for SRP activities and the absence of stereo-video for estimating the size of the catch in farming activities is also of concern.

PR2021-23: Prioritise the establishment and ongoing review of long-term strategic planning in the ESC.

Adoption of Conservation and Management Measures

- *Extent to which the CCSTB has implemented CMMs for both target stocks and non-target species that ensure the long-term sustainability of such stocks and species and are based on the best scientific evidence available.*
41. The MP and the Resolution on the Allocation of the Global Total Allowable Catch provide the foundation for stock management.²³ CCSBT adopted the Bali Procedure MP in 2011, and updated the MP to guide setting the TAC beginning in 2021 through the Cape Town Procedure (paras. 1–6 above). The new MP incorporates new data series, including data from the gene tagging program, and spawning stock estimates from close-kin mark-recapture.
 42. The MP guides determination of the TAC at a level that will lead to the progressive rebuilding of SBF stock. The MP is designed to achieve this objective with a 70%

²³ CCSBT. [Resolution on the Allocation of the Global Total Allowable Catch](#) (updated 9–12 October 2017).

probability of rebuilding 20% of the virgin stock biomass (SSB_0) by 2035. Changes in the TAC are set to a minimum of 100 t and a maximum of 3000 t. The TAC is set for three-year periods, and will be implemented by default during each of those years, unless exceptional circumstances emerge that call for application of the MP's metarules²⁴. Under 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. At present, the TRO has risen to approximately 20% of its initial biomass.

43. The Resolution on the Allocation of the Global Total Allowable Catch (footnote 23) has been in line with the MP, and should continue for the stock to recover in the long run. The TAC includes a 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 TAC allocation. The Cape Town Procedure MP incorporates plausible IUU catches within the reference set of operating models (para. 6), thereby improving decision-making. The Commission has taken scientific advice from the ESC and 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 the Resolution on the Allocation of Global Total Allowable Catch.

	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

^{*} Reflects voluntary transfers during the 2018–2020 quota period provided by Japan to Indonesia (21 t) and South Africa (27t).

^{**} Reflects voluntary transfers during the 2021–2023 quota period provided (i) by Japan to Indonesia (21t) and South Africa (27t); and (ii) by Australia to Indonesia (7t); as well as a special temporary allowance of 80t to Indonesia for 2021.

44. 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 effectively communicate science for policymakers.

²⁴ CCSBT (2021) [Specifications of the CCSBT Management procedure: 7. Metarules for the Cape Town Procedure](#).

45. 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.
46. Information on ecologically related species has improved since PR2008 and PR2014 were conducted. CCSBT's recommendation to mitigate the impact on ERS of fishing for SBT asks 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 Food and Agriculture Organization of the United Nations (FAO) Guidelines to reduce sea turtle mortality in fishing operations (FAO-Sea turtles) if they have not already done so.²⁵
47. The CCSBT has also improved its assessment of Members' implementation of ERS measures and performance with respect to ERS by collecting the necessary data and instructing the Secretariat to produce an Annual Report to the Compliance Committee on these matters.
48. However, there are instances in which mandatory measures, primarily to address seabird bycatch in fisheries, are not being implemented, or are only partially implemented. This is evident in observer coverage, the use of mitigation measures, and the increase in bycatch of seabirds and sharks.

PR2021-24: CCSBT should continue to implement CMMs based on ESC and ERSWG advice for both target and non-target stocks.

PR2021-25: CCSBT Members should continue to strengthen the implementation of the IPOAs and FAO guidelines in fishing operations.

- *Extent to which the CCSTB has applied the precautionary approach as set forth in the United Nations Fish Stocks Agreement (UNFSA) Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points*²⁶.
49. In 2010, the CCSBT amended its ROP to incorporate a precautionary approach in the scientific advice provided to the Commission, and in the Commission's decision-making processes²⁷. The MP incorporates uncertainties and has a procedure to deal with

²⁵ CCSBT (2019) [Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna](#).

²⁶ FAO (1995) [Code of Conduct for Responsible Fisheries](#)

²⁷ CCSBT [Rules of Procedure of the Commission for the Conservation of Southern Bluefin Tuna](#) (amended 18 October 2018), Rule 8bis 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

exceptional circumstances. The ESC and the EC have not defined all possible exceptional circumstances in the MP, but have established sound mechanisms in the MP to determine such exceptional signals. These include a process by which every year the ESC (i) reviews stock and fishery indicators; and (ii) considers whether MP inputs are affected, whether population dynamics differ substantially from those for which the MP was tested, or if the fishery and fishing operational have changed substantially.

- *Extent to which the CCSTB has adopted and is implementing effective rebuilding plans for depleted or overfished stocks.*

50. As stated in PR2014, the MP in effect (currently the Cape Town Procedure) is effectively a rebuilding plan for overfished SBT stocks. The CCSBT has followed the TAC recommendations from the MPs since the first MP was adopted in 2011: to fish within the TAC and at times pay back for over catch by some Members. Monitoring and evaluation of the effectiveness of the MP are checked annually by the ESC, thus addressing PR2014-35. Although there are systems established to rebuild SBT, concerns remain that Members may be overfishing their allocation, which poses a significant risk to the success of the rebuilding strategy. With respect to ERS species, see PR2021-03 and PR2021-04.

PR2021-26: Continue monitoring to ensure the effectiveness of the rebuilding strategy for SBT.

- *Extent to which CCSTB 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.*

51. As stated above, CCSBT has not addressed the increase in bycatch, especially of ecologically vulnerable and threatened species. Some Members have not implemented measures agreed to by the Commission, and some fleets that have implemented the measures continue to record high mortality, in particular for seabirds (footnote 18)²⁸.

52. Furthermore, there is very strong concern that CCSBT Members have not always met the observer coverage standards, or the representativeness specified in the CCSBT's Scientific Observer Program Standards and recommended by the SMMTG (para 32). Some Members have not met the overall threshold of 10% of observer coverage. Members who have met the 10% target have typically not met the "representativeness" criteria recommended by the SMMTG.

PR2021-27: Strengthen the implementation of current measures to reduce bycatch, particularly of seabirds, and explore the potential for an incentivized mechanism to combat an increase in bycatch and address the impact of fisheries on living marine

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."

²⁸ CCSBT (2020) [Report of the Fifteenth Meeting of the Compliance Committee](#).

resources and the ecosystem.

- *Extent to which the CCSTB has implemented 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.*

53. The CCSBT has not implemented any measures to minimize pollution, waste, or 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 by PR2008 or PR2014. The Convention does not explicitly provide the Commission with a mandate on these issues. However, as a party to the UNFSA, Members of the Commission have an obligation to maintain marine ecosystems and minimize the risks of long-term or irreversible impacts from fishing operations. Furthermore, there is a growing concern regarding the impact of lost or abandoned gear²⁹. CCSBT needs to review impacts from CCSBT fisheries and identify ways to minimize these.

PR2021-28: Conduct a review analyzing the potential impact of lost or abandoned gear in CCSBT fisheries, and identify mechanisms to mitigate any impacts.

Compatibility of Management Measures

- *Extent to which measures have been adopted as reflected in UNFSA Article 7.*

54. Article 7 of the UNFSA mandates the adoption of compatible management measures in exclusive economic zones (EEZs) and in the high seas, and mandates that states (i) take into account (a) management measures adopted and applied by coastal states within their EEZs, (b) previously agreed measures established and applied in the high seas, (c) previously agreed measures established and applied by RFMOs, (d) biological unity and other biological characteristics of stocks, (e) the respective dependence of coastal states and the states fishing on the high seas on the stocks ; and (ii) ensure that the measures do not result in a harmful impact on the living marine resources as a whole.³⁰
55. The CCSBT's Resolutions and Recommendations are applied in both the EEZs of Members and on the high seas. MPs, allocation, and MCS measures are applied to vessels regardless of size. However, CCSBT's lack of jurisdiction (because it lacks a Convention Area, CCSBT has jurisdiction only when a vessel is fishing for or catching SBT) makes it challenging to implement these MCS measures.

²⁹ G. Macfadyen, T. Huntington and R. Cappell (2009) [Abandoned, Lost or Otherwise Discarded Fishing Gear](#). UNEP Regional Seas Report and Studies 185/FAO Fisheries and Aquaculture Technical Paper 523.

³⁰ United Nations (1995) [United Nations Fish Stocks Agreement](#).

56. Furthermore, instead of adopting its own CMMs and MCS of ERS, CCSBT has decided to align itself with the ERS measures of other RFMOs (IOTC, WCPFC and ICCAT) through the Resolution to align CCSBT's ecologically related species measures with those of other tuna RFMOs (footnote 9). Even though this decision has merits, there are significant risks and compatibility issues. Most Members of other RFMOs do not fish for SBT, and the dynamics of the fisheries managed by those RFMOs are different from those of SBT. It is important that these issues be analysed and alternative management options weighed.
57. PR2014-40 recommended that the CCSBT make additional efforts to develop in Indonesian waters, spatio-temporal restrictions, equitable and compatible with the rest of the management strategy. The ESC has conducted further genetic studies in Indonesian waters to better estimate the total reproductive output. These data are used in the population dynamics model in the Cape Town Procedure. However, CCSBT has not explored whether spatio-temporal restrictions are needed that are equitable and compatible with CCSBT's management strategy. Thus, recommendation PR2014-40 remains unfulfilled, and is restated as PR2021-28.

PR2021-29: Due to 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.

PR2021-30: Identify and analyse compatibility issues and risks associated with adopting resolutions from other RFMOs, especially in monitoring, compliance, and surveillance for ERS, and develop mitigation measures and strategies.

Fishing allocations and opportunities

- *Extent to which the CCSTB 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.*
58. The CCSBT has resolved the allocation issues that were experienced prior to 2003 and has separated the allocation and the TAC determination process through the development and implementation of the MP. Allocations are made in accordance with the Resolution on the Allocation of the Global Total Allowable Catch (footnote 23), which was updated in 2017. Although questions remain about the participation of Non-Members, the new MP accounts for possible catch by Non-Members, previously estimated at around 306 t. However, additional effort needs to be made to ensure the effective participation of Non-Members in the CCSBT. The process for inclusion of new Members and allocation to new and existing Members undertaken to date by the CCSBT is commendable. However, with the participation of new Members, there is unhappiness about the allocation process, especially among developing coastal states. To maintain the stability of the CCSBT, a mechanism is needed to revisit the allocation process, one that reflects the development aspirations and special circumstances of developing States as per Article 24 of the UNFSA.

59. Furthermore, the CCSBT needs to implement a transparent mechanism for fishing allocations to encourage Non-Members to join the Commission, as per UNFSA Article 11. This mechanism must reflect the rights and special circumstances of States, and criteria for new participants under international fisheries law, including as explicitly mentioned in the UNFSA.

PR2021-31: Review the existing allocation mechanism to ensure that it reflects the current makeup of the Membership and principles of international law.

PR2021-32: Modify the CCSBT Convention to include modern fisheries management concepts agreed by Members at the international level.

PR2021-33: Encourage Non-Members with a history of fishing for SBT to cooperate with the CCSBT.

Decision-making and Dispute Resolution

Decision-Making

- *Extent to which the CCSTB has transparent and consistent decision-making procedures that facilitate the adoption of CMMs in a timely and effective manner.*
60. Article 7 of the CCSBT Convention prescribes that 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). Operational decisions are also made intersessionally via circular. However, problems with the unanimous decision-making model remain, and were highlighted extensively in PR2014. However, altering this approach would require modification of the CCSBT Convention, which has been noted in the CCSBT Strategic Plan. Thus, the observation contained within PR2014-51 regarding alternative decision-making models has been retained (in PR2021-33).
61. The CCSBT has made considerable efforts to improve transparency since 2008. Since PR2014, reports of all meetings, including the Compliance Committee documents, are available to the public. Although Rule 3 of the CCSBT Rules of Procedure (footnote 27) 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.
62. New observers and observers without 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.

PR2021-34: The CCSBT should consider alternative decision-making models in the CCSBT Convention modernizing processes.

Dispute Settlement

- *Extent to which the CCSTB has established adequate mechanisms for resolving disputes.*
63. PR2008 and PR2014 discussed the lack of a dispute settlement mechanism, and referenced the dispute settlement provisions of the CCSBT (including the Annex to the Convention regarding an arbitral tribunal), and the outcomes of the Southern Bluefin Tuna Case (Australia and New Zealand vs Japan)³¹. However, the issue has not been further considered since 2008, in part because of 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 they have been unfairly treated by existing processes. Thus, recommendation PR2014-53 remains unfulfilled, and is restated as PR2021-34.

PR2021-35: The CCSBT should 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)

- *Extent to which the CCSTB has adopted integrated MCS measures (e.g., required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, and boarding and inspection schemes).*
 - *Extent to which these measures are effectively implemented.*
64. The CCSBT has a range of MCS measures in place, including a CDS, record 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 website³².
65. CCSBT has adopted a Compliance Action Plan (2015 – 2020) in 2015 and subsequently revised in 2019 to provide a framework for the Commission and Members to improve compliance, and over time, achieve full compliance with their CCSBT conservation and management measures. The Compliance Action Plan includes a five-year action plan to address priority compliance risks. The action plan was scheduled to be revised in 2020, but due to the COVID-19 pandemic, the review process has been postponed until the compliance committee can resume face to face meetings. The current Compliance Action Plan has been extended for another year.

PR2021-36: Update or revise the 2018-2020 Action Plan to the next five-year phase as a matter of urgency.

³¹ United Nations (2006) [Southern Bluefin Tuna \(New Zealand-Japan, Australia-Japan\), Decision of 4 August 2000](#). Reports of International Arbitral Awards VOL XXIII pp. 1-57.

³² CCSBT. [Conservation and Management: Monitoring, Control and Surveillance](https://www.ccsbt.org/en/content/monitoring-control-and-surveillance) (<https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>)

Authorized Vessels and Farms

66. The CCSBT has adopted resolutions to regulate, monitor and report SBT catch from authorized vessels³³, growth in authorized in farms³⁴, and transshipment³⁵. The CCSBT has a well-maintained 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 that are not on these lists. In 2019, the Resolution on a CCSBT Record of Vessels Authorized to Fish for Southern Bluefin Tuna was revised to require that all "motorized inboard" fishing vessels of less than 100 gross tonnes (but over 12 meters in length overall) in the CCSBT record of Authorised Vessels have International Maritime Organization (IMO) numbers issued to them as of 1 January 2022.

CCSBT has adopted a resolution establishing a program to manage and monitor transshipments by large scale fishing vessels in 2016 which was subsequently revised in 2017 (footnote 35). The monitoring of SBT transshipments is coordinated with IOTC, ICCAT and WCPFC under Memorandum of Understandings (MoUs). The MoUs allow the observers of these RFMOs on board of CCSBT authorised fishing vessels and carrier vessels are deemed to be participating in CCSBT transshipment program and a continuous flow of information regarding SBT. This cooperation should continue to ensure compliance of CCSBT management measures.

PR2021-37: The CCSBT should continue to cooperate with the transshipment management measures of other relevant RFMOs to ensure compliance with the requirement of the Transshipment Resolution in the most effective and feasible manner.

Vessel Monitoring System (VMS)

67. In 2008, the CCSBT adopted a Resolution on establishing the CCSBT VMS³⁶, which requires CCSBT Members and Cooperating Non-Members (CNMs) to adopt and implement a VMS that complies with the IOTC, WCPFC, Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), or ICCAT VMS requirements according to the respective Convention Area in which the SBT fishing is being conducted. Although there have been discussions on improving the CCSBT's VMS programme, VMS reforms have been delayed pending possible reforms in other RFMOs.
68. 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 vessels³⁷.

PR2021-38: Advocate for strengthened VMS measures in other RFMOs and decide whether the current VMS practice is sufficient for the purpose of the management of SBT and ERS,

³³ CCSBT. [Resolution on a CCSBT Record of Vessels Authorized to Fish for Southern Bluefin Tuna](#) (revised 17 October 2019)

³⁴ CCSBT. [Resolution on the Establishment of a Record of Authorized Farms](#) (revised in 2010)

³⁵ CCSBT. [Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels](#) (revised in 2017)

³⁶ CCSBT. [Resolution on the CCSBT Vessel Monitoring System](#) (VMS) (revised 12 October 2017).

³⁷ Indonesia advised the Compliance Committee in 2020 that the mandate to install VMS applies to its vessels above 30GT fishing in the high seas.

taking into account the overlapping areas and the compatibility of management measures with other RFMOs.

Observer Program

69. During 2010–2014 the CCSBT negotiated to adopt a regional Scientific Observer Program. However, without an agreement in place, the EC updated the CCSBT Scientific Observer Program Standards in 2015 (footnote 13). The minimum requirements for the Members' national observer programs 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 (issues in meeting these requirements are addressed above at paras. 27, 32 and 52). The CCSBT needs to act quickly to remedy the situation with observer coverage.

PR2021-39: Explore mechanisms to strengthen the observer program, including through the implementation of electronic monitoring.

PR2021-40: Review existing standards for observer coverage to allow the use of electronic monitoring.

High Seas Boarding and inspection

70. PR2014 (in PR2014-47) 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 the UNFSA, and are bound by Articles 21 and 22 of the UNFSA. PR2014 also recognized that the CCSBT's lack of a convention area "is not a good reason for failing to have such rules, given the clear requirements of the UNFSA."
71. However, neither the 2015 Strategic Plan (footnote 1) nor the Compliance Action Plan (2018–2020) addresses high seas boarding and inspections³⁸. CCSBT should apply existing mandates under international law. The CCSBT can explore several options even though it lacks a convention area. PR2014 observed that all CCSBT members are also members of WCPFC, and thus bound by the WCPFC's boarding and inspection regime when operating in the WCPFC Convention area on the high seas. Some CCSBT Members are also present in both ICCAT and IOTC, and a similar scheme to that used in the WCPFC Convention Area could be explored with these RFMOs.

PR2021-41: Establish a high sea boarding and inspection scheme that is cost-effective and feasible for SBT fisheries.

Catch Documentation

72. The CCSBT CDS³⁹ 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 ensure that

³⁸ [CCSTB Compliance Plan \(revised October 2019\), Appendix 1: Three-Year Action Plan.](#)

³⁹ CCSBT. [Resolution on the Implementation of a CCSBT Catch Documentation Scheme](#) (revised 13 Oct 2021).

the correct CDS documents (described in section 3 of the Resolution) accompany transshipments, landings, exports, imports, and re-exports under the jurisdiction of Members, CNMs, and Other State/Fishing Entity Cooperating in the CDS. The CDS also applies to transfers of SBT into and between farms of Members or CNMs. An electronic CDS could speed up the CDS process, reduce paperwork and cross-references, and compliance-related matters.

73. In general, Members have followed the CDS scheme. However, some members are frequently late in submitting CDS documents, and fail to do so unless prompted. Furthermore, documents are sometimes not properly validated and are of dubious quality, requiring follow-up by the Secretariat.
74. The documents required to be submitted under the CDS resolution are catch tagging forms, catch monitoring form, farm stocking forms, and farm transfer forms. This information is currently supplied to the Secretariat but has not been used by the Secretariat (except for cross verification of CDS data and a trial analysis⁴⁰), or by the Compliance Committee or ESC. The information is valuable for compliance-related matters and ESC use, and members of the CCSBT expend enormous financial and human resources to collect the data. It is disappointing that there is no agreement among Members to use these data.

PR2021-42: Establish mechanisms to make the full use of data collected through catch documentation scheme.

Cooperative Mechanisms to detect and deter non-compliance

- *Extent to which the CCSTB has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance).*
 - *Extent to which these mechanisms are being effectively utilized.*
75. The CCSBT has established several mechanisms to detect and deter non-compliance. Formal mechanisms to monitor compliance of Members and CNMs in the CCSBT include (i) an annual report from the Secretariat on compliance with measures⁴¹; (ii) close review of that report and Members' own annual reports by the Compliance Committee (including by NGOs)⁴²; (iii) the CCSBT's MCS information collection and sharing policy (for sharing information on potential non-compliance)⁴³; and (iv) Quality Assurance Reviews (QARs) to independently audit Members' systems against the CCSBT's Minimum Performance Requirements. To deter and correct non-Compliance, the CCSBT also has an IUU vessel

⁴⁰ CCSBT (2021) [Trial analysis for verification of reported catch by Members with CDS data and CDS tag survey data obtained from Japanese market](#). CCSBT-CC/2110/16.

⁴¹ CCSBT (2020) [Compliance with CCSBT Management measures prepared by the Secretariat](#) CCSBT-CC/2010/04

⁴² CCSBT Secretariat. [Annual Report for the Compliance Committee and the EC](#) (CCSBT-EC/2010/04 (revised 1 October 2020)

⁴³ CCSBT. [MSC information collection and sharing: Compliance Policy Guideline 4](#) (revised 17 October 2019)

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 QAR round.

76. These mechanisms have proven efficient and detected several aspects of non-compliance by Members. Although the QARs have been a valuable tool in independently assessing members' management systems, there is no systematic follow-up. CCSBT's 16th Compliance Committee discussed the future of QARs. The Panel considers that QARs are an important transparency tool to identify Members' technical, organizational, and systems gaps in adhering to CMMs. QARs also serve as a valuable tool to identify risks to the sustainable management of SBT. Reflecting on the discussions in the Compliance Committee and the EC in 2021, if the CCSBT decides to implement regular QARs in the future (whether full-scale or limited QARs), the CCSBT should also consider implementing a process for conducting follow-up reviews of those QARs.
77. An Action Plan was adopted in 2000 to detect and address catch of SBT by Non-Members of CCSBT, including through trade-restrictive measures, but it is outdated⁴⁴. The review of the Compliance Action Plan (footnote 38) has been delayed due to COVID-19. The Panel feels CCSBT needs to prioritize the review process. However, CCSBT has taken ad-hoc measures when it has received credible information through various sources — e.g., through enforcement efforts, reports from fleets, Automatic Identification System (AIS) data, notifications from NGOs, information from transshipment, and observers. The CCSBT secretariat also has regular contact and shares information with other RFMO secretariats, private intelligence parties, and NGOs, and has maintained an ongoing 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 the ESC); and (iv) DNA analysis of sashimi samples collected from China to determine the presence and quantity of SBT in restaurants in China. Despite these efforts, there are concerns that data regarding SBT are not reliably identified and captured in transshipments at sea and in port.

PR2021-43: Continue implementation of the compliance processes according to the Compliance Plan to ensure that non-compliance is addressed, and effective punitive and corrective actions are applied.

PR2021-44: Continue to formalize and strengthen the information sharing with other RFMO secretariats and alternative information sources.

PR2021-45: Consider establishing a quality assurance review with a formal review and follow up process.

⁴⁴ CCSTB (2000) [Action Plan](#)

Follow-up on infringements

- *Extent to which the CCSTB, its Members and CNMs follow up on infringements to management measures.*

78. CCSBT has adopted the Compliance Policy Guidelines⁴⁵ to facilitate implementation of the Compliance Plan (footnote 38). The guidelines (in Section 1.2) addresses Members' Compliance Action Plans,⁴⁶ which are a useful tool to address infringements by Members; however, because they are guidelines (rather than a resolution), Members do not have to abide by them. The Compliance Policy Guideline 1 (footnote 45) only specifically addresses infringements relating to SBT and not ERS. Furthermore, with the consensus decision-making model, it is difficult to get an assessment of non-compliance for a Member (essentially a Member must agree to be assessed non-compliant).
79. Furthermore, as noted earlier, the CCSBT does not have adequate measures for follow-up, whether the infringements are identified in the compliance assessments or the QARs. This has been identified as one of the significant gaps in the compliance assessment process. If the CCSBT establishes a strengthened compliance assessment process it would be easier to flag ongoing challenges faced by Members in fulfilling CCSBT-related obligations. This process could also be linked to a prioritisation of capacity-building activities.

PR2021-46: CCSBT should seek to strengthen mechanisms on following up on infringement other than over-catch

PR2021-47: Strengthen the compliance assessment process, including its decision-making and corrective actions policy, and establish a formal follow-up process on infringements.

Flag State duties

- *Extent to which CCSTB Members are fulfilling their duties as flag States under the CCSTB Convention, pursuant to measures adopted by the CCSTB, and under other international instruments, including the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable.*
80. All Members of the CCSBT EC are either parties to the UNFSA and UNCLOS or have committed to enforcing obligations under these international instruments. CCSBT Members have shown remarkable cooperation in the conservation and management of SBT, but have shown less enthusiasm with respect to ERS. In addition, CCSBT Members

⁴⁵ CCSTB [Minimum Performance Requirements to Meet CCSTB Obligations: Compliance Policy Guideline 1](#) (revised 13 October 2021).

⁴⁶ Members Compliance Action plans are addressed under CCSTB (2009) [Resolution on Action Plans to Ensure Compliance with Conservation and Management Measures](#). Note that these are distinct from the CCSTB Compliance Action Plan, which is Appendix 1 to the Compliance Plan (footnote 38, above).

have operationalized CCSBT Resolutions and have introduced most of them into national laws and regulations. CCSBT Members have continued to improve their domestic systems so as to adhere to CCSBT measures, and SBT-related measures in particular. The QARs conducted by independent firms have shown CCSBT Members have made significant progress in improving these systems.

PR2021-48: Continue to ensure that their domestic management meets the international obligations set forth by the Convention and relevant CMMs.

Port State measures

- *Extent to which the CCSTB has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3.*
- *Extent to which the CCSTB has adopted Port State Measures pursuant to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.*
- *Extent to which these measures are effectively implemented.*

81. The CCSBT adopted a resolution setting minimum port inspection standards,⁴⁷ which applies to foreign fishing vessels and carrier vessels other than container vessels carrying SBT (or fish products originating from SBT fisheries). The resolution contains many of the core elements of the FAO Port State Measures Agreement. The Resolution was recommended by the 10th Compliance Committee and was adopted by the EC at CCSBT22 in 2015. The resolution was last modified in 2018. Currently, all CCSBT Members have provided the required lists of authorized ports to CCSBT, in accordance with the Resolution. In addition, the relevant Members have implemented their domestic regulations and arrangements for conducting the required port inspections. Furthermore, CCSBT has also adopted (in 2009) a resolution on action plans to ensure compliance with CMMs, which requires the port states to inspect the transshipment of SBT⁴⁸, while the resolution on establishing a list of IUU vessels states that Members shall not authorize RFMO IUU vessels to enter and use their ports except for force majeure⁴⁹.
82. The CCSBT is unique among the tuna RFMOs in that it does not have a defined Convention Area, and covers only one tuna species (SBT). SBT is landed in various ports, including in countries that are not CCBST Members. This results in the need for greater coordination between CCSBT and other RFMOs, including the use of observers and port inspection reports from other RFMOs. 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

⁴⁷ CCSBT. [Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port](#) (revised 18 October 2018)

⁴⁸ CCSBT. [Resolution on action plans to ensure compliance with Conservation and Management Measures](#) (adopted October 2009)

⁴⁹ CCSBT. [Resolution on Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities for Southern Bluefin Tuna](#) (revised 17 October 2019)

for transshipment or landing for fishing vessels or carrier vessels covered by the Resolution.

83. Although the Resolution on minimum port inspection standards (para. 81) is good, its implementation is not ideal, because most inspection reports provided to the Secretariat have been very late or incomplete. Also, despite Members having spent a good deal of time discussing and finally agreeing upon an update to Annex B of the Minimum Standards for Inspection in Port (to include information on compliance with seabird bycatch mitigation measures for longline vessels), no Member has used the CCSBT version of Annex B to report that information; they have instead used the IOTC or ICCAT version. Consequently, the CCSBT receives no additional data on the bycatch mitigation measures from that form.

PR2021-49: Strengthen the CCSBT Port State Measures Resolution in conformity with the FAO Port State Measures Agreement.

PR2021-50: Strengthen mechanisms to monitor compliance with the Port State Measures Resolution, including greater coordination with other RFMOs and timely reporting by Members.

Market-related measures

- *Extent to which the CCSTB has adopted measures relating to the exercise of the rights and duties of its members as market States.*
 - *Extent to which these market-related measures are effectively implemented.*
84. The CCSBT's primary market-related measure is its resolution on the implementation of the CCSBT CDS, adopted in 2008 and implemented since 2010 (footnote 39). The CDS serves to track and validate all SBT products (not including non-meat fish parts) 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 documents (paras. 72–74). The structure and implementation of the CDS are relatively mature and are implemented across all CCSBT Members.
85. In addition to CCSBT members, the United States (USA), as a non-Member, also voluntarily complies with the CDS resolution to enhance the monitoring of SBT products. (The Secretariat received its first import submission from the USA in late April 2016 for the 2015 year. CDS submissions from the USA continue to be received quarterly).
86. A significant shortcoming of the CDS is its inability to track SBT products that go to a non-cooperative non-Member State. These states are often reluctant to respond when efforts are made to communicate with them. Although most 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 non-Members, either directly or through relevant RFMOs.

87. Regarding Members' compliance, there are issues of persistent non-compliance with the CDS resolution (specifically, failure to submit some CDS forms on time or at all, and failure to provide correlated CDS forms in the correct combination in a timely manner); these stem mainly from inconsistencies between domestic regulations or institutions and the requirements of the CCSBT CDS. To address these non-compliance issues, discussions have been held since 2015 regarding an overall revision of the CDS Resolution, while the possibility of transforming the current paper-based CDS into an electronic CDS (e-CDS) has been explored since 2017. In 2019, members agreed that it would be desirable to implement an e-CDS, given the efficiencies it could provide, particularly to developing country Members. However, Members generally supported developing a trial e-CDS based on the 2014 CDS Resolution, given the unresolved issues with regard to the CDS.
88. In addition to the CDS Resolution, the market-related measures of the CCSBT to facilitate the monitoring of SBT products include the Global Trade Atlas (GTA) and UN COMTRADE database analysis. The Secretariat subscribes to the GTA trade database (changed to UN COMTRADE in 2019) and provides a research report in most years to identify the trade of SBT products between CCSBT Members and non-Members. Members are tasked to investigate and report back to the Commission regarding any abnormal incidents.

PR2021-51: Strengthen the implementation of the CDS Resolution.

PR2021-52: Establish mechanisms to address consistent non-compliance by Members.

PR2021-53: Prioritize the implementation of an eCDS.

Reporting requirements

- *Analysis of the CCSTB's MCS reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to Members*
89. CCSBT Members have various regular reporting requirements, including for scientific data (scientific and ERSWG data exchange); compliance-related documents, data and information (e.g., CDS documents, required notifications for vessel authorization, transshipment declarations, and port inspection reports); and national reports for the ESC, ERSWG, CC, and EC (Figure 1). The information that Members must provide in their annual reports and to certain meetings of the CCSBT and other data submission requirements can be easily found on the CCSBT website⁵⁰. These regular reporting requirements have been integrated or separated as to their focus or purpose to avoid redundancy and reduce unnecessary reporting burdens for Members (and the Secretariat). The CCSBT has established templates for each requirement so that Members

⁵⁰ CCSBT. [Meeting: Annual Reporting and Documentation Requirements of Members and CNMs](#); CCSBT. [Data reporting requirements](#)

can cover all items systematically. For example, the various compliance-related reports required by several resolutions are integrated into a template for the Annual Report to the Compliance Committee and EC.

90. However, some duplication in reporting requirements remains as a result of meeting schedules, and the yearly reports provided by Members. This shortcoming was recently addressed for the annual Compliance Committee and EC meetings 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 advantage of the new format is that standing items are not repeated in the body of the report each year. Consideration could also be given as to whether a similar report format would be useful for the ESC and the ERSWG annual reports.
91. With these mechanisms in place, most CCSBT Members are adhering to the data collection requirements. Where non-compliance issues relating to data arise, these have been addressed and rectified. However, issues with late and incomplete submissions remain, and should be rectified.

PR2021-54: Review the reporting templates periodically.

International cooperation

Transparency

- *Extent to which the CCSTB is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9.*
 - *Extent to which CCSTB decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.*
92. Article 12 of the UNFSA and Article 7.1.9 of the Code of Conduct for Responsible Fisheries (footnote 26) focus on ensuring transparency in the decision-making process and enabling meaningful engagements from INGs and NGOs. In both those areas, PR2014-52 found that measures taken by the CCSBT had sufficiently addressed concerns raised in PR2008, 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 the stakeholders surveyed for this review, with most considering the CCSBT to be sufficiently transparent.
93. A possible barrier to transparency in decision-making comes from the use of Heads of Delegation meetings within the EC. This mechanism is typically used to resolve particularly problematic disagreements, and does offer the benefit of allowing delegations to engage in a more forthright discussion than might otherwise be possible with observers present. Members should ensure that Heads of Delegation meetings are limited to those cases where progress in plenary has come to a standstill.

94. Although decision making falls primarily within the purview of the EC, 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.
95. Since PR2014, 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 the Commission's work. Survey respondents noted this improvement, but some suggested that without institutional knowledge, decisions could still be difficult to find. One possible means of addressing this would be to allow public access to the compendium tool that is currently on the private site.
96. Additionally, the ROP (footnote 27) were amended in 2018 to allow approval, through the intersessional decision-making process, of 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 EC. This is particularly important for subsidiary bodies that at times occur several months prior to the EC.
97. The process for review of external documents (including possible non-compliance on the part of members) adopted at CCSBT26 has 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.⁵¹ The latter, in particular, creates 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.
98. The Panel recognizes that the likelihood of this occurring 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, the Panel encourages CCSBT Members to monitor the use of these provisions to ensure that they do not create unintended consequences that could reduce transparency and external engagement.

PR2021-55: ESC to improve accessibility of reports to non-technical readers

PR2021-56: Use of head of delegation meetings at the EC should be minimized to the extent possible.

PR2021-57: Process for review of external documents, including possible non-compliance on the part of Members, should be monitored to ensure that it does not create a barrier for external engagement with the CCSBT.

PR2021-58: Access to the CCSBT compendium of measures is made available on the public portion of the CCSBT website.

⁵¹ [CCSBT \(2019\) Process for Review of external Documents including possible non-compliances of Members](#)

RFMO data exchange confidentiality

- *Extent to the CCSTB has set security and confidentiality standards and rules for sharing sensitive information and data.*
- 99. The data exchange confidentiality evaluation criterion relates strictly to the security and confidentiality standards used by the CCSBT when sharing information with other RFMOs.
- 100. The Memorandum of Cooperation on the Exchange and Release of Data,⁵² signed in 2016 between the WCPFC and CCSBT, is currently the only arrangement that 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.
- 101. Memorandums of Understanding are in place with IOTC and ICCAT, but these are focused on the operational aspects of transshipments rather than systematic exchange of data. The Panel considers that the provisions found in the Memorandum of Cooperation with the WCPFC sufficiently address any potential concerns surrounding the security and confidentiality of data sharing with WCPFC.

Relationship to cooperating Non-Members

- *Extent to which the CCSTB facilitates cooperation between Members and Non-Members, including through the adoption and implementation of procedures for granting cooperating status.*
- 102. The CCSBT currently has no CNMs. The European Union and South Africa, which were formerly CNMs, have been granted EC Membership since 2014, while the CNM status of the Philippines was not renewed when reviewed during CCSBT24 (para. 121).
- 103. During each EC, the Secretariat reports on all activities conducted during 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 EC meetings, or encouraging cooperation with CCSBT initiatives, such as the CDS. 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 CNM status.
- 104. The process for those seeking to gain CNM status is clearly defined within the CCSBT's resolution to establish the status of CNM of the EC and the ESC.⁵³ This process is also summarised and readily accessible on the CCSBT public website.

⁵² CCSBT and WCPFC. [Memorandum of Cooperation on the Exchange and Release of Data](#)

⁵³ CCSTB. [Resolution to Establish the Status of Cooperating Non-Member of the Extended Commission and the Extended Scientific Committee](#) (adopted October 2003, updated October 2014).

105. One of the areas that is not well addressed as part of the Resolution to establish the status of CNMs is the issue of allocation for CNMs; it simply states that the EC may negotiate catch limits for CNMs when deciding upon a TAC and its allocation. The Resolution on the allocation of the global TAC (footnote 23) is similarly ambiguous, also stating only that the allocation of the TAC may be revised, but offering no further guidance as to what should guide this decision.
106. This lack of certainty around the consideration of CNM allocations may serve as a disincentive to those assessing the costs and benefits associated with CNM status.
107. The Convention 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 CNMs.
108. The development of a more detailed allocation model for new Members was discussed during the Fifth Meeting of the Strategy and Fisheries Management Working Group, where Members expressed concerns about the potential for such an exercise to encourage greater fishing interest from Non-Member fleets. The Review Panel considers that the risk of increased interest from Non-Member fleets is unavoidable as the stock recovers, and that attention should therefore be given now to defining clear mechanisms that encourage those fleets to cooperate with the obligations of the CCSBT.

PR2021-59: Develop guidelines to determine what, if any, allocation should be made to CNMs.

PR2021-60: Encourage countries that informally cooperate with the CDS to formalize their cooperation by requesting Other State/Fishing Entity Cooperating status in the CDS.

Relationship to Non-Cooperating Non-Members

- *Extent of fishing activity by vessels of Non-Members that are not cooperating with the CCSTB, as well as measures to deter such activities.*
109. As stated above, with the SBT stock rebuilding 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 the fact that key markets for SBT are within Member or Non-Member States that cooperate with the requirements of the CDS, but this may weaken over time as secondary markets grow in importance.
110. 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 the Cape Town Procedure, thereby providing for some reflection of the uncertainty in the overall global catch as part of the scientific process. The CCSBT also uses a robust CDS to limit the likelihood of Non-Member catch entering the markets of Members.

111. The Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port (footnote 47) was adopted in 2015, which addresses one of the recommendations made by PR2014.
112. 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 through participation in CCSTB meetings as an observer, or cooperating with the requirements of the CDS. China, in particular, has been the target of much of the recent outreach, but to date, those efforts have resulted in limited engagement. Although outreach has not always yielded greater engagement in Commission proceedings, some Non-Cooperating Non-Members have taken action to limit their activities in response to CCSBT requests (as evidenced by the recent constraints China placed on its fleet).
113. Issues identified in regard to the ambiguity surrounding the potential allocation to new Members (paras. 105–108) are equally relevant for Non-Cooperating Non-Members. Mindful of the consensus decision-making rules of the Convention, the Review Panel considers that current CCBST Members may wish to consider establishing guidelines for allocations to new Members before the membership expands.

PR2021-61: Encourage continued efforts to increase engagement from Non-Cooperating Non-Members in CCSBT processes, particularly the CDS.

PR2021-62: Develop guidelines when determining what, if any, allocation should be made to new Members.

Cooperation with other RFMOs

- *Extent to which the CCSTB cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats, as well as with other relevant international organizations.*
114. The CCSBT works most closely with tuna RFMOs, whose Areas of Competence overlap with the distribution of southern bluefin tuna (ICCAT, IOTC and WCPFC). CCSTB's relationships with these three RFMOs include 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 CCSBT's transshipment monitoring program uses IOTC and ICCAT transshipment observers.

115. In addition, the CCSBT Executive Secretary has frequent communication with CCAMLR on administrative matters (both RFMOs are located in Australia, with similar headquarters agreements and staff regulations), and with other RFMOs, regional fisheries bodies and IGOs that are members of the Regional Secretariat Network. In particular, the Executive Secretary held extensive discussions with other RFMO Secretariats 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 FAO's Committee on Fisheries proceedings and associated meetings.
116. The CCSBT Compliance Manager regularly engages with other practitioners in the field, both directly and through the Tuna Compliance Network and the International MCS Network, and by engaging with INTERPOL, Pew, ISSF, Global Fishing Watch and Trygg Mat Tracking. The CCSBT Database Manager similarly engages with other RFMO data managers and has established an arrangement with the Pacific Community to use its Oceanic Fisheries Programme's TUFMAN 2 software as the foundation for CCSBT's online systems and electronic CDS that are under development.
117. Additionally, individual CCSBT Members report annually on the most recent activities of the relevant RFMOs (i.e., CCAMLR, IATTC, ICCAT, IOTC, and WCPFC). This ensures that the CCSBT and its Members maintain awareness of RFMO activities that may support or impact the CCSBT's work.
118. The CCSBT (including the Secretariat) regularly engages with NGOs such as Birdlife International, ACAP, and Traffic on matters of relevance to the Commission.

PR2021-63: Members look for opportunities to continue and reinvigorate the cooperation instigated through the Kobe Process.

Participation and capacity building

- *Extent to which CCSTB Members and CNMs participate actively and meaningfully in the work of the Commission and its subsidiary bodies.*
 - *Extent to which capacity building initiatives and institutional arrangements are in place to facilitate the effective participation of developing States in the work of the Commission and its subsidiary bodies, including in positions of leadership.*
119. The CCSBT, with its singular species scope and small membership, is uniquely placed among RFMOs, and this should provide an environment that supports active participation across the membership.
 120. CCSTB Members have generally attended all of the last five EC meetings (Figure 3). Participation levels at CCSBT meetings over the last five years indicate that countries with a longer history of CCSBT membership tend to have larger delegations. Countries that joined CCSBT after its formation have smaller delegations on average when attending

meetings that they do not host. Furthermore, there are gaps in attendance by Members at CCSTB subsidiary body meetings. It appears that Members successfully meet most of their reporting obligations.

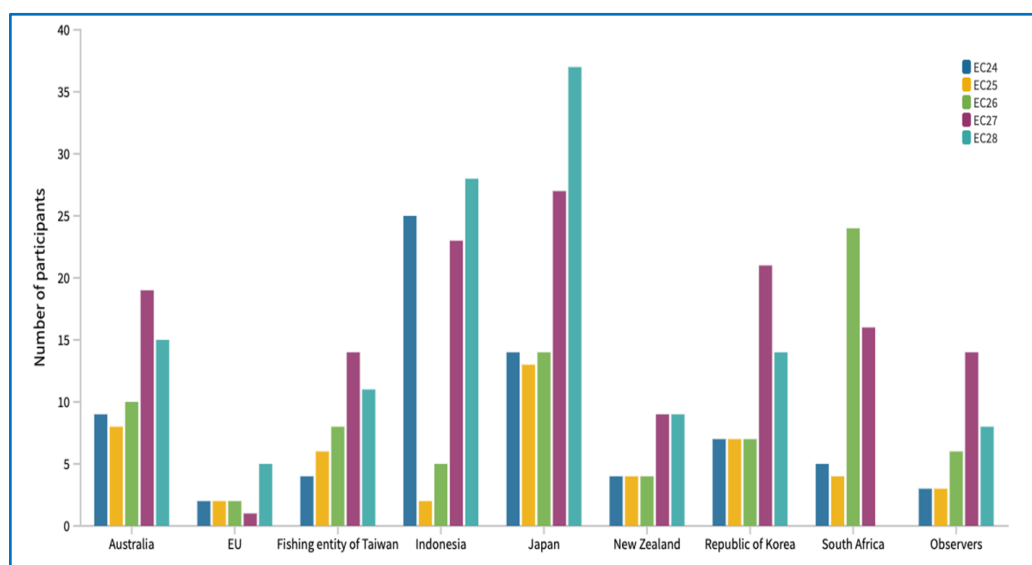


Figure 3: Members and Observer participations in CCSBT meetings from 2016 to 2021

121. Although the Commission currently has no CNMs, the successful ascension by the EU and South Africa to EC Membership reflects their previous track record of input while both were CNMs. The Philippines' lack of engagement, particularly its failure to meet reporting obligations and attend meetings, has been cited as the primary reason for revocation of its previous CNM status.
122. As is true of other RFMOs, the CCSBT was forced to hold virtual meetings in 2021 because of the COVID-19 global pandemic. This change of format probably 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.
123. The CCSBT ROP 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 hosts the next annual meeting will provide the Chair. This latter option has been the common practice for several years, which has provided an opportunity for all Members, including developing States, to share this position of leadership.
124. However, the chairmanship of subsidiary bodies is not directly linked to the hosting Member for that year; the chairs are instead appointed based on nominations of independent experts put forward by individual Members. At the time of this review, most subsidiary body chairing roles within the CCSBT were held by individuals from Australia,

New Zealand, Argentina, or the USA. Experts from Australia and New Zealand have largely dominated these appointments throughout CCSBT's recent history.

PR2021-64: 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.

PR2021-65: Encourage independent 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

- *Extent to which the CCSTB recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5.*
- *Extent to which CCSTB members, individually or through the CCSTB, provide relevant assistance to developing States, as reflected in UNFSA Article 26.*

125. 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 Plan, in particular, recognizes the need to balance potential punitive actions with capacity building.
126. 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.
127. 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 raised questions of fairness.
128. 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 unused.

PR2021-66: Consider 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.

PR2021-67: Develop a targeted program of assistance to developing Members.

Comparison with other RFMOs

Kobe Process

- *Extent to which the CCSTB implemented the Kobe III recommendations and comparison to the degree of implementation in other tuna RFMOs.*
129. This section is focuses primarily on assessing overall implementation of Kobe recommendations. 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 EC proceedings.
130. 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.
131. One example of this dichotomy is reflected in the Kobe III focus on capacity constraints. Members of the CCSBT have rightfully made little effort to address the capacity constraint recommendations of Kobe III, given the robust management framework in place to monitor and control catch allocations within the CCSBT. That being said, all CCSBT Members have now reported on the fishing capacity of their flagged fleet.
132. 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 ERS CMMs with those of other tuna RFMOs (footnote 9), which removed any previous ambiguity about the obligations of CCSBT Members when operating within the Area of Competence of another RFMO.
133. Similarly, the cross-listing provisions of the Resolution on establishing an IUU vessel list (footnote 49) have also enhanced coordination between CCSBT and other RFMOs.

PR2021-68: Continue to engage with Kobe intersessional processes, particularly as they relate to areas of shared interests.

Best practices

- *To the extent possible, evaluate the extent to which the CCSTB's performance is comparable to other tuna RFMOs in relation to the adoption and/or implementation of CMMs 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.

- *Identification of areas/best practices that would allow the CCSTB to enhance its performance.*

134. The CCSBT has shown remarkable progress in rebuilding SBT stocks through science, innovation, and decision-making. The CCSBT can be considered the global leader in the development of OM and MP through innovation and strong scientific models. Further, CCSBT Members can take great pride in having achieved a relatively stable TAC allocation mechanism (guided by the outputs of a robust MP). Nevertheless, there are areas for improvement, including in terms of allocation to developing Members and new Members.
135. The CCSBT has a poor record with regard to implementing measures for non-target stocks, as has been noted in PR2014 and compliance reports, and by the EC. There are mechanisms and options for the 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 (ICCAT, IOTC and WCPFC), there is a strong possibility of adopting such measures.
136. As indicated, the CCSBT needs to improve its adoption of electronic catch documentation, compliance processes, and observer schemes. These have been addressed extensively in other RFMOs, and the CCSBT should follow a similar path.

PR2021-69: Continue the laudable work undertaken by the CCSBT for SBT and establish a similar effort for non-target species.

PR2021-70: Improve the implementation compliance processes and observer schemes and support the introduction of an e-CDS.

Financial and administrative issues

Availability of resources for RFMO activities

- *Extent to which financial and other resources are made available to achieve the aims of the CCSTB and to implement the CCSTB's decisions.*
137. The Finance and Administration Committee under the EC examines the financial position of the CCSBT, and its 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 increased slightly each year, resulting in an increase in Member contributions. The increases have been most notable following the large increase in the cost of the science program from 2016. However, the current contributions from Members fail to meet the annual costs of running the CCSBT. Fortunately, some CCSBT Members have made significant voluntary contributions by funding meetings and providing research grants, which have minimized the need for

increases in contributions. CCSBT Members have also contributed voluntarily to projects, which has significantly improved the performance of the RFMO, in particular, the scientific programs and projects. Unlike other RFMOs, the CCSBT does not have unpaid contributions by Members, although there are occasional delays in payments from Members.

138. The CCSBT's financial regulations were updated in 2018 to allow internationally recognized independent auditors (other than just the Australian 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 as in-kind contributions. The new policy was agreed upon by the Finance and Administration Committee at the annual meeting following the auditor's recommendation.
139. As noted, the CCSBT has allocated sufficient funds to implement projects and various plans. However, recent events (reduced budgets for some key projects and changes in procedures) show the need for the CCSBT to establish a reserve or savings fund. This practice is followed by other RFMOs, with the fund to be used under extraordinary circumstances, and to maintain budget fluidity even when there is a delay in payments from Members. A similar process was agreed to at the EC27, which established a Contributions Stabilisation Fund to allow an even distribution over coming years of the savings made in 2020 as a result of the COVID-19 pandemic. Furthermore, the Secretariat identified \$500,000 in its savings account that has been used partially (\$123,000) to fund some scientific work. However, if formalized, the existence of a reserve or savings fund will provide the CCSBT with a needed funding buffer, and will increase transparency in decision-making. Furthermore, there needs to be better communication between the Finance and Administration Committee and various subsidiary bodies regarding financial and administrative needs to improve decision-making processes.

PR2021-71: Maintain a healthy flow of income (through Members' contributions and other sources) that exceeds the CCSBT's expenses.

PR2021-72: Formalize a reserve/savings fund to be utilized in extraordinary circumstances.

PR2021-73: Develop mechanisms to improve communication between the Finance and Administration Committee and various subsidiary bodies.

Efficiency and cost-effectiveness

- *Extent to which the CCSTB is efficiently and effectively managing its human and financial resources, including those of the Secretariat, to support Commission objectives*

and ensure continuity of operations, including through establishment of clear and transparent office policies, structures, roles and responsibilities, and lines of authority; effective internal and external communication; and other aspects of office planning and operations.

140. Despite its limited staff, the Secretariat has performed very professionally, and has contributed significantly to the Commission's performance. The Secretariat's contribution to the operation of CCSBT is commendable.
141. The functions of the CCSBT Secretariat specified by the Convention, the CCSBT ROP, and the Resolution to Establish an Extended Commission and an Extended Scientific Committee are⁵⁴:
- receiving and transmitting the Commission's official communications.
 - facilitating the collection of data necessary to accomplish the objective of the Convention.
 - preparing administrative and other reports for the Commission and the Scientific Committee.
 - preparing an annual report on the Secretariat's activities for the annual meeting of the Commission.
142. 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, and developing electronic facilities (e.g., and online data submission system and e-CDS).
143. The appointment of the CCSBT Chair has been problematic, given that nominations of Chairs by Members are often late, and the Chair is occasionally replaced following 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. Under Rule 4(1) of the CCSBT's rule of procedure, the Chair and Vice Chair are elected on an annual basis, which by convention has come from the hosting Member. Rule 4(1) of the CCSBT's Rules of Procedure allow the Chair and Vice-Chair to be re-elected for a maximum of three additional one-year periods. However, this practice has yet to be followed by the CCSBT.

PR2021-74: Encourage earlier nominations for Chair of CCSBT from hosting Members ahead of Commission meetings.

PR2021-75: 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.

⁵⁴ CCSBT. [Resolution to Establish an Extended Commission and an Extended Scientific Commission](#) (October 2013)

Annex 1: Terms of Reference

Terms of Reference for the 2021 Performance Review of the CCSBT

(adopted at the Twenty-Sixth Annual Meeting: 17 October 2019)

Composition of the Performance Review Panel

The independent performance review panel will be comprised of between four and seven 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 include a Member with distant water fisheries, a coastal State and a developing State. 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.
- One expert from an IOTC Member country that is not also a CCSBT Member.

Chair and operation of the Performance Review Panel

1. 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.
2. It is envisaged that there will be one or two physical meetings of the Panel as determined by the Panel.
3. The Panel will determine its own mode of operation for conducting the performance review and for preparing its report.
4. The Panel may invite submissions from stakeholders in relation to the agreed criteria. 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.
5. 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.

Selection Process

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

- Experts from Members of the EC 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.

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.

Criteria for evaluating the CCSBT's performance

The criteria to be used to evaluate the performance of the CCSBT are at Annex A. The criteria are based on the Kobe criteria with modification to include relevant criteria from ICCAT's 2016 Performance Review and to also exclude criteria that were considered to be of less relevance to the CCSBT.

Resources available to the Panel

The following resources will 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 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.

Report of the Performance Review

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.

The Chair of the Performance Review Panel will present the report to the annual meeting of the EC in October 2021 and respond to questions from Members concerning the report. The finalised report will be published on the public area of the CCSBT's website and the joint tuna RFMO website (www.tuna-org.org) after the annual meeting.

Process for consideration and follow-up of Performance Review recommendations

The EC will initially consider the recommendations of the Performance Review at its October 2021 meeting. At that meeting, the EC will decide whether there are any urgent recommendations that need early implementation.

The Extended Scientific Committee (ESC) and Compliance Committee (CC) will consider aspects of the Performance Review report relevant to them at their 2022 meetings. The EC meeting that year will consider their advice and provide direction to the Strategy and Fisheries Management Working Group (SFMWG) in relation to development of an implementation plan for the Performance Review recommendations.

The Ecologically Related Species Working Group (ERSWG) will consider aspects of the Performance Review report that are relevant to it when the ERSWG next meets, which could be early 2023.

Approximately mid 2023, the SFMWG will consider the advice from all the subsidiary bodies together with any direction from the EC and develop an implementation plan for the Performance Review recommendations. The 2023 EC meeting would consider and adopt an implementation plan for the recommendation of the Performance Review.

A standing item will be placed on the agenda of future EC meetings to follow up on progress made against the implementation plan.

Criteria for Evaluating the CCSBT's Performance

Area	General Criteria	Detailed Criteria
1. Conservation and management	Status of living marine resources	1. Status of major fish stocks under the purview of the RFMO in relation to maximum sustainable yield or other relevant biological standards. 2. Trends in the status of those stocks. 3. 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"). 4. Trends in the status of those species.
	Data collection and sharing	5. Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I. 6. 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. 7. Extent to which fishing data and fishing vessel data are gathered by the RFMO and shared among members and other RFMOs. 8. Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required, particularly possible unaccounted fishing mortalities. 9. Extent to which capacity building initiatives are put in place to improve data collection in developing States.
	Quality and provision of scientific advice	10. 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. 11. 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.
	Participation and capacity building	12. Extent to which RFMO Members and cooperating non-members participate actively in the provision of the scientific advice. 13. Extent to which capacity building initiatives are put in place to facilitate the effective participation of developing States in Scientific Committee activities.
	Long-term planning and research	14. Extent to which RFMO adopts and regularly reviews a long-term strategy for the Scientific Committee to implement. 15. Extent to which the research coordinated or undertaken directly by RFMO is aligned with the needs of the Commission to fulfil its mandate.

Area	General Criteria	Detailed Criteria
	Adoption of conservation and management measures	<p>16. Extent to which the RFMO has implemented 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.</p> <p>17. 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.</p> <p>18. Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks.</p> <p>19. 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.</p> <p>20. Extent to which the RFMO has implemented 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.</p>
	Compatibility of management measures	21. Extent to which measures have been adopted as reflected in UNFSA Article 7.
	Fishing allocations and opportunities	22. 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.
	Reporting Requirements	23. Analysis of RFMO reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to Members.
2. Compliance and enforcement	Flag State duties	24. Extent to which RFMO members are fulfilling their duties as flag States under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other international instruments, including, inter alia, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable.
	Port State measures	<p>25. 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.</p> <p>26. 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.</p> <p>27. Extent to which these measures are effectively implemented.</p>
	Monitoring, control and surveillance (MCS)	<p>28. 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).</p> <p>29. Extent to which these measures are effectively implemented.</p>
	Follow-up on infringements	30. Extent to which the RFMO, its members and cooperating non-members follow up on infringements to management measures.
	Cooperative mechanisms to detect and deter non-compliance	<p>31. 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).</p> <p>32. Extent to which these mechanisms are being effectively utilized.</p>

Area	General Criteria	Detailed Criteria
	Market-related measures	33. Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States. 34. Extent to which these market-related measures are effectively implemented.
	Reporting Requirements	35. Analysis of RFMO MCS reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to Members.
3. Decision-making and dispute settlement	Decision-making	36. 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. 37.
	Dispute settlement	38. Extent to which the RFMO has established adequate mechanisms for resolving disputes.
4. International cooperation	Transparency	39. 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. 40. 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.
	Confidentiality	41. Extent to which RFMO has set security and confidentiality standards and rules for sharing sensitive information and data.
	Relationship to cooperating non-members	42. Extent to which the RFMO facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status.
	Relationship to non-cooperating non-members	43. Extent of fishing activity by vessels of non-members that are not cooperating with the RFMO, as well as measures to deter such activities.
	Cooperation with other RFMOs	44. Extent to which the RFMO cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats, as well as with other relevant international organizations.
	Participation and capacity building	45. Extent to which RFMO members and cooperating non-members participate actively and meaningfully in the work of the Commission and its subsidiary bodies. 46. Extent to which capacity building initiatives and institutional arrangements are in place to facilitate the effective participation of developing States in the work of the Commission and its subsidiary bodies, including in positions of leadership.
	Special requirements of developing States	47. 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. 48. Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26.

Area	General Criteria	Detailed Criteria
5. Comparison with other RFMOs	Best practices	<p>49. To the extent possible, evaluate the extent to which RFMO's performance is comparable to other tuna RFMOs in relation to the adoption and/or 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.</p> <p>50. Identification of areas/best practices that would allow RFMO to enhance its performance.</p>
	Kobe	51. Extent to which RFMO implemented the Kobe III recommendations and comparison to the degree of implementation in other tuna RFMOs.
6. Financial and administrative issues	Availability of resources for RFMO activities	52. Extent to which financial and other resources are made available to achieve the aims of the RFMO and to implement the RFMO's decisions.
	Efficiency and cost-effectiveness	53. Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat, to support Commission objectives and ensure continuity of operations, including through establishment of clear and transparent office policies, structures, roles and responsibilities, and lines of authority; effective internal and external communication; and other aspects of office planning and operations.

Annex 2: Table of Recommendations against Criteria for assessing CCSBT performance

Evolution of CCSBT Performance Review recommendations against the Criteria for Evaluating the CCSBT's Performance

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
1. Conservation and management	A. Status of living marine resources	<ul style="list-style-type: none"> Status of major fish stocks under the purview of the CCSTB in relation to maximum sustainable yield or other relevant biological standards. Trends in the status of those stocks. 	SA2008-01: 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.	PR2014-1: The original recommendation remains valid, and efforts should continue in the same direction. PR2014-2: The compliance with and efficiency of the Data Verification procedures should be regularly checked.	PR2021-01: Members continue to support the MP, including by remaining within their allocation limits, and eliminating areas of uncertainty such as non-member catches that could undermine its performance.	V. High
			PR2008-01: Develop stock assessment methodologies that are robust to past underreporting.	PR2014-3: 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.	Completed	
			PR2008-02: Take a precautionary approach to management and lower the TAC as the uncertainty increases.	PR2014-4: 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). PR2014-5: 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.	Completed	

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
			PR2008-03: 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.	PR2014-6: 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.	PR2021-02: Explore the need for additional measures (such as protected areas and area closures) to support spawning and recruitment.	Medium
		<ul style="list-style-type: none"> • Status of species that belong to the same ecosystems as, or are associated with or dependent upon, the major target stocks (hereinafter “non-target species”). • Trends in the status of those species. 	SA2008-02: 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.	PR2014-7: 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.	PR2014-06: Consider the feasibility of a collaborative programme (between RFMOs and institutions with competency in biodiversity conservation) to forecast the likely impacts of climate change on tuna ecosystems, SBT, ERS, and their productivity, distribution and resilience.	Medium
			SA2008-03: Assess and monitor, directly or with other RFMOs, the risks and impacts on ERS and adopt a mitigation strategy.	PR2014-8: 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.	PR2021-03: Amend the CCSBT Convention to clarify the role and mandate of CCSBT with regards to non-target species. PR2021-04: Encourage the development of strengthened CMMs on ERS. PR2021-05: Increase the attention and focus on ERS through annual meetings of ERSWG.	V. High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
			SA2008-02: To base decisions on periodic full assessments of the SBT stock and establishing a rebuild strategy.	PR2014-9: It can be considered that the recommendation is being implemented and has been integrated in the CCSBT best practice. No more recommendation needed.	Completed	
	B. Data collection and sharing	<ul style="list-style-type: none"> Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I. 	SA2008-05: Develop a strategy to collect and share data between CCSBT Members and RFMOs.	PR2014-10: 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.	Completed	
		<ul style="list-style-type: none"> Extent to which CCSTB members and cooperating non-members, individually or through the CCSTB, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner. 	SA2008-06: 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.	PR2014-11: 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.	Refer to PR2021-07 .	
			SA2008-07: 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.	PR2014-12: 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.	PR2021-09: Increase efforts to improve observer coverage as per the standard agreed by the CCSBT. PR2021-10: Conduct analysis on the use of electronic monitoring to supplement human observer coverage in SBT fisheries.	High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
		<ul style="list-style-type: none"> Extent to which fishing data and fishing vessel data are gathered by the CCSTB and shared among members and other RFMOs. 	<p>SA2008-08: 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.</p>	<p>PR2014-13: 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>	<p>PR2021-07: Improve transparency by providing and making public, historical data and information that are not currently accessible in the public domain.</p>	Medium
			Range of recommendations on data collection and sharing.	<p>PR2014-14: It is recommended that the SAWG recommendations be carefully examined and integrated in the data collection and sharing agenda.</p>		
		<ul style="list-style-type: none"> Extent to which the CCSTB is addressing any gaps in the collection and sharing of data as required, particularly possible unaccounted fishing mortalities. 			<p>PR2021-11: Establish mechanisms to improve consistency and avoid ambiguity in national reports.</p>	Medium
		<ul style="list-style-type: none"> Extent to which capacity building initiatives are put in place to improve data collection in developing States. 			<p>PR2021-08: Conduct capacity building programs to improve data collection and reporting in particular in developing countries.</p>	High
	C. Quality and provision of scientific advice	<ul style="list-style-type: none"> Extent to which the RFMO receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects 	Regular large scale tagging programs (including archival tagging) to estimate natural mortality growth and movement patterns as well as tuna behaviour and vulnerability.	<p>PR2014-20: 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.</p>	<p>PR2021-12: Continue to develop and embed innovative methods such as gene-tagging and close-kin mark-recapture to improve scientific processes.</p>	V. High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
		of fishing on the marine environment.	The study of spatial aspects of stock assessment to substantiate spatial management measures.	<p>PR2014-21: 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.</p> <p>PR2014-22: 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.</p>	PR2021-16: Continue to study the spatial aspects of the SBT stock structure and movements, and the fleets that exploit SBT	Low
			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	PR2014-23: 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.	No further recommendation	
			Develop research capacity in developing Members' countries	PR2014-24: 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.	<p>PR2021-18: Develop research capacity in member countries, in particular developing States.</p> <p>PR2021-19: Continue to improve the flow of information and dialogue between scientists and managers as agreed in ESC and EC.</p>	High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
		<ul style="list-style-type: none"> 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. 	Achieve a better balance between the scientific efforts dedicated to SBT on the one hand and ERS on the other.	PR2014-15: 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.	PR2021-13: Achieve a better balance between the scientific efforts dedicated to SBT and ERS	High
			The current structure of the Extended Scientific Committee, especially, the independent chairs and advisory panel, should be maintained.	PR2014-16: No additional recommendation is needed regarding the continuing role of the ESC Independent Chair and Panel	Completed	
			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.	PR2014-17: 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.	PR2021-14: Identify gaps in scientific skills among CCSTB Members fill these through recruitment and capacity building in Member countries PR2021-17: Address inconsistencies across Members in terms of quality and completeness of data reporting	Medium
			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.	PR2014-18: 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.	Completed	

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
			Contribute to a Joint Technical WG on MSE to facilitate the implementation the PA (Kobe III p.4 and Annex 3 § 1.3)	PR2014-19: 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.	PR2021-15: Continue to contribute to efforts by tuna RFMOs to develop management strategy evaluation and implementation capacity through the Joint Technical Working Group on MSE, and other avenues	Medium
				PR2014-25: 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.	PR2021-20: Establish a clear and concise bycatch policy and management strategy.	High
	D. Participation and capacity building	<ul style="list-style-type: none"> Extent to which CCSTB Members and CNMs participate actively in the provision of the scientific advice. Extent to which capacity building initiatives are put in place to facilitate the effective participation of developing States in Scientific Committee activities. 			PR2021-21: Explore mechanisms for an increase in active participation of Members in the ESC process in developing advice to the EC, such as hosting hybrid meetings. PR2021-22: Formulate and implement a capacity-building work plan to improve data collection, scientific analysis, and compliance-related activities.	Medium
	E. Long-term planning and research	<ul style="list-style-type: none"> Extent to which the CCSTB adopts and regularly reviews a long-term strategy for the Scientific Committee to implement. Extent to which the research coordinated or undertaken directly by the CCSTB is aligned with the needs of the Commission to fulfil its mandate. 			PR2021-23: Prioritise the establishment and ongoing review of long-term strategic planning in the ESC	V. High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
	F. Adoption of conservation and management measures	<ul style="list-style-type: none"> Extent to which the CCSTB has implemented CMMs for both target stocks and non-target species that ensure the long-term sustainability of such stocks and species and are based on the best scientific evidence available. 	SA-20018-13: The CCSBT should continue to make conservation and management measures which are consistent with scientific advice from the Extended Scientific Committee.	<p>PR2014-26: 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.</p> <p>PR2014-32: 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.</p>	<p>PR2021-24: CCSBT should continue to implement CMMs based on ESC and ERSWG advice for both target and non-target stocks.</p> <p>PR2021-25: CCSTB Members should continue to strengthen the implementation of the IPOAs and FAO guidelines in fishing operations.</p>	V. High
		<ul style="list-style-type: none"> Extent to which the CCSTB 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. 	PR-2008-4: 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.I.4 and 1.10).	PR2014-35: 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.	With the inclusion of precautionary approach in Rules of Procedure and with the development of the Cape Town procedure, it is agreed for target stocks, precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct, including reference points are achieved. For ERS species, see PR2021-03, PR2021-04, and PR2021-05	

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
		<ul style="list-style-type: none"> Extent to which the CCSTB has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. 	Adopt and implement effective rebuilding plans for depleted or overfished stocks (Kobe I § 1.4);	PR2014-35: 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.	PR2021-26: Continue monitoring to ensure the effectiveness of the rebuilding strategy for SBT.	V. High
		<ul style="list-style-type: none"> Extent to which the CCSTB 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. 	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);	PR2014-31: 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.	PR2021-27: Strengthen the implementation of current measures to reduce bycatch, particularly of seabirds, and explore the potential for an incentivized mechanism to combat an increase in bycatch and address the impact of fisheries on living marine resources and the ecosystem.	Medium
		<ul style="list-style-type: none"> Extent to which the CCSTB has implemented 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. 	None	None	PR-2021-28: Conduct a review analysing the potential impact of lost or abandoned gear in CCSBT fisheries, and identify mechanisms to mitigate any impacts.	Low

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
	G. Compatibility of management measures	<ul style="list-style-type: none"> Extent to which measures have been adopted as reflected in UNFSA Article 7. 	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.	PR2014-40: 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.	<p>PR2021-29: Due to 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</p> <p>PR2021-30: Identify and analyse compatibility issues and risks associated with adopting resolutions from other RFMOs, especially in monitoring, compliance, and surveillance for ERS, and develop mitigation measures and strategies</p>	Medium
	H. Fishing allocations and opportunities	<ul style="list-style-type: none"> Extent to which the CCSTB 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. 	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.	PR2014-41: 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.	<p>PR2021-31: Review the existing allocation mechanism to ensure that it reflects the current makeup of the Membership and principles of international law.</p> <p>PR2021-32: Modify the CCSBT Convention to include modern fisheries management concepts agreed by Members at the international level.</p> <p>PR2021-33: Encourage non-Members with a history of fishing for SBT to join the CCSBT.</p>	High
	I. Reporting Requirements	<ul style="list-style-type: none"> Analysis of RFMO reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to Members. 			See PR2021-13 and PR2021-16	

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
2. Compliance and enforcement	Flag State duties	<ul style="list-style-type: none"> Extent to which CCSTB Members are fulfilling their duties as flag States under the CCSTB Convention, pursuant to measures adopted by the CCSTB, and under other international instruments, including the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable. 	SA2008-20: 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.	PR2014-42: 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.	PR2021-48: Continue to ensure that domestic management meets the international obligations set forth by the Convention and relevant CMMs.	High
	Port State measures	<ul style="list-style-type: none"> Extent to which the CCSTB has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3. Extent to which the CCSTB has adopted Port State Measures pursuant to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Extent to which these measures are effectively implemented. 	SA2008-21: 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.	PR-20014-41: The CCSBT should accelerate its progress in developing a Resolution on Port State Measures consistent with the 2009 FAO Port States Agreement.	PR2021-49: Strengthen the CCSTB Port State Measures Resolution in conformity with the FAO Port State Measures Agreement and strengthen mechanisms to monitor compliance with the Resolution, including greater coordination with other RFMOs and timely reporting by Members.	High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
	Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> Extent to which the CCSTB has adopted integrated MCS measures (e.g., required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes). Extent to which these measures are effectively implemented. 	SA2008-22: 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.	PR2014-43: 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.	PR2021-36: Update or revise the 2018-2020 Action Plan to the next-five-year phase as a matter of urgency	High
			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.	PR2014-44: The CCSBT should accelerate its efforts to strengthen its Scientific Observer Standards and ensure they are harmonized with those of neighbouring RFMOs with respect to ERS observer data. 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.	PR2021-39: Explore mechanisms to strengthen the observer program, including through the implementation of electronic monitoring. PR2021-40: Review existing standards for observer coverage to allow the use of electronic monitoring.	High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
			<p>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>	<p>PR2014-45: 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>PR2021-38: Advocate for strengthen VMS measures in other RFMOs and decide whether the current VMS practice is sufficient for the purpose of the management of SBT and ERS, taking into account the overlapping areas and the compatibility of management measures with other RFMOs.</p>	High
			<p>No specific recommendations</p>	<p>PR2014-46: 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>PR2021-37: The CCSBT should continue to cooperate with the transshipment management measures of other relevant RFMOs and ensure compliance with the requirement of the Transshipment Resolution in the most effective and feasible manner.</p>	High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
			No specific recommendations	PR2014-47: CCSBT should therefore develop as a matter of priority procedures for high seas boarding and inspection of SBT vessels.	PR2021-41: Establish a high sea boarding and inspection scheme that is cost-effective and feasible for SBT fisheries.	Low
					PR2021-42: Establish mechanisms to make the full use of data collected through catch documentation scheme	High
	Follow-up on infringements	<ul style="list-style-type: none"> Extent to which the CCSTB, its Members and CNMs follow up on infringements to management measures. 			<p>PR2021-46: The CCSBT should seek to strengthen mechanism on following-up on infringement other than over-catch.</p> <p>PR2021-47: Strengthen the compliance assessment process, including its decision-making and corrective actions policy, and establish a formal follow-up process on infringements.</p>	Medium

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
	Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> • Extent to which the CCSTB has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance). • Extent to which these mechanisms are being effectively utilized. 	SA2008-25: All Members and Cooperating Non-Members should submit their national reports to the CCSBT. The CCSBT allocate sufficient time to the CC and the Extended Commission to allow them to complete both routine and development work each year.	PR2014-49: 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.	<p>PR2021-43: Continue implementation of the compliance processes according to the Compliance Plan to ensure that non-compliance is addressed, and effective punitive and corrective actions are applied.</p> <p>PR2021-44: Continue to formalize and strengthen information sharing with other RFMO secretariats and alternative information sources.</p> <p>PR2021-45: Consider establishing a quality assurance review with a formal review and follow up process.</p>	High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
	Market-related measures	<ul style="list-style-type: none"> Extent to which the CCSTB has adopted measures relating to the exercise of the rights and duties of its members as market States. Extent to which these market-related measures are effectively implemented. 	<p>SA2008-26: The CCSBT should thus continue to move forward smartly toward the adoption and implementation of a full Catch documentation system (CDS).</p> <ul style="list-style-type: none"> - The CCSBT should implement a CDS as matter of urgency. - Pending implementation of a CDS, all members and cooperating non-members should be required to implement the TIS. - The CCSBT should monitor all market and port states and encourage compliance with CCSBT monitoring and trade measures. 	<p>PR2014-50: 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>PR2021-51: Strengthen the implementation of the CDS Resolution</p> <p>PR2021-52: Establish mechanisms to address consistent non-compliance by Members.</p> <p>PR2021-53: Prioritize the implementation of eCDS.</p>	V. High
	Reporting Requirements	<ul style="list-style-type: none"> Analysis of CCSTB's MCS reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to Members. 			<p>PR2021-54: Review the reporting templates periodically.</p>	Low

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
3. Decision-making and dispute settlement	Decision-making	<ul style="list-style-type: none"> Extent to which the CCSBT has transparent and consistent decision-making procedures that facilitate the adoption of CMMs in a timely and effective manner. 	<p>SA2008-27: 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>SA2008-27: 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>PR2014-51: 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> <p>PR2014-52: 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>	PR2021-34: The CCSBT should consider alternative decision-making models in the CCSBT Convention modernizing processes.	High
	Dispute settlement	<ul style="list-style-type: none"> Extent to which the CCSTB has established adequate mechanisms for resolving disputes. 	Establish adequate mechanisms for dispute settlement.	PR2014-53: 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.	PR2021-35: The CCSBT should 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	Medium

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
4. International cooperation	Transparency	<ul style="list-style-type: none"> Extent to which the CCSTB is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9. 	SA2008-28: 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. - 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.	PR2014-52: 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.	PR2021-56: Use of head of delegation meetings at the EC should be minimized to the extent possible. PR2021-57: Process for review of external documents, including possible non-compliance on the part of Members, should be monitored to ensure that it does not create a barrier for external engagement with the CCSBT	Medium
		<ul style="list-style-type: none"> Extent to which CCSTB decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion. 			PR2021-55: ESC to improve accessibility of reports to non-technical readers PR2021-58: Access to the CCSBT compendium of measures is made available on the public portion of the CCSBT website.	High
	Confidentiality	<ul style="list-style-type: none"> Extent to which the CCSTB has set security and confidentiality standards and rules for sharing sensitive information and data. 			No recommendation	
	Relationship to cooperating non-members	<ul style="list-style-type: none"> Extent to which the CCSTB facilitates cooperation between Members and Non-Members, including through the adoption and implementation of procedures for granting cooperating status. 	Extent to which the RFMO facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status.	PR2014-54: 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.	PR2021-59: Develop guidelines determining what, if any, allocation should be made to CNMs. PR2021-60: Encourage countries that informally cooperate with the CDS to formalize their cooperation by requesting Other State/Fishing Entity Cooperating status in the CDS.	High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
	Relationship to non-cooperating non-members	<ul style="list-style-type: none"> Extent of fishing activity by vessels of non-members that are not cooperating with the RFMO, as well as measures to deter such activities. 	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.	PR2014-55. 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.	<p>PR2021-61: Encourage continued efforts to increase engagement from Non-Cooperation Non-Members in CCSBT processes, particularly the CDS.</p> <p>PR2021-62: Develop guidelines when determining what, if any, allocation should be made to new members.</p>	High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
	Cooperation with other RFMOs	<ul style="list-style-type: none"> Extent to which the CCSTB cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats, as well as with other relevant international organizations. 	<p>SA2008-29: 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>	<p>PR2014-56: 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>	<p>PR2021-63: Members look for opportunities to continue and reinvigorate the cooperation instigated through the Kobe Process.</p>	Medium

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
	Participation and capacity building	<ul style="list-style-type: none"> Extent to which CCSTB members and CNMs participate actively and meaningfully in the work of the Commission and its subsidiary bodies. Extent to which capacity building initiatives and institutional arrangements are in place to facilitate the effective participation of developing States in the work of the Commission and its subsidiary bodies, including in positions of leadership. 			<p>PR2021-64: 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.</p> <p>PR2021-65: Encourage independent 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.</p>	Medium
	Special requirements of developing States	<ul style="list-style-type: none"> Extent to which the CCSTB recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5. Extent to which CCSTB members, individually or through the CCSTB, provide relevant assistance to developing States, as reflected in UNFSA Article 26. 	SA2008-30: No change [in the CCSBT policy regarding developing Members and CNMs] is necessary.	PR2014-57: 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.	<p>PR2021-66: Consider 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.</p> <p>PR2021-67: Develop a targeted program of assistance to developing Members.</p>	Medium

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
5. Comparison with other RFMOs	Best practices	<ul style="list-style-type: none"> To the extent possible, evaluate the extent to which the CCSTB's performance is comparable to other tuna RFMOs in relation to the adoption and/or implementation of CMMs 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. Identification of areas/best practices that would allow the CCSTB to enhance its performance. 			<p>PR2021-69: Continue the laudable work undertaken by CCSBT for SBT and establish a similar effort for non-target species.</p> <p>PR2021-70: Improve the implementation compliance processes and observer schemes and support the introduction of an e-CDS.</p>	High
	Kobe	<ul style="list-style-type: none"> Extent to which the CCSTB implemented the Kobe III recommendations and comparison to the degree of implementation in other tuna RFMOs. 			<p>PR2021-68: Continue to engage with Kobe intersessional processes, particularly as they relate to areas of shared interests.</p>	Medium
6. Financial and administrative issues	Availability of resources for RFMO activities	<ul style="list-style-type: none"> Extent to which financial and other resources are made available to achieve the aims of the RFMO and to implement the RFMO's decisions. 			<p>PR2021-71: Maintain a healthy flow of income (through Member's contribution and other sources) that exceeds CCSBT's expenses.</p> <p>PR2021-72: Formalize a reserve/savings fund to be utilized in extraordinary circumstances.</p> <p>PR2021-73: Develop mechanisms to improve communication between the Finance and Administration Committee and various subsidiary bodies.</p>	V. High

Area	General Criteria	Detailed Criteria	PR-2008	PR2014	PR-2021	Priority
	Efficiency and cost-effectiveness	<ul style="list-style-type: none"> Extent to which the CCSTB is efficiently and effectively managing its human and financial resources, including those of the Secretariat, to support Commission objectives and ensure continuity of operations, including through establishment of clear and transparent office policies, structures, roles and responsibilities, and lines of authority; effective internal and external communication; and other aspects of office planning and operations. 	SA2008-32: The Secretariat should continue to run the CCSBT efficiently and effectively.	PR2014-60: 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).	<p>PR2021-74: Encourage earlier nominations for Chair of CCSBT from hosting Members ahead of Commission meetings</p> <p>PR2021-75: 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.</p>	High

Annex 3: Evolution of CCSBT performance against the evaluation criteria

Evolution of CCSBT performance against the performance review criteria in PR2008, PR2014, and PR2021

Area	Criteria	PR2008	PR2014	PR2021
1a. Conservation and management (Science)	Status of major fish stocks (target stocks)	Very Bad	Satisfactory	Good
	Status of major fish stocks (non-target stocks)	Very Bad	Bad	Bad
	Data collection and sharing	Very Bad	Bad	Satisfactory
	Quality and provision of scientific advice	Bad	Satisfactory	Good
	Long-term planning and research	Bad	Satisfactory	Good
1b. Conservation and management (Management)	Adoption of conservation and management measures	Very Bad	Bad	Good
	Compatibility of management measures	Bad	Bad	Good
	Fishing allocations and opportunities	Very Bad	Satisfactory	Satisfactory
	Reporting Requirements	Very Bad	Satisfactory	Good
2. Compliance and enforcement	Flag State duties	Bad	Good	Good
	Port State measures	Bad	Satisfactory	Good
	Monitoring, control and surveillance (MCS)	Bad	Good	Good
	Follow-up on infringements	Bad	Satisfactory	Satisfactory
	Cooperative mechanisms to detect and deter non-compliance	Bad	Bad	Satisfactory
	Market-related measures	Bad	Good	Good
	Reporting Requirements	Bad	Satisfactory	Good
3. Decision-making and dispute settlement	Decision-making	Bad	Good	Good
	Dispute settlement	Bad	Satisfactory	Satisfactory
4. International cooperation	Transparency	Very Bad	Satisfactory	Good
	Confidentiality	Bad	Good	Good
	Relationship to cooperating non-members	Bad	Good	Good
	Relationship to non-cooperating non-members	Bad	Bad	Bad
	Cooperation with other RFMOs	Satisfactory	Satisfactory	Good
	Participation and capacity building	Bad	Satisfactory	Satisfactory
	Special requirements of developing States	Bad	Bad	Bad
5. Comparison with other RFMOs	Best practices	Bad	Very Good	Very Good
	Kobe	Bad	Satisfactory	Satisfactory
6. Financial and administrative issues	Availability of resources for RFMO activities	Bad	Good	Good
	Efficiency and cost-effectiveness	Good	Very Good	Very Good

Very Bad
 Bad
 Satisfactory
 Good
 Very Good

Annex 4: Views of the Stakeholders

Introduction

The Terms of Reference of the Performance Review also indicated that the Panel could invite submissions from stakeholders in relation to the agreed criteria, which motivated the creation of a questionnaire that was distributed to different groups of stakeholders, including Members (Australia, European Union, Fishing Entity of Taiwan, Indonesia, Japan, New Zealand, Republic of Korea, and South Africa) (8), CCSBT Officers (Chairs of Commission, Committees, Working Groups, Panels, etc.) (8), CCSBT Secretariat (4), Intergovernmental Organizations (ACAP, IOTC, ICCAT, WCPFC and CCAMLR) (5), Non-Governmental Organizations (BirdLife International, Humane Society International, Pew Charitable Trusts, TRAFFIC, and WWF) (5), and Fishing Industry Associations (5), totaling 35 stakeholders. Responses were received from 30 stakeholders, resulting in a response rate of about 85%, which can be considered quite good. They were also very well distributed among the groups of stakeholders (Figure 1).

The questionnaire was entirely based on the criteria established by the Terms of Reference for the Performance Review and included 53 questions. The answers could be rated according to a satisfaction scale from 5 to 1: 5) Very Satisfied. 4) Satisfied. 3) Moderately satisfied. 2) Unsatisfied. 1) Very unsatisfied, and complementary comments could also be provided. The average rating for each question was calculated as the mean by groups of stakeholders, and not as the mean of all responses, to ensure a proper balance by stakeholders' category.

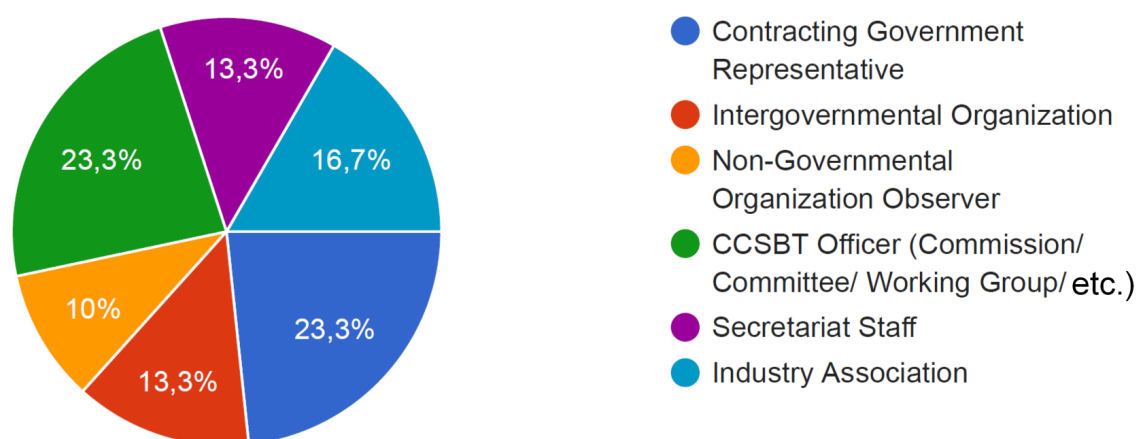


Figure 1. Distribution of responses received for the 2021 CCSBT Performance Review Questionnaire, by groups of stakeholders (n= 30).

The responses were compiled to ensure a logic flow, to the extent possible, conciseness and ease of reading. It means that several similar responses will be reflected in the text only once. The summary of the responses, therefore, should not be interpreted in a quantitative manner, but in a qualitative way, reflecting the diversity of views expressed. Except for this editing effort, no correction was attempted, meaning that some of the information, which has been presented by the stakeholders, maybe factually incorrect. In some cases, the Performance Review Panel has footnoted such responses

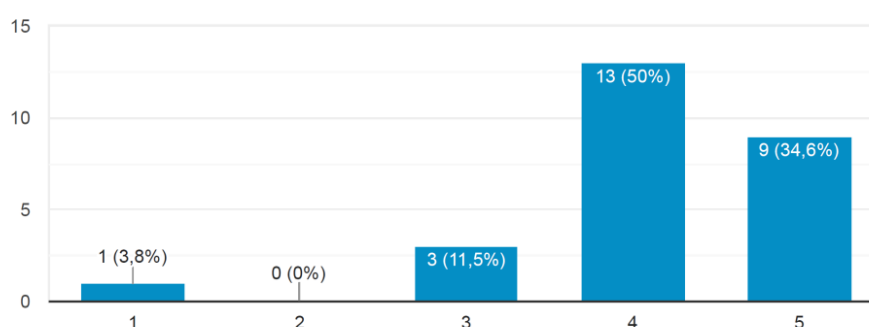
and have provided additional information in square brackets in the footnote to help clarify the situation. Besides, the views of stakeholders are exactly that. They do not represent, by any means, the views of the Performance Review Panel.

I. Conservation and management/ Science

A. Status of Living Marine Resources

The first two questions of the questionnaire addressed the very core of CCSBT work: to ensure the conservation of both the southern bluefin tuna (SBT) and of non-target species that belong to the same ecosystem and are, therefore, affected by the SBT fisheries. Not surprisingly, thus, these two questions got the most extensive responses of all. The responses from stakeholders, however, clearly showed a marked difference in the perception of CCSBT performance regarding these two conservation objectives.

1. How do you rate the performance of CCSBT regarding the conservation of the southern bluefin tuna, since the first performance review (2008)? Mean rating, by groups: 4.1 (26 responses).



In 2012⁵⁵, the CCSBT adopted a Management Procedure (Harvest Strategy) to guide TAC setting with the objective of having a 70% probability of rebuilding the stock to the interim rebuilding target reference point of 20% of the original spawning stock biomass by 2035. From 2010 to 2020, the southern bluefin tuna (SBT) stock increased from ~5% to ~20% of the original spawning stock biomass, so the interim rebuilding target is already close to being achieved. A new MP has since been developed and adopted to take the stock beyond the interim rebuilding reference point, to having a 50% probability of achieving a biomass level of 30% of the original spawning stock biomass by 2035. In 2020, the CCSBT Extended Scientific Committee (ESC) updated the stock assessment for Southern Bluefin Tuna (SBT) and conducted a review of fisheries indicators. Based on this result, it was advised that:

- the current estimated trends indicates that the SBT stock has been rebuilding by approximately 5% per year since the low point in 2009; and that

⁵⁵ [The Management Procedure was adopted in 2011 and commenced implementation for Members' 2012 fishing season and onwards.]

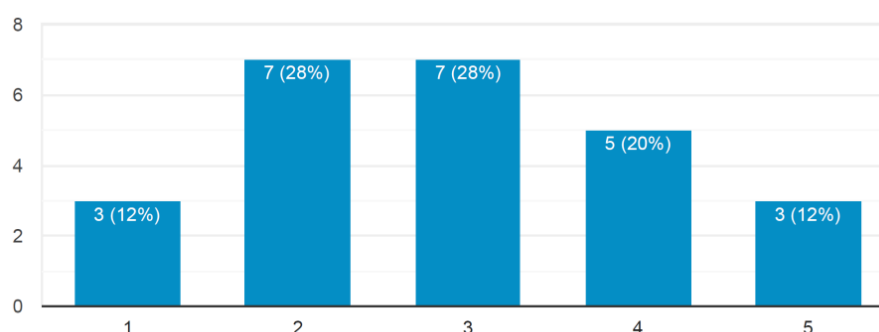
- the stock is estimated to be 20% of the initial Total Reproductive Output (TRO), which is close to 70% of the level required to produce maximum sustainable yield (MSY). The current depletion level is approximately equal to the interim rebuilding target (CCSBT's former target) of 20% of initial TRO, but is below the new rebuilding target, adopted in 2019, of 30% of the initial TRO.

The clear rebuilding of the stock and the commitment to further rebuild were the main reasons why most stakeholders' groups gave this question a score, on average, higher than 4 (4.2 to 5.0), despite the spawning stock only being at approximately 20% of original levels and still overfished. These results show that most stakeholders are fairly satisfied with the progress achieved by CCSBT, since 2008, regarding the conservation of the SBT. The adoption of and adherence to a fully tested rebuilding strategy for the stock and associated indicators, including automatically accepting a global Total Allowable Catch, set by the agreed Management Procedure, was considered a major accomplishment and a very good model of a Harvest Control Rule, to be followed by other RFMOs. According to the respondents, TAC calculation and determination in accordance with the Management Procedure is a unique and outstanding achievement that is allowing the recovery of SBT, from a very low level, being arguably considered to be one of the most impressive single stock recoveries ever achieved globally.

The successful recovery of the SBT stock was mainly attributed to the clear focus on objectives, aided by the successful allocation of the TAC during the recovery period, as well as to the solid science that has provided much more robust support for the formulation and adoption of the Management Procedures, including the funding of carefully designed projects to provide fishery-independent indices of stock status. The introduction of the catch documentation scheme was also identified as one of the key factors for the recovery of the SBT stock.

Some of the respondents that have assessed CCSBT performance positively, however, opined it could be moving faster, with conservation objectives not as aspirational as they could be. The continued estimation of 2,000 t over catch for farming operations for more than 10 years now was also highlighted as a weakness of both stock assessments and management scenarios. According to some that gave this question a lower score, one of the big contributors for the rebuilding status being still slightly behind target was the continued over-catches of SBT each year, by some Members. Stronger penalties to ensure that Members do not exceed their annual quotas was suggested as a possible solution for this problem. Another criticism was the decoupling of the TAC negotiations from the management procedure, in 2019.

2. How do you rate the performance of CCSBT regarding the conservation of non-target species that belong to the same ecosystem (in particular, sharks, seabirds, and sea turtles), since the first performance review (2008)? Mean rating, by groups: 2.8 (25 responses).



Together with question 5, addressed further down and related to the same topic, this question was the one with the lowest rating (2.8) among all the 53 in the questionnaire, clearly indicating that, according to most of the stakeholders, CCSBT does have a serious problem in addressing the impacts of SBT fisheries on non-target species that belong to the same ecosystem. The main criticism regarding ecologically related species (ERS) was the seabird mortality in SBT fisheries, considered to be too high and uncontrolled. As pointed out by many respondents, fishing for SBT overlaps with the distribution of endangered albatross and petrel species. Consequently, CCSBT has the highest albatross catch rates of all RFMOs, contributing to on-going population declines of globally threatened seabirds.

Although there seems to be an overall recognition that CCSBT has not addressed the problem of seabird mortality effectively⁵⁶, CCSBT Members still have differing views with respect to the authority and responsibility the Commission has to manage ERS interactions. As a result, according to some, the ERSWG has been ineffective in providing unambiguous advice to the Commission on the necessary conservation measures for mitigating seabird bycatch in longline fisheries, as well as the impact of SBT fisheries on other bycatch species. This situation is further aggravated by the low frequency of ERSWG meetings, which happens on an ad-hoc basis (it met only 6 times⁵⁷ since the 2008 review). Besides, matters regarding ecologically related species seem to be entirely delegated to the Ecologically Related Species Working Group, with the Extended Scientific Committee taking little or no responsibility over them. According to some of respondents, this is still a very politicized issue, with a debate continuing whether CCSBT has a mandate with respect to ERS or not⁵⁸. It is urgent, therefore, that the CCSBT's mandate in this area be clarified and agreed.

Some argued that the measures to mitigate bycatch adopted by other RFMOs, such as ICCAT, IOTC and WCPFC, to some degree, have been used as an excuse for CCSBT not to take action itself on this matter. Despite the measure adopted by CCSBT, in 2018, making it mandatory to CCSBT Members

⁵⁶ E.g. paragraph 40 of the 5th Meeting of the Strategy and Fisheries Management Working Group- SFMWG, held in 2018: "40- Most Members agreed that the ERSWG had been ineffective".

⁵⁷ [The "6 times" include five ERSWG meetings and one SMMTG meeting.]

⁵⁸ E.g. paragraph 41 of SFMWG-5: "41- Members debated whether the CCSBT's Convention provided a mandate to pass measures on ERS. No consensus was reached on this matter, but it was noted that CCSBT is in a similar situation as ICCAT and IOTC and that both of these RFMOs have also adopted measures in relation to ERS (e.g. seabird mitigation measures)".

to adhere to other RFMO bycatch mitigation measures, some Members tend to ignore the conservation of non-targeted species and only address this topic in other tuna RFMOs. For others, the choice CCSBT has made to rely on other RFMO's binding ERS measures rather than adopting its own/unique binding measures (except mandatory tori-line and scientific information/data collection/sharing) is positive, since it avoids duplication and confusion between measures of CCSBT and those of other RFMOs. Even though the mandatory implementation by CCSBT Members of measures and regulations adopted by other RFMOs for non-target species might be positive, some still believe CCSBT should also consider establishing its own conservation measures for ERS. Besides, since CCSBT Members are obliged to comply with these measures if they are also Members of these other RFMOs, non-compliance with respect to ERS measures adopted by them (referred to in CCSBT's ERS alignment measure), while fishing for SBT, should be reported to, and considered by the Commission.

Even when CCSBT have agreed on the adoption of conservation and management measures (CMMs) related to ERS, however, e.g., the mandatory use of tori-lines south of 30°S, in force since 1997, Members have consistently failed to follow the agreed regulations, an issue that is exacerbated by lack of monitoring and disincentives for non-compliance. Many of the respondents have recognized that little progress has been made in reducing seabird bycatch rate in the CCSBT area, with bycatch levels remaining extremely high. In some cases, the reported seabird bycatch has indeed increased recently, rather than being reduced⁵⁹. This is a reason for grave concern, considering that CCSBT has the greatest overlap with seabirds of any tuna RFMO.

Effective monitoring, efficient reporting and demonstrable compliance with best practice mitigation measures is urgently needed if this situation is to be rectified. The only way to resolve this, according to some of the respondents, is to increase human observer coverage, supported with electronic monitoring, coupled with the adoption of clear and binding disincentives for non-compliance. Since there is no process in place to penalize Members for non-compliance with ERS measures, there is little incentive to comply. Indeed, the latest report at 2020 Compliance Committee showed the worst record of compliance, by some Members, with very important requirements, such as the utilization of at least "two of three" best-practice seabird mitigation measures. Although observer coverage for most Members has achieved the required 10% level, this coverage rate was considered insufficient by some, and not aligned with fisheries where the target species is of high conservation concern. For example, in CCAMLR, the toothfish fishery (a species vulnerable to overfishing) requires 100% coverage (and krill 75% coverage). According to those respondents, insufficient observer coverage undermines the ability of the CCSBT to fulfil its mandate to both sustainably manage the SBT fishery and to reduce the impacts on ERS. The minimal observer coverage rate, therefore, should be increased to, at least, 20% and ideally to 100%.

Despite the several shortcomings of CCSBT performance regarding ERS, some Members opined that a considerable improvement has been achieved since the first performance review, in 2008, including the annual ERSWG Data Exchange, the revised CCSBT Scientific Observer Program Standards to cover

⁵⁹ Table 4 and 5 of CC15_05AnnualReportOnMembersERSPerformace_Rev1.pdf

new seabird mitigation measures, the revised template for ERSWG national report and for the ERSWG Data Exchange, with more detailed information on ERS (finer spatial resolution, use of mitigation measures, fate of released fish⁶⁰ etc.), and the resolution adopted in 2018, to align CCSBT's ERS measures with those of other tuna RFMOs, requiring Members to comply with all ERS measures in force in their areas of competence. The Secretariat also begun to produce an "annual report on the implementation by Members of ERS measures", for consideration by the Compliance Committee. Some who recognized these advancements, however, have pondered that they have not yet been able to produce any measurable reduction in the impact of SBT fishing on seabirds. A recently agreed multi-year Seabird Strategy is also yet to gain traction, being unclear if or when it might lead to any improvements to CCSBT's performance in this area.

In 2009⁶¹, the ERSWG advice to the Commission was that "the (then) current scientific advice on what constituted best practice was to use all three mitigation measures, namely line weighting, night setting (i.e. setting after nautical twilight and before nautical dawn) and bird streamer lines". The meeting also "recognized that all three measures should be applied in high-risk areas, to reduce the incidental mortality of seabirds to the lowest possible levels". Since then, however, the CCSBT has been unable to reach a consensus on what constitutes high-risk areas, so there has been no agreement about the need to adopt these best practice mitigation measures, while the non-binding recommendations that have been agreed have been demonstrably ineffective at achieving such reductions.

Besides the impact of SBT fisheries on seabirds, some of the respondents also expressed concern with the shark bycatch. According to them, in many cases, sharks are caught and retained as part of the fishing activity and should not be treated as bycatch, but as retained catch of SBT fishing operations. Some Members have high levels of reported catches, discards and mortalities of blue sharks, for instance, raising concerns that some longline operations may be targeting sharks to reduce shark abundance and consequent depredation, before switching gear and fishing behavior to target SBT. According to some, the assessment of shark populations affected by SBT fisheries has also been negatively impacted by the lack of clarity and transparency of some of the main datasets used for this purpose, requiring a better monitoring and reporting of the bycatch.

Finally, reflecting the still ongoing and unsettled debate on CCSBT mandate to address the conservation of ERS, according to some of the respondents, this question was not appropriate, since the Commission was responsible for the conservation and management of the SBT only, with no obligation over the conservation and management of neither other fish species, nor ERS species. The objective of the Convention is "to ensure, through appropriate management, the conservation and optimum utilization of SBT". Notwithstanding, ERS working group was recognized as a suitable forum to discuss and consider Ecologically Related Species (ERS), including sharks, sea birds and sea turtles, and although CCSBT was not primarily mandated with the conservation of ERS species, in their view, it has adopted a reasonable level of bycatch mitigation measures, which are compatible with the

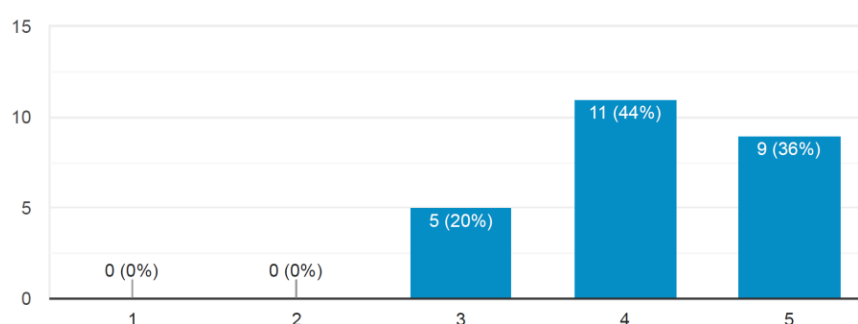
⁶⁰ [Released fish involves the number of observed captures that were retained (dead), discarded (dead), released (alive) and others.]

⁶¹ [This advice was provided by the ERSWG at ERSWG 9 in 2012, not in 2009.]

four ocean-based t-RFMOs (ICCAT, IOTC, WCPFC and IATTC⁶²), avoiding redundancy of authority. According to those respondents, therefore, the activities conducted by CCSBT on ERS are reasonable, with the CCSBT providing clear guidelines and regulations on seabird bycatch, which were reconciled from relevant RFMOs, facilitating their implementation. Some noted that CCSBT tends to follow the CMMs that have already been applied in other RFMOs related to sharks and marine turtles, as well, but that is even more advanced regarding the adoption of CMM for the protection of seabirds.

B. Data collection and sharing.

3. How do you rate the process established by CCSBT for fisheries data submission, including agreed formats, specifications, and timeframes? Mean rating, by groups: 4.0 (25 responses).



The CCSBT has clearly defined timeframes and agreed formats/templates, covering all required information for scientific and compliance assessment⁶³. All data fields and information are linked to a specific utilization purpose (i.e. no information is only stored but not used), to ensure these requirements will not create unnecessary burden to Members. These formats/ templates are regularly updated, when necessary. There are four main categories of data submission requirements to Members:

1. Scientific data exchange- essential to run CCSBT Operating Model (OM) for stock assessment and Management Procedure for TAC recommendation and stock projections;
2. Compliance related data submission requirement (including CDS, authorized vessels/farms, transshipment, port inspection, etc.)- essential to ensure that CCSBT conservation and management measures are properly implemented;
3. ERSWG data exchange- essential to assess Members' performance regarding bycatch and the effectiveness of current bycatch mitigation measures; and
4. Annual report to ESC, CC/EC and ERSWG meetings- essential to check Members' latest situation in a systematic manner and to share how each Member implement the CCSBT measures domestically.

The mean rating by groups of stakeholders for this question, equal to 4.0, indicates an overall satisfaction with the process established by CCSBT for fisheries data submission, including agreed formats, specifications, and timeframes. In general, the process of data submission was considered

⁶² [The CCSBT's ERS alignment Resolution does not refer to any IATTC ERS measures. This is because no SBT fishing has been reported to the CCSBT for the waters in IATTC's Area of Competance.]

⁶³ <https://www.ccsbt.org/en/content/data-submission-requirements>

to be easy, reasonable, transparent, comprehensive, and well supported by the Secretariat, that is always responsive and accommodating to queries and issues. “The process for fisheries data submission within the CCSBT is well developed and functioning effectively, besides being flexibly updated when necessary”. “Data processes are generally very good and continue to be improved”. “There is a well-established process with standardized data submission formats”.

Some respondents, however, noted that in some cases processes could be improved by reducing the manual component, e.g., by having an e-CDS rather than a paper CDS or by having online submission instead of emailed spreadsheets. An e-CDS would provide the possibility of having access to CDS data more immediately so that any discrepancies could be resolved closer to real-time. This is particularly important since submission timeframes for the CDS have a long time-lag. Having an e-CDS with built-in checks as data is entered/loaded should also serve to cut down the large amount of time the Secretariat spends on checking, reconciling, querying, and then correcting erroneous CDS data eventually submitted by Members. In this regard, it was also informed that CCSBT is already developing an online data submission/sharing system that will integrate data submission processes, in particular compliance related data submission, which will provide greater efficiency to both Members and the secretariat, in terms of their time burden.

Some of the respondents highlighted the need for a longer implementation time frame of changes to reporting, “to allow for new data to be collected and analyzed, and processes to be set up”; while others noted that further work is required on annual reporting templates to ensure information is provided consistently and in a way to reduce reporting duplication. The lack of requirements for high resolution data (e.g. longline catch effort data only needs to be provided aggregated by year, month, 5*5 degrees block and fleet and some ERS data does not need to be provided at the species level), due to Members’ confidentiality rules, was indicated by some as the major problem with data submission processes. It was noted, however, that to overcome this problem, Members have agreed to conduct pre-specified analysis of their own high-resolution data when requested by various CCSBT working groups, providing a partial solution to this problem. Others highlighted the Real Time Monitoring Procedure as an important way to provide extremely recent data and information quickly.

Another criticism was related to the lack of a specific time frame for ERS data submission to the ERSWG and reporting to the Extended Commission, creating a time lag in reporting compliance with ERS CMMs that leads to delays in identifying and correcting consistent non-compliance. Although there is no specified time frame in the terms of reference, the ERSWG only reports to the EC every 2 years, whereas the stock status assessments report every year. This means that there is a large time lag in reporting of compliance with ERS CMMs⁶⁴, delaying the ability of the CCSBT to act when there is non-compliance. This also means that poor practices, or consistent non-compliance can carry on for several fishing seasons before it is picked up. Given the 2008 Performance Review recommended that the “scientific effort [should] achieve a better balance between its work on SBT and its work (so far very

⁶⁴ [ERS data are reported to the Secretariat and shared with Members on an annual basis and those data are used in an annual report from the Secretariat to the Compliance Committee.]

limited) on ERS” (Page 10⁶⁵), it would be prudent to have ERS data reported annually⁶⁶ by Members and for the ERSWG report to the EC every year and have equivalent time to discuss and act on its recommendations.

The 2008 Performance Review also identified gaps in the ‘collection and exchange of ERS data’, noting that attempts to resolve them had failed, despite the practices agreed by Members. It was also emphasized in that review that “efforts must now be focused on ‘improving data collection and reporting’”⁶⁷. On this regard, data driven assessments of both SBT and ERS bycatch require verification that vessels are adhering to the mitigation regulations, and current observer coverage levels (compounded further by the suspension of the observer program due to COVID-19) are inadequate to achieve this. Indeed, the review of the 2014 Performance Review⁶⁸ by ERSWG 11 in 2015 concluded that “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. (...) 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 observers.” Yet, cameras are still not required and are rarely used in CCSBT vessels, unless when mandated by a Member’s legislation, a point already noted under the previous question.

Finally, progress regarding the process established by CCSBT for fisheries data submission, including agreed formats, specifications, and timeframes was recognized on:

- Improved formats for reporting, most recently in 2019, and standardization of language regarding previous fishing seasons, providing substantively better data to assess the state of the fishery; and
- Reporting formats to improve standardization of data on ERS, which have also been improved substantively since the 2008 Performance Review, although the quality of data on ERS remains poor, mainly due to low observer coverage and the associated statistical uncertainty.

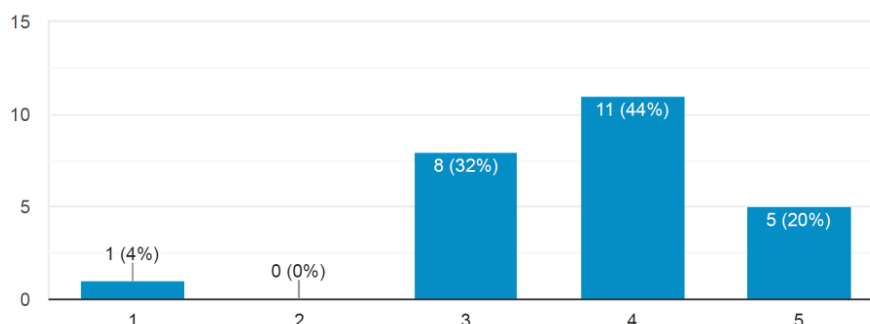
⁶⁵ [Part Two of 2008 Performance Review Report, by the independent expert.]

⁶⁶ [ERS data are currently reported annually, regardless of whether an ERSWG meeting is scheduled for a particular year.]

⁶⁷ [Part One of 2008 Performance Review Report, Self Assessment” by the Performance Review Working Group of the CCSBT.]

⁶⁸ [CCSBT-ERS/1503/08](#) “Performance Review of the CCSBT”.

4. How do you rate the collection and submission by Members of fisheries data concerning the southern bluefin tuna, in a complete, accurate and timely manner? Mean rating, by groups: 3.9. (25 responses).

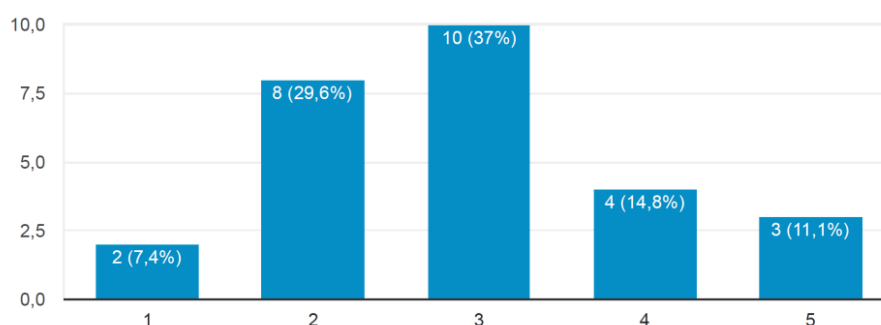


Fisheries data concerning the SBT is mainly collected and submitted to the CCSBT through Scientific Data Exchange, CDS and ERSWG Data Exchange process. In addition, these data are aggregated and reported in Annual reports to ESC, CC/EC and ERSWG in a systematic manner, with data completeness, accuracy and consistency being checked/assessed by comparing different data sources/reports by both the Secretariat and Members. Scientific Data Exchange and CDS are the most important, in terms of the objective of the Convention, and, in general, Members were considered to comply with their obligation for submission of those essential matters very well. The average rating by groups for this question was, therefore, rather high (3.9), ranging from 3.5 to 5.0, indicating an overall satisfaction by stakeholders with the collection and submission by Members of fisheries data concerning the southern bluefin tuna. “In general, Members are good at submitting data”. “Collection and submission of data can vary between Members but is usually of a satisfactory standard”. “CCSBT’s data, especially catch volume, is subject to reasonable, timely and comprehensive cross-check with other sources (e.g. CDS) by the Secretariat. This makes the SBT data more reliable”.

Others, however, disagreed, pondering that there appear to be insufficient checks and balances to ensure accurate and timely data submission by Members. Some of the respondents also noted occasional cases of incomplete, inaccurate, and late submission of data: “data submission is generally sound, though occasionally one or two Members are tardy” or simply “do not submit complete fisheries data” at all. The overall quality of the data submitted by some Members was considered to be poor and in need of improvement by some respondents, with a particular concern being expressed with regard to the accuracy of the data from the ranching sector (“the continued delay in providing alternative, more accurate, data from the farm sector is a concern”) and from artisanal or non-commercial fisheries. While some stakeholders noted that the lack of timeliness and completeness of data submission can be frustrating, particularly in the context of the Compliance Committee, it was also recognized that data submission can be complicated in some cases, especially for developing Members. In this context, some Members criticized the lack of consideration by the CCSBT of the special requirements of developing Members, treating developing and developed Members in the same manner.

The difficulty to independently verify the data submitted by all Members was also recognized as an overarching issue, as well as the current process for CDS validation. Because current CDS Resolution allows Members to delegate CDS validation to the fishers/farming companies, the accuracy and neutrality of these data cannot be sufficiently ensured, according to some of the respondents. The imbalance between the quality and quantity of data required from different fisheries was also considered a problem, as well as the fact that most of the data and information from Gene-tagging and Close-kin analyses are being held by only one Member⁶⁹ who conduct the analysis, hampering transparency.

5. How do you rate the submission by Members and cooperating non-Members of fisheries data concerning non-target species that belong to the same ecosystem (in particular, sharks, seabirds, and sea turtles), in a complete, accurate and timely manner? Mean rating, by groups: 2.8 (27 responses).



Many of the problems identified under the second question of the questionnaire, on the performance of CCSBT regarding the conservation of non-target species that belong to the same ecosystem, also affect data submission, addressed under this question. Unsurprisingly, therefore, the mean rating by groups for this question was similar to question 2, equal to 2.8, ranging from 1.7 to 4.0. These results evidence a predominant dissatisfaction of stakeholders with the way Members have been compiling and submitting fisheries data concerning non-target species.

According to some of the respondents, however, there have been significant improvements in the CCSBT agreed data standards for non-target species, which are now potentially among the best among RFMOs. Fisheries data concerning non-target species (ERS) is mainly collected and submitted to the CCSBT through ERSWG Data Exchange. These data are also included in the Annual Report to ERSWG meeting in a systematic manner, being checked/assessed by both the Secretariat and Members for completeness and consistency. Nonetheless, despite most Members have complied with their obligation to submit ERSWG Data Exchange and annual reports to the ERSWG, several shortcomings have been recorded in the past, including failure to provide: a) estimated total mortalities of bycatch species; b) data for ERSWG Data Exchange (some Members did not provide any data); and c) specific sections of ERSWG Data Exchange (e.g. mitigation measures for non-target species). Besides, the

⁶⁹ [The Gene-tagging and Close-kin research is conducted by CSIRO under contract to the CCSBT. The basic gene-tagging and close-kin data are shared with all Members as part of the annual scientific data exchange. This does not include the genotype data due to practical constraints, but access to these data (clone ID of each locus and count data of each allele at each locus for each sample) can be provided to Members for CCSBT purposes provided that reasonable notice is given].

ERSWG's strict rule for document submission (4 weeks before the meeting) has not always been complied for annual report either. One Member, on the other hand, noted that although the performance for data delivery among Members was quite good in terms of timeliness, it was not optimal for accuracy. In addition, some Members have failed to achieve the 10% observer minimal coverage for some years.

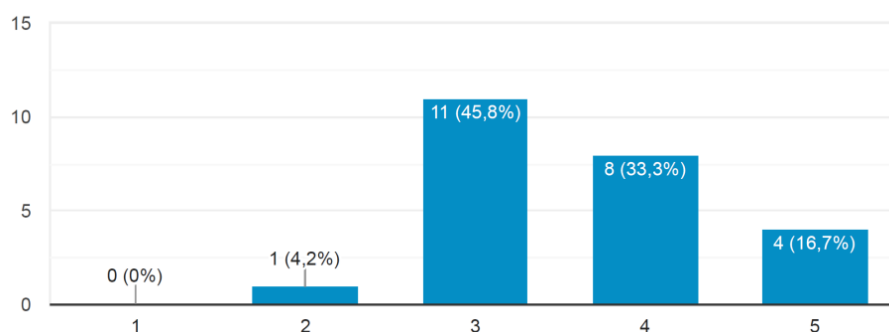
Even when all the data required have been submitted in a timely manner, though, there have been doubts on their accuracy, based, for instance, on unexplained discrepancies in bycatch capture rates among Members fishing with similar gear in similar areas. This might happen particularly because, according to some respondents, there is limited independent data, observer coverage is too low and electronic monitoring systems are not used by most Members. In other cases, "e-Monitoring" has been the only method used, not supported by human scientific observer, which, in the view of some of the respondents as well, is also not in compliance with CCSBT Scientific Observer Standards.

The Compliance Committee annual report on ERS from the 2020 meeting notes: "The information provided by some Members in the 2019 Annual CC/EC Report was ambiguous". This deficiency has been, at least in part, linked to low observer coverage, with some Members demonstrating poor spatial-temporal observer coverage in 2019 reports of ERS bycatch. Therefore, even where data have been properly submitted, they have been insufficient to support meaningful management decisions. The 2019 report to the Compliance Committee on seabird mortality, for instance, warned that "the raised number of seabird mortalities each year should be interpreted with caution." It also noted that lower total mortality was "most likely to have resulted from inadequate and unrepresentative sampling and not from improved mitigation".

The lack of penalties for failing to share information with the CCSBT on the ERS bycatch, linked to the non-binding nature of the agreement to exchange information, was another problem highlighted by some respondents. This situation also resulted in an uneven level of reporting by Members, with some of them complaining that those Members who are seriously trying to tackle issues of bycatch and are, therefore, honestly reporting end up being the only ones criticized. The same applies to the different fisheries, with some of them reporting accurate data on bycatch, while others have never reported any information on non-target species.

In addition, the data reporting protocol for ERS do not require the bycatch information to be submitted at species level, allowing the data to be reported by "species group", which, for most purposes, render the data useless. Ideally, ERS bycatch should be reported by "species" level and the ERSWG has recommended Members to do so, but since species level reporting is currently not mandatory, "species group" level reporting has continued to be the practice by some Members, forcing the ERSWG to do the much-needed assessment of SBT fisheries impacts on ERS with higher-level aggregated data. Some respondents have also noted that although much of the concerns related to ERS in CCSBT have been centered on seabirds, there are also serious problems related to the underreporting of shark bycatch. In conclusion, the measures suggested by respondents to solve the problems related to the submission of ERS bycatch data included greater observer coverage, including, but not restricted to, the use of electronic monitoring, coupled with effective mechanisms to deter non-compliance with reporting obligations, including by making the reporting of ERS bycatch data mandatory.

6. How do you rate the performance of CCSBT to ensure that all mortalities of southern bluefin tuna are accounted for? Mean rating, by groups: 3.8 (24 responses).



The performance of CCSBT to ensure that all mortalities of southern bluefin tuna are accounted for achieved a mean rating by groups of 3.8, indicating that most of the stakeholders are reasonably satisfied with the work so far conducted on this regard by the Commission. CCSBT has a “Resolution on Reporting all Sources of Mortality of Southern Bluefin Tuna”, which includes, but is not limited to, discards and recreational fishing. Furthermore, the CCSBT has a definition for the “Attributable SBT Catch”, which specifies that “a Member or CNM’s attributable catch against its national allocation is the total Southern Bluefin Tuna mortality resulting from fishing activities within its jurisdiction or control, including, inter alia, mortality resulting from: commercial fishing operations whether primarily targeting SBT or not; releases and/or discards; recreational fishing; customary and/or traditional fishing; and artisanal fishing”. This definition has been implemented by all Members since 2018 fishing season. According to the respondents, the adoption of the definition of “Attributable SBT Catch” was an important step in ensuring all SBT mortalities are accounted for, significantly improving CCSBT performance in this field.

At each annual meeting, Members are asked to state how they have accounted for their SBT mortalities, explaining how they are implementing/calculating this definition domestically in their national report or dedicated documents to the ESC. Sometimes, Members have current estimates for discards and recreational fishing mortalities, but sometimes Members rely on past estimates or specify a “reasonable” allowance for these mortalities if they have been unable to provide a specific estimate. Although no Member has counted “depredation by sharks” against their allocation, discussion is ongoing to determine whether mortality through depredation should be included in the definition of Attributable SBT Catch. In addition, the Extended Scientific Committee conducts analyses of unaccounted mortalities (UAM) and incorporates plausible UAM for both Members and Non-Members in its stock assessments and in the Management Procedure. Considering that the total amount related to these uncertainties is relatively small against total TAC, that they have been well addressed within the CCSBT MP when recommending the SBT TAC, and that all commercial SBTs are well captured by CCSBT CDS, the figure of “reported SBT catch” by Members can be considered sufficiently precise.

It is clear, therefore, that CCSBT has processes in place for members to account for all sources of mortality, which is world leading. Notwithstanding, in practice, more accurate accounting of all sources of mortality is still needed by Members. In particular, work is needed on: a) Members providing accurate estimates of all sources of mortality; b) how predated fish should be accounted for (as noted, there is current work going on in this area); c) improving the estimates of the non-

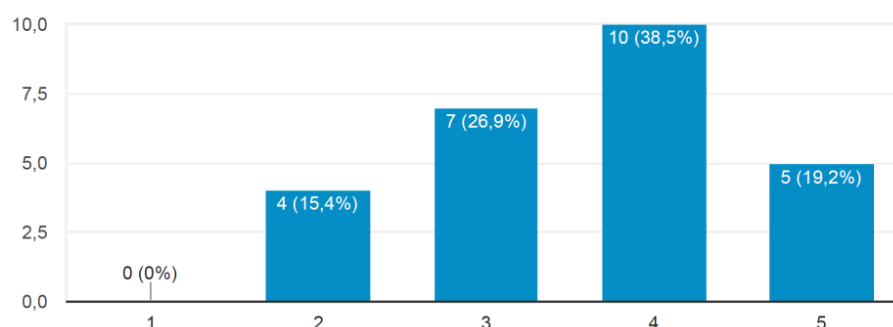
Member southern bluefin tuna mortality (which is likely low); and b) accounting of discards (which are likely still under reported).

On the potential source of unaccounted SBT mortality from catch by non-Members, although likely low, estimation was recognized to be difficult. Since MCS enforcement at fishing grounds, including high sea areas, by Members is extremely weak, it is impossible to estimate non-Member catch properly. The problem of catches from non-Members entering an also non-Member market was recognized as a further hindrance for a proper estimation of the total SBT mortality. Notwithstanding, it was noted that in recent years the CCSBT has done a great deal through its CC and ESC to improve this estimation. The ESC has revised estimates of Non-Member UAM, setting them at a higher level in developing a stock rebuilding plan, and concluded that the current MP is robust enough against such catches, if they exist. As noted by one of the respondents, “in considering the safety of the stock in question, this approach may be unavoidable. However, it kills the potential of use of the stock by responsible and legitimate fishers and it has to be improved”.

Some of the respondents expressed a particular concern with discard reporting and estimates of discard mortality in farm operations which, according to them, could have an important impact on the accuracy of mortality data, noting that “significant gaps remain in both farms and market data”. According to some, there is a long-standing question on the estimated weight of SBTs which are caught by purse seiners and then transferred to farming cages. The ESC, including an invited external farming expert, has considered that implementing stereo video camera would be the best way to overcome this problem, but it has not been implemented yet. According to those holding this view, if stereo video camera for SBT farming had been already implemented, then this source of uncertainty would have been removed. Others, however, expressed their confidence in the catch estimation techniques currently used.

A final issue related to SBT UAM was the possibly huge gap related to tuna transshipments at sea, due to the great difficulty to reliably identify SBT from physical characteristics, especially when looking at a frozen carcass. This means that whenever observers think they have detected non-reported transshipments of SBT at sea, it can never be proven (via photos). A possible solution to this problem, some suggested, would be the use of portable genetic testing (random), which is presently lacking. A “potential” transparency gap with the use of container vessels for the transportation of SBT products was also noted.

7. How do you rate CCSBT transparency and mechanisms for sharing the data with Members and other RFMOs? Mean rating, by groups: 3.5 (26 responses).



Most of the data shared with Members are scientific. They are usually provided to the Secretariat by Members (or contractors) through annual data exchange processes, which work well, according to most respondents. The Secretariat then provides most of these data to all Members via the private area of the CCSBT website. All Members are then able to conduct their own analyses of SBT or ERS with data from the entire fishery. Compliance related information tends to be more confidential and only agreed summaries are shared with Members. CCSBT's "rules and procedures for the protection, access to, and dissemination of data compiled by the Commission" specify the types of information and the confidentiality risk classification assigned to each of them. Depending on the risk classification of data/information, they may be shared through required procedures and data owner's permission (no procedure is needed for sharing "no risk" data/information). Data available for sharing with other RFMOs are only the public ("no risk") data, specified as such, unless an MoU exists (such as with IOTC and WCPFC) that specifically enables the sharing of other data, at finer scales (e.g. the MoU allows the sharing of data from less than three vessels in the strata, that would be considered otherwise confidential and could not be shared).

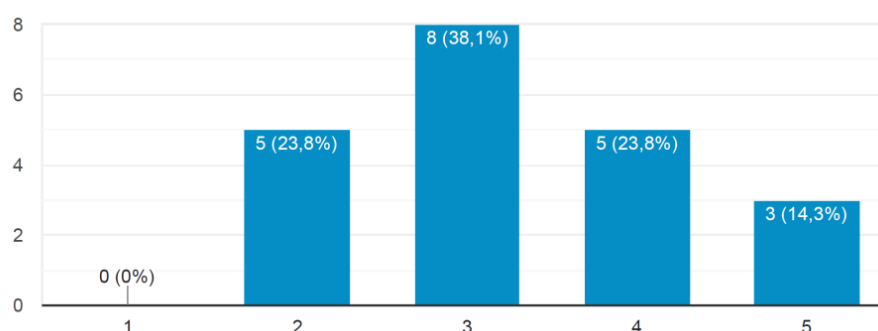
The mean rating by the different groups of stakeholders (3.5) indicates, however, that they are not much satisfied with the system in place, recognizing that sharing data between Members is commonly compromised due to confidentiality reasons. Of course, CCSBT can only share data to the extent Members allow. "This is an area where the Commission needs to do more to provide greater transparency on Member's operations". According to some respondents, the main problem of current rules is the requirement to receive approval from data owner, which may take some time or not be given at all, preventing the sharing of data not only between Members but also with other RFMOs. Sometimes, even the initial quota allocations and final catches by fleets are not provided. Particularly in the case of bycatch, the failure to share data with Members, including from observers, and other RFMOs, renders the assessment of the cumulative impact of SBT fishery on non-target species globally nearly impossible. Some of the respondents, therefore, opined that all information from a fishery operating in a given location should be made available to allow a proper assessment of the impact of that fishery on both target and non-target species, as well as on the marine ecosystem. In the absence of these data, it is not possible to evaluate the sustainability of the SBT (or any other tuna) fisheries. According to some of the respondents, this is duly reflected in two comments of the previous performance review: a) "More efforts need to be made to resolve the data confidentiality (regarding observers and operational fisheries data), in order to improve the resolution and accuracy of assessments and precision of the scientific advice"; and b) "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”.

Of particular concern for some of the respondents was the difficulty related to accessing CDS Catch Tagging Form (CTF) information, containing the data of individual fish from SBT farming, which is provided to the Secretariat only and not to Members. CDS data that would be relevant to the analysis of possible biases in reported catches, for instance, have not been made available, despite requests by the scientific committee to access them. The SBT catch data shared by SBT farming were also considered to be very limited, compared to those of the longline fishery, with no data from the purse seine fishery being made available. “CDS data are provided by farmers at the timing of the shipment and the same farmers are the ones doing the validation of the shipped quantity, with no one to verify if erroneous or falsified reports were made”.

Regarding the sharing of the data with RFMOs, according to some of the respondents, despite CCSBT has been actively submitting reports to other RFMOs and CITES⁷⁰, including through the process established jointly by the t-RFMOs, there should be MoUs signed with all related RFMOs. Given the unique arrangements relating to vessels operating in the convention areas of other RFMOs, more transparent and timely mechanisms are needed to ensure data collected by these RFMOs are available to CCSBT and vice-versa. Although sharing compliance information with other RFMOs has improved since the commencement of the Tuna Compliance Network, and now also with the fledgling Pan-Pacific Network, transparency could be improved further, particularly regarding the sharing of ERS data, which is an area where confidentiality requirements have hindered the assessment of the impact of SBT fishery significantly. Usually, the data that are shared and made publicly available on the CCSBT website are restricted and aggregated. Greater transparency by Members would be, therefore, good from a scientific perspective. Notwithstanding, some had a different view, considering that the present degree of transparency, coupled with the good collaborative work, has been sufficient to underpin good science, good advice, and good management.

8. How do you rate CCSBT efforts for capacity building to improve data collection by developing States? Mean rating, by groups: 3.4 (21 responses).



Despite CCSBT has two Members that are developing Members, so far, large scale structured projects for capacity building on data collection have not been implemented, despite some one-off opportunities that have been provided (e.g. “SBT Maturity Workshop”, on the collection of maturity data

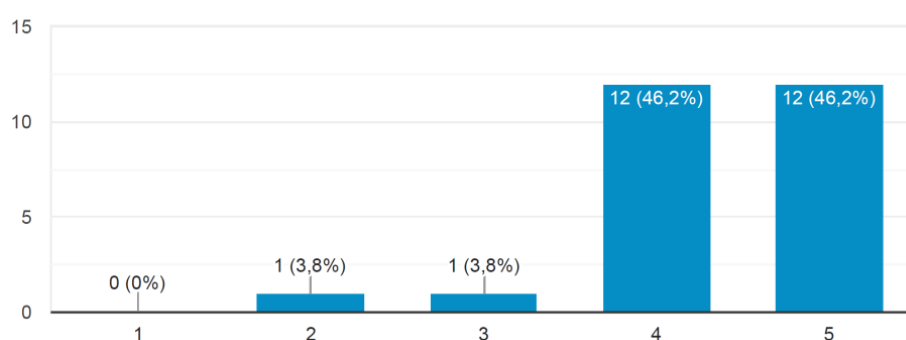
⁷⁰ [The CCSBT submits these reports to the FAO, not CITES]

through the SBT ovaries, CDS training provided by Compliance Manager, etc.). Instead of large-scale projects, Members have offered bilateral-basis assistance for capacity building aiming at improving data collection, in particular for CDS, but the efforts have been so far quite timid, partly because developing Members in CCSBT have not made specific requests to secure budget for the implementation of a specific project for capacity building on data collection. Some of the respondents considered these efforts to be “stagnant”, recognizing a gap between developing and developed Members, as well as between founding Members and new entrants. According to them, funding and support for capacity building would have ranged from minimal to non-existing, if developing Members had not applied for support. Notwithstanding, according to other respondents, despite offers to provide assistance with capacity building to improve data collection and reporting, little has been undertaken recently. Members need to be encouraged to improve systems and reporting particularly where deficiencies have been identified, or where regular quota over catch has been identified.

Others, on the other hand, opined that considerable efforts and resources have been indeed spent on building data collection capacity in developing Members, however punctual these initiatives might have been, with limited further effort since then. According to some, despite the lack of capacity building efforts, data collection mechanisms of developing Members through CDS and their national programs have improved to some extent, while there are still some important issues remaining in timely and accurate catch reporting and CDS implementation by them. The support from the Secretariat, however, was considered to be outstanding, being always very keen to respond and provide assistance. Reflecting the mixed views on the subject, the mean rating by groups for this item was 3.4, indicating that stakeholders are not much satisfied about the way this issue has been so far tackled by CCSBT.

C. Quality and provision of scientific advice

9. How do you rate the quality of the scientific advice produced by CCSBT Extended Scientific Committee on the southern bluefin tuna? Mean rating, by groups: 4.3 (26 responses).



The ESC contains a great deal of scientific expertise, consisting of Member scientists, a panel of 3 independent scientific experts, an independent expert to Chair the ESC, and other expert consultants hired ad hoc, when required (typically at least one each year). There is also excellent cooperation between key Member scientists and the independent experts, both outside and during meetings. In accordance with Article 9 of the Convention, the SC provides advice and recommendations to the Commission, based on various scientific analyses and assessments. The CCSBT ESC has developed a

very advanced population dynamics model called “CCSBT Operating Model (OM)”, and also a “Management Procedure (MP)” which provides pre-agreed basis to determine the global TAC based on the best scientific data available. CCSBT OM and MP are based on the latest and best scientific knowledge in the world, being, therefore, the front-runner in this field of all tuna RFMOs. Since the OM and MP are entirely derived from mathematical calculations, there is no room to interpret the results arbitrarily. Consequently, the most important advice/recommendation from the ESC is always clear and definitive, as long as the best available data are utilized to prepare the OM and MP.

The ESC has a scientific research program (SRP) that specifies activities and priorities to improve the Science in the CCSBT, so that the necessary data for stock assessments and the CCSBT’s Operating Model and Management Procedure can be made available. Through the SRP, all analysis/assessments (including OM and MP) are done so that management advice to the EC can be updated/refined to resolve identified issues or to reflect the latest knowledge. Among other things, the SRP contains state of the art fisheries independent monitoring programs (funded by the CCSBT), including gene tagging (to provide annual estimates of 2-year-old abundance) and close-kin genetics (to provide annual estimates of spawning stock abundance and reproductive output), which are unique and on the scientific forefront among t-RFMOs. The ESC conducts an annual review of fisheries indicators (to see if exceptional circumstances exist which might require action other than the TAC specified by the Management Procedure), a full stock assessment once every three years, runs the Management Procedure once every three years to recommend a new TAC for the next 3-year quota block, and reviews the Management Procedure every 6 years. The Management Procedure (CCSBT has now adopted its second Management Procedure) is a thoroughly tested procedure that is robust to a wide range of uncertainties. The quality of scientific advice provided by the ESC is, therefore, world class. The excellent quality of the scientific advice, especially the one derived from the Management Procedure (MP), has been the main factor enabling the steady recovery of the SBT stock.

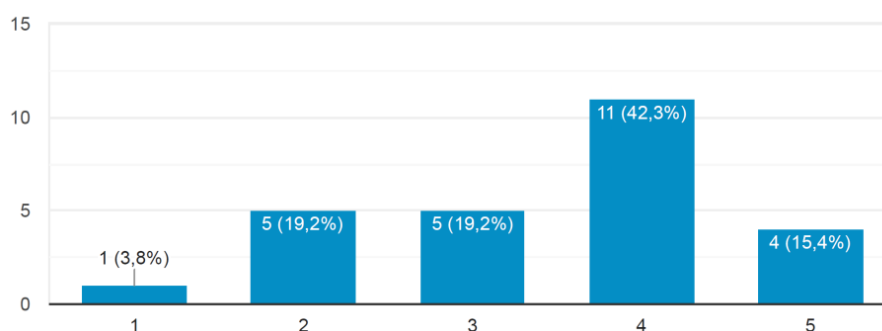
In terms of data inputs, fisheries related data (catch, fishing effort, etc.) are audited not only by data diagnosis by the ESC itself, but also through compliance processes (collated with CDS data, etc.), two of three input data to the MP (gene tagging and close-kin mark recapture) are fisheries-independent, and one of three input data to the MP (Japan core vessels CPUE) is regularly examined by the CPUE modeling group. These processes assure that the best available data are used for stock assessment and TAC recommendation. Furthermore, while most of the scientific activities are done by Members’ scientists, important activities of the ESC are reviewed, supervised or led by independent Scientific Advisory Experts, composed of well-known and respected scientists in fisheries science globally, who are entirely independent from political influence by Members. This arrangement gives great transparency and credibility to the outcomes from the ESC.

Not surprisingly, this question got one of the highest grades (4.3), behind only to those related to the efficiency and effectiveness of CCSBT, in managing its human and financial resources (Question 50, 4.5), and to the support provided by the CCSBT Secretariat to the Commission (Question 51, 4.7). These ratings attest the high quality of the scientific advice produced by the Extended Scientific Committee (ESC) on the SBT stock. The lowest rating (2.0) was given on the ground that scientific advice was not clear enough to those who are not scientists to understand it, particularly on the future trend of the SBT stock. In the view of some respondents, non-technical summaries, for instance, could benefit

Commissioners. “The advice to managers and stakeholders should be further improved in terms of clear and non-technical explanation of risk”. WCPFC, for example, provides an ‘outcomes document’, which is a non-technical summary of the results achieved by the Scientific Committee, presented to Commissioners. Criticism was also directed at the very long time sometimes required by the expert panel to get agreement, rather than on providing independent advice. Occasionally, the ESC also makes assumptions that should have been considered and agreed by Commissioners first. Some asymmetries in engagement across all Members, and differing levels of understanding of the stock assessment and MP models, as well as of the consequent advice stemming from them, was also noted as a reason for concern. Besides, from a Finance and Administration Committee (FAC) perspective, FAC Members are often asked to approve or decline funding for science projects with little information on the potential benefits and/or risks of approving or declining these requests. The fact that all the gene-tagging and close-kin related studies and analyses are done by a single Member⁷¹, with the results being then shared with the Commission and other Members, was also noted with concern, particularly in relation to transparency. “Transparency on the sampling process is completely lacking, although sampling bears quite a high weight in genetic analysis”.

In summary, though, most of the respondents considered that CCSBT has been leading other RFMOs in the adoption of a management procedure that has been tested under a wide range of uncertainties. The fishery-independent data now available to conduct the stock assessments and to drive the harvest control rule is exceptional for a widely distributed tuna stock. The quality of advice is excellent. The ESC has provided clear advice in response to requests and has also taken a lead, advising the EC on issues deemed necessary. The arrangements and processes to provide scientific advice are, therefore, world class and a great example for other RFMOs. That was the prevailing view of stakeholders on the scientific advice produced by CCSBT Extended Scientific Committee on the southern bluefin tuna.

10. How do you rate the quality of the scientific advice produced by the CCSBT Ecologically Related Species Working Group on non-target species that belong to the same ecosystem (in particular, sharks, seabirds, and sea turtles), including the effects of fishing on the marine environment? Mean rating, by groups: 3.5 (26 responses).



⁷¹ The Gene-tagging and Close-kin research is conducted by CSIRO under contract to the CCSBT. The data is available to all Members.

This question is related to questions 2 and 5 and, likewise, got a relatively low rating (3.5), although better than the previous two (2.8). Like the ESC, the Ecologically Related Species Working Group (ERSWG) includes Member's scientists and an independent expert Chair. Unlike the ESC, however, the ERSWG does not have an independent scientific advisory panel. The ERSWG, nonetheless, benefits from significant IGO and NGO expertise (typically ACAP, BirdLife International, Humane Society International and TRAFFIC) at its meetings. The ERSWG task is to provide information and advice to the commission 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.

For the collection of scientific data on non-target species, which is the basis for scientific advice and recommendations, the ERSWG developed a data sharing mechanism (ERSWG Data Exchange), in 2012. More recently, in 2019, Members agreed to report bycatch data with finer scale from 2020 on (spatial and temporal resolution of the data was changed from CCSBT Statistical Area and year to 5-degree resolution and quarter). Considering the relatively good compliance with this reporting requirement by Members and the Scientific Observer coverage (10% of catch/effort in CCSBT, 5% in most RFMOs), CCSBT data on ERS were considered by some to be likely better than those gathered by other RFMOs. Unfortunately, ERS matters have long been the subject of disagreement between CCSBT Members, as already highlighted in the responses received to question 2. Some Members feel that ERS matters should be largely dealt with by the RFMOs in whose Convention Area SBT fishing is being conducted (IOTC, WCPFC, and ICCAT), while other Members feel that CCSBT should take a more active role in ERS matters. According to some, these disagreements are slowly fading away, but they have resulted in lower priority being given to the ERSWG (it typically only meets once every two years), making it sometimes difficult for the ERSWG to agree on the advice to be provided to the EC, due to the prevailing political divide. Furthermore, the two-year gap between meetings makes it harder for the ERSWG to maintain continuity to progress its scientific activity and advice. This is one of the reasons why ERSWG's scientific activity, so far, has not implemented scientific projects (including research, population assessment, suggestion of new approach, etc.) actively "as a group". Instead, Members have worked largely separately. While the ERSWG develops "future work program" including Members' activities, it seems that such activities are not integrated under/towards a common vision. This is again because the priorities of/ interest in ERS issues are substantially different between Members (consequently less-interested Members do not wish to allocate resources to ERS matter) and also because of the great difference of understanding about ERSWG's role. As a result, scientific advice or recommendation from the ERSWG tends to be very general and ambiguous. In 2007, for instance, the ERSWG proposed a draft recommendation on ERS data collection⁷², however, no agreement was reached on the advice that "scientific effort should achieve a better balance between SBT and ERS" (Page 44; 2008 Performance Review⁶⁷). In 2019, the ERSWG again advised the Commission that "best practice mitigation, as referred to in the 2012 ERSWG report, should be applied in high-risk areas"⁷³. However, the EC did not agree to a definition of "High Risk" areas and deferred the issue for discussion at the next EC meeting in 2020.

⁷² [This proposal was made by the Australian and New Zealand delegations (not the ERSWG), and it was not agreed by the ERSWG.]

⁷³ https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_26/report_of_CCSBT_26.pdf

The ERSWG further stated that “the level of interaction between seabirds and SBT fisheries is still a significant concern”, but little progress has been achieved so far.

In addition to these “structural” problems, some of the respondents were of the view that ERSWG is currently leaning too much to “bycatch” related issues, even though its Terms of Reference clearly specify also the task “to advice on predator and prey species which may affect the condition of the SBT stock”. “There seems to be no scientific advice on ecosystem, either, with almost no deliberation on “prey species” and on the “oceanic environment” that have major impact on the recovery of SBT stock”. No discussion on how the efforts for the conservation and management of SBT can be improved is taking place in ERSWG, which, according to them, was incongruent and disappointing. Considering the most important objective of the CCSBT is to recover SBT stock, issues related to predator and prey species should be more carefully considered, including the issue of SBT depredation by sharks. Frustration was also expressed for current discussions in ERSWG being too concentrated on devices rather than on how bycatch can be effectively mitigated.

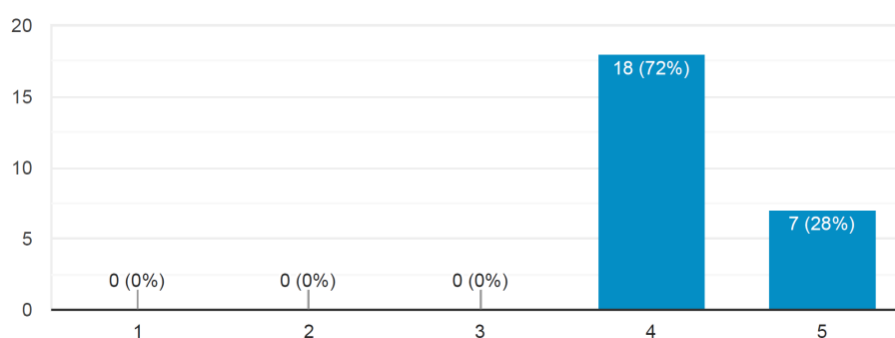
Currently the CCSBT is developing “the CCSBT Multi-year Seabird Strategy”, but there is no similar initiative in relation to sharks and sea turtles, which, at least from a scientific perspective, should receive more attention, although the risks to sharks were considered much lower than for seabirds and those to turtles probably negligible. Overall, however, the data submitted on all bycatch species were considered by many to be insufficient for a proper assessment of the impact of SBT fisheries on them. Some of the respondents expressed a particular concern regarding the incidental mortality inflicted to seabird populations by SBT fisheries. According to one of the respondents, for instance, an excellent scientific work that has been presented to the ERSWG has clearly indicated that longline fishing (especially for SBT) kills tens of thousands of seabirds annually, that the rate of capture is not declining and might be increasing, and that this mortality rate exceeds sustainability thresholds for several seabird species. Unfortunately, this has not been translated into any SBT-specific advice for the adoption of mitigation measures that are much needed to significantly reduce seabird bycatch. The 2008 Performance Review proposed that “scientific effort should achieve a better balance between SBT and ERS” (Page 44⁶⁷). The review also noted that the “wider impacts of SBT fishing on the living marine resources and ecosystems have not been considered by the CCSBT or its subsidiary bodies” (page 48). As it was already pointed out in the responses to questions 2 and 5, according to some of the respondents, one of the main measures required to improve the quantity and quality of the data on the impact of the SBT fishery on bycatch species is to adopt an observer coverage significantly greater than 10%, at a minimum of 20%, since this measure would:

- facilitate the evaluation of the status of the SBT spawning stock and population status, and the impacts of the SBT fishery on ERS;
- support identification of “High Risk” areas, which has not been possible thus far;
- support the call from the ERSWG to “urgently implement more effective and binding ERS mitigation measures” (CCSBT 22 Report, page 26).

According to these respondents, an increase in (human) observer coverage, supported with electronic monitoring and with the adoption of clear and binding disincentives for non-compliance, is urgently needed if the very high seabird mortality is to be rectified in the SBT fishery. Regarding specifically the question, fundamentally whether scientific evidence produced by the ERSWG is good or poor quality,

it is irrelevant if the CCSBT continues to fail to action the ERSWG's advice, as it has been demonstrated repeatedly. It is also important to note, that while it is acknowledged that condensed agendas are necessary, given COVID halting the ability to have in-person meetings, as this may continue for at least another year, there needs to be additional provisions put in place to achieve “a better balance” between SBT and ERS issues. During the 2020 meetings, ERS was effectively off the table, and there was little engagement on these issues in the online forum⁷⁴.

11. How do you rate the structure, processes, procedures, communication and expertise of the Extended Scientific Committee to provide scientific advice to the Commission? Mean rating, by groups: 4.2 (25 responses).



All the responses on this topic were rated 4 or 5, with an average of 4.2, clearly indicating a very positive assessment of the structure, processes, procedures, communication and expertise of the ESC to provide advice to the Extended Commission. Notwithstanding, most of the “4” ratings were given due to deficiencies related to the way ESC communicates its advice to the Commission. This issue was raised at the October 2020 annual meeting of the Extended Commission (EC), when some Members stated that, according to their understanding, the ESC had indicated in 2019 that the Management Procedure was very likely to recommend an increased TAC for 2021 to 2023. Unsurprisingly, these Members were very disappointed that this increase did not occur. This problem was also highlighted in the responses to question 9, where a rating of 2 was given there because the scientific advice on the future trend of the SBT stock was not clear enough to those who are not scientists. Some of the respondents, on the other hand, argued that, in 2019, when the ESC advised on potential new management procedures, it was not asked to comment on the likelihood of no TAC increase. Indeed, it could not have reasonably done so as the data used to determine future TACs were not available then. According to those views, the expectations from Members were, therefore, unreasonable and unwarranted, which is a reason for great concern. In the end, the EC agreed that a better communication between the ESC and EC was needed to help prevent future misunderstandings and instructed the ESC to consider how this could be achieved. Notwithstanding, some of the respondents already pondered that responding to the EC's comments in 2020 at the 2021 ESC will be challenging. According to them, while there is always room for improvement in the ESC communication, consideration also needs to be given to the quality of advice to Members from their own delegations. The need for the EC to formulate clear and specific questions to the ESC, which can be reasonably considered and answered, was also highlighted. Still on the issue of communication, some of the

⁷⁴ [Discussion of ERS matters was conducted in the premeeting discussion by correspondence for both the 2020 CC and EC meetings. This is reflected at paragraphs 10-30 and 128-131 of the CC 15 report and paragraphs 93-99 and Attachment 11 of the EC 27 report.]

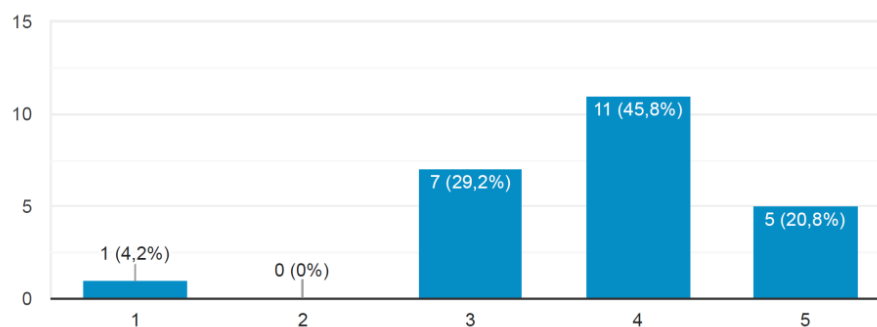
respondents indicated a clear need for a better communication/ translation of stock assessment results, “especially for Members that are not directly involved in the scientific process or still have insufficient capacity to get meaningfully engaged in the assessments”. According to them, there is still an evident gap between Members directly involved in the stock assessment process, which are the main output indicators, Members that are additional indicators, and those that are only indirect indicators. Not all delegates, therefore, participate effectively in the work conducted by the ESC, and this is a concern. Language barriers are real, as are cultural differences in the approach of scientists. It would be good to see encouragement of ESC delegates from all Members to participate fully. Of course, virtual meetings make this even harder to achieve. From all these responses, it becomes clear that a better communication between the EC and ESC is needed, particularly due to the increasing complexity of the work conducted by the ESC.

According to some responses, although the science behind the scientific advice provided by the ESC is excellent, it is really becoming too advanced and complex, even to many Member’s scientists, in particular on OM and MP related matters. And even when national scientists do have a good understanding of the science behind the models, because of their contents are too complex, it has become also difficult for them to communicate with their own Commissioners/ managers/fishers. Genetic data, for instance, which has become a major input to the new MP (Cape Town Procedure), is a relatively new technology and, thus, not all Members are familiar with it, particularly as to how these data work in the new MP. There should be, thus, a mechanism to rectify such information disparity among Members (e.g. inviting external experts on genetic data to the ESC). In this context, some concern was expressed that both OM and MP are becoming a sort of a “black box”, which only few can really understand, with most stakeholders, including scientists, becoming just like observers of the whole process. Under current circumstances, the role of the independent Scientific Advisory Panel was highlighted as even more crucial to ensure transparency and fairness of the decisions made. A further concern related to this issue was the long-standing relationships between representatives, which, according to some, may have compromised the scrutiny of the scientific processes. Additionally, the chairing and the attendance by non-science representatives may also have compromised the Committee outcomes.

The timing of the ESC meetings was also considered a hindrance, since they closely precede the annual meeting, so ESC tasking can sometimes lag annual meeting expectations. Besides, there has been little opportunity for exchanges between the ESC and CCSBT. In one occasion, for instance, some Members of the ESC were invited to attend the meeting of the Strategy and Fisheries Management Working Group, which proved very useful and allowed more in-depth discussion of Commission expectations and goals that were incorporated in the design of the new management procedure. This kind of closer interaction and dialogue between scientists and managers can and should be improved in CCSBT, if the communication gaps are to be overcome.

D. Participation and Capacity Building

12. How do you rate the participation of RFMO Members in the preparation and provision of scientific advice? Mean rating, by groups: 3.3 (24 responses).



Although the majority of the respondents gave this question a positive rating (66.6% of 4 or 5), the average of all groups was reduced to 3.3, because one of the respondents gave it a rating of 1. This low rating was mainly due to the “widescale failure of CCSBT Members to provide robust data on ERS bycatch and non-target species”. As already noted in questions 2, 5, and 10, some of the respondents considered reporting and data collection across the SBT fishery regarding ERS to be incomplete, irregular, and unreliable. And since “scientific advice can only be as good as the data that are used”, a rating of 1 was also given to this question. According to those holding this view, the 2008 Performance Review had already noted that “the same level of competence and scientific effort [applied for SBT] has not been applied to the management of other living marine resources associated with the fishery”⁶⁷, a deficiency that has been largely ignored by the CCSBT and should be rectified.

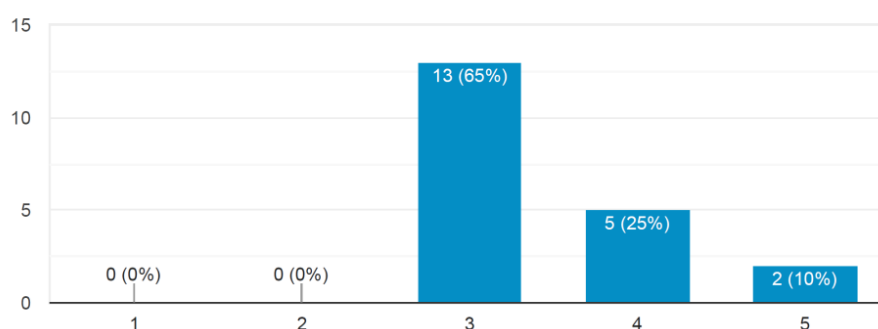
Those who assessed this question positively commented that all Members do provide annual reports to the ESC and that most Members do attend the scientific meetings. Under the SRP, ESC work plan and Scientific Data Exchange requirement, all Members do their required activities, and all Members have equal opportunity to submit documents, review information submitted to the ESC, and express their opinion. Six out of eight Members typically provide at least one scientific paper to annual ESC meetings (in addition to the required annual report). As scientific advice is formed and agreed by the consensus of the ESC, some were of the view that all Members have equal opportunity to participate in the preparation and provision of scientific advice to the EC.

As noted in a previous question (9), however, some of the respondents opined that there appears to be an asymmetry of commitment, investment and understanding with respect to the provision of scientific advice to the EC, with some Members participating much more actively than others. Although this situation was considered to be understandable, given differing history of participation, distinct economic capacity of some Members, a lower level of expertise and language barriers, some of the respondents considered this situation not to be ideal, requiring action by CCSBT to rectify it. Some noted, for instance, that the vast majority of the active debate at the ESC usually comes from only three of the eight Members as does the active contribution to the detailed stock assessment, modelling and provision of scientific advice. “Half of the Members do almost all of the work”. Although some Member scientists participate actively and contribute considerably to the final report and form of advice, participation and report writing is largely done by only three Members, reflecting historical involvement. Inter-session work (e.g. on CPUE, stock assessments and MP development) should

in principle help all Members to participate but those three Members still dominate these processes. It would be good, therefore, to see greater involvement of scientists from all Members.

A final concern expressed was related to the fact that not all Members bring delegations from management authorities to scientific meetings and, therefore, the scientific advice and the recommendations issued are only based on the perceptions from the scientific side.

13. How do you rate CCSBT efforts for capacity building to facilitate the effective participation of developing States in the activities of the Extended Scientific Committee? Mean rating, by groups: 3.3 (20 responses).



Most of the respondents (65%) gave this question a rather “neutral” score (3.0), resulting in a mean by groups of 3.0. Many referred to their response to question 8, on capacity building to improve data collection by developing Members, due to their obvious similarity. The help provided by the Secretariat, particularly in the process of preparation of the national report and data exchange, was considered very good. “The secretariat is always very keen to respond and provide assistance”. The help from some Members in assisting others to collect data and to participate in wider scientific activities was also recognized, as well as the “many projects” in the work programme of CCSBT that have also included capacity building activities. Capacity building (in the form of additional background and explanations) is also conducted, when considered appropriate, in the margins of ESC meetings by other Members and the independent scientific advisory panel. In the early days of the Management Procedure development, domestic briefings were provided to introduce concepts related to the Management Procedure development process. Funding has also been previously allocated (but not used) to facilitate attendance to technical meetings. Other initiatives, already mentioned in some of the responses to question 8, were, for instance, the “CCSBT Maturity Workshop” in Bali, Indonesia, in 2019, for capacity building and calibration on determining SBT maturity status through the ovary; and several bilateral projects between Members.

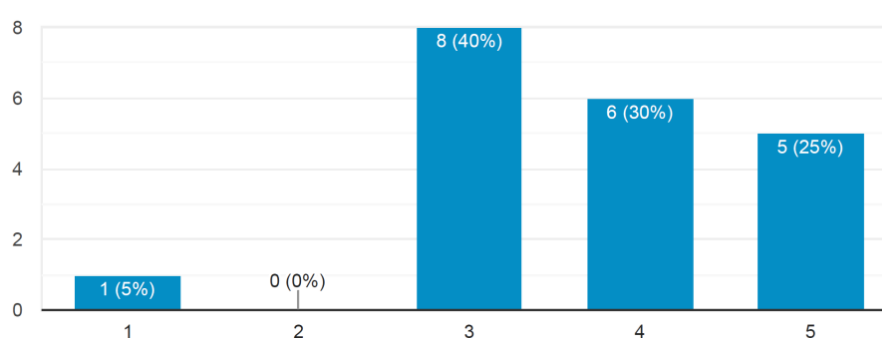
Despite of these efforts, recognized by some of the respondents, most of them considered that capacity building in CCSBT needs to be strengthened, particularly in relation to science. CCSBT does not have a systematic mechanism for capacity building for science to Members (not limited to developing Members), although some level of capacity building does happen through participation by scientists from developing Members in the various activities under the ESC’s process. Notwithstanding, the participation of developing Members in the ESC work was considered to be limited. “Capacity building for developing state scientists is still lacking, so the level of participation and contribution in making decisions and recommendations is still minimal”. Some also considered that there should be a

better mechanism to facilitate a more substantial participation of developing Members in the implementation and examination of the MP.

Finally, some of the respondents emphasized the need for capacity building not to be restricted to developing Members, since in some scientific areas, such as aging and genetic analyses, even scientists from members considered to be well developed were also in need of training. “Capacity building opportunities should be more widely provided to researchers and scientists who need to strengthen their capacity to catch up with the advanced techniques”.

E. Long-term planning and research

14. How do you rate the extent to which the CCSBT adopts and regularly reviews a long-term strategy for the Extended Scientific Committee? Mean rating, by groups: 3.9 (20 responses).

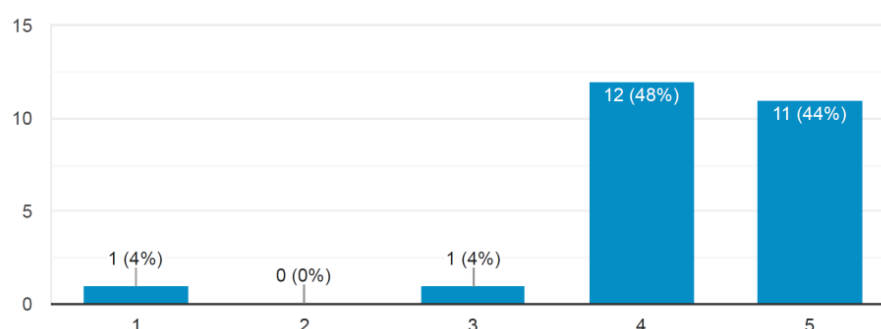


Except for a score of 1, that was given without any further comment, all respondents gave this question a rating from 3 to 5, resulting in an average by groups of stakeholders equal to 3.9 and indicating, therefore, an overall satisfaction with the long-term strategy for the Extended Scientific Committee. The ESC maintains a Scientific Research Program (SRP) that is intended to be updated every 5-years. The SRP specifies on-going scientific monitoring and annual work program activities (including specific research activities with timeframe and priority for each item), undertaken by the CCSBT, Members and the ESC. Based on the SRP, Members and the ESC do their activities and review the outcomes, then develop the ESC 3-year Work Plan, together with a description of the required resources from the CCSBT. These Work Plans and the required resources are reviewed and approved by the Commission. The last SRP covered from 2014 to 2018 inclusive, and it was planned to be revised in 2020 targeting the next 5 years (it was on-hold for the new SBT rebuilding target to be adopted by EC and also the new MP development to be completed). However, due to other priorities and the COVID-19 pandemic, at 2020 ESC meeting there was not enough time to consider a revised SRP (the meeting time itself was shortened as it was held virtually, due to COVID-19 and also due to the time-difference between participants). Since most meeting time was spent for the work on stock assessment work and TAC recommendation by the new MP, the discussion on the new SRP was postponed to 2021, for the subsequent approval by the Commission. One of the respondents considered that because of the absence of a formally updated plan, one recent project request for funding to the Commission may not have been correctly prioritized, highlighting the urgency to have the next SRP built and formally adopted next year. Other respondents pondered that a 5-year SRP may not be considered a “long-term” strategy. The only specific and “long-term” target within the CCSBT is the SBT rebuilding target, which is to achieve 30% of initial Total Reproductive Output (TRO, similar to SSB) by 2035 with 50%

probability. All scientific activities are for achieving this rebuilding target. Considering, however, the current situation of the stock, the natural variability of the oceanic environment, the rapid progress being made by science, and also the time and resources required to revising an official document like the SRP, the “5-year” strategy was considered adequate to support the efforts to accomplish the long-term rebuilding target.

Some of the respondents, however, complained about the low priority given, in general, to the long-term strategy for the Extended Scientific Committee, being often pushed off the agenda, although, occasionally, work on this item has been done intersessionally. The low priority given to the long-term strategic planning is reflected in its position on meeting agendas, being usually rushed as meetings wrap up. This problem is further aggravated by the asymmetry of engagement with ESC and in long term ESC strategy, as previously noted. Despite the low priority and lack of attention, the Extended Scientific Committee processes seem to be working well. Even though the implementation of the long-term strategy might not be necessarily good, there is an informal long-term strategy, driven by the regular review and updates of the stock assessment and the management procedure. A further concern expressed by respondents was related to looking at the necessary research solely considering its costs, without proper planning and strategic thinking about future needs. Others, on the other hand, argued that the lack of a clear prioritization compromised an efficient use of the budget, commenting, thus, that cost/benefit relations should be more carefully considered when developing the plan. The issue of market trade and the use of stereo video in farming activities were also noted as important omissions in the SRP. Regarding issues related to IUU Fishing, it was noted that CCSBT already has a plan that can be implemented, in case there is an allegation of infraction from a Member or non-Member .

15. How do you rate the alignment of the work done by the Extended Scientific Committee with the needs and priorities set by the Commission? Mean rating, by groups: 4.2 (25 responses).



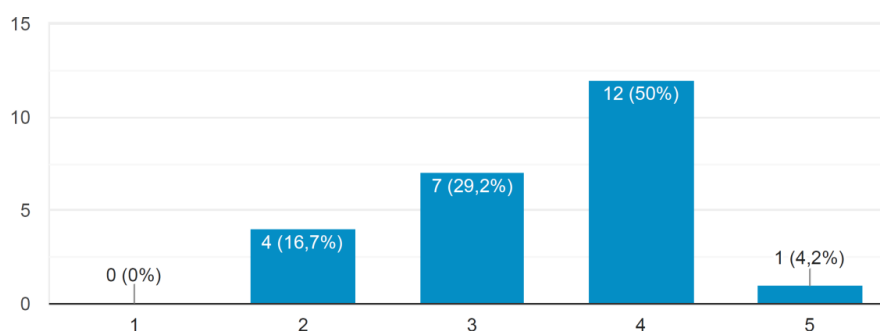
The score of 4.2, on average by the different groups of stakeholders, indicates a very positive assessment by the respondents on the alignment of the work done by the Extended Scientific Committee with the needs and priorities set by the Commission. Except for one “3” and one “1”, all the respondents gave this question a rating of 4 or 5. The reason for the score of “1” was a perceived misalignment in ‘balancing the management of SBT and ERS’ with the functions, needs and priorities set by the CCSBT, again pointing to the problem of inadequate management by CCSBT of the ERS (living marine species which are associated with the SBT fishery) and bycatch species impacted by the SBT fisheries.

As mentioned at question 14, all activities of the ESC are based on the SRP (which includes specific research, timeframes, and priorities), and such activities are reviewed by the ESC every year and incorporated into the 3-year ESC Work Plan, together with specific direction by the EC. After that, the draft 3-year ESC Work Plan (including the resources required from the CCSBT) is reviewed and adopted by the EC. Whenever the ESC fails to carry out any task established in the Work Plan, the reasons for that failure are examined, with the task being usually re-incorporated into the Work Plan, with the required changes needed 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 to the total allowable catch). Although advice from the SC was generally considered to be clear and useful, as already noted in question 9, some of the respondents considered that there is ample room for further improvement in communication to the Commission, especially in terms of risk and non-technical explanations (e.g. paragraphs 56 and 57, of the 2020 EC report), particularly regarding future projections and expectations. “Despite the EC in 2020 was expecting a TAC rise, and none eventuated from the application of the MP, the work done by the ESC is fully aligned with EC needs”. The primary advice on stock status, MP development and implementation, and other matters, aligns well with the EC needs and expectations. Priorities are generally determined by the cyclic TAC setting. At least in the last three years, the ESC has worked only on issues of clear priority, always trying to respond to the requests made by the Commission, in good faith.

II. Conservation and management/ Management component

F. Adoption of conservation and management measures

16. How do you rate the adoption and implementation by CCSBT Members of conservation and management measures for the southern bluefin tuna? Mean rating, by groups: 3.4 (24 responses).



Responses to this question ranged from 2 to 4, with an average by groups of 3.4, indicating a moderate degree of satisfaction by stakeholders with the adoption and implementation by CCSBT Members of conservation and management measures for the southern bluefin tuna. Notwithstanding, some of the respondents expressed a higher degree of satisfaction with the adoption of measures than with their implementation by Members. “Members are very good at adopting measures, but they’re not always great at implementing and fully complying with them”.

The CCSBT's main CMM is the setting and allocation to Members of a global TAC for the SBT. The TAC is based on recommendations from a thoroughly tested Management Procedure designed to rebuild the stock in a manner compatible with the socioeconomic needs. TAC recommendation by the MP is purely the outcome of mathematical calculations by pre-agreed formulae using scientific data input, and Members have agreed to utilize the MP as the guide for EC's TAC setting process. Despite the EC may set a TAC beyond the amount calculated by the MP and recommended by the ESC, since the MP was adopted, in 2011, the global TAC has been always set in accordance with the outcome from the MP (even when, in 2020, the stock assessment suggested a greater than expected rebuilding of the stock, but the MP recommended "no increase" of the TAC).

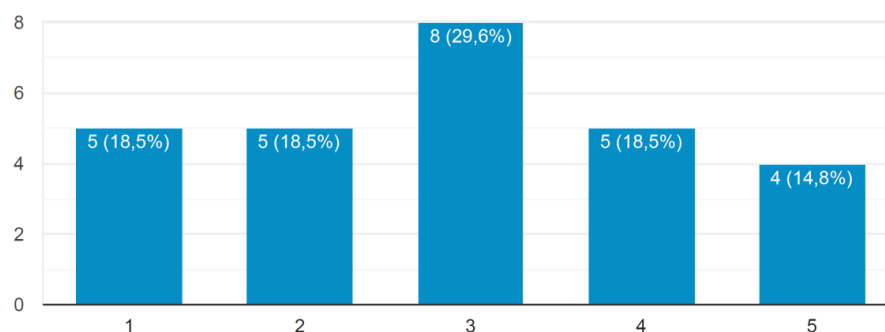
The CCSBT has also set out the "Strategic Plan", which specifies objective, vision, and goals of the CCSBT. This plan has been established and has been revised reflecting the outcomes of the past two Performance Reviews. To support the Strategic Plan, the CCSBT has set out the Compliance Plan (includes 3 years Compliance Action Plan), which provides a framework for the CCSBT to improve compliance and, over time, achieve full compliance with CCSBT's CMMs. When the CCSBT considers CMM, the Strategic Plan and the Compliance Plan are always referred to. It is planned that the current Strategic Plan will be revised once the 2021 Performance Review be completed and PR recommendations be reviewed by concerned bodies of the CCSBT. The most important CMMs, therefore, have been adopted very well.

How well these CMMs have been implemented by Members, however, is a different question. The TAC/allocations are supported by a variety of compliance mechanisms, the most important of which being the CCSBT's Catch Documentation Scheme (CDS). The TAC includes an allowance for IUU fishing, while Members' allocations also include all sources of SBT mortality (not just commercial catch) (see response to question 6). To ensure that total mortality of SBT does not exceed the TAC, the CCSBT has adopted various input-control rules (e.g. vessel/ farm authorizations), output-control rules (e.g. allocations and CDS), and other rules/ mechanisms to control fisheries related activities (VMS, transshipment, port inspection, etc.). All these rules are specified by resolutions as binding measures, and implementation of these resolutions are supported by guidelines, templates/formats, and data-upload systems. Compliance with measures by Members are regularly checked by the Secretariat, then the summary of Members' compliance and specific/important issues are reviewed by the Compliance Committee (CC). Finally, any required actions are taken by the CC and the EC (e.g. revision of resolution, specific request to concerned Member, etc.). Rules and systems to ensure that total mortality of SBT does not exceed the TAC have been, therefore, adopted/ established, as well.

Occasional over catch of Members' allocations has happened and are dealt with by the Corrective Actions Policy, which requires payback of quota, usually in the next year. Nevertheless, there have been cases where Members have refused to pay back their over catch, giving reasons for serious concern, despite the amount was small. An exception to the payback rule was also agreed regarding an over catch in 2020 due to a Member's need to increase fishing during COVID pandemic. The payback in that case, therefore, will spread through some years. There have also been some minor non-compliance issues with other measures (in particular, CDS), but most of these have been followed-up and required actions taken to resolve such problems. The different capabilities by each CCSBT Member to

adequately implement the agreed CMM was also noted with concern. Further consideration on CMMs relating to compliance are considered in the compliance section of this questionnaire.

17. How do you rate the adoption and implementation by CCSBT Members of conservation and management measures for non-target species (in particular, sharks, seabirds, and sea turtles), including the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems? Mean rating, by groups: 2.9 (27 responses).



Like all the previous pair-questions that referred to both the SBT (questions 1, 4, and 9) and then to the ERS (questions 2, 5, and 10), the rate given to the adoption and implementation by CCSBT Members of conservation and management measures for the SBT (question 16, 3.4) was always higher than for ERS (17, 2.9). Most of the positive ratings (4 & 5) came from Industry Representatives (mean= 4.4), and Governments (mean= 3.3), while the lowest scores were given by NGOs (mean= 2.3) and CCSBT Officers (mean= 2.3), clearly showing a difference in perspectives between different groups of stakeholders. Many of the answers provided naturally repeated the points already made in questions 2, 5, and 10, also on the management of ERS.

The responses to all these 4 questions (2, 5, 10, and 17) make evident the need to resolve the issue of CCSBT's mandate with respect to Ecologically Related Species (ERS), which has long been the subject of disagreement between CCSBT Members. Some Members feel that ERS matters should be largely dealt with by the other RFMOs in whose Convention Area SBT fishing is being conducted (IOTC, WCPFC and ICCAT), while other Members feel that CCSBT should take a more active role in ERS matters itself. Until this divide is resolved, the adoption and implementation of conservation and management measures by the CCSBT for ERS will likely continue to be slow and contended. “There seems to be a reluctance from some Members to commit to eliminating seabird bycatch, which prevents the adoption of sufficient measures to mitigate the bycatch”. For the same reason “adopted measures are not implemented sufficiently”.

The situation improved, in 2018, nonetheless, when CCSBT adopted its binding “Resolution to Align CCSBT’s Ecologically Related Species measures with those of other tuna RFMOs” (Alignment Resolution), making the relevant ERS Resolutions/ Recommendations of IOTC, WCPFC and ICCAT, as being CCSBT own requirements and ensuring that these requirements are updated annually (in practice, however, since most CCSBT Members are also members of those RFMOs, they were already bound to these Resolutions/ Recommendations, anyway). The Alignment Resolution also tasked the

Secretariat with preparing an annual report for the Compliance Committee on the implementation of ERS measures. The Secretariat's report has transparently identified problems with the implementation of seabird mitigation measures, which are now being subjected to corrective action.

In the view of some, however, what CCSBT Members have done is essentially to pass the responsibility over to the other t-RFMOs. This, at least partly, reflects a concern that any measures adopted by CCSBT could be inconsistent with current, or become inconsistent with future, CMMs of the other overlapping RFMOs. These other t-RFMOs, however, have different priorities than to address these bycatch issues from fishing for SBT, and may also, on the other hand, use CCSBT as an excuse to avoid taking further action on the risk to seabirds from tuna fishing within their areas of competence, since most of this risk comes from fishing for SBT (90% of the fishing in identified areas of high risk to seabirds⁷⁵ is by CCSBT Members). This overlapping and ambiguous responsibilities have resulted in disappointingly little progress among all the t-RFMOs on the issue of seabird mortality from longline fishing. According to those respondents, within the CCSBT, the various longstanding disagreements among Members over SBT fisheries (such as unreported catches, failure to adopt stereo-video, etc.) have also affected the discussions on bycatch issues and hindered the reaching of consensus on the clear need for actions such as on the mitigation of seabird bycatch. "The Commission performance in this area is poor and there seems to be little appetite to make significant improvements. We know what is required to reduce (or even eliminate) seabird mortality (CCAMLR has shown us how to do it) and yet Members seem unwilling or incapable of making substantial progress in this area. More generally, Members do not seem to understand that they have important obligations on non-target species and the marine environment more generally".

In the view of some of the respondents, there is a need to adopt more effective seabird mitigation measures, particularly in areas of "high risk". However, Members did not yet agree to the definition of "High Risk" areas and deferred the issue for discussion at the next EC meeting in 2020⁶⁷. The adoption of any new measure is unlikely to occur until the impact of full implementation of the current mitigation measures on seabird mortality can be assessed, but such assessment, on the other hand, has been hampered by the limitations of the data submitted by Members, on ERS bycatch, aggravated by confidentiality concerns. As noted in question 2, the only way to resolve this, according to some of the respondents, is to increase human observer coverage, supported with electronic monitoring, coupled with the adoption of clear and binding disincentives for non-compliance. In their view, the CCSBT Members are reporting a very poor implementation of CMMs related to bycatch, resulting in low compliance and high bycatch rates of ERS. Without widescale observer coverage, that is representative of the fishery, including electronic monitoring, and effective penalties for failure to comply with CMMs where they exist, the CCSBT will continue to be one of the worst performing RFMOs in reducing ERS bycatch, in the view of some.

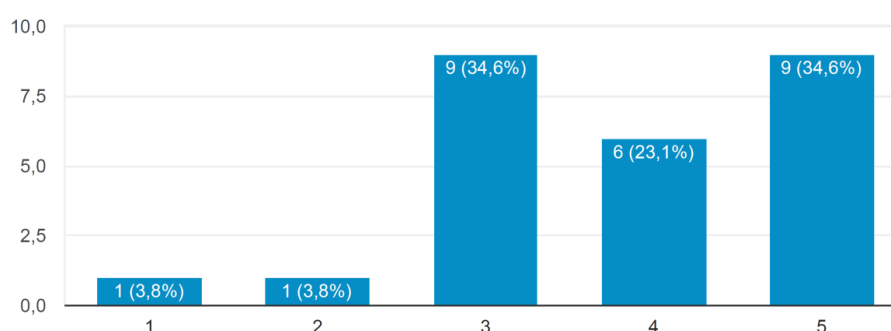
The way CMMs on ERS have been implemented by Members have not been even either. As noted at question 2, while Most Members have complied with ERS related measures relatively well, some Members have failed to comply with very important requirements, such as the utilization of "two of

⁷⁵ [The CCSBT has not yet agreed to a definition of high-risk areas for seabirds.]

three” best practice seabird mitigation measures, with some latest reports, presented at 2020 Compliance Committee, showing a deterioration in the level of compliance, not an improvement. Due to low compliance, bycatch of ERS has remained concerningly high in SBT fisheries, despite effective mitigation measures being available for over two decades, and despite: a) calls for binding measures on seabird and ERS bycatch have been repeated annually; b) an MoU was adopted between CCSBT and ACAP, in 2015; and c) Members have already committed to “adhere to the ERS rules in IOTC, WCPFC, and ICCAT Convention areas in which their vessels fish for SBT”. According to these respondents, bycatch issues in SBT fisheries continue to be deferred, and Members consistently fail to implement mitigation measures and report on ERS bycatch, as noted in the 2020 Compliance report.

Other respondents, nevertheless, had a different view on the issue. According to some of them, a reasonable level of CMMs, which is comparable to other RFMOs, has been adopted by CCSBT. Some considered CCSBT to be even more advanced in implementing CMMs related to seabirds than other RFMOs. For other bycatch species, however, since CCSBT does not have a specific area of jurisdiction, the adoption of other RFMOs’ measures was considered the best approach. Some CCSBT Members argued that management of ERS is not consistent with the CCSBT Convention, and that, as a non-spatially defined RFMO which overlaps areas managed by other RFMOs, any CCSBT measures would duplicate those of the other RFMOs. Some pondered, however, that a more contemporary role for the CCSBT, based on obligations contained in broader marine and fisheries agreements should guide the work of CCSBT regarding ERS. In addition to this, there appears to be varying expectations of ERS and bycatch performance, with apparently differing views about take of species of concern, compared to ongoing high rates of bycatch of currently abundant species or byproduct species. There was only a single comment on species other than seabirds, with one of the respondents expressing the view that sharks should not be considered non-target as they do form an important part of the retained catch for many fishing trips.

18. How do you rate the application by CCSBT of 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? Mean rating, by groups: 3.6 (26 responses).



The rating of 3.6 given, on average, by the different groups of stakeholders to this question reflected, in most cases, the mean between the way the precautionary approach has been applied to the SBT (considered very good) and to the ERS (considered very poor). Some actually commented that the score of 3 given by them was an average between a score of 4-5, with respect to SBT, and of 1-3, with respect to ERS.

The CCSBT's Convention pre-dates UNSFA and, therefore, it has no reference to the precautionary approach. However, the CCSBT's Rules of Procedure have been amended to specify that “the Scientific Committee shall incorporate advice consistent with the precautionary approach in its advice to the Commission”. Accordingly, at least regarding SBT, the CCSBT has adopted a Management Procedure (and associated data collection programs) as its basis for setting the SBT TAC. This approach was considered to be inherently precautionary through checking robustness to scientific uncertainties in the management procedure testing process. The Management Procedure (MP) known as the ‘Bali Procedure’ was used by the ESC to recommend the TAC for 2012-2020. In 2019, the CCSBT adopted a new MP called the “Cape Town Procedure (CTP)” and has used it for recommending the TAC for 2021 and beyond. In the process for the development and adoption of the latest Cape Town Procedure, Members tested several candidate MPs (CMPs), which were tuned to achieve the target that was finally agreed by the Commission. All CMPs have, thus, been tested against various scenarios (including extreme assumptions), so called “robustness tests”, including provisions for potential non-Member catch. Scenarios used for robustness tests included various negative assumptions, for example “future recruitment reduced by half”, “50% of over catch associated with reported effort”, “40% over catch by the farming sector”, “2,000 t of over catch by non-Members”, and so on, which are extreme and not likely to happen. Under each scenario, all CMPs and OM were run for stock projections and those results were shown in various ways for comparison (e.g., trajectory, violin plot, etc.). All CMPs achieved rebuilding target (except for only one scenario, by one CMP), although there were differences between CMPs, in terms of rebuilding speed, future TAC levels and risk of reducing TAC in the future. Then, the ESC recommended only one set of CMP that was considered to be the best, which was accepted by the EC, in 2019, despite expectations that the TAC would be increased due to the steady rebuilding of the stock. This outcome evidence that the process has been successful to depoliticize the task of TAC setting. The target recovery level (0.30 relative TRO), which is close to B_{MSY} , was also considered sufficiently precautionary.

The “robustness test” assures that the MP is solid enough against any extreme situations which may happen in the future. Besides, the global TAC is set in accordance with the outcome of the MP run using the latest available data input. If there are any exceptional circumstances (i.e., data or events which are divergent from the projected trajectory of the robustness test), the ESC addresses the situation in accordance with a pre-agreed Meta-rule process⁷⁶. Considering this careful routine, the current TAC setting by the CCSBT can be considered very “precautionary” against unexpected circumstances, at least at the ESC level. As noted by one of the respondents, “the use of a management procedure that has been tested over a wide range of uncertainties to achieve interim and long-term rebuilding goals is the most effective way to implement the precautionary approach”. Besides, unlike many tuna RFMOs, the ability CCSBT has demonstrated to translate objective-based TAC decisions into Member catch shares of that TAC, has allowed the EC not just to adopt a precautionary framework but actually to implement it in practice. According to some, that has only been possible because CCSBT has been able to achieve a delicate balance between a level of exploitation that is safe to ensure stock rebuilding, but that provides, at the same time, the benefits needed to ensure the socioeconomic sustainability of SBT fisheries. In summary, despite some criticism on unresolved

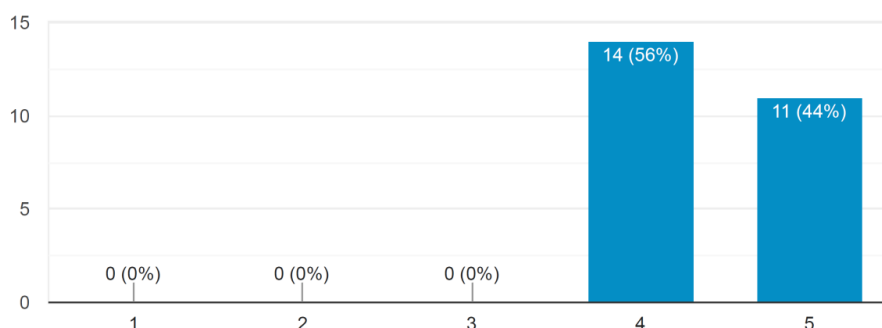
⁷⁶https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/general/ESC25_Attachment_08_CTPSpecifications.pdf

issues around unaccounted mortalities for SBT, the procedures adopted by the CCSBT regarding the SBT were considered very solid and in conformity with 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.

Some of the respondents, however, in responding to this question, raised again the issue of communication, stating that the Extended Scientific Committee should more clearly articulate the levels of uncertainty and their consequences for managers to make more informed decisions. Along these lines, some considered the interpretation of Nominal CPUE and of the uncertainties in the MSE processes to be influenced by subjective judgements, reiterating that not sufficient explanations have been provided to the stakeholders other than to a handful of experts actually doing the calculations, hindering, therefore, their capacity to assess whether the current precautionary approach was appropriate or not.

Regarding the application of the precautionary approach to the ERS, however, the overall assessment of the respondents was much more negative, with many holding the view that CCSBT has simply not applied, so far, the precautionary approach to them. “There is too much discussion, analysis and research, but not enough action to take a precautionary approach in the event of lack of and/or disputed information with respect to the impact of fishing activities on associated species”. Although some recognized that there are some bycatch mitigation measures in place, they were considered too timid and not complied with fully, anyway, with no sanctions being imposed because of that. “CCSBT seems to tick the box that measures have been adopted (or are adopted in other RFMOs where SBT is caught, see the answer to question 17), but there is not so much transparency on the level of compliance with these basic mitigation measures, with potentially thousands of seabirds being killed every year, despite the knowledge that demonstrably effective mitigation measures are available and used elsewhere. This information seems 'hidden' in the details of papers”. The CCSBT performance in relation to the application of the precautionary approach to non-target species was, therefore, considered very poor.

19. How do you rate the implementation by CCSBT of the rebuilding plan for the southern bluefin tuna? Mean rating, by groups: 4.4 (25 responses).

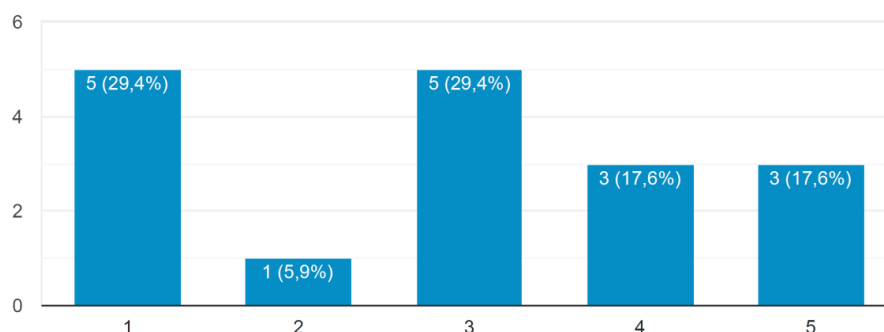


With an average by groups of stakeholders of 4.4, and no rating lower than 4, the rates given to this question were among the highest, indicating unequivocally a unanimous satisfaction with the way CCSBT has been implementing the rebuilding plan for the southern bluefin tuna. The CCSBT's rebuilding plan was initially implemented through its first Management Procedure, which was in place

from 2012 to 2020. The CCSBT has accepted, so far, all TAC recommendations from the Management Procedure (although not without substantial debate each time). Notwithstanding, even in 2020, when there was a clear dissatisfaction about the lack of TAC increase, the EC still adopted the MP-set TAC for 2021-2023, despite considerable pressure to do otherwise by some Members. As a result of that, the spawning stock has rebuilt to approximately the level of the interim rebuilding target in less than the target time frame. The CCSBT's current rebuilding target is to achieve 30% of initial Total Reproductive Output (TRO, similar to SSB) by 2035 with 50% probability. To achieve this target, the CCSBT has set/is setting a TAC in accordance with robust and precautionary MP recommendation (see response to previous question). The MP development and implementation has been endorsed by all Members, with continued adherence to it being the key for recovering the stock to target levels. To ensure that SBT mortalities do not exceed the TAC, the CCSBT has implemented various measures and Members' compliance has been generally good. While there have been several "over catch" incidents, these are still within assumptions of the MP and have not affected the prospects of achieving current rebuilding target. Besides, these over catches have been, at least in part, compensated by pay back schemes. So, summing up, the rebuilding plan based on the MP has been effectively implemented so far and it is working well in terms of ensuring the recovery of the stock, with rebuilding occurring at even a somewhat faster rate than originally expected.

Some of the respondents, however, expressed concern with the statements by some Members that they will leverage adherence to the MP outcomes against other considerations. Others reiterated the need to improve communication, considering the confusion experienced at the 2020 EC meeting around TAC setting. Finally, some of the respondents opined that under the present circumstance of high uncertainties due to lack of direct recruitment indices, it would be critical to achieve a track record of steady stock rebuilding year after year, instead of swinging from joy to sorrow each time numbers come out. According to them therefore, the focus should be placed not on early stock recovery but rather on a sound recovery.

20. How do you rate the measures implemented by CCSBT to minimize pollution, waste, discards, or catch by lost or abandoned gear, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques? Mean rating, by groups: 2.4 (17 responses).



This question was the one with the widest range and most heterogeneous ratings, from 1 to 5, with an average by stakeholders of 2.4, indicating a predominance of negative responses. Although most of the

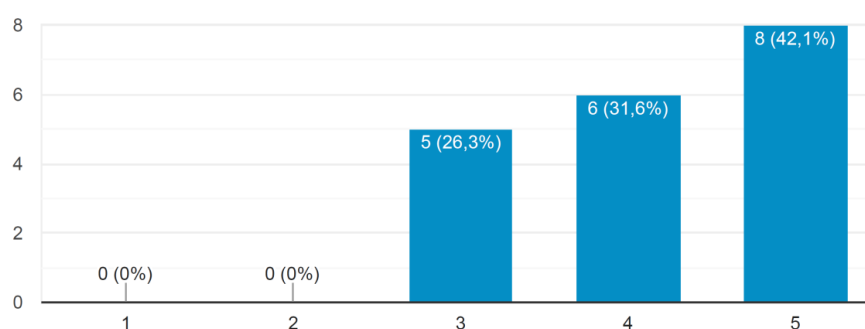
respondents were of the view that CCSBT has so far done nothing to minimize pollution, waste, discards, or catch by lost or abandoned gear, the reasons for that differed among respondents.

Some argued that these matters should be dealt with not by CCSBT, but by each Member's government, under their responsibility, as parties of UNCLOS, London Convention, CBD and so on. Since the CCSBT does not have any mechanism to consider Members' compliance against other conventions like these, it could do nothing about the problem. Others pondered that these issues should be largely deferred to spatial (area based) RFMOs, despite recognizing that some more work was probably needed in this area by the CCSBT.

Some of the respondents, however, had a different perspective on this issue, arguing that the CCSBT does have a direct responsibility over this problem and, therefore, should take urgent action to address the issue of pollution from fishing vessels under its mandate by implementing binding CMMs in line with those adopted by other t-RFMOs (e.g. WCPFC CMM 2017-04⁷⁷). According to those views, while there is unambiguous evidence of pollution issues from tuna long-line and purse seine vessels operating in other RFMOs, mainly related to the dumping of plastic waste⁷⁸, the CCSBT has adopted no CMMs, operational guidelines or other measures to minimize pollution, waste, discards, or catch by lost or abandoned fishing gear, apart from Member level accession to MARPOL.

G. Compatibility of management measures

21. How do you rate the compatibility of the conservation and management measures adopted by coastal States within the range of distribution of the southern bluefin tuna, in areas under national jurisdiction, and those established for the high seas, as reflected in UNFSA Article 7? Mean rating, by groups: 4.2 (19 responses).



This question received a majority of “5” ratings (42.1%), and no score under 3, with an average of 4.2, indicating that CCSBT stakeholders are generally satisfied with the compatibility of the conservation and management measures adopted by coastal States within the range of distribution of the southern bluefin tuna, in areas under their national jurisdiction and in the high seas, as reflected in UNFSA Article 7.

⁷⁷ <https://www.wcpfc.int/doc/cmm-2017-04/conservation-and-management-measure-marine-pollution>

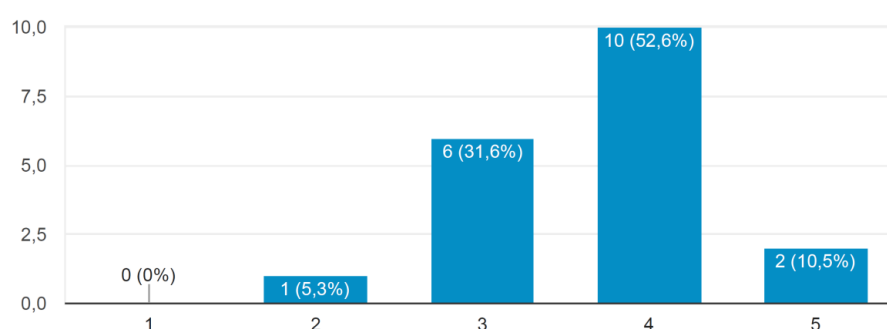
⁷⁸ Richardson, K., Haynes, D., Talouli, A. et al. Marine pollution originating from purse seine and longline fishing vessel operations in the Western and Central Pacific Ocean, 2003–2015. *Ambio* 46, 190–200 (2017). <https://doi.org/10.1007/s13280-016-0811-8>

Article 1 of the Convention establishes that it “...shall apply to southern bluefin tuna (*Thunnus maccoyii*)”, with no definition of geographical region, so the CCSBT does not have a clearly defined “convention area” and, therefore, its adopted measures shall be applied to all SBT fisheries, regardless of where they are operated, in the high seas, in the EEZ or in territorial waters. Since the CCSBT does not differentiate these legal zones for the application of the CMMs, the compatibility of the CMMs adopted by coastal Members in areas under national jurisdiction and in the high seas is considered to be high, despite the cases where measures, however compatible, may not be complied with, which, then, becomes a problem of compliance, not of compatibility.

Some of the respondents considered, however, that since often it is not so clear what conservation and management measures are in place in the areas under national jurisdiction, a standard process to review and discuss such measures should be developed by the CCSBT. Others pondered that despite coastal Members have, in general, implemented CMM related to SBT, in a compatible manner, their implementation capability is still constrained by technology, human resources, budget, and characteristics of multi-gear and non-target fisheries. Some coastal Members, therefore, seem to implement compatible measures better than others. Besides, the domestic management arrangements of some Members do not seem to be sufficiently rigorous or robust to provide a high level of confidence that measures agreed to by the CCSBT are being thoroughly implemented in the waters under their jurisdiction.

H. Fishing allocations and opportunities

22. How do you rate the CCSBT process for the allocation of the total allowable catch for the southern bluefin tuna, including taking into account requests for participation in this fishery from new Members or participants, as reflected in UNFSA Article 11? Mean rating, by groups: 3.7 (19 responses).



For existing Members, the TAC is allocated in accordance with the “Resolution on the Allocation of the Global Total Allowable Catch⁷⁹”. Under this resolution, the TAC (minus research mortality allowance) is divided by “nominal catch percentage” (specified in the annex of that resolution), calculated from “Nominal Catch Level”, which is based on historical SBT catch and agreed by the Commission. This nominal catch level can be changed upon the request by Members and agreement by the Commission.

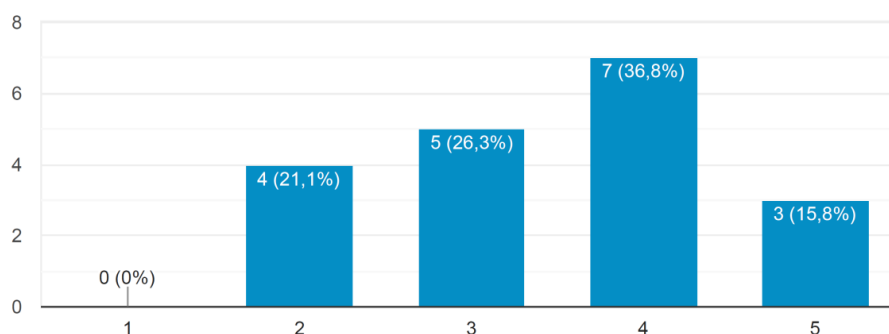
⁷⁹https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Allocation.pdf

In the past, such changes have usually happened when the global TAC has increased. Some of the respondents commented that this Resolution works well, except when a Member considers it should have a greater share of the TAC than previously accorded (as it happened at the 2020 meeting). Others argued that, despite Article 8(4) of the CCSBT's Convention specifying matters to be considered in allocations among the Parties, it does not address all provisions of UNSFA Article 11, particularly in relation to developing States and coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources. "While the CCSBT has benefited from stable and agreed allocation, and this has been a major benefit in achieving stock recovery, development of clear processes and criteria for future allocation to existing and new members needs to be progressed".

Others, on the other hand, considered the allocation process to be not only consistent with UNSFA Article 11, but democratic, as a decision requires a consensus, and with due consideration to the rights of coastal developing Members. The caveat that UNFSA only provides a range of considerations, but not a clear process for allocation, was however, noted. According to those views, historic catch, fishing capacity, coastal states' characteristics are considered in a well-balanced manner. Some, however, commented that the allocation process and ratio should take Members' active fleet size into account. In practice, despite some diverging views, allocation to Members, including new entrants, has been a negotiated settlement, with catch history being an important part of discussions. The balance of interests of traditional players and the request for new opportunities for incoming players remains a difficult issue.

In terms of new Members, the CCSBT does not have a specific pre-agreed mechanism to provide allocation. The "process lacks transparency and in the case of new Members is largely undefined". "It would be useful for the Commission to develop a policy on allocation of catch to new Members and make this public". Nonetheless, all Members, except one, consider that the allocation to a new Member should be discussed and agreed on a case-by-case basis. One Member suggested that a mechanism for providing allocation to new Members should be developed, but the Commission did not accept that suggestion. In the past, new Members have firstly become a CNM, receiving, on that occasion, a certain amount of the TAC, in accordance with paragraph 6 of that resolution. After becoming a Member, one of them requested to have their nominal catch increased and had its request attended by the Commission. In the view of one of the respondents, "if a new Member demonstrates its commitment to comply with CCSBT CMM and also explains the necessity for an allocation increase", it will likely accomplish it.

23. How do you rate the CCSBT consideration of the special requirements of developing states, with respect to fishing allocation or opportunities? Mean rating, by groups: 3.4 (19 responses).



The ratings for this question ranged from 2 to 5, with an average of 3.4, by groups of stakeholders, indicating diverging views on the issue. Many of the respondents to this question referred to their answers to the preceding question (22) since it also refers to the allocation of fishing opportunities. The most important provisions for allocation within the CCSBT are specified at Article 8-4 (a-f) of the Convention, and they are mute on whether the development status of a nation should be considered for setting an allocation or not. Likewise, CCSBT's CMMs are applied to all Members equally, regardless of the Members' development stage. So, all Members must implement the same measures (e.g., CDS, vessel authorization, VMS, etc.), despite their different background, nature of fisheries, government capacity, etc. Very little consideration has been given, therefore, to the special requirements of developing Members, noting that, so far, there have only been two developing Members that have requested Membership and an allocation. Despite some capacity building is at least included in the Strategic Plan and in Compliance Plan – goal/ strategy 10 – it does not go much further than that. The reasons why the CCSBT convention does not have specific provisions for developing Members are likely because the CCSBT was established by only three “developed” Members and before the advent of UNFSA. If the Commission decides to revise the Convention, however, this theme should be considered seriously.

In practice, the discussions to address the allocation of fishing opportunities to developing Members at annual meetings have been tense, with a general, voiced, diplomatic interest in accommodating their special requirements, but a great difficulty to actually deal with such issues, resulting in, unsurprisingly, divided views.

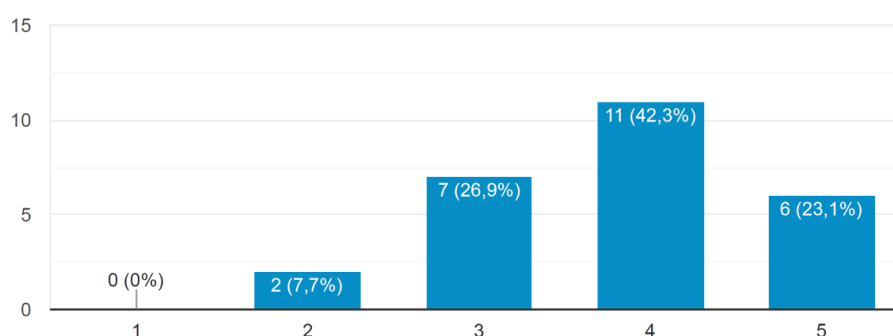
According to some of the respondents, the recent discussions have been accommodating in considering special requirements of developing Members with respect to allocation. More specifically, the most recent two negotiations on TAC allocations (in 2016 and 2020) gave due consideration to the requests from the two coastal developing Members. “The special requirements of developing states have been considered in the context of UNFSA Article 11 (d), and (e), while the status of the stock and the need for rebuilding were also considered, in conformity with Article 11 (a).

On the other hand, some expressed an opposite understanding, opining that the needs of developing Members have not been properly considered in allocation decisions. “CCSBT still uses a historical catch regime, and, therefore, there has been no transfer of quotas from developed Members to developing Members in a fair manner, with most of the TAC still being held by 2 (two) Members”. “Many

traditional players are not willing to give up some share of their allocations for the sake of more allocations to the developing players”.

I. Decision-making

24. How do you rate the decision-making procedures in CCSBT, for the transparent and consistent adoption of conservation and management measures? Mean rating, by groups: 3.7 (26 responses).



Most of the respondents (65.4%) gave this question a rating of 4 or 5, with an overall average by groups of 3.7, indicating that most of the stakeholders are reasonably satisfied with the decision-making procedures in CCSBT. Basically, all the decisions made by CCSBT require the consensus of Members, a requirement that, according to most of the respondents, have positive and negative consequences. “Consensus decision-making has some strengths; however, it can also lead to a lack of transparency and consistency in CMMs”.

The consensus-based decision-making process was considered a “lowest common denominator” approach by some, since it may often lead to the adoption of sub-optimal CMMs for the sake of having something rather than nothing. It may also prevent progress, in many instances. Some issues have been in a deadlock for over a decade, blocked by a single Member, for instance. Because of this limitation, some of the respondents considered that there should be exceptions to this general rule. A Member, for example, should not be able to block (due to lack of unanimity) a sanction or corrective action against itself, when such a decision has been agreed by the majority of the other Members. A majority decision-making process, in these cases, would make Members more accountable.

The “consensus” rule, in many cases in the past, have almost impeded agreement for crucial management issues such as the TAC and national allocations, including during the last meeting. According to some Members, however, this difficulty has been even more serious, regarding ERS. The only binding conservation measure related to them that has been ever adopted in the ERSWG was to make it explicit that vessels fishing for SBT must follow the CMMs of the other t-RFMOs in

whose waters they fish⁸⁰. This resolution on the alignment of measures with other t-RFMOs, however, does not add to those already in place. Beyond that, there has been no consensus on the need for CCSBT to adopt conservation and management measures on issues related to the impact of SBT fisheries on bycatch species, including the most pressing of them: the high level of seabird mortality in longline fisheries. Indeed, despite extensive discussions at CCSBT 14, there was no consensus to adopt binding measures on ERS, or even to agree on a definition of ‘high-risk’ (see also responses to question 10). These are just two examples of how the consensus approach can stymie progress on the mandate of the Convention to address impacts of SBT fisheries to ERS. According to some of the respondents, ultimately, despite repeated calls for binding measures on mitigating bycatch (see also responses to question 17), the inaction of the CCSBT to adopt binding measures has led to over a decade of ongoing declines of species directly impacted by SBT fisheries. Although there are hopes that the recently adopted measures will yield a reduction in ERS bycatch, without decisions to implement greater observer coverage, including electronic monitoring, compliance to these measures is likely to remain poor.

On the other hand, various positive aspects of a decision-making process based on a consensus approach were highlighted by several respondents. As the 2008 Performance Review noted, the consensus-decision making approach has benefits in that it protects the interests of minority views, and “should yield greater ownership of - and hopefully greater compliance with - the measures adopted.”⁶⁵ Some of the respondents agreed with that view, commenting that “a consensus-based decision-making process should receive greater ownership by all Members”; and that “consensus-based decision-making has enabled all Members to have their interests reflected in the negotiation”. Besides, and more importantly, it does not allow “reservations” or “objections” to be presented against the implementation of measures agreed, an opt-out resource that may render adopted measures meaningless. Considering the yet reasonably small number of CCSBT Members, some concluded that the consensus rule was still a better alternative than allowing the opting-out resource by unsatisfied Members.

In general, the decision-making process was considered to be transparent and consistent, particularly when the decisions at the Commission meeting or other subsidiary bodies are made at plenary, which includes the presence of observers. “It is a small Commission and at the time of decision making, all Members can express their views and opinions freely”. However, many decisions are made out of the main session, at “Heads of Delegation” meetings, which is limited to some representatives from Members only, or through bilateral discussion, not becoming clear, nor disclosed, how the conclusion was reached, leading to a loss of transparency. This has been often the case when the EC has discussed decisions regarding allocation and setting of the total allowable catch (TAC). According to some, the Extended Commission (EC) has used Heads of Delegation (HoD) meetings too frequently, which has undermined its transparency in decision-making. “Decisions made in closed sessions limit overall transparency”. In 2020, as for many RFMOs, virtual meeting formats prevented corridor discussions, aggravating this situation further. On the other hand, some of the respondents pondered that, considering the diplomatic sensitivity of some issues and the elevated tension

⁸⁰ [This was a Resolution introduced to and adopted by the Extended Commission, not the ERSWG.]

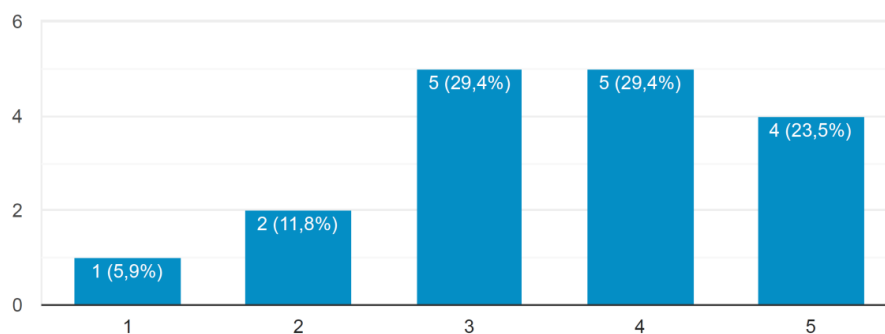
sometimes involved, it would be much more difficult to reach consensus if these discussions were held in plenary. Some of the respondents also considered the process for making intersessional decisions often not transparent enough, despite they tend to be more of an operational nature, and not for the adoption of CMMs. On the other hand, some decisions by the Commission have been made through “intersessional decision-making process”, using the CCSBT circular, which is only available to Members. Such intersessional decisions are not always clearly reported at the meetings or published to the public area of the website, therefore compromising their transparency, since they leave no room for third parties to join the process, nor to know the reasons why a decision was made.

Regarding consistency, the process to adopt CMMs on the SBT, including the most important ones, such as the rebuilding target and TAC recommendation, was considered to be very consistent, involving the coordinated work of the ESC, the CC and the EC, in an integrated manner, including a good communication between Commissioners/ Managers and Scientists, to ensure the adoption of and the compliance with the required measures. Usually, the ESC and the CC do their job under the EC’s direction, and most of the CC and the ESC’s recommendations are accepted by the EC. Some concern was, however, expressed that past TAC decisions were based firmly on the acceptance of the MP implementation and trust in science, but as the stock continues to rebuild and TAC increases are becoming more likely, the basis for acceptance of MP-set TAC and trust in the underpinning science may be wavering.

Concerns were also noted regarding consistency of the CMMs adopted for ERS. Despite the ERSWG have reiterated its recommendations year after year, most of them have not been yet adopted by the EC. This may be partly because the ERSWG’s recommendations were unclear, but it again exposes the differences of views among Members regarding the CCSBT mandate to adopt measures related to ERS. Finally, some of the respondents also expressed their concern regarding decision-making process still using the original convention, resulting in two of the Members not having voting rights in the Commission.

J. Dispute settlement

25. How do you rate the mechanisms CCSBT has put in place for resolving disputes? Mean rating, by groups: 3.5 (17 responses).



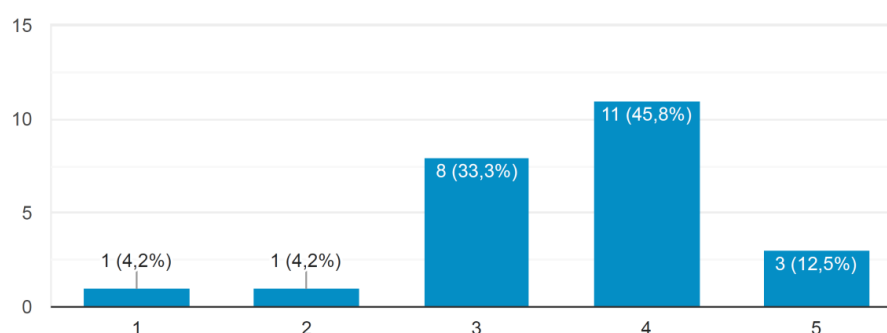
The average rating for this question was 3.5, ranging from 1 to 5, although most of the responses were 4 or 5 (52.9%), indicating a reasonable level of satisfaction by stakeholders regarding CCSBT process for resolving disputes. The dispute resolving process in force in CCSBT is established in Article 16 and in

the Annex to the Convention. All Members (except the Fishing Entity of Taiwan) are Parties to UNFSA and the 2008 and 2014 Performance Reviews consequently indicated that the dispute settlement rules provided by UNSFA could also be used by the Extended Commission. The 2014 Performance Review also recommended “that the CCSBT should 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.” Notwithstanding, no action has been taken on this recommendation so far. A potential problem again noted in this response, already highlighted in the previous one, was the difficulty to penalize a non-compliant Member because of the required consensus for taking a decision (as the non-compliant Member would also need to agree), creating a potentially conflicting situation, so some further work in this area was suggested. The hiring of a legal advisor was also recommended in one of the responses.

III. Compliance and enforcement/ MCS

K. Monitoring Control and Surveillance (MCS)

26. How do you rate the MCS measures adopted by CCSBT (e.g., required use of VMS, observers, restrictions on transshipment, boarding and inspection schemes)? Mean rating, by groups: 3.4 (24 responses).



Again, in this question, most of the respondents gave it a rating of 4 or 5 (58,3%), with only one “1” rating and one “2”, with a mean of 3.4, indicating a moderate satisfaction of stakeholders with the MCS measures adopted by the CCSBT. Nonetheless, some have qualified their response by clarifying that it was more related to the “adoption” of measures than to their “implementation”, addressed in the next question. “There are issues associated with implementation, compliance and reporting of measures”. The CCSBT has a range of MCS measures in place, including a comprehensive Catch Documentation Scheme (CDS), records of authorized vessels and authorized farms, VMS requirements, transshipment requirements (including observers for at-sea transshipments) and requirements for inspections of foreign vessels in port. The CCSBT also has a range of compliance policies and a Quality Assurance Review process (which is essentially independent audits of Members’ systems).

Most of the MCS measures and related measures can be found at CCSBT website⁸¹. Some areas where improvement would be useful include: a) moving to an electronic CDS instead of a paper-based system

⁸¹ <https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>.

(development work is underway on this, but it has been delayed due to disagreements on certain aspects, with no guarantee that the current work will be adopted); b) adopting a centralized VMS (instead of a Member-only VMS); and c) adopting electronic monitoring system (EMS) standards and requirements. The CCSBT does not have a boarding and inspection regime, but that is partially because it does not have a Convention Area to which such a regime would apply. All MCS measures are structured under the CCSBT Strategic Plan and the Compliance Plan to accomplish the goals agreed by the Commission.

One problem with CCSBT measures is that because the CCSBT has no spatial boundaries it must often piggy-back off the measures of other RFMOs, such as the IOTC and ICCAT (and to a lesser extent WCPFC). For example, the CCSBT transshipment observer programme is run by the ICCAT and IOTC, with CCSBT considering their transshipment observers to be from CCSBT as well. This is surely an advantage in terms of cost/ timesaving but may be disadvantageous in terms of being able to introduce CCSBT-specific changes to the transshipment measure. “Deferring MCS measures to the relevant overlapping RFMO makes logistics simpler but results in the lowest MCS level”. CCSBT VMS requirements too must essentially follow those in the ICCAT, IOTC and WCPFC Management Areas⁸², so that they are consistent between RFMOs that share space. Consequently, slow progress in IOTC, for instance, considering its VMS options going forward, also delays progress in the CCSBT. Besides, the replication by CCSBT of measures from other RFMOs, does not necessarily take into account the specific needs of CCSBT (for example, the Resolution for CCSBT Scheme for Minimum Standards for Inspections in Port). On the other hand, some duplicated measures have been adapted and improved upon (for example, the Scientific Observer Program Standards, which requires a target of 10% observer coverage, compared to WCPFC’s 5% target). Notwithstanding, as recalled by one of the respondents, the 2008 Performance Review noted that while steps had been taken to improve compliance and reporting, the CCSBT was lagging behind many other RFMOs, both in the adoption of an integrated VMS system and in monitoring at-sea transshipments⁶⁵. Some of the respondents also commented that the inspection level of landings and transshipments by foreign fishing vessels, presently set at only 5%, should be increased. “Total transparency in regard to transshipment needs to be a future priority”.

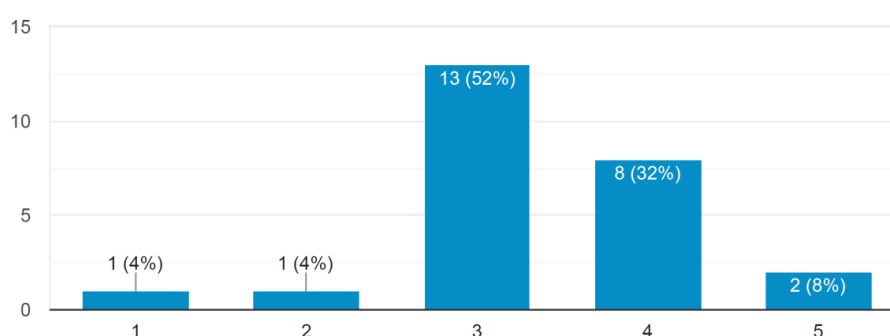
According to others, on the other hand, there has been too heavy a focus on longline fishery (e.g. transshipment), with much less attention being given to farming activities, for instance. Another reason for concern was the reluctance of CCSBT to make progress towards adopting electronic monitoring (EM) in the vessels fishing for SBT. “In delaying the fleetwide implementation of EM, data will continue to be inadequate to robustly evaluate the state of the SBT fishery, failing to meet the goals of the Convention. Along the same lines, some noted the need for greater requirements for observers particularly to allow a better coverage of seabird bycatch and a proper assessment of the effectiveness of the adopted mitigation measures.

Regarding the implementation of the measures adopted, some of the respondents expressed concern with the different interpretations given by Members to the various requirements established by the

⁸² [The CCAMLR Convention Area is also covered by the CCSBT VMS Resolution.]

CMMs (e.g. regarding the flow of information collection and validation/ certification process of CDS required for the export of SBT from farming activities). According to them, such ambiguities in the way CMM requirements were being interpreted were giving room to their arbitrary implementation and should be, therefore, clarified. Finally, according to some of the responses, “there is insufficient independent verification of the implementation of MCS measures, a deficiency that needs to be improved”.

27. How do you rate the fulfillment by CCSBT and Members of those MCS measures? Mean rating, by groups: 3.3 (25 responses).



This question got an average score of 3.3., very close to the previous one (3.4), but with the majority of the responses getting a rating of 3 (52.0%), indicating a less positive assessment by stakeholders of the fulfillment by CCSBT and Members of the MCS measures adopted, when compared to the adoption of the measures. Notwithstanding, as summarized in the Secretariat paper to the Compliance Committee, titled “Compliance with CCSBT Management Measures”, in general, Members’ compliance with CCSBT MCS measures is considered to be relatively good. Most data submitted to the CCSBT by Members (e.g. CDS data) are compared with external data sources (e.g. COMTRADE), while some MCS measures (e.g. transshipment, authorized vessels) are collated with other RFMO’s data. Nevertheless, the non-compliance against the most important MCS measure, which is the allocation of TAC and quotas, in the last two years, overrides all the good aspects of Member performance negatively.

According to some of the responses, although Members are generally seen to be fulfilling their obligations, their performance is far from ideal. Recurrent non-compliance issues include: a) CDS documents are frequently late (and in the case of some Members, sometimes not provided unless prompted), not properly validated and of dubious quality; b) import CDS documents are regularly not received; c) a minimum of 2 ERS mitigation measures have often not been used; d) overcatch of SBT are not always paid back (although paybacks usually do occur); e) unauthorized vessels sometimes catch SBT and are authorized retrospectively; f) port inspection reports are often submitted late; g) failure to meet CCSBT's Minimum Performance Requirements, as advised by the Quality Assurance Review. Some pondered, however, that despite the wide range of minor breaches to various MCS measures involving matters such as late submissions and quality control issues, such as

errors, missing data and administrative omissions, by and large Members have mostly implemented the fundamentals of CCSBT's MCS measures. A variable level of compliance between Members was, however, noted. "Compliance is not consistent across all Members", with varying levels of MCS enforcement.

Some of the respondents also noted some lingering unresolved issues regarding market trade, stereo video on SBT farming and validation of catch reports, sometimes done without direct involvement of government authorities. The lack of compliance with mitigation measures regarding ERS was also raised again under this topic, with the insufficient level of observer coverage reiterated. "The high rates of ERS bycatch reported by Members clearly demonstrates that 10% coverage is insufficient to monitor and enforce compliance of mitigation measures". Although most Members have fulfilled the 10% required level of observers on board, there has been poor spatiotemporal representativeness of observer coverage⁸³, despite the scientific observer standards stating that "observer coverage should be representative of different vessel-types in distinct areas and times" and that "the basic principle of representative sampling should underlie the assignment of scientific observers to vessels"⁸⁴. Besides, observers are most often placed on vessels that volunteer to have observers onboard and/or have the logistical capacity to house observers, and these vessels are not necessarily representative of the fishery or of the fishing effort as a whole⁸⁵. According to those respondents, "scientific evidence demonstrates that observer coverage of close to 100% is required not only for stock assessments of the fishery but also for ensuring that bycatch of ERS is minimized".

Finally, the Consolidated List of Authorized Vessels (CLAV) was mentioned as a good example of cooperation among t-RFMOs aiming at improving compliance. "IOTC and CCSBT participate in the CLAV initiative, which is a cross-cutting matter relevant to both Data and Compliance sections. CCSBT has been supportive of the CLAV since its inception.

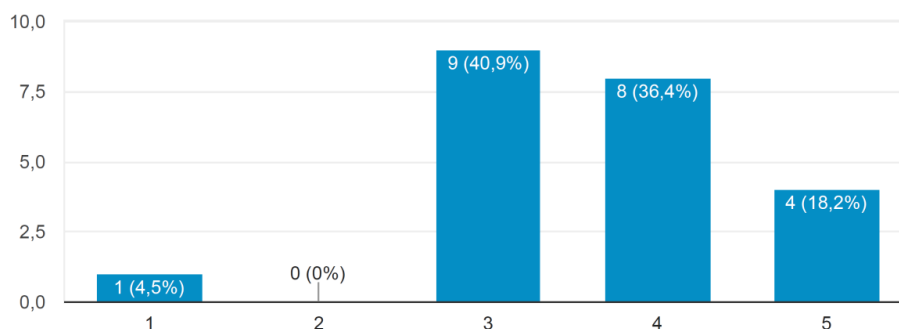
L. Cooperative mechanisms to detect and deter non-compliance

28. How do you rate the mechanisms that CCSBT has established to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance)? Mean rating, by groups: 3.2 (22 responses).

⁸³ CC15_05AnnualReportOnMembersERSPerformance_Rev1.pdf; page 2

⁸⁴ https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/observer_program_standards.pdf; page 7.

⁸⁵ Ewell, C., Hocevar, J., Mitchell, E., Snowden, S., & Jacquet, J. 2020. An evaluation of Regional Fisheries Management Organization at-sea compliance monitoring and observer programs. Marine Policy, 103842. doi:10.1016/j.marpol.2020.103842



Despite the rather neutral average score by groups of stakeholders (3,2), except for one rating “1”, all the respondents gave this question a rating ranging from 3 to 5, indicating again a moderate level of satisfaction. Once more, some of the respondents also divided the score given to this question in its three components: monitor, detect and deter, with the first one getting a more positive assessment.

According to some of the responses, the CCSBT’s CMMs (including vessel authorization, CDS, transshipment observer) have been established very well and systematically to monitor Members’ compliance. Compliance with such measures is reported by Members through their national report to CC/EC, and are also summarized from the Secretariat’s perspective, reviewed by the Compliance Committee, that then recommends action, if so required, to the EC. Considering this practice, the CCSBT’s mechanisms to monitor compliance and detect and deter non-compliance seem to be functioning well, at least for Members and cooperating States/Entities (e.g., USA, in terms of CDS). The formal mechanisms to monitor compliance of Members/ CNMs in CCSBT include: a) an annual report from the Secretariat on compliance with measures⁸⁶; b) a close review of that report and Members’ own annual reports by the Compliance Committee (including by NGOs); c) an MCS Information collection and sharing policy (for sharing information on potential non-compliance); and d) 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 website⁸⁷.

Most opined that the annual reports work quite well, despite the lack of a more formal compliance assessment procedure. “These documents provide the Secretariat and members with sufficient opportunity to monitor compliance, and in general, members are honest about reporting non-compliance”. However, a more structured process for assessing compliance and a follow-up process to rectify non-compliance is still lacking. These mechanisms are only as good as the information provided by them (i.e. Members’ annual reports). There has been some useful information exchanged on non-compliance, but this is always non-member non-compliance. The QARs are interesting but do not require a formal follow-up to rectify inadequate processes that are identified. Besides, Members did not agree with a scoring system for the QAR. The Corrective Actions Policy, in turn, seems an inadequate deterrence to most non-compliance as well, since the corrective actions, or mechanisms, listed therein to detect and deter non-compliance only apply to the over-catch of SBT.

⁸⁶ https://www.ccsbt.org/en/system/files/CC15_04_Compliance_w_Measures.pdf

⁸⁷ https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/general/non-compliance_with_allocations.pdf

Where this is found to be the case, the offending Member will be required to carry out actions from the list, with the caveat, though, that a consensus decision is required for corrective action, which will be challenging, for obvious reasons. There are no mechanisms to deter non-compliance of other CMMs, particularly in relation to ERS. In the case of CDS, although it was recognized as a very important source for catch data monitoring and verification, concerns were expressed with the current CDS Resolution, for allowing Members to delegate CDS validation to fishers/ farming companies, without the participation of Government Authorities, potentially compromising the accuracy and neutrality of the data and, thus, undermining CCSBT's ability to deter inaccurate catch reporting.

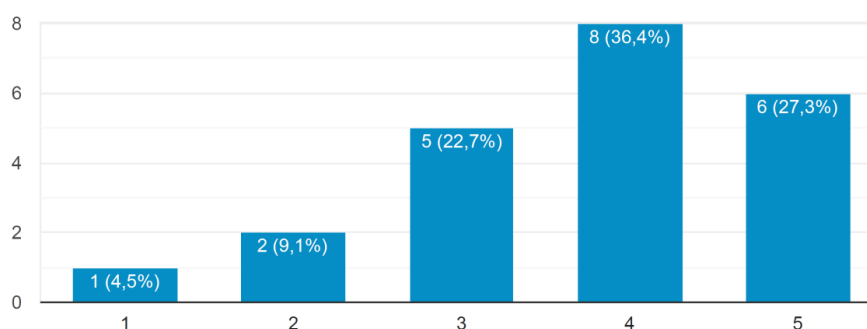
For non-Members, in particular, the CCSBT does not have a well-defined systematic mechanism to detect and address IUU fishing. "There are not good mechanisms in place to monitor the compliance of non-Members". An "Action Plan" was adopted in 2000, but it is mostly outdated. Actually, the Commission has taken actions similar to those foreseen in the Action Plan, without referring to it. Instead, whenever the Commission has received related information through various sources (Members' enforcement activity, notification from Members' fleet, AIS, notification from NGOs, information from transshipment observer, etc.), it has taken required actions in an ad-hoc basis (investigation, contact to related states/entities directly or through other RFMO's Secretariat, consideration as the CC, actions as the EC, actions through bilateral relationship of Members, follow up at next CC meeting, etc.). To assist this ad-hoc basis correspondence, the CCSBT has kept regular contact and information sharing with other RFMO's Secretariat, in various levels, and have also kept budget and contract with AIS analysis expert. "CCSBT has established good cooperation with private intelligence parties and NGOs as well as Members to monitor compliance". Not having the Flag States of the Carrier Vessels required to cooperate with the CCSBT in any formal sense seems to be another gap (mentioned in the Compliance Plan) – how can the compliance of such vessels be monitored and how can there be any deterrents and sanctions for Flag States which have no formal status with the CCSBT?- some questioned.

Some of the respondents, on the other hand, commented that a number of processes have been/ are used to detect possible fishing for SBT by Non-Members, including: a) monitoring global trade statistics for SBT trade not seen in the CCSBT's CDS; b) examining transshipment observer reports for undeclared SBT in the Indian and Atlantic Oceans; c) conducting analyses of IOTC and WCPFC effort data by flag in SBT fishing grounds to estimate the extent of non-Member SBT catches (these analyses are conducted by the ESC); d) collection of sashimi samples from restaurants in China and DNA analyses to determine the level of SBT presence in China's restaurants (this was a past analysis, and it is no longer happening). Despite these efforts, there are still concerns that SBT is not reliably identified in transshipments at sea and that CCSBT does not obtain sufficient information on transshipments in port. In summary, therefore, while mechanisms to monitor and to detect and deter non-compliance by Members are quite active, the mechanisms against non-Members' IUU activity seems to be more passive and inefficient, despite budgetary limitations and the unavoidable constraints of competence as an international organization.

A final comment was made expressing agreement with a recommendation from ISSF⁸⁸ to establish a compliance scheme that “contains both positive (such as financial or technical assistance and capacity-building to developing States) and negative (such as automatic quota reductions, loss of fishing opportunities, enhanced monitoring, non-discriminatory trade measures) responses, and takes into account the history, circumstances, extent, and gravity of the act or omission.”

M. Quality and provision of compliance advice

29. How do you rate the quality of the advice produced by CCSBT Compliance Committee? Mean rating, by groups: 3.5 (22 responses).



Despite the responses to this question ranged from 1 to 5, most of the respondents (63,7%) gave it a rating of 4 or 5, with a mean by groups of stakeholders of 3.5, indicating a reasonable level of satisfaction with the quality of the advice produced by the CCSBT Compliance Committee. “The Compliance Committee (CC) does a good work, particularly in reviewing compliance by different Members”. “Its work is further assisted by having an independent Chair”. “The CCSBT Compliance Committee (CC) has well done its functions specified in its Terms of Reference under the direction of the independent Chair, with fair and productive manner”. When the CC makes its advice to CC, it is clearly separating “matters to recommend” and “matters to note”, making it easier for the EC and Commissioners to consider them effectively. In addition, the CC’s recommendations are very clear about what the EC should do, besides providing clear draft of revised or new documents including resolutions. “The Compliance Committee is good at administering and improving existing obligations (for example, the recent update to the MCS information collection and sharing policy guideline)”.

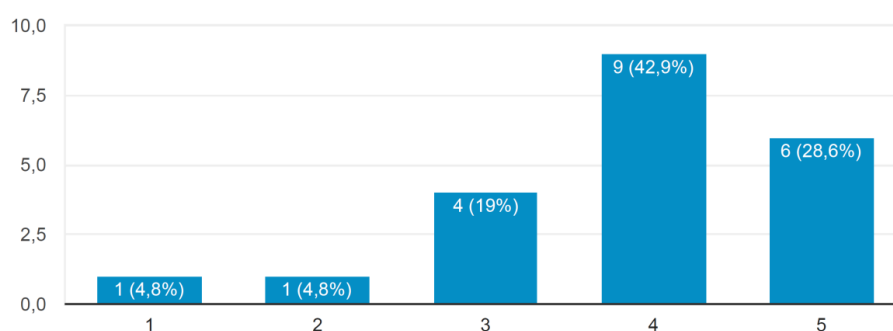
However, the annual CC meeting is held back-to-back with the meeting of the Extended Commission, and, therefore, in most cases, the participants are the same for both meetings. Consequently, the CC’s advice is not independent advice from technical compliance experts. It is possible that independent technical experts might offer advice calling for more stringent MCS measures. “Committee Members often lack technical compliance expertise and, therefore, often avoid putting forward advice”. Besides, due to the nature of the meeting agenda, Compliance Committee often spends a significant amount of time litigating minor reporting matters at the expense of more significant issues. The Compliance Committee has, therefore, struggled to push through larger pieces of work (for example, the update to the Catch Documentation Scheme). There were also complaints on the focus of the

⁸⁸ Koehler, H. 2021. Tuna RFMO Compliance Processes: A Comparative Analysis to Identify Best Practices (version 5). ISSF Technical Report 2021-06. International Seafood Sustainability Foundation, Washington, DC, USA.

CC, being too centered on compliance with resource use (quotas), or, according to others, too focused on longline fishery, especially on transshipment and on seabird related measures. A more comprehensive discussion focusing on the core of SBT management, such as catch data reporting, was thus considered necessary by some of the respondents.

Some also warned that the advice provided by the CC could be only as good as the input/information provided, highlighting the limited opportunity and resources so far available for independent assessment and development of advice. Besides, as it was commented on the advice provided by the ERSWG, whether advice produced by the Compliance Committee is good or poor quality is moot if the CCSBT fails to action it. Along these lines, the 2008 Performance Review recommended that “Corrective actions be adopted for other CMMs in addition to those addressing the over catch of SBT”⁶⁷. However, over a decade later, additional corrective actions for non-compliance with other CMMs has not been adopted. According to those views, CCSBT should add corrective measures to the Corrective Actions Policy, and those actions should be imposed by the secretariat or other external body as a disincentive for non-compliance.

30. How do you rate the structure, processes, procedures, and expertise of the Compliance Committee to provide compliance advice to the Commission? Mean rating, by groups: 3.9 (21 responses).



Due to the proximity of this question to the previous one, the distribution of ratings was also similar, with most responses assessing CCSBT performance regarding the structure, processes, procedures, and expertise of the Compliance Committee to provide compliance advice to the Commission at 4 or 5 (71,5%). With an average by groups of stakeholders close to 4 (3.9), however, this question was more positively assessed than the previous one.

The Compliance Committee has two subsidiary bodies: the Compliance Committee Working Group (CCWG) and the Technical Compliance Working Group (TCWG). The TCWG is a relatively new group which is expected to provide additional technical expertise to the Compliance Committee’s future work. Most of the respondents opined that the current structure, process, procedures and expertise are

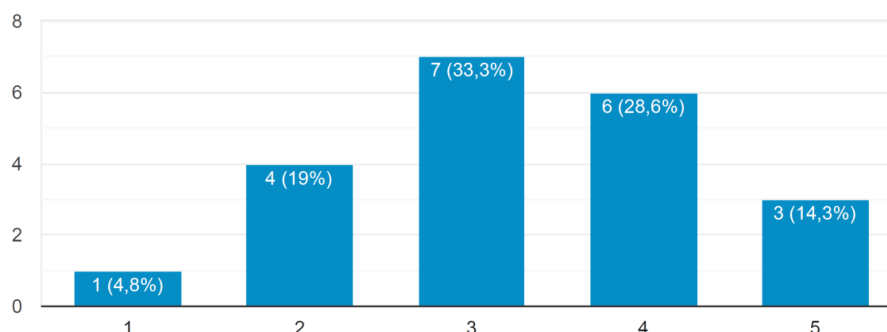
functioning very well to assist the Commission in issues related to compliance. Considering that most recommendations from the CC have been accepted by the EC, it has been demonstrated, in practice, that the EC has been satisfied with the CC's work/outcome. In addition, the advice provided by the CC with good quality has been made during only a three- day meeting, demonstrating that its current practice is also effective.

Some of the respondents, however, suggested that a more formalized compliance assessment process should be established, particularly to improve some follow-up process (e.g. on corrective actions taken by Members). Despite CCSBT Members have informally agreed that a formal compliance assessment process, similar to those used in other RFMOs, is not required, some expressed their concern that in the absence of such a process decision making on compliance issues may lack structure and be potentially inconsistent.

The issue related to the timing of the Compliance Committee meeting was raised again under this question. According to some of the respondents, the timing of the CC Meeting, being held back-to-back with the EC meeting, influences its attendance, resulting in a low participation of compliance experts. "As the Compliance Committee (CC) meets immediately prior to the Commission, Members often rely on general expertise rather than MCS specific expertise in selecting officials to attend the CC meeting. MCS specific discussions are, therefore, hampered by the lack of such expertise. The Commission has established the Technical Compliance Working Group to help address this matter, however when it meets (it is used as needed), it is immediately prior to the CC, which again may mean the required expertise is not available". According to some, however useful the Technical Compliance Working Group has been for discussing technical matters, this lack of technical expertise on compliance has compromised outcomes of several large work items (for example, work on illegal, unreported, and unregulated fishing, and updating the Catch Documentation Scheme)". A final comment also noted that the CC could provide recommendations for capacity building for Members.

N. follow up on infringements

31. How do you rate the mechanisms that CCSBT has put in place to follow up on Member's infringements to management measures? Mean rating, by groups: 2.9 (21 responses).



With an average rating of 2.9, although ranging from 1 to 5, this topic got the lowest score of all questions in Section III- Compliance and Enforcement, indicating that follow-up on infringements is probably the weakest aspect of CCSBT MCS System. Some of the stakeholders responded candidly that there are no mechanisms in place to follow up on infringements in CCSBT. Despite a recent attempt

to develop a proposal on such a mechanism, it did not make much progress. Some suggested that there should be a more formal follow-up process where all the 'non-compliance' issues a Member had in a given year would be listed and then re-visited in the following year to check for improvements. Presently, the CCSBT does not have a good process for calling out and following up on numerous minor infringements by Members, which tend to be repeated year after year, including some issues that were “followed up”, but were “not resolved”. Besides, infringements usually only result in a request for the infringement to be explained and details of the steps to be taken to prevent it from happening again, with no real risk of penalty. Although Members are made aware of ‘infringements’, therefore, there seems to be no formal mechanism to encourage improvement except for the Corrective Actions Policy, which, however, was considered to be a bit weak and/or not used to its full capacity. Some commented, nonetheless, that, while somewhat limited in its scope, the Corrective Actions Policy do provide a useful tool to address Members’ infringements. Generally, however, the only thing ever considered under the Corrective Actions Policy is SBT over-catch. “Corrective Actions Resolution⁸⁹ specifically relate to the over catch of SBT and does not include corrective actions for non-compliance of other CMMs”. It would be useful if non-compliance with ERS measures could also be discussed under this policy/CC agenda item, but as already noted in other topics, while there remain issues/no agreement regarding the CCSBT’s mandate with respect to ERS, it will be difficult to make progress on this point.

Another concern raised about the follow-up of infringements, besides the absence of a formal review process, was the lack of any “independent” verification, with the whole process being largely reliant on the vigilance of individual Members and on the Secretariat to monitor it. Others, however, considered that the follow-up of infringements could be done in an ad-hoc base, relying on Members to either self-report any follow-up or for other Members to seek information on any follow up. According to those expressing this view, changes to standing agenda items and inclusion of follow up reporting could improve this. Additionally, some noted that the written format of discussion ahead of the meeting already helped to improve Members’ following up and reporting back on infringements.

Others, on the other hand, had a different, much more positive view, opining that the processes in place in CCSBT for “following up” on infringements to CMMs are functioning well, at least regarding the SBT. “The CCSBT is usually effective in following up on infringements relating to Members’ allocation of the SBT TAC, which is CCSBT’s most important measure”. In fact, Members usually declare any over catch and commit to paying it back before the meetings of the Compliance Committee and of the Extended Commission. Minor operational infringements against CCSBT CMMs (e.g. missing information in CDS documents, short overdue of submitting national report, etc.) are detected by the Secretariat regularly (based on various reporting requirements, reconciliation of CDS documents, etc.) and such problems are followed up and addressed immediately by related Members and the Secretariat. The Secretariat has properly highlighted those infringements requiring follow-up actions, which has enabled the CC to properly address them as well, since major infringements are reported to the CC and considered through a well-established process (see response to question 28). Then the relevant Members/ stakeholders can address those problems considering the recommendation/ direction given by the CC/EC, CC’s workplan and/or through related Members’ domestic processes. The result of actions taken

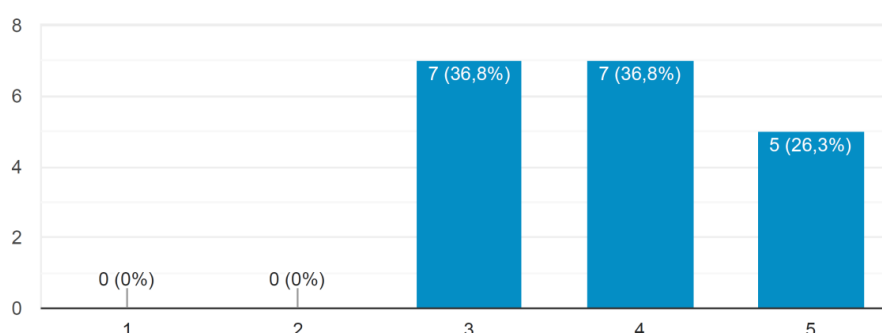
⁸⁹ [The CCSBT’s Corrective Action Policy is a “guideline”, not a “resolution”, and consequently it does not bind Members legally.]

are then reported back to the next CC meeting (or to other related body) or addressed intersessionally, through the CCSBT Circular process. One limitation noted in the compliance/ follow-up process, however, was the case of non-Members. “Although the CC provides sufficient discussion space for clarification regarding alleged infringement by Members, it cannot provide strong recommendations for non-Members”.

Finally, as noted by one of the respondents, the 2008 Performance Review of CCSBT, concluded that it is the “flag state’s responsibility to follow up on infringements of CMMs”⁶⁷. Notwithstanding, so far, there are no provisions in place yet to penalize or impose consequences for infringements by Members or CNMs in CCSBT, despite the 2008 Performance Review recommending that a range of penalties should be established in relation to all conservation measures (Page 67⁶⁷). The CCSBT, therefore, should add corrective measures to the Corrective Actions Policy, as a disincentive for non-compliance.

O. Flag State duties

32. How do you rate the fulfilment by CCSBT Members of their duties as Flag States? Mean rating, by groups: 3.8 (19 responses).



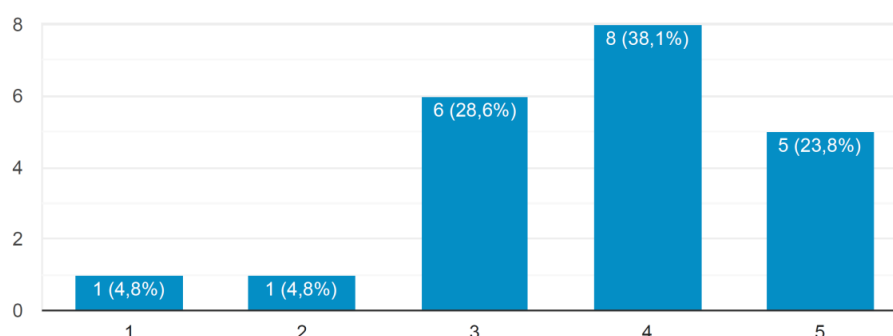
With ratings ranging only from 3 to 5, and an average by groups close to 4 (3.8), it seems clear that CCSBT stakeholders are generally satisfied with the way its Members are fulfilling their duties as flag States. Some of the respondents made it clear, however, they were assessing the performance by Members exclusively in relation to the CCSBT obligations (although this was exactly what was being asked in this question, anyway). “In general, Members are fulfilling their duties to CCSBT.” The most important duties of CCSBT Members as Flag States noted by the respondents were: a) to collect and submit required data/information, and b) to ensure that its SBT allocation is not exceeded.

The great effort undertaken by all Members, as Flag States, to operationalize all agreed CCSBT CMMs domestically was recognized, including their struggle to improve their domestic systems in this regard. Accordingly, Members’ compliance with data collection and reporting requirements was considered generally good, as well as the quality of the data provided, despite some cases of failure that may have compromised the CCSBT’s data quality in the past (see response to question 10). Some respondents noted, however, that despite Members have complied with most CMMs well, some Members have

surpassed their allocation, so, although there might not have been a failure regarding the fulfilment of their Flag State duty, since the data were properly compiled and reported, they have failed with their obligations as a CCSBT Member. So, even though Members may have fulfilled their duties as flag states well, that does not mean they have not failed against its most important duty as a Member of the CCSBT. The lack of independent information upon which to base an assessment was also noted as a hindrance to provide an answer to this question. Others also noted that no specific assessment of Flag State duties in CCSBT has been done, at least in recent years.

P. Port State duties

33. How do you rate the measures adopted by CCSBT regarding the application of Port State measures by Members, pursuant to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing? Mean rating, by groups: 3.7 (21 responses).



Despite the responses to this question were more spread out, ranging from 1 to 5, most of the ratings were 4 or 5 (61.9%), with an average by groups of 3.7, very close to the previous question and also indicating clearly an overall satisfaction of most of the respondents with the measures adopted by CCSBT regarding the application of Port State measures by Members.

The CCSBT adopted a measure titled “Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port”⁹⁰, to be applied to foreign fishing vessels and carrier vessels transporting southern bluefin tuna (or fish products originating from southern bluefin tuna), which contains many of the core elements of the FAO PSMA. It was adopted in 2016⁹¹, entered into force on 1st January 2017, and was

⁹⁰https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Minimum_Port_Inspection_Standards.pdf

⁹¹ [The CCSBT’s Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port was recommended by CC 10 and adopted by EC 22 in 2015.]

amended in 2018. According to some of the respondents, the only shortcoming of this measure is that it only requires Members to inspect “at least 5% of landing and transshipment operations in their designated ports as are made by foreign fishing vessels”, a coverage rate considered to be too low and that should be, therefore, increased. This resolution was based on a similar recommendation of ICCAT so that the CCSBT’ PSM would be consistent with those adopted by other t-RFMOs. It also largely replicates the FAO Agreement on Port State Measures. The CCSBT resolution, however, also covers the Fishing Entity of Taiwan, which is not a party of FAO PSMA.

Currently, all Members (including the Fishing Entity of Taiwan) have provided the required list of authorized ports to the CCSBT, in accordance with that resolution. In addition, the relevant Members have implemented their domestic regulations and arrangements for conducting the required port inspections. 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 a variety of ports, however, not just in those of CCSBT Members. 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 contacts 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 entry for the fishing vessels or carrier vessels covered by the Resolution⁹².

Although the measure was considered to be good, some pondered that its implementation has not been ideal, since most inspection reports have been provided to the Secretariat very late or incomplete. Also, despite Members have 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, using the IOTC or ICCAT version instead, so CCSBT never receives any additional data on the bycatch mitigation measures from that form.

Some considered that the existing CCSBT port State measures resolution should be amended to bring it more in alignment with the core provisions of the FAO PSMA and to allow a more consistent implementation of port State measures to combat IUU fishing at regional levels. According to them, the specific areas where the CCSBT resolution could be possibly improved are:

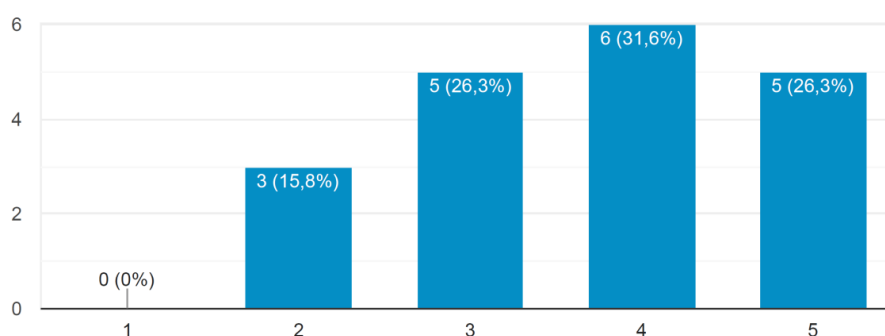
- Regarding FAO PSMA Article 9: the current CCSBT Minimum Standards for Port Inspection requires that Members must decide, based on information received and other information, to authorize or deny entry into its designated port. There is no requirement, however, to deny entry to vessels engaged in IUU fishing. Communication of denial of port entry are not explicitly required. The CCSBT should update the measure to require denial of entry to vessels engaged in IUU fishing.
- Regarding FAO PSMA Article 18: in case of IUU fishing being detected upon an inspection, the CCSBT measure should include an explicit denial of use of ports for landing,

⁹² [Fishing/carrier vessels with SBT/SBT products may enter any port if it is not for the purpose of landing and/or transshipment of SBT or SBT products.]

transshipping, etc. of fish that has not been previously landed, and for other port services; and the vessel should be included on the draft IUU list.

Other paragraphs of the FAO PSMA that are not properly included in the CCSBT Resolution are those contained in Articles 10, 11, and 19.

34. How do you rate the fulfilment by CCSBT Members of their duties as Port States? Mean rating, by groups: 3.5 (19 responses).



While Question 33 addressed the measures adopted by CCSBT regarding the application of Port State measures by Members, Question 34 focused on the fulfilment by CCSBT Members of their duties as Port States, including, therefore, their implementation of the CCSBT Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port. With an average by groups of 3.5, the performance by Members in this regard was evaluated more negatively than the measure adopted by CCSBT, repeating again a pattern of a better assessment being given to the “adoption” of measures than to their actual “implementation”.

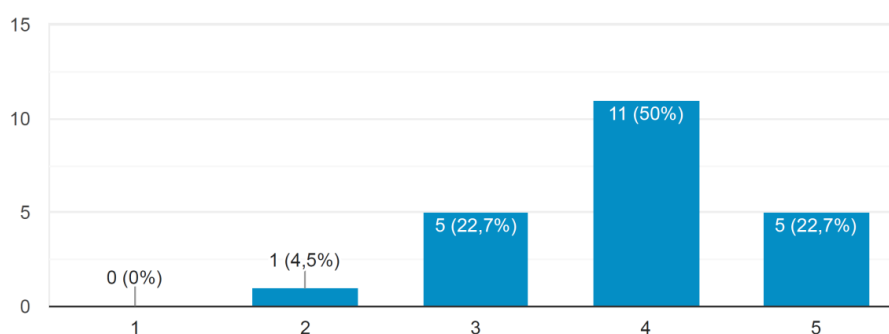
Many of the problems related to the implementation of the relevant CCSBT resolution already pointed out in the previous question were reiterated in the responses to this one, including that although the inspections seem to have been done properly, inspection reports have been usually submitted too late to be timely, if there’s any issue to follow up on (the majority of the inspection reports have been submitted very late, often over a year after inspection, and rarely within the required 14 days). Furthermore, it is not clear, either, if the lack of any report of port inspections by some Members that have notified its designated ports in its national report to the CC/EC meetings are because of a

compliance failure or just because no landings have actually happened⁹³. That would not apply, of course, to a Member, if it had advised the CC that it would not accept port entry by foreign vessels for landing or transshipment, as it has happened in the past. As also mentioned in the previous response, in 2018, Annex B of the “Minimum Standards for Inspection in Port” was updated to include section 36, on “compliance with seabird bycatch mitigation measures”. CCSBT Members, therefore, should ensure that all sections of Annex B are completed, including for the seabird measures, especially considering the continued high bycatch rate and the lack of compliance reported by some Members.

The “good actions” described in the previous question, were also reiterated here: “most Members have submitted the required lists in accordance with the relevant resolution (i.e. designated ports, contact points for port entry), and most “Port State” Members have implemented their domestic systems for port inspection of foreign vessels, they have done port inspections and they have submitted port-inspection reports”. Some of the respondents, referring specifically to actual port calls done by vessels flying their flag in ports of Members of CCSBT, reported the “port inspections” to be functioning “extremely well”. Furthermore, as noted by others, in the past, genetic testing has been undertaken for foreign vessels in ports, and no issues have been ever found. In summary, most of the respondents considered that, in general, the duties of Port States are well implemented, while recognizing that there’s room for improvement in terms of reporting.

Q. Market-related measures

35. How do you rate the measures adopted by CCSBT relating to the exercise of the rights and duties of its Members as market States, including the adoption of market-related measures, such as catch documentation and trade tracking schemes? Mean rating, by groups: 3.9 (22 responses).



With an average by groups of 3.9 and most (72.7%) of the ratings between 4 and 5, the measures adopted by CCSBT relating to the exercise of the rights and duties of its Members as market States were positively assessed by the majority of stakeholders, reflecting a good level of satisfaction.

CCSBT’s main market related measure is its Catch Documentation Scheme (CDS), intended to track catch/ harvest, transshipment, export/ re-export, import and domestic landings of every single individual of SBT, since 2010. This is a comprehensive scheme that additionally requires the tagging

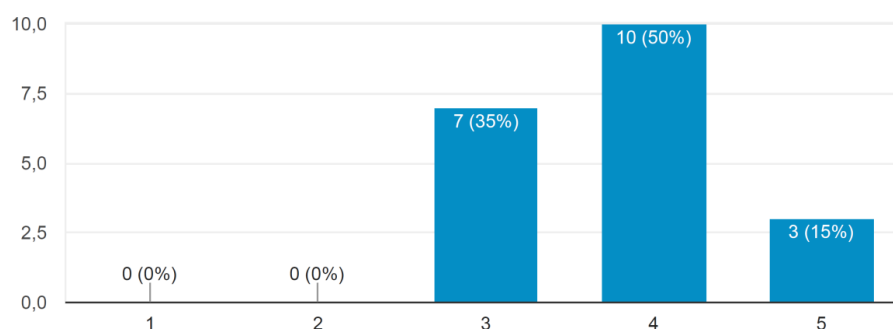
⁹³ [This can be determined by referring to Table 8 of Members’ national reports to the CC/EC, where Members report the number of landing/transshipment operations by foreign vessels (FVs and CVs) that occurred and the number that were inspected.]

and recording details of each SBT to the first point of sale. For catch documentation, every single SBT is tagged with a unique tag number and related information (length, weight, catching vessel, date, area, product type, etc.) is recorded on the CDS documents, which are certified by stakeholder and validated by a government-authorized validator. For trade tracking, the CCSBT CDS records all exports and imports, as well as the domestic landings (up to 1st point of sale), as long as SBTs are traded as a “whole fish”. The CDS data are sent by the catching Members and exporters/ importers to the Secretariat, who, then, compiles and reconciles all the information.

Most of the respondents considered the compliance with the CDS to be generally good. “Members have fulfilled their duty as a player of SBT market”. “Naturally, there have been many minor problems with CDS forms, etc., but they have been followed up and resolved by the Secretariat and related Members”. To ensure that the CDS will be operationalized in an optimum manner, the way it is implemented domestically is up to each Member. The outcomes from the CDS application, therefore, are the same, despite some slight differences of domestic operation between Members; for example, the timing of issuing CDS document, the timing of validation of CMF (Catch Monitoring Form), who is authorized to validate it, and so on. To assess if each Member domestic system to implement the CDS is effective or not, the CCSBT has done a Quality Assurance Review Process (by independent reviewers) for all CCSBT Members, with the results so far demonstrating domestic systems to work effectively. Although one Member did receive a bit negative result, its implementation of the CDS has been largely improved after the review. One Member’s result has not yet been finalized. In light of all that, some of the respondents, therefore, considered the measures adopted by the CCSBT relating to the exercise of the rights and duties of its Members as market States well established and effective.

Some of the respondents, however, considered that the catch documentation scheme still has some shortcomings that require improvements. SBT products, for instance, can generally not be tracked once it goes to a non-Member State – except to the USA, which voluntarily cooperates with the CDS. Non-Member importers are generally reluctant to respond when efforts are made to communicate with them, so there is usually a lack of response from non-Member destinations to confirm SBT entering their market. “Almost all SBT fishing nations are CCSBT Members but SBT consumption is not limited to the markets of Members”. “CDS is one of the means to certify that the catch is legitimate, but if unauthorized catch is brought into the market of a non-Member, the CDS will not be effective to detect and remove such IUU product”. Some also considered that the Catch Documentation Scheme could be more responsive if moved away from a paper-based system to an electronic system. “The CDS is comprehensive, but because it is still paper-based, it requires significant input from Members and the Secretariat”. Moving to an e-CDS will hopefully improve the quality, accuracy, timeliness and effectiveness of the CDS. In this regard, CCSBT might refer to the e-CDS implemented in ICCAT as a reference. As noted in question 26, however, although the development of an e-CDS is underway, it has been delayed due to disagreements among Members on certain aspects. Others also noted that there is still a dispute related to the use of CDS as a trade database and market trade information for non-Members.

36. How do you rate the fulfilment by CCSBT Members of their duties as Market States? Mean rating, by groups: 3.7 (20 responses).



Following the positive assessment by stakeholders of the measures adopted by CCSBT relating to the exercise of the rights and duties of its Members as market States, addressed in the previous question, the fulfilment by CCSBT Members of their duties as Market States also received a positive appraisal, with an average rating by groups of 3.7 and most of the scores (65%) 4 or 5. Many of the respondents referred to their responses to the previous question, while responding to this one. According to most of them, the main SBT market State, which is also a Member of CCSBT, does a very good job in fulfilling her duties as a market State, but still too much attention is given to it, while a similar attention should also be given to the other SBT Market Members that receive SBT on a much less frequent basis, but do not seem to be fulfilling their duties with their annual CDS obligations as well. It seems that the level of fulfilment tends to be proportional to the quantity of imports (i.e. more imports equate to more ability to fulfil their duties, and also more responsibility, while less imports equate to less ability and responsibility). Members that have a much smaller role as a market state, for example, seem to be much less prone to restrict imports of SBT without the required documentation.

The level of compliance regarding the annual submission of data and reports was also considered to differ wildly between Members, with some of them regularly submitting complete and comprehensive reports, while others systematically failing. Some of the respondents, therefore, expressed their frustration with the recurrency of the problems of non-compliance, which includes the lack of provision of the CDS import documentation and reports.

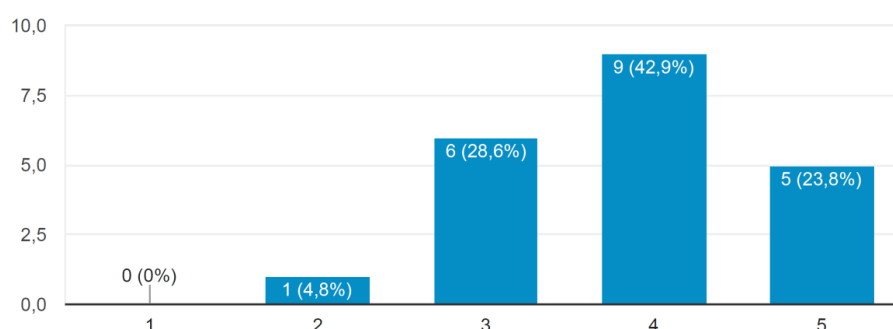
A better cooperation with non-Member market states (e.g. the United States) was again emphasized as an important step to strengthen CCSBT CDS. Issues of discrepancy in the market trade data provided by destination states/entities for Members/ non-Members, export data from Members of origin and information system platforms from national, regional (UN COMTRADE), and private sector were also noted.

Some of the respondents also reiterated their concern, already expressed in their response to question 26, about the differences of interpretation of the CDS resolution in terms of how to deal with CDS forms/ data, with some exporting Members refusing to provide the CTF (Catch Tagging Form) (and FSF- Farm Stocking Form, FTF- Farm Transfer Form) associated with the CMF (Catch Monitoring Form) and, therefore, preventing importing Members from exercising their duty as a “responsible” importing State. In addition, if a Member exports SBT to a non-Member, it is impossible to fulfill all CDS requirements,

because the importer will not do a certification as importer, and it will not submit a copy of importing CDS documents. Consequently, it is not possible to doublecheck whether information provided from exporting Member through the CDS document was correct or not. Besides, some pondered that, despite not clearly specified in the CDS resolution, considering the purpose and the nature of the CDS process, Members exporting SBT should refrain from sending their product to states/entities which have not shown any intention to cooperate with the CCSBT CDS, considering this an irresponsible attitude as a CCSBT Member.

R. Reporting requirements

37. How do you rate CCSBT reporting requirements, with a view to improve efficiency, avoid redundancy and reduce unnecessary burden to Members? Mean rating, by groups: 3.7 (21 responses).



This question also received a reasonably positive assessment, with an average by groups of stakeholders equal to 3.7 and most (66.7%) of the responses with ratings 4 or 5, meaning that the majority of the respondents were satisfied with the CCSBT reporting requirements. 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. The “reporting requirements” that Members must provide in their annual reports and to certain meetings of the CCSBT can be easily found in CCSBT website⁹⁴. Data submission requirements can also be found there⁹⁵, but some of the respondents considered this question to apply only to the first ones. 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 “templates” for each requirement so that Members can cover all

⁹⁴ <https://www.ccsbt.org/en/content/annual-reporting-and-documentation-requirements-members-and-cnms>

⁹⁵ <https://www.ccsbt.org/en/content/data-submission-requirements>

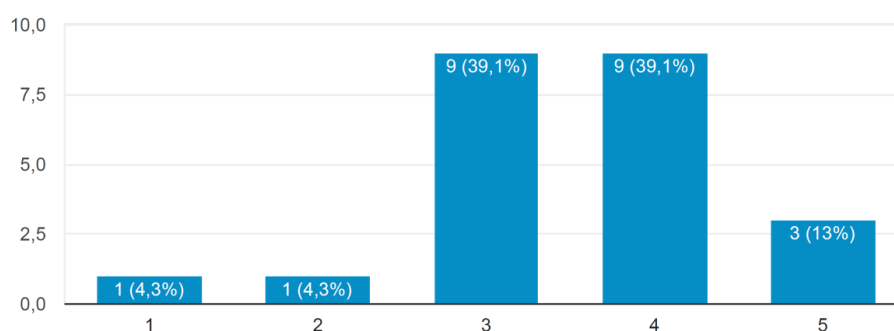
items systematically. For example, various compliance related reports required by several resolutions are integrated into the “template for the Annual Report to the CC and EC”.

Despite of these efforts, some considered that there is still some duplication in the reporting requirements for different meetings but pondered this to be an unavoidable consequence of the meetings being held at different times. Some significant duplication was also noted in the information submitted from year to year (information not changing between years). 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. However, some cautioned that because the information in these reports is more dynamic than that in the CC/EC reports, this new format may not work as well. Noting there are a number of compliance items that Members continue to report on, however, some suggested that some strategic thinking could be applied to priorities regarding compliance actions and reporting. A risk-based approach to assessing compliance priorities, for instance, would be useful for looking into compliance reporting.

Some of the respondents also considered the CDS submission and reporting processes burdensome to Members. “Some CDS reporting requirements are overly onerous and not useful.” Others, however, despite agreeing that they are indeed a bit of a heavy burden, considered them to be worthy. Many noted that the move to electronic reporting (the e-CDS) should improve efficiency and reduce the current burden of paper-based systems. “Although recent efforts to review reporting obligations have helped, the lack of an electronic CDS continues to create a significant administrative burden on Members”. Notwithstanding, once e-CDS development be completed and also integrated with other online systems (vessel authorization, CDS validator registration, etc.) the overall burden will be much reduced. Some also noted that the procedures could be a bit simplified for those Members that do not have SBT trade or that have a very marginal trade, but still must apply the same rules and principles as other Members who have important SBT trade flows. Reporting requirement should therefore be revisited, in this regard. Some commented, as well, that for Members that do not proactively participate at CCSBT meetings or engage in intersessional discussions (which tends to be 3-4 Members), however, there is far less ‘burden’ annually.

Finally, some of the responses were quite positive, considering current practice within the CCSBT to be functioning well and optimized for Members’ use. “CCSBT has paid sufficient attention to avoidance of unnecessary burden such as duplication of work”. “Efforts have been made in recent years to avoid duplication in reporting”. “Reporting requirements have been previously agreed upon by Members and can be fulfilled properly”.

38. How do you rate the fulfilment by Members of their obligations regarding reporting requirements? Mean rating, by groups: 3.3 (23 responses).



As it has been a common pattern in several of the previous responses, the reporting requirements established by CCSBT, addressed in the previous question (with a mean rating of 3.7), were more favorably assessed by stakeholders than the fulfilment by Members of their obligations regarding these reporting requirements, which got a mean rating of 3.3. Although most of the responses (52,1%) were positive, with ratings of 4 or 5, stakeholders were more divided in their views regarding this topic. Some of the respondents considered that, in general, all Members have shown great compliance with reporting requirements, with an overall better performance than other t-RFMOs which have many developing State Members. “Members do provide the required reports, and on the whole, they do a reasonably good job of providing the required information within their reports”. “Members have fulfilled their obligation on reporting requirements very well and on time”. Besides, one of the respondents added that whenever failures have happened in the past, in most cases Members have rectified the omission and provided the required reports/data/ information at a later occasion, or explained why they didn’t/ couldn’t fulfil the requirements (e.g. “estimated total mortality of ERS” was not reported occasionally, because to estimate it by simply raising the observer data – the default approach of the template - was not necessarily correct, and would have caused mis-understandings).

Other respondents, however, had a diverging view on the fulfilment by Members of their obligations regarding the reporting requirements, noting, for instance, that there are always some parts of the annual report templates that are not fully/ properly completed by one or more Members, besides several other problems related to reporting (e.g. delayed submission of national report, CDS forms with missing information, non-completed data submission, etc.). Additionally, reporting to the Extended Scientific Committee has consistently been lacking in some areas (for example, reporting on attributable catch⁹⁶). According to some of the responses, the late submissions in recent years have also compromised a proper review of the reports by Members. Some, therefore, suggested that additional independent verification would improve the confidence in Members reporting and help the Commission to demonstrate it is doing what it has committed to do.

Some of the respondents reiterated their views already reflected in their responses to questions 2, 5, 26, 27, and 34, concluding that reporting across the CCSBT is poor. According to those respondents, “the lack of reporting represents a serious scientific issue to accurate assessments, particularly of ERS bycatch. Besides, the lack of penalties and disincentives for failing to comply with reporting

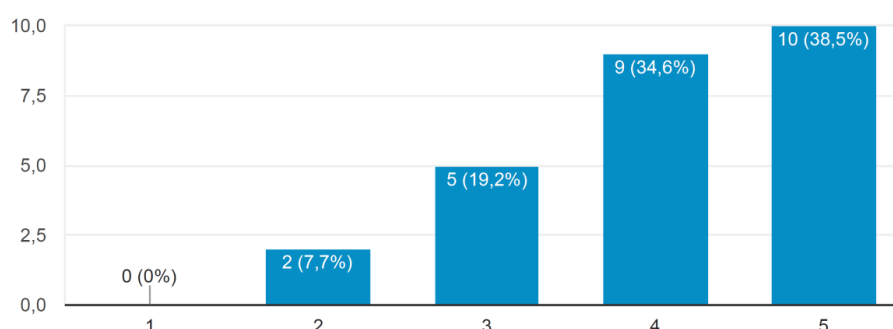
⁹⁶ [From 2020 the required reporting of attributable catch was enhanced and all Members included the attributable catch section in their 2020 ESC national reports.]

requirements means that this will be an ongoing issue”. Overall, there is poor spatial coverage of the fisheries and therefore any data that is reported is likely to be biased (see response to question 27). They also reiterated their support to the recommendation from ISSF⁹⁷ to establish a compliance scheme that “contains both positive (such as financial or technical assistance and capacity-building to developing States) and negative (such as automatic quota reductions, loss of fishing opportunities, enhanced monitoring, non-discriminatory trade measures) responses, and takes into account the history, circumstances, extent, and gravity of the act or omission.”

IV. International Cooperation and comparison with other RFMOs

S. Transparency

39. How do you rate the transparency of CCSBT work, regarding the opportunity for representatives from other intergovernmental organizations and from non-governmental organizations to take part in meetings? Mean rating, by groups: 4.0 (26 responses).



With an average rating of 4.0, 73.1% of the responses with ratings of 4 or 5, and only two responses under “3”, it is clear that most of the stakeholders consider the work of CCSBT regarding the opportunity for representatives from other intergovernmental organizations and from non-governmental organizations to take part in meetings sufficiently transparent. Under the Convention (article 14) and the CCSBT Rules of Procedure (Rule 3: Observers), representatives from other IGOs and from NGOs can join the CCSBT meetings. Under these rules, some IGOs and NGOs has been granted as a long-term observer status for specific CCSBT meetings on request from each organization. Invitations are automatically sent to those observers with “long-term observer status”. In addition, NGOs can also request to be an observer for a specific meeting in a specific year if it does not have long-term observer status. In that case, they must apply for observer status at least 50 days before the meeting. Although

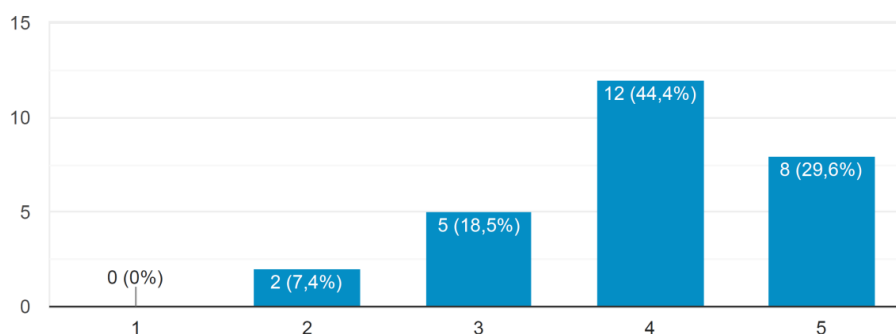
⁹⁷ Koehler, H. 2021. Tuna RFMO Compliance Processes: A Comparative Analysis to Identify Best Practices (version 5). ISSF Technical Report 2021-06. International Seafood Sustainability Foundation, Washington, DC, USA.

the agreement by Members whether to accept that organization as an observer or not is required, at least since 2013, all requests from IGOs and NGOs to be an observer, that have complied with the established timeframe, have been accepted by the Extended Commission. Observers registered to attend a meeting have access to all meeting documents in advance of meetings and can make interventions at the meetings. Observers are also permitted to submit papers to meetings, provided that those papers are relevant to agenda items. Observers are not permitted, however, to participate at Heads of Delegation (HoD) meetings that are sometimes required during meetings of the Extended Commission. CCSBT also actively encourages market states to participate in meetings and proactively engages in collaboration with other t-RFMOs through the joint t-RFMO process. Besides, in 2020, the COVID-19 pandemic gave NGOs/IGOs more of a platform than usual to ask questions and make comments due to the Secretariat's use of pre-meeting discussion documents. Considering this background and also that most decisions by the Commission are made at regular meetings⁹⁸, where IGOs and NGOs are allowed to participate, some of the respondents considered the CCSBT work to be satisfactorily transparent to other IGOs and NGOs.

On the other hand, despite some of the respondents argued that Heads of Delegation (HoD) meetings are rarely used to make critical decisions, rendering the decision-making process, therefore, highly transparent, others disagreed, considering that HoD meetings have indeed occurred too frequently in the past, compromising CCSBT transparency, as already commented in Question 24. "Closed sessions in meetings limit overall transparency, particularly regarding discussion on non-compliance". In this regard, the "Process for Review of External Documents including possible non-compliances of Members" was noted as potentially limiting CCSBT transparency. "Consideration should be given to removing processes to seek Member agreement to third party reporting about CCSBT activity". As noted by one of the respondents, the 2008 Performance Review stated that the rules for the participation of observers in the work of CCSBT at the time were 'quite restrictive and did not accord with then current standards'⁶⁵. Specifically, it considered that Rule 3 of the Rules of Procedure on observer participation created an unduly restrictive process to admit observers, although a 50-day deadline for submission was an improvement, compared to the previous 100 days. Notwithstanding, the ability of a single Member to still block the participation of an observer, however still not actioned, remains too restrictive. Transparency should also be enhanced regarding non-commercially sensitive deliberations related to critically endangered species. Unfortunately, some Members seem to remain wary of NGO participation and the questions they ask, rather than seeing their participation as a strength.

40. How do you rate the transparency of CCSBT work, regarding public access to records, decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials, subject to the procedural rules on access to them? Mean rating, by groups: 3.9 (27 responses).

⁹⁸ [Some decisions are made through intersessional decision-making process/ circular, which is not publicly available, but these are for minor administrative matters, not for important decisions, like a revision of a resolution, etc.]



Unsurprisingly, the average rating (3.9) and the distribution of scores, with most (74.0%) of them being either 4 or 5, for this question, were very close to the previous one (respectively, 4.0 and 73.1%), indicating a good level of satisfaction of stakeholders, as well, with the transparency of CCSBT work, regarding public access to records, decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials.

The CCSBT has adopted the “Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT”⁹⁹. Under this rule, all documents/data/ information classified as “no risk” (including all meeting reports, specific decisions, scientific advice, aggregated data, etc.) are made publicly available in the CCSBT website. Access to papers and reports of all formal meetings of the Commission and its subsidiary bodies (e.g. EC, CC, ESC, ERSWG), together with most papers submitted to those meetings, can, therefore, be easily accessed on the public area of the CCSBT website, within a few weeks of the conclusion of the annual Commission meeting each year. Resolutions and Recommendations are also available on the website, however a bit haphazardly since they do not have any formal numbering system which would be useful for identifying and referring to them. Despite there is no published compendium of numbered active measures, they are also gathered and made available in a dedicated website page¹⁰⁰. Notwithstanding, decisions might be hard to find unless for those that have a good institutional knowledge or are aware of the fact that there is a Compendium (Access Database) that can be searched in the Private Area of the website, meaning it is not available to the general public. Furthermore, it is difficult to know which decisions are active or have been superseded unless someone has access to the compendium Access Database on the website or know that this can be inferred by looking at the CPG1 – MPRs document – which is essentially a list of current obligations. In summary, decisions are still too cryptic/ hard to find, which is not helpful for transparency purposes.

Transparency with respect to annual non-compliances, including the website location of the Corrective Actions table that includes Members that have over-caught SBT, is not ideal either and has quite a bit of room for improvement. Another shortfall mentioned by stakeholders was the requirement that meeting reports and papers not be made public until after the annual Commission meeting. Consequently, for some meetings it may take many months before reports and documents

⁹⁹ https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/CCSBT_Confidentiality_Rules.pdf

¹⁰⁰ <https://www.ccsbt.org/en/content/operational-resolutions-and-other-important-documents>

become public¹⁰¹. On that specific issue, some of the respondents complained that “the records and papers of the meetings are not publicly available until after the Commission meeting each year, while in other RFMOs meeting papers are made publicly available in advance of the meetings”, arguing, thus, that CCSBT should seek greater transparency, by rectifying this practice. Data transparency in CCSBT was also deemed to be stricter (harder to access) than in other t-RFMOs.

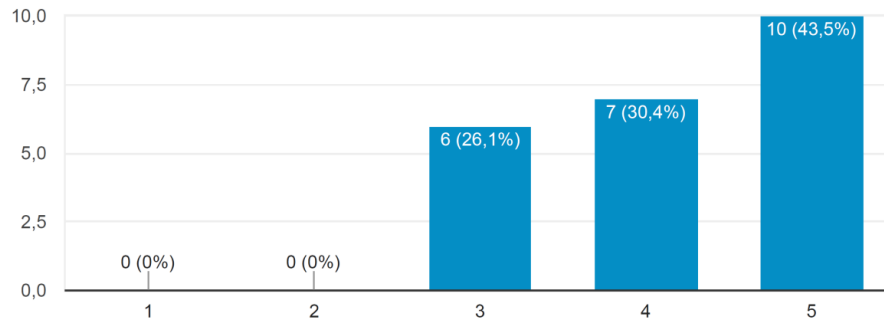
Another reason for concern regarding transparency in CCSBT were the two reports on farms and markets that were made confidential in 2006. Many subsequent papers (typically at least one each year) that referred to either of these two papers have thus also been classified as confidential and are not available to the public. Under that same rule (Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT), all documents/ data/information classified as non-public domain data (risk classification Low, Medium or High) can only be accessed by Extended Commission’s Members, CNMs or other RFMOs, through specific processes therein established, conditioned to the agreement of the data owner. Third parties, therefore, cannot have any access to them, unless the data owner (who originally provided them) authorize their release as its own decision (not as the CCSBT).

Some of the respondents, therefore, considered that while there has been some action to make meeting documents more public in the last few years, the associated reports and data are not yet made available in a sufficiently transparent and timely manner. Data and other relevant information upon which decisions are made, for instance, particularly in relation to stock assessments and ERS bycatch, are not available. If data on ERS bycatch were made available, it would facilitate transparent and collaborative analyses. As noted by one of the respondents, the previous Performance Review commented that “a strategy for dealing with ERS issues with a clear objective of improving the environmental performance of the fishery will provide transparency to the actions of the CCSBT and improve international perceptions of its effectiveness”⁶⁵. The data on species bycatch need to be made available, preferably unaggregated where there are no issues with commercial sensitivities. While the ERS data exchange started in 2013, there remains inconsistencies in reporting among RFMOs, besides not being available to the public or even to approved observers. If they were made available, independent assessments and verification of the scientific advice provided to the CCSBT would be made possible. Increased transparency and broader data sharing, therefore, would serve to improve trust in the CCSBT to manage the fishery sustainably. Finally, some concerns were also expressed that during the pandemic, the move to virtual meetings has in general caused a major loss of transparency for RFMOs.

T. Confidentiality

41. How do you rate CCSBT security and confidentiality standards and rules for sharing sensitive information and data? Mean rating, by groups: 4.2 (23 responses).

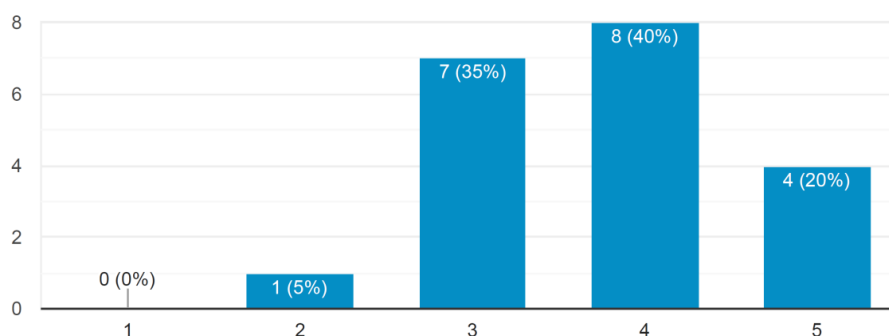
¹⁰¹ [In special cases, in accordance with paragraph 5 and 7 of Rule 10 and paragraph 5 of Rule 6 of the CCSBT’s Rules of Procedure, meeting reports of subsidiary bodies and documents submitted to subsidiary bodies may be released before the annual meeting of the Commission.]



Judging from the responses to this question, with a mean by groups of 4.2, 73.9% ratings 4 and 5, and no score under “3”, most stakeholders seem to be very satisfied with CCSBT security and confidentiality standards and rules for sharing sensitive information and data. Again, as in the previous response, the “Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT” was mentioned as the main guide for sharing data. According to some of the respondents, this rule includes a very strict confidentiality security policy, ensuring confidential data are properly controlled and protected against third party access. Consequently, at least in terms of security for sensitive information/ data, the current rule was considered to be clear, adequate and functioning well. In this regard, some of the respondents considered data security, as well as data sharing mechanisms, in CCSBT to be better than in other t-RFMOs. The right of Members to define confidential documents was also praised, as well as the standard procedure for examination of external papers adopted in 2019. Others, nonetheless, pondered that, in general, the present regime has a bias towards confidentiality rather than favoring the transparent sharing of information and data. “The present rules are biased towards confidentiality at the cost of transparency”. Current rules on commercial sensitivity of data, for instance, allow Members not to share valuable information, resulting in uncertainties in reporting that are yet to be resolved after almost two decades. Despite key data for stock assessments are usually shared amongst scientists, some confidentiality rules (CDS, fine-scale catch and effort data) limit the quality of the scientific analyses that can be conducted by Members and by the ESC. Some of the respondents stated that, while the concerns of Members and the fishing industry more generally for confidentiality were understandable, these confidentiality requirements should be more balanced against the fact that they are accessing a community-owned resource, being, therefore, accountable to the global community.

U. Relationship to non-Members

42. How do you rate CCSBT cooperation between Members and non-Members, including through the adoption and implementation of procedures for granting cooperating status? Mean rating, by groups: 3.7 (20 responses).



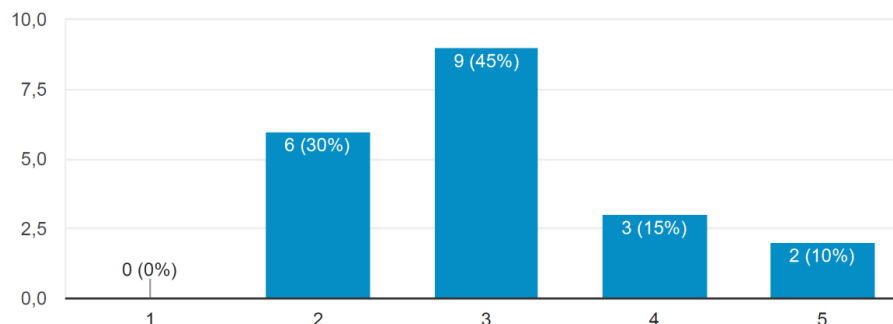
Again, most of the respondents seem to be rather satisfied with CCSBT cooperation between Members and non-Members, since most of the responses (60%) got a 4 or a 5 rating, with an average by groups of stakeholders of 3.7. The procedure for granting Cooperating Non-Member (CNM) status to the CCSBT can be easily found at the website¹⁰². The CCSBT considers Cooperating Non-Member status to be a transitional measure to full Membership. Two of the CCSBT's past CNMs are now Members. CCSBT currently does not have any formal CNMs, but non-Members have often been invited to become a Member or CNM. The CCSBT regularly invites non-Members of relevance to its Compliance Committee (CC) and Extended Commission (EC) meetings. For example, the CCSBT invited China, Fiji, Mauritius, Namibia, Singapore and the USA to its CC and EC meetings, in 2020. Singapore and the USA usually attend one or both of these meetings. The USA cooperates with CCSBT's CDS. Other States, however, rarely (if ever) attend CCSBT meetings.

The Compliance Committee has a standing agenda item on "Non-Member port and market States whose cooperation should be sought", and the EC has a standing agenda item on "Relationship with Non-Members". Through discussion under these agenda items, the Commission decides which non-Member states should be invited to the next meeting, and also the actions to be taken by the Secretariat/Members intersessionally, including sending a letter to seek joining the CCSBT as CNMs (or Member) and having bilateral discussion by Member(s). In case such a non-Member has an intention to become a Member or CNMs, they will need to follow the required procedure under the Convention or the CCSBT's Resolution to Establish the Status of CNM of the EC and the ESC. This mechanism has worked rather smoothly throughout CCSBT history, so the CCSBT process to seek cooperation by non-Member (including being NCM or Member) seems to be working well, being effective and transparent. Besides, CCSBT proactively invites non-Members to CCSBT meetings and establishes communication with those that import SBT to clarify market data. Notwithstanding, some of the respondents commented that the efforts by the CCSBT to communicate with non-Members involved with SBT rarely elicit a response, although recognizing that some of these communications need to be done bilaterally by Members. Some non-Members having SBT potential by-catch, however, could indeed collaborate more with CCSBT. Despite the Secretariat has been very effectively communicating with non-Members, some of them simply do not respond to any invitation to attend the annual meetings, for instance.

¹⁰² <https://www.ccsbt.org/en/content/becoming-member-ccsbt>

V. Relationship to non-cooperating non-Members

43. How do you rate the extent of fishing activity by vessels of non-Members that are not cooperating with CCSBT, as well as measures taken by CCSBT to deter such activities? Mean rating, by groups: 3.0 (20 responses).



This question elicited a rather neutral response, with almost half of the scores (45%) being rated 3, the same value of the mean rating by groups of stakeholders (3.0). Some of the respondents commented that the potential fishing for, or bycatching of, SBT by non-cooperating non-Members (NCNMs) has always been a concern for the CCSBT. Catch and effort data from IOTC and WCPFC indicate that non-Member fleets conduct some fishing operations in areas where SBT can be caught. A Secretariat paper for the ESC (Secretariat Review of Catches; e.g. Attachment E of CCSBT-ESC/2008/04) suggested that several NCNMs' longliners operated in the same time and area when/ where Members' fleets targeting SBT were operating, an information that was also corroborated by AIS data. The CCSBT also has proof of SBT catch and transshipment by vessels of a particular NCNM, which is the fleet of most concern. That particular NCNM rarely responds to communications from the CCSBT but has recently taken legal measures to prevent, at least partially, fishing and retention of SBT by its vessels. Prior to this, CCSBT's main measure to deter fishing for SBT by non-cooperating non-Members (NCNMs) has been limiting access to Markets. CCSBT Members and Cooperating Non-Members must not allow SBT from non-authorized vessels or without a validated CDS document to enter their market. The main SBT market is Japan, so market access has worked as an important deterrent. However, as SBT catch rates improve with rebuilding of the stock and other markets consequently develop, CCSBT's market access deterrent is weakening.

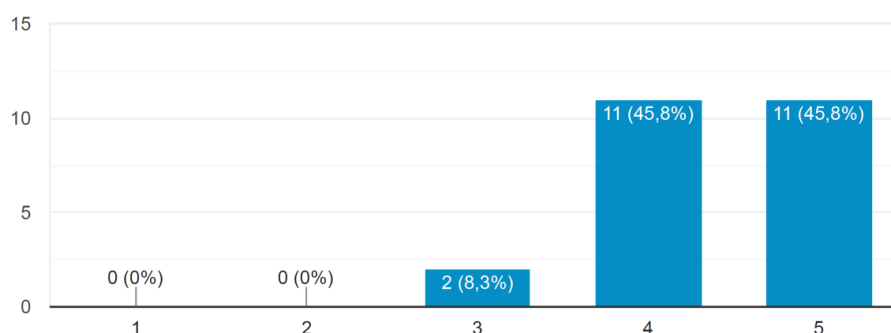
On the other hand, as already mentioned in question 42, the EC regularly identifies non-Members which cooperation or participation as a Member of the EC the CCSBT should seek. The main approach the CCSBT has taken for these approximations has been sending a formal letter to those NCNM's governments. Another important approach, however, is contacting NCNMs through Members' bilateral relationships. As a result of such activities, one of the most important NCNM has implemented domestic regulations to prohibit SBT catch in certain area and time (month), as mentioned above. This may not fully cover SBT catch possibilities by that NCNM, and, so far, it has not been possible to confirm if that NCNM's regulation has worked effectively, but, at least, it does mean that some progress is being achieved. Furthermore, non-Member SBT catches are estimated by the ESC, using Members' catch rates and NCNMs' fishing effort data reported to other t-RFMOs, and a provision for these are included in the current MP, being accounted for within the estimation of the global total allowable catch (TAC). Such

modelling strategy should render the MP robust enough, even in the event that those NCNM catch estimates are actually happening.

Some of the respondents, however, cautioned that these estimates of NCNM catches might be too low. Others commented that there were not sufficient measures in place to deter such activities and/or to verify that illegal fishing of SBT has indeed stopped, although genetic sampling of tissues during at-sea transshipments could greatly help to clarify that. CCSBT have no dedicated patrols. NCNMs, which seem to have caught SBT, usually do not respond to e-mails. Despite fishing from NCNMs, therefore, is a real concern and efforts have been made proactively by the Secretariat to contact them, little progress has been so far achieved, with no reliable data being consequently available on SBT catches by non-Members. It should be a priority of CCSBT, therefore, to get a better understanding of the non-Member catches going forward. There are other specific measures to deter non-Member fishing activity, which include the Catch Documentation Scheme and the listing of IUU vessels, but this is not a simple matter. Identifying and engaging with non-Members has occurred over the years but it requires the non-Member to respond to such engagement. This has not always been forthcoming. The overlapping areas where SBT is taken in the convention areas of other RFMOs further complicates this matter.

W. Cooperation with other RFMOs

44. How do you rate CCSBT cooperation with other RFMOs, including through the network of Regional Fishery Body Secretariats, as well as with other relevant international organizations? Mean rating, by groups: 4.4 (24 responses).



This question got only 4 and 5 ratings, except for two “3”, with an average of 4.4, indicating that stakeholders are largely satisfied with the CCSBT cooperation with other RFMOs. According to the respondents, there is a very good cooperation between the CCSBT Secretariat and the Secretariats of other RFMOs, particularly with the tuna RFMOs and CCAMLR. When necessary, the CCSBT has engaged in Memoranda of Cooperation/ Understanding (or similar) with other RFMOs to deepen cooperation, avoid duplication, and minimize the associated implementation costs for those that are required to comply with CMMs of the different t-RFMOs to which they are Members. CCSBT has

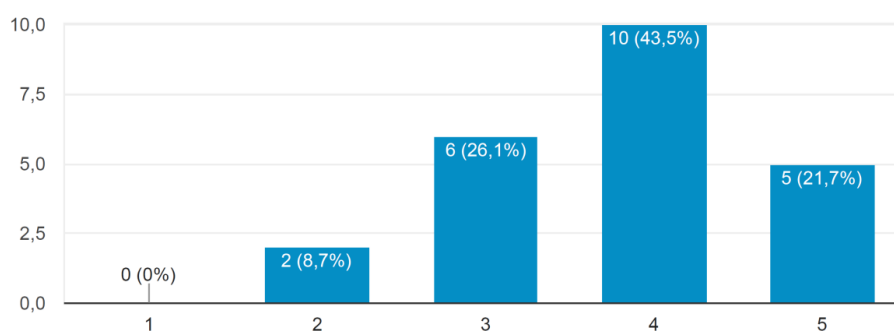
agreements for general cooperation with CCAMLR, WCPFC and ACAP, agreements for cooperation on transshipments with ICCAT and IOTC, and a cooperative relationship with SPC in relation to its TUFMAN database platform. There is a particularly good communication between Compliance Managers and Executive Secretaries of the different Secretariats. Besides, the Regional Secretariat Network (RSN) was recognized as being useful for extending cooperation beyond just the tuna RFMOs, while the Tuna Compliance Network (TCN) is proving to be an excellent cooperation forum on compliance matters. Besides, a new Pan-Pacific Compliance Network is being developed and may further improve cooperation within the Pacific Ocean. Both the Tuna Compliance Network and the new Pan-Pacific Network are under the umbrella of the IMCSN (International Monitoring, Control and Surveillance Network).

During 2020, there was extensive correspondence and cooperation between many RFMO Secretariats in relation to plans and lessons learned in conducting business (particularly with regards to virtual meetings) during the COVID-19 pandemic. When the CCSBT considers new rules or revises existing ones, the Secretariat communicates to other RFMOs which have similar rules to ensure consistency. The CCSBT and related RFMOs have, therefore, kept good communication and relationship in various levels (personal, Secretariat, Commission, and through some established networks). While there are some barriers/ differences between RFMOs (e.g. data sharing, usage of seabird mitigation measures, scientific observer coverage target, etc.), they are a natural and unavoidable consequence of each RFMO having different mandates, Members, history/background, fishing vessel/gear and environmental conditions.

Some of the respondents, however, commented that there could be more cooperation with WCPFC and IOTC. Besides, despite the Secretariat has been keeping good cooperation with other RFMOs, given the recent increasing trend of web-based meetings across RFMOs, even closer cooperation has become necessary to avoid schedule crash cases which happened recently, for instance, between CCSBT-SC and ICCAT bluefin tuna meeting.

X. Participation and capacity building

45. How do you rate the participation of CCSBT Members in the work of the Commission and its subsidiary bodies? Mean rating, by groups: 3.8 (23 responses).



This question also received a positive assessment by most of the stakeholders, with 65,2% of ratings 4 or 5 and an average by groups close to 4 (3.8), indicating an overall satisfaction by the respondents, regarding the participation of CCSBT Members in the work of the Commission and its subsidiary bodies.

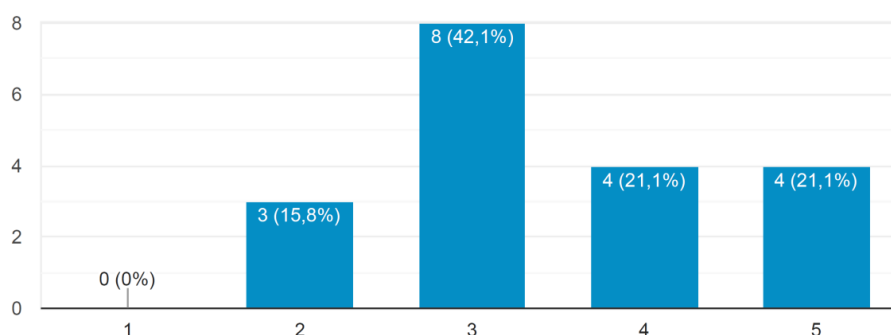
Each subsidiary body develops its own work program/ workplan (CC: up to next annual meeting, ESC: next three years, ERSWG: up to next meeting), including a timeframe and definition of responsibilities for undertaking the planned tasks (who should do what by when). The EC does not develop a formatted “workplan” because specific items are basically directed to the responsible subsidiary body or are recorded in the meeting report with clear attribution of responsibilities, as well (to Secretariat, to the Chair, to a given Member, etc.). In addition, some intersessional correspondence groups (mainly e-mail groups) have been recently established for specific themes. Those groups are led by a designated Member and basically all Members join them. A new group may be started soon by Member’s initiative (related to market analysis), even though this has not been directed by the EC or any subsidiary body, which seems to show that Members’ participation in the CCSBT’s work is becoming more active and advanced.

According to the views expressed by some of the respondents, “Members are given the same opportunity to participate in meetings” and “all of them have demonstrated a good level of participation in the work of the Commission and subsidiary bodies, in general”. Members have done their work specified in workplans well and have also reported their outcomes through their national report or in papers presented to the meetings, despite, in some cases, outcomes by Members’ work may not have been satisfactory. All Members usually provide the required annual reports to all meetings of the CCSBT and attend the Extended Commission (EC), the Compliance Committee (CC) and the Extended Scientific Committee meetings. Most of Members usually attend the Ecologically Related Species Working Group meetings, but not all. One Member has not participated in recent ERSWG meetings upon the justification that its fleet does not target SBT nor catch substantial amount of SBT and, consequently, according to that Member’s understanding, most ERS related requirements would not be applicable to it.

Some of the respondents, on the other hand, had a more negative perspective, considering the level of engagement of the various Members in the work of the CCSBT, including their participation in meetings (both before and during the meetings) to vary greatly, even amongst the developed Members, for a variety of reasons. “Only 2-3 key Members are proactive during the EC and CC Meetings”. Some pondered, however, that there were understandable reasons for this (for example, language barriers and, more recently, the impact of COVID-19). Others considered participation in the CC and in the EC to be high but skewed to some Members in the ESC. “An increased and more active participation and contribution at the ESC by some Members would be hugely beneficial”. Besides, according to some of the responses, Members are very non-pro-active when it comes to proposing new measures and/or revising existing measures, with this work falling disproportionately upon the Secretariat, which seems to have a much larger role in proactively proposing new measures and changes to existing ones than in other RFMOs. Finally, as commented by one of the respondents, “all Members need to ensure they are committing resources not only to the Commission and subsidiary body meetings, but also to the work that is carried out intersessionally at the Commission’s request. Alternatively, they need to provide additional resources to the Secretariat to undertake this work”.

46. How do you rate the work done by CCSBT regarding capacity building and the institutional arrangements in place to facilitate the effective participation of developing States in the work of the

Commission and its subsidiary bodies, including in positions of leadership? Mean rating, by groups: 3.4 (19 responses).

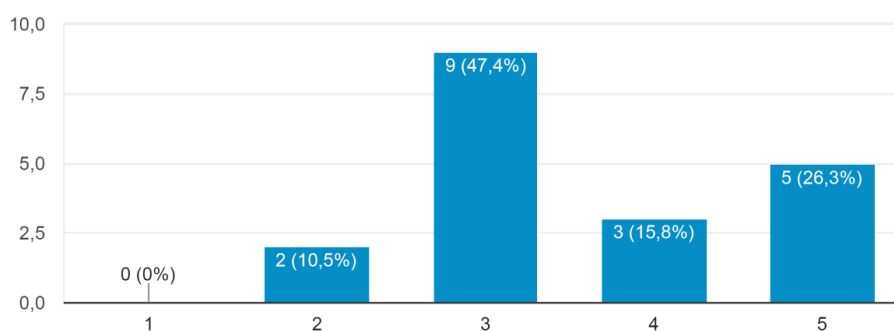


Stakeholders' assessment of the work done by CCSBT regarding capacity building and the institutional arrangements in place to facilitate the effective participation of developing Members in the work of the Commission and its subsidiary bodies was predominantly neutral, with 42.1% of the responses with a "3" rating and an average by groups of 3.4.

As already mentioned at question 13 by some, the CCSBT does not have any systematic mechanism for capacity building for developing Members. However, there is some ongoing capacity-building activities in relation to science, through various works done in cooperation with other Members' scientists, with some scientists from developing Members demonstrating a great capacity for data collection and analysis at ESC processes. Regarding compliance, Members have offered assistance for developing Members, when necessary, with the outcomes being reported to the CCSBT whenever it has happened. Some of the respondents also noted that there are provisions to facilitate effective participation of developing Members, for example, to provide assistance in the Corrective Actions Policy, and for rotational chairing of the Commission meeting. "The tradition of rotational hosting has given an opportunity for each Member, including developing ones, to be familiar with the CCSBT's work", "providing a broad range of knowledge and information regarding SBT and CCSBT". The efforts usually undertaken by the Secretariat was also praised in this regard, considered to be always very keen to respond and provide assistance. Despite of these positive views, some of the respondents remarked that there was no capacity building program for Coastal States yet.

Y. Special requirements of developing States

47. How do you rate CCSBT recognition of the special needs of developing States and cooperation and provision of relevant assistance? Mean rating, by groups: 3.5 (19 responses).

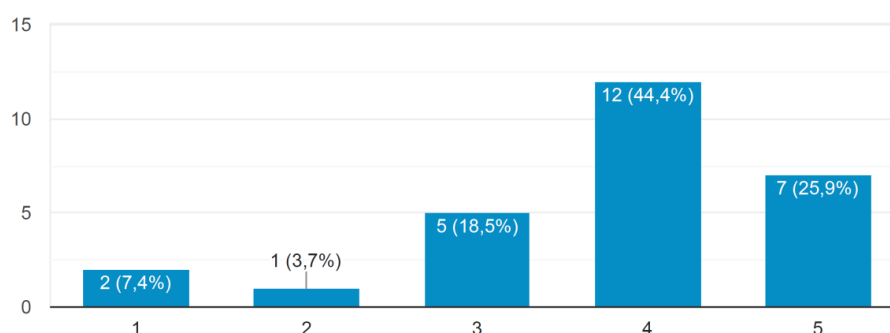


The average rating by stakeholders' groups (3.5) as well as the distribution of ratings given to this question, ranging from 2 to 5, were very close to the previous one, again indicating a rather neutral opinion of most of the respondents, with regard to CCSBT recognition of the special needs of developing Members and cooperation and provision of relevant assistance. The more detailed responses were also quite similar, with many of the respondents referring to their previous answers to questions 13, 23 and 46, largely repeating what they had already stated, particularly in the previous question (46).

Some of the respondents added that offers of assistance to developing Members are regularly forthcoming, particularly where the Quality Assurance Review program has identified areas of potential improvement, but these offers have not always taken up. Others recalled that there are specific provisions for developing Members (for example, in the Corrective Actions Policy), and financial assistance can be provided through the 'Assistance to Developing Members' expenditure category, although that has not been used in recent years. However, some of the respondents recognized that there is no specific measure or guidelines for how CCSBT should be recognizing the special needs of developing Members and providing assistance. "There is no capacity building program for Coastal Members, neither related to the transfer of science and technology to fully participate in the stock assessment process, nor for the transfer of knowledge to improve compliance level".

Z. Best practices

48. How do you rate CCSBT performance in comparison to other tuna RFMOs in relation to the adoption and/or 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, and Kobe III recommendations? Mean rating, by groups: 3.7 (27 responses).



Almost half of the responses attributed a rating of 4 (44.4%) to this question, with most of the scores (70.3%) ranging between 4 and 5, with an average rating by groups of stakeholders equal to 3.7. Despite these figures do indicate an overall satisfaction by stakeholders regarding the CCSBT performance in comparison to other tuna RFMOs, many of the respondents commented that, in a way, this question

was a kind of a broad summary of all the previous ones, making it, therefore, impossible to provide a clear-cut rating. Many explained, therefore, that their score was more an average of multiple ratings. “There are so many parts to this question that it is difficult to provide a simple score”. For example, for science on the target species, many of the respondents placed CCSBT above the other tuna RFMOs, while for science on non-target species, it was rated behind.

Regarding the adoption and/or implementation of conservation and management measures, the assessment provided by stakeholders was generally quite divergent between target (SBT) and non-target species (ERS). “The CCSBT performance in relation to target species is excellent and above other RFMOs, while relating to non-target species it is very poor”. Others considered that the CCSBT has demonstrated very good performance compared to other RFMOs, in terms of both science (in particular development and adoption of OM and MP) and compliance (in particular implementation of CDS) to accomplish the objectives of the Convention and to achieve the agreed rebuilding target for the SBT. Some of the respondents considered the scientific processes and procedures adopted by the CCSBT to be particularly good. Others, on the other hand, while agreeing that the scientific processes are satisfactory (see also responses to Question 10), opined that the quality of the data that are used in scientific analysis could be greatly improved by increasing observer coverage and ensuring compliance by Members with reporting requirements. Most of the respondents, however, expressed their satisfaction with the management of the SBT fishery via the quota system, placing it ahead of other RFMOs. “CCSBT has been leading in terms of its harvest strategy evaluation and adoption”. “CCSBT’s Management Procedure is RFMO-leading”! Some of the respondents detailed their responses, explaining that despite various RFMOs have set conservation/ rebuilding targets for their target species, not so many stocks managed by them have shown such a great rebuilding trend as the SBT, which stock has shown steady rebuilding since the implementation of the MP (the stock in 2011 was estimated at 5.5% of initial TRO, improved to 13% in 2017, and to 20% in 2020). This is one of the best rebuilding trajectories in all species managed under RFMOs, with the inescapable conclusion that current CCSBT’s scientific process and CMMs have worked very well. For target species, therefore, CCSBT has been very successful in rebuilding the SBT stock, performing particularly well in comparison to other tuna RFMOs.

For non-target species, on the other hand, there seems to be room for significant improvement. According to some of the respondents, CCSBT has not been successful to effectively manage the impact of SBT fisheries on bycatch species, with its measures considered to be lagging behind those of IOTC, ICCAT and WCPFC. Some considered that, although there is a dedicated forum to address the ERS (the Ecologically Related Species Working Group), the advice usually gets diluted and has not been translated into the adoption and implementation of effective, binding CMMs for non-target species. This is particularly concerning, since CCSBT has the largest overlap of fishing effort with vulnerable seabirds, having, therefore, the highest seabird bycatch risk of all the tuna RFMOs. Notwithstanding, bycatch of seabirds, in some cases, is increasing, not being reduced, as reported in CC15 (see also response to question 17). Over the recent years, furthermore, the group has mainly focused on seabirds, with limited attention to other non-target species. Some of the respondents also said that part of the reason for CCSBT CMMs on ERS be lagging behind the other t-RFMOs was because, as commented by some at Question 2, the CCSBT has chosen to rely on other t-RFMO’s binding ERS measures rather than adopting its own/unique binding measures to manage ERS, implying

that revisions of the CCSBT's resolution on ERS are conditioned to changes/ adoption of measures by those other t-RFMOs, to ensure consistency. Notwithstanding, since all CCSBT Members are also Members or cooperating entities of the other related t-RFMOs, according to those respondents, there should be no functional difference in terms of implementation of measures by fleets. Some of them even considered seabird mitigation measures adopted by CCSBT to be more progressive than those from other t-RFMOs.

Some of the respondents, on the contrary, however, were highly critical of the CCSBT performance regarding the adoption and implementation of conservation and management measures for non-target species, presenting under this question a summary of many of the previous responses already given. As stated in response to Question 15, for instance, they highlighted the misalignment in 'balancing the management of SBT and ERS' with the functions, needs and priorities set by the CCSBT, particularly regarding seabirds. "There remains consistently poor implementation of seabird bycatch mitigation measures, and poor compliance". According to them, to overcome this shortcoming CCSBT should conduct and coordinate a specific scientific research program on ERS aimed at providing information to support the Commission's management objectives. Inertia within the CCSBT to adopt and implement CMMs to address ERS bycatch, including the required observer coverage to ensure compliance, after two decades, has seriously compromised its performance, in comparison to other tuna RFMOs, to effectively manage the bycatch of ERS. Despite repeated calls and scientific evidence have been presented to the CCSBT showing that observer coverage must be greater than 20% and closer to 100%, to allow an effective assessment of the status of the SBT fishery and to ensure compliance with CMMs, including those on ERS bycatch, no progress to increase that rate has been achieved so far. As already noted in the response to Question 2, in other similarly high-value fishery, such as the Patagonian toothfish, a 100% observer coverage has been enforced. When CMMs are complied with, there is negligible bycatch of non-target species, and the fishery is sustainable. The argument that the use of EM or increasing observer coverage is too costly was considered disappointing, given the financial value of SBT in the global market. To implement a greater observer coverage, ideally of 100%, and at a minimum of 20%, supported with electronic monitoring, in line with the adoption of clear and binding disincentives for non-compliance is the only way to rectify the presently very high seabird mortality in SBT fisheries.

Regarding compliance review procedures, some were of the view that other t-RFMOs have a more formal "compliance assessment process" and a Member of the CCSBT has suggested to consider similar process for the CCSBT, but no consensus has been reached so far, due to the divergent opinions on the utility and relevance of adopting such a strategy. Some of the respondents also found it difficult to distinguish the adoption and implementation of MCS measures and compliance review procedures between the different RFMOs. For example, only ICCAT and the CCSBT have a CDS, and only WCPFC has a centralized VMS. Others reminded that currently there are no standard for distinguishing between a serious non-compliance event and a minor one, being therefore important to CCSBT to clarify that. Besides, corrective actions have been restricted to over catch of SBT and not to the non-compliance of other CMMs, including those related to ERS. Furthermore, as already noted in Question 31, decisions are made through consensus, which has the potential to limit the corrective actions required, since it is very unlikely that a Member will agree with a penalty to be applied to itself. The

timeframe between reviews - three years - was also considered too long, potentially delaying the implementation of corrective actions.

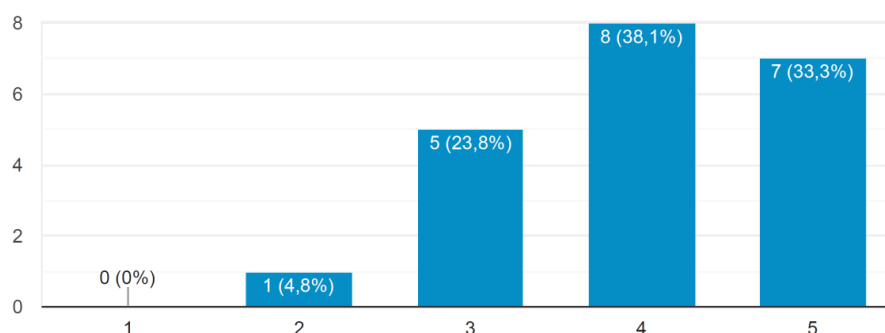
Regarding the Kobe process, some of the respondents recalled that recommendations related to CCSBT have been reviewed by past EC meetings and were addressed in various ways. The comparison with other RFMOs, however, was considered to be difficult, due to their peculiarities and dissimilarities. Some years ago, for instance, the five tuna RFMO Secretariats provided tables for comparison of how each RFMO had implemented recommendations. They concluded, however, that the information was not comparable between the RFMOs because of the different ways the scoring was interpreted between Secretariats. Without extensive re-analysis, therefore, it is not possible to draw any conclusion regarding the level of implementation of Kobe recommendations by the different tuna RFMOs, in a comparative manner.

CCSBT is unique amongst tuna RFMO in only dealing with one species and being able to rely on the region-specific tuna RFMOs for treatment of non-target species. The single species focus and especially the single species stock recovery focus for more than a decade, coupled with small Membership and ITLOS history, has created a very different RFMO. CMM are few and their adoption and implementation has been relatively straightforward compared to those for other tuna RFMOs.

V. Financial and administrative issues

AA. Availability of resources, efficiency, cost effectiveness, Convention and Rules of Procedure

49. How do you rate the financial and other resources made available to CCSBT, to achieve its aims and to implement the decisions taken by the Commission? Mean rating, by groups: 4.0 (21 responses).



This question was again positively assessed by most of the respondents, achieving an average rating by groups of 4.0 and 71,4% of ratings either 4 or 5. Every year, the Commission decides the budget for the

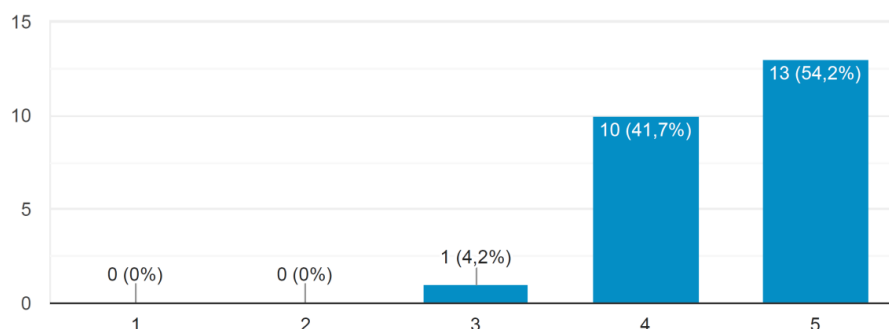
coming financial year. The Finance and Administration Committee under the Extended Commission examines the financial position of the CCSBT, which budget item should go, possible savings and contributions by Members, taking account the required resources, in particular for science programs. The Commission's general budget has been slightly increased every year (it means Members' contribution has increased as well), but Members have accepted those rises. Notwithstanding, as some of the respondents commented, the CCSBT is always seeking to prevent unnecessary expenses and expenditure cuts are always sought in the budget approval process. However, sufficient funds are generally made available to conduct and implement the projects and functions agreed by Members. Of greater concern than the CCSBT's budget is likely whether CCSBT Members themselves have sufficient human resources to fully contribute to the functioning of the CCSBT. For example, many Members do not seem to have sufficient time to review and produce documents/ proposals for meetings. There are years when more resources are available (e.g., in 2020), and years when there are less (e.g., in 2019). The Commission and the FAC work well together to prioritize expenditures. Nonetheless, some large projects are occasionally compromised by lack of funding (for example, a reduced budget for the farming and market analysis, having to withdraw from reserves to fund the e-CDS trial, and the proposed new gene tagging project). The transition from the aerial survey to gene tagging showed how little financial flexibility exists within the CCSBT to accommodate significant projects.

Although funding is typically always available to carry out the basic functions necessary for the maintenance of essential processes there is often a reliance on individual Member funding to support initiatives aimed at improvement or innovation. Additionally, Members also make unilateral contributions for some specific tasks (for example, to cover some meeting expenses). Some processes, particularly in the ESC, rely on significant in-kind contributions from some Members to be effective. Some of the respondents, however, warned that it is always risky for the Commission to rely on such contributions. Nevertheless, routine work and necessary projects are usually funded by the regular budget and are rarely compromised by a lack of financial resources.

Comparatively, it seems that more ample financial and time resources are available to CCSBT than to other RFMOs. Some noted, though, that budget expenditure is more widely used by the scientific stock review process, than to support other areas, such as capacity building programs and compliance improvement. "The science and management procedure underpin a successful quota management system. This is important and is appropriately funded. Other areas, however, including MCS, observers, transshipment and independent verification, need additional resources". Some of the respondents also commented that, fundamentally, the CCSBT Convention and financial processes reflect a time when the Membership consisted entirely of first world states/entities that were happy to accommodate individual projects, but this delivery model no longer reflects the current membership makeup.

50. How do you rate the efficiency and effectiveness of CCSBT, in managing its human and financial resources, including those of the Secretariat, to support Commission objectives and ensure continuity of operations, including through establishment of clear and transparent office policies, structures, roles and responsibilities, and lines of authority; effective internal and external

communication; and other aspects of office planning and operations? Mean rating, by groups: 4.5 (24 responses).



The ratings given to this question by the respondents, with an average of 4.5 and only one “3”, were the second highest, being only lower than the next one (4.7). These figures show that most of the stakeholders are highly satisfied with the efficiency and effectiveness of CCSBT, in managing its human and financial resources. The respondents were unanimous in praising the work of the Secretariat for running the CCSBT work effectively and efficiently, even though in a small number. “Given the limited resources, the Secretariat does a very professional job”. “The workings of the CCSBT Secretariat are efficient and always incredibly helpful”. “The hard work and quality of the Secretariat are outstanding”.

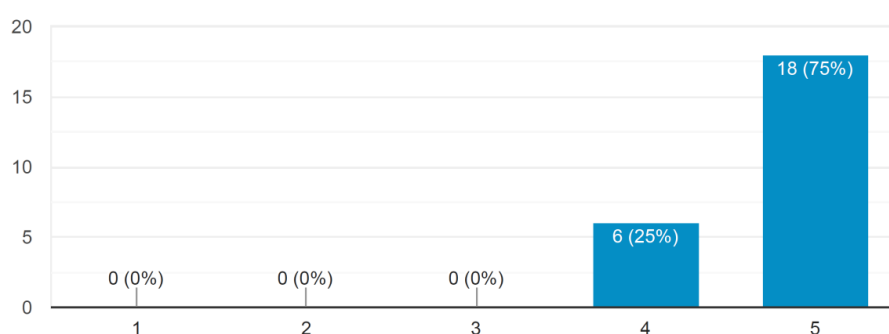
Compared to other t-RFMOs, the CCSBT Secretariat is very small, but yet very good at achieving objectives and planning. The continuation of all CCSBT meetings with full agendas (including a full stock assessment, running the Management Procedure, TAC setting and allocation) in 2020, despite the COVID-19 pandemic, is but another example of the CCSBT’s and its Secretariat’s ability to provide continuity of operations. However, being a small Secretariat, some office practices/ policies are probably less formal than those of larger organizations. Notwithstanding, according to some of the respondents, there may be some room to improve specific role/ workload sharing between staffs, despite the written job description in the contract for each position. This should be pursued, nonetheless, taking due account of efficiency, since some tasks are more effectively handled by one person.

Another area of potential improvement indicated by some of the respondents concerns the timing of the Commission Chair appointment. “Sometimes the late nominations of chairs can mean that the Secretariat is not able to work with he/she in preparing for the Annual Meeting”. To address this shortcoming, the duration of the chairing responsibilities should be extended¹⁰³. This would also prevent an undesirable lack of continuity between Commission Chairs. Some Commission Chairs may have little knowledge of CCSBT matters and may not have experience in chairing Commission meetings, and, therefore, to allow enough time for a proper coordination with CCSBT staff well in advance of meetings is much desirable. In the present system, consultation opportunities between

¹⁰³ Rule 4(1) of the CCSBT’s Rules of Procedure was amended to allow the CCSBT to “elect” the Chair and the Vice-Chair of the Commission meeting, rather than Members nominating them by rotation and also allows the elected Chair and Vice-Chair to be re-elected for an additional three one-year periods. To date, this mechanism has not utilised and consequently the Chair and the Vice-Chair have been nominated in rotation and for a single year.

the Executive Secretary and the Chair are limited. There is also no independent oversight of the Executive Secretary by the Chair of the Commission, which is the case in other RFMOs, and this should be rectified. Finally, some of the respondents alerted that the Commission needs to consider succession planning for key positions, including the Executive Secretary who has indicated will probably retire shortly.

51. How do you rate the support provided by the CCSBT Secretariat to the Commission? Mean rating, by groups: 4.7 (24 responses).



This question achieved the highest ratings of all in the entire questionnaire, with an average by groups of 4.7 and the vast majority (75%) of the respondents attributing to it a score of 5, showing a very high degree of satisfaction by stakeholders with the support provided by the CCSBT Secretariat to the Commission. Unsurprisingly, many of the commentaries given to this question were similar to those provided in the previous one, with all the respondents praising the quality and efficiency of the work done by the Secretariat. “The Secretariat is responsive and accommodating, and efficient and effective at maintaining systems and processes”. “The Secretariat is knowledgeable, proactive, helpful and effective”. “The Secretariat works well in supporting the Commission, especially in terms of their quality and timeliness of advice and preparation works”. “They provide high quality output in support of Commission operations”.

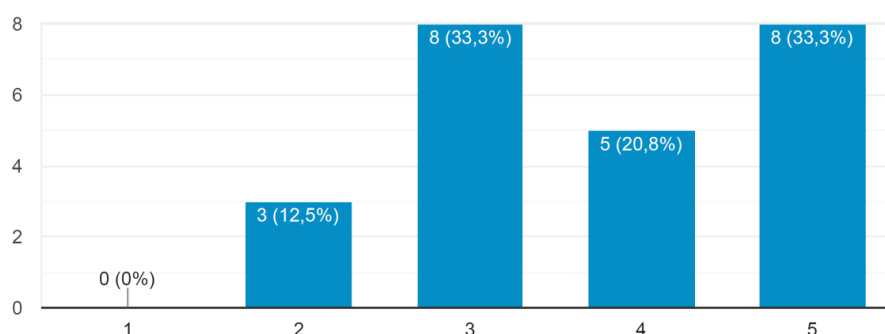
The functions of the CCSBT Secretariat specified by the Convention, the CCSBT Rules of Procedures and the Resolution to Establish an Extended Commission and an Extended Scientific Committee are:

- (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.

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 data bases 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.), and so on. According to all responses, the Secretariat has carried out these duties efficiently and effectively, with some of the respondents considering the CCSBT Secretariat to be the most effective amongst all RFMOs. Some noted, however, that the Secretariat could do more to advance

the systems and processes of the Commission, and that additional resources would further enhance the quality of the support it already provides to the Commission.

52. How do you rate the Convention of CCSBT? Mean rating, by groups: 3.6 (24 responses).



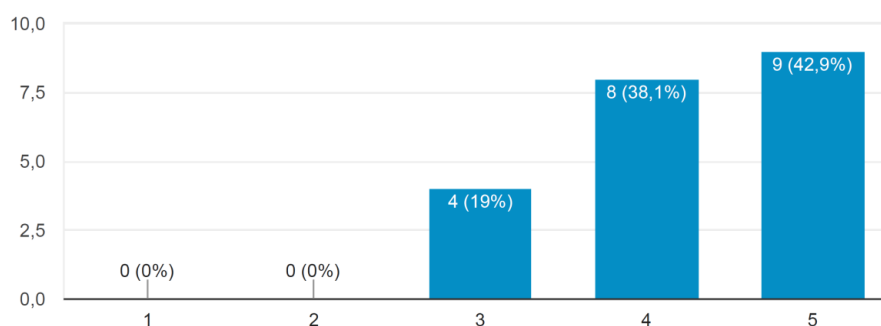
The ratings given by the respondents to this question ranged from 2 to 5, with an average of 3.6, indicating a moderate satisfaction by stakeholders with the CCSBT Convention. The convention pre-dates UNSFA and, therefore, some of the respondents opined that it could do well with an updating. Areas that could be considered in such update include: a) Alignment with UNSFA provisions; b) Inclusion of entities other than States (e.g. the EU and the Fishing Entity of Taiwan); c) Decision making procedures other than consensus; d) improved focus on ERS; and e) Improved dispute resolution procedures. According to those respondents, the CCSBT Convention is showing its age and needs a revision, particularly to deal with non-target species and the marine environment. This is being resisted by some Members, however, who fear the additional requirements this may impose. Notwithstanding, an updating of the Convention would allow CCSBT to have its own CMMs for ERS, to adopt punitive measures for Members that did not comply with them and to enhance transparency.

Others, on the other hand, disagreed, expressing the view that an updating of the Convention is not necessary. According to them, under the CCSBT convention, SBT stock status has been improving steadily and the Commission's performance has been pretty good compared to other various organizations, including t-RFMOs. As the Convention for the Conservation of Southern Bluefin Tuna is relatively "old", it naturally does not include some of the contemporary concepts and definitions used in fisheries management, such as the precautionary approach, the ecosystem approach, global warming, climate change and so on. Nonetheless, this has not prevented the Commission to carry out its work and to apply these concepts. For example, the Commission has adopted one of the most precautionary approaches for stock management among all t- RFMOs, i.e. the CCSBT MP, and also requested Members to comply with binding measures related to non-target species. Besides, despite the view of some that "conservation of non-target species" must receive the same importance as the SBT, they considered that this should not be the case since human life and seabird life are not on the same level of importance, and to try to do both things at once could result in failure to both. According to those respondents, therefore, the current convention of CCSBT has a very clear objective and is working well. They also commented that it would not be realistic to try to cover all elements that may be related to the SBT fishery in a single convention, recalling, in this regard, that all CCSBT Members are also contracting parties of several other international conventions, being bound by them, such as the

London Convention (MARPOL Convention) for marine pollution, ILO-MLC for crew's working condition, SOLAS convention for vessel/crew's safety and so on.

An apparent point of convergence of all the respondents, however, was the need to “open” the Convention to the participation of international organizations, such as the EU, and fishing entities. The Commission has overcome this issue by establishing an Extended Commission and an Extended Scientific Committee by means of a binding resolution. However, a Member of Commission may still upset all decisions by the Extended Commission at the very last minute of the Annual meeting. Another concern raised by some of the respondents was the requirement of consensus to make a decision, since it may prevent the adoption of any measure against one of the Members, in cases of non-compliance, for instance. At least for the case of adopting a penalty due to non-compliance by a Member, therefore, a majority decision-making process should be allowed.

53. How do you rate the Rules of Procedure of CCSBT? Mean rating, by groups: 4.0 (21 responses).



The rates given by the respondents to the Rules of Procedure of CCSBT were consistently higher than those regarding the Convention, with an average by groups of 4.0 and 81% of the scores being either 4 or 5, meaning a good level of satisfaction by stakeholders. The Rules of Procedure (RoP) have been updated from time to time as the needs arise and no issues have been raised regarding inadequacies of the RoP. That said, there has never been a formal review of the RoP or a comparison of the CCSBT's RoP with other organizations, so there may be improvements that could be made. Notwithstanding, all the respondents considered the RoP to be adequate and fit for purpose. “Rules are sufficient and provide useful guidance”. They were also considered to be more flexible and practical than those of some other RFMOs. Some also praised the “unwritten” rules, the practices that have been used by the organization to facilitate its work. “CCSBT is an adaptable modern organization, therefore, by having, for instance, an informal meeting prior to a formal meeting is a good means of communicating things that need to be raised even though they are not included in the meeting agenda”.
