

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

- The Chair of the Performance Review Panel will be chosen by the EC from one of the independent external experts. The Chair will present the report of the Performance Review Panel to the annual meeting of the CCSBT.
- It is envisaged that there will be one or two physical meetings of the Panel as determined by the Panel.
- The Panel will determine its own mode of operation for conducting the performance review and for preparing its report.
- The 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.
- 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
- Access¹ 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.

¹ By email, telephone, and direct person to person contact where this is practical and cost effective.

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
<i>1. Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> • Status of major fish stocks under the purview of the RFMO in relation to maximum sustainable yield or other relevant biological standards. • Trends in the status of those stocks. • 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.
	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. • 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.
	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 of fishing on the marine environment. • 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	<ul style="list-style-type: none"> • Extent to which RFMO Members and cooperating non-members 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.
	Long-term planning and research	<ul style="list-style-type: none"> • Extent to which RFMO adopts and regularly reviews a long-term strategy for the Scientific Committee to implement. • Extent to which the research coordinated or undertaken directly by RFMO is aligned with the needs of the Commission to fulfil its mandate.
	Adoption of conservation and management measures	<ul style="list-style-type: none"> • 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. • 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. • Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. • 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. • 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.

Area	General Criteria	Detailed Criteria
	Compatibility of management measures	<ul style="list-style-type: none"> Extent to which measures have been adopted as reflected in UNFSA Article 7.
	Fishing allocations and opportunities	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Analysis of RFMO reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to Members.
<i>2. Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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. 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. Extent to which these measures are effectively implemented.
	Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> 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). Extent to which these measures are effectively implemented.
	Follow-up on infringements	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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). Extent to which these mechanisms are being effectively utilized.
	Market-related measures	<ul style="list-style-type: none"> Extent to which the RFMO 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.
		Reporting Requirements
<i>3. Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> 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.
	Dispute settlement	<ul style="list-style-type: none"> Extent to which the RFMO has established adequate mechanisms for resolving disputes.
<i>4. International cooperation</i>	Transparency	<ul style="list-style-type: none"> 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. 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	<ul style="list-style-type: none"> Extent to which RFMO has set security and confidentiality standards and rules for sharing sensitive information and data.
	Relationship to cooperating non-members	<ul style="list-style-type: none"> 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	<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.

Area	General Criteria	Detailed Criteria
	Cooperation with other RFMOs	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Extent to which RFMO members and cooperating non-members 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.
	Special requirements of developing States	<ul style="list-style-type: none"> • 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. • Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26.
5. Comparison with other RFMOs	Best practices	<ul style="list-style-type: none"> • 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. • Identification of areas/best practices that would allow RFMO to enhance its performance.
	Kobe	<ul style="list-style-type: none"> • 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	<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.
	Efficiency and cost-effectiveness	<ul style="list-style-type: none"> • 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.