Commission for the Conservation of
Southern Bluefin Tuna

みなみまぐろ保存委員会

CCSBT-EC/2610/13

Terms of Reference for the Performance Review
(EC agenda item 8.2)

Purpose

To provide a draft Terms of Reference of the next Performance Review of the CCSBT, which will be the basis for the consideration of the revised CCSBT Strategic Plan for 2029-2034. This paper also aims to assist Members in their determination of panel composition and other considerations that will impact on the budget process.

Background

The current Strategic Plan covers the period from 2023 to 2028 and consideration should be given to its next iteration this year. The past practice at CCSBT has been to undertake an independent Performance Review to support the development of the Strategic Plan, and the EC tasked the Secretariat with the development of Terms of Reference (ToR) for the next Independent Performance Review for consideration at CCSBT 33.

Following the EC's direction, the Secretariat developed an initial draft ToR that was circulated to Members as CCSBT Circular #2026/38 for their comments and inputs. **Attachment A** is the revised draft reflecting inputs from two Members.

Key Considerations

The Secretariat developed the current draft based on the ToR for the 2021 Performance Review, with adjustments reflecting the outcomes of that review as well as the Secretariat's experience and observations from past reviews, to enable the CCSBT to achieve the most effective outcomes in a timely manner while maximising resource efficiency.

In addition, the Secretariat also provided a draft budget for the work required based on this draft ToR in CCSBT-EC/2610/06.

The Secretariat requests that Members provide guidance not only on the criteria and areas of focus for conducting the review, but also on elements related to budget/resources, particularly the composition of the review panel and other resourcing needs.

In response to the comments received during Circular consultation, Members should also consider the potential for some (or all) elements of the review to be undertaken internally by Members in order to reduce the reliance on (and costs associated with) external reviewers.

Limiting the scope of the exercise with a focus on priority items also offers an opportunity to reduce costs.

Next Steps

Members are asked to:

- Review the revised draft Terms of Reference at **Attachment A** and make any necessary revisions, noting that the outcomes may affect the budget required in 2027 for conducting the Performance Review; and

- Adopt the finalised Terms of Reference.

Prepared by the Secretariat

Attachment A

Terms of Reference for the 2027 Performance Review of the CCSBT

Overview

The following Terms of Reference have been developed based on the terms applied in the most recent Performance Review (2021). Changes to the previous terms are shown in tracked changes along with comments from the Secretariat to provide additional context for the changes where necessary.

Commented [NZ1]: Propose that the review builds on the recommendations of the previous performance review.

The table below provides an indicative timeline for the project:

Proposed Action	Timing
Secretariat to draft revised Terms of Reference for next Performance Review	Q2 2026
Members to comment on initial draft Terms of Reference as part of intersessional process	Prior to CCSBT 33
Secretariat to develop draft budget for Performance Review	Prior to CCSBT 33
Members to adopt Performance Review Terms of Reference and budget	CCSBT 33
Secretariat to seek nominations from Members for potential Panel Members	Q4 2026
Performance Review Panel Members appointed	Q1 2027
Performance Review begins	Q1 2027
Performance Review Report presented to Members	CCSBT 34
Review of Report by Subsidiary Bodies	2028
Provide direction for Members to work intersessionally to draft update of Strategic Plan	CCSBT 35
Strategy and Fisheries Management Working Group to finalise update of Strategic Plan	Q2 2029
Revised Strategic Plan adopted	CCSBT 36

Composition of the Performance Review Panel

Commented [NZ2]: Alternative proposal of an internal review led by Members and assisted by the Secretariat.

The independent performance review panel will be comprised of between ~~four~~ three and ~~seven~~ five people as described below:

Commented [Sec3]: Proposing a smaller panel to reduce project costs. The 2021 panel originally had 6 Members but concluded with 4. The 2014 Review was conducted by two independent reviewers while the 2008 review involved an initial self-assessment from Members followed by a single independent reviewer assessment.

- Between two and ~~four~~ three 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.~~

- One or ~~T~~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].

As a group, the Panel should have expertise in fisheries management, fisheries science, compliance and legal governance at the international level.

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 is also expected to utilise virtual meetings throughout the drafting process.
- 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.

Commented [Sec4]: Should Members choose to have only one external expert then this individual will automatically be appointed as the Chair.

Commented [Sec5]: Additional cost-saving recommendation.

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~~33).
- The [two] independent external expert[s] will be selected intersessionally. This will involve:
  - Members providing a list of potential independent external experts, together with background information on those candidates, to the Secretariat no later than 30 days following the conclusion of CCSBT 33;
  - 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 [if applicable] and advise the Secretariat; and
- The Secretariat contacting the suitable candidate[s] in order of rankings and engaging ~~two candidates~~them 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 expert[s] [and the IOTC expert] 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.~~

The criteria to be used for the current Performance Review remain largely based on those developed as part of the Kobe Process and continue to be broadly aligned with the approach taken by ICCAT (who along with CCSBT has engaged in a regular cycle of reviews). Some changes have been made to better group the various criteria under similar themes and to reflect feedback from previous reviewers.

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.
- The 2021 CCSBT Performance Review
- All other publicly available CCSBT meeting reports, documents and data requested by the Panel; and
- Access[1] 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 an easy--to--read document that:

- Describes the process and steps taken to conduct the review (e.g. documents examined, individuals that were consulted etc.);

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

- 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 2027~~1~~ 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~~.

Commented [Sec6]: This website is no longer being actively updated.

Process for consideration and follow-up of Performance Review recommendations

The EC will initially consider the recommendations of the Performance Review at its October 202~~1~~7 meeting. At that meeting, the EC will decide whether there are any urgent recommendations that need early implementation.

The Ecologically Related Species Working Group (ERSWG), Extended Scientific Committee (ESC) and Compliance Committee (CC) will consider aspects of the Performance Review report relevant to them at their 202~~2~~8 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-202~~3~~9, 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 as part of the update to the Strategic Plan. The 202~~3~~9 EC meeting ~~would~~ will consider and adopt an updated Strategic Plan that includes an implementation plan for the recommendations of the Performance Review.

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

Annex A

Criteria for Evaluating the CCSBT's Performance

Area	General Criteria	Detailed Criteria
1. Conservation and management	Status of living marine resources	• Status of ~~major fish stocks under the purview of the RFMO~~southern bluefin tuna in relation to maximum sustainable yield or other relevant biological standards. • Trends in the status of ~~those~~ the southern bluefin tuna stock~~s~~. • 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	• 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	• 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	• 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	• 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.

Commented [AU7]: Proposal that Members identify priority issues (3 'General Criteria' per Member) for consideration by the panel.

Commented [Sec8]: Proposal to consolidate all criteria related to capacity development under a single heading.

Commented [Sec9]: As above.

Area	General Criteria	Detailed Criteria
	Adoption of conservation and management measures	• 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.
	Compatibility of management measures	• Extent to which measures have been adopted as reflected in UNFSA Article 7.
	Fishing allocations and opportunities	• 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	• Analysis of RFMO reporting requirements to improve efficiency, avoid redundancy and reduce unnecessary burden to Members.
2. Compliance and enforcement	Flag State duties	• 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	• 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)	• 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	• Extent to which the RFMO, its members and cooperating non-members follow up on infringements to management measures.

Commented [AU7]: Proposal that Members identify priority issues (3 'General Criteria' per Member) for consideration by the panel.

Area	General Criteria	Detailed Criteria
	Cooperative mechanisms to detect and deter non-compliance	• 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	• 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	• 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	• 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	• Extent to which the RFMO has established adequate mechanisms for resolving disputes.
4. ~~International cooperation~~Governance	Transparency	• 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	• Extent to which RFMO has set security and confidentiality standards and rules for sharing sensitive information and data.
	Relationship to cooperating non-members	• 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	• 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	• 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	• 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. • Extent to which capacity building initiatives are put in place to improve data collection in developing States. • Extent to which capacity building initiatives are put in place to facilitate the effective participation of developing States in Scientific Committee activities.

Commented [AU7]: Proposal that Members identify priority issues (3 'General Criteria' per Member) for consideration by the panel.

Area	General Criteria	Detailed Criteria
	Special requirements of developing States	• 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	• 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~~	• ~~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	• 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	• 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.

Commented [AU7]: Proposal that Members identify priority issues (3 'General Criteria' per Member) for consideration by the panel.