

PROGRESS MADE SINCE THE ICCAT PERFORMANCE REVIEW*ICCAT Secretariat*

At the start of the century, faced with the difficulties generated by the increasing demand for products from the sea and the increase in fishing effort exerted on the stocks of tuna species, many voices were raised to call upon all the Regional Fisheries Management Organizations (RFMOs) to review their achievements, and various international authorities began to view this as a priority. In this context ICCAT decided, at its annual meeting in 2007, to carry out a review of its performance. Through a process in which all the Contracting Parties participated, a team of three external world renowned experts were selected to conduct an evaluation of the performance of ICCAT.

This work was carried out based on the terms of reference that had been developed after several discussion sessions in the United Nations, FAO and in other meetings of RFMOs. The final report of the experts reviewed the Basic Texts, the status of the stocks and the scientific process, the development and application of conservation and management measures.

The Kobe process envisaged a performance review of tRFMOs every 3-5 years¹. The first review was completed in 2008, and the report published in 2009². Six years have now passed since the performance evaluation of ICCAT, and although many actions have been taken in response to the recommendations presented, no overall assessment of progress made has been carried out.

After consultation with the Chair, the Secretariat has developed this document which summarises the recommendations of the panel of experts and notes the actions taken in consequence. This document is presented as a working / background document for the information of the Commission.

The Commission may wish to consider whether or not a second Performance Review is necessary at this time, or whether this should be deferred until the Working Group on Convention Amendment has completed its work. During recent years, ICCAT has been making major efforts to become a highly performing RFMO and a new performance review would certainly add to these efforts. It would also generate recognition for the good work we have done

In the event that the Commission decide to carry out a second Performance Review, the draft table will be circulated to CPCs for any comments/improvements before the initiation of the process, in order to serve as a background document for such a review.

¹ Annex 1 to Appendix 14 of the Report of the [first] Meeting of the Tuna RFMOs - 2007; [http://www.tuna-
org.org/Documents/other/Kobe%20Report%20English-Appendices.pdf](http://www.tuna-
org.org/Documents/other/Kobe%20Report%20English-Appendices.pdf)

² Report of the Independent Performance Review of ICCAT, ICCAT 2009;
http://iccat.int/Documents/Other/PERFORM_%20REV_TRI_LINGUAL.pdf

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	Recommendation	Actions to date	Observations
1	In light of developments in recent years, the Panel recommends that the Commission consider the need to adopt the ecosystem approach or ecosystem-based management in a more formal and systematic manner. It should also examine the question of whether there is a need to amend the Convention in this regard.	Amendments to the Convention to be considered by WGFI. Strengthened measures on shark and by-catch have been adopted in recent years. Include it as part of the SCRS Strategic Plan of Science (Goal 7)	
2	The precautionary approach is clearly established in the Rio Declaration of 1992 and has since been incorporated in numerous environmental documents, both domestic and international. In the light of these latest developments among RFMOs as well as the wide-spread adoption of the concept in practice, the Panel recommends that ICCAT formally and systematically adopt the precautionary approach.	Kobe matrix adopted by ICCAT in 2011. Work developed on : - HCR Principles of decision (Rec. [11-13]) - References points (ALB , Rec [13-05] and SWO [13-02]) - MSE (leading tRFMO WG). - The possibility to amend the Convention to include the precautionary approach has also been considered by the Working Group on the Convention Amendment.	
3	The Panel recommends that, in order to implement the compatibility requirement of UNFSA, Article II of the ICCAT Convention be amended or supplemented by additional provisions, or other appropriate measures be taken, along the lines as reflected in the modern instruments.	Amendments to the Convention to be considered by WGFI. Notwithstanding, ICCAT measures apply to stocks in both international waters and EEZs, and hence this is not necessarily incompatible.	
4	The Panel considers it essential that the Commission gives serious consideration to the allocation problem with a view to developing a new, preferably binding, formula for fishing allocation. This could be done, without amending the Convention, by adopting a new Recommendation revising or replacing the current criteria in Ref. 01-25.	None. The issue has been raised by some CPCs for discussion by the WG on Future of ICCAT	
5	In view of the well-recognized fact that some fishing vessels, particularly those engaged in IUU fishing, often repeat their offences taking advantage of lack of severe sanctions, in the Panel's view, the Commission should adopt provisions on the need to apply sanctions sufficient to secure compliance in accordance with the provisions of UNFSA and the FAO Compliance Agreement.	No specific action to date.	Sanctions on individual vessels may be applied by the CPC. ICCAT may only sanction flag State.

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6	The Panel considers that ICCAT should take further action in order to expand and strengthen port State measures in conformity with UNFSA, taking into account the recent work of FAO to draft a new international agreement on port State control.	Recommendation 12-07 adopted.	
7	The Panel recommends that the Commission review immediately the adequacy and effectiveness of its MCS and enforcement measures with a view to adopting measures for further strengthening them, including regional on-board observer program and boarding and inspection scheme.	ROP in place for E-BFT and transshipment activity. Boarding and inspection scheme currently in place for E-BFT.	Boarding and inspection is currently on the Agenda of the IMM working Group
8	In the Panel's view, non-compliance with ICCAT measures is one of the most serious problems that await urgent attention of the Commission. The effectiveness and credibility of ICCAT depend largely on how much the Commission can succeed in improving the situation in the immediate future. The Commission must squarely deal with the problem and strengthen its measures and mechanisms.	New Terms of Reference adopted for the Compliance Committee in 2011. Overall compliance now reviewed for each CP.	Action table by CPC drafted and if agreed by the Commission, letter of concern or letter of identification sent by the Commission to the CPC. Sanctions may be imposed if no action is taken by CPC to improve
9	ICCAT has done well in adopting market-or trade-related measures against IUU activities and the product originating in such activities. These measures are, as the Code of Conduct and the IPOA-IUU stress, adopted carefully through multilaterally-agreed procedures, and applied in a fair, transparent and non-discriminatory manner, and consistent with WTO rules.	No further action necessary?	
10	The Panel is of the view that the Commission should review its decision-making procedure with a view to creating mechanisms for minimizing the objections and reviewing the objections through an expert body, taking into account the recent trends in other RFMOs.	The issue is currently on the agenda of the Convention Amendment Working Group..	
11	The Panel recommends that the Commission consider establishing dispute settlement procedures, including the possible use of an expert panel and compulsory proceedings entailing binding decisions, either by amending the Convention or otherwise.	This is one of the items on the agenda of the WG on Convention Amendment	

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12	The Panel considers that the Commission should take note of recent developments in other RFMOs and consider further cooperative measures with Chinese Taipei in view of its significant level of fishing activities in the Convention area.	In 2010, it was agreed that Chinese Taipei (and others with cooperating) could take part in debates and present proposals for consideration. The consideration of further actions is on the agenda of the Convention Amendment Working Group.	
13	ICCAT has adopted strong measures, particularly Rec. 06-12, requiring CPCs to take a number of strict actions to deter IUU activities of the vessels of non-cooperating non-Contracting Parties. The ICCAT measures against non-Parties have generally been regarded as effective as evidenced by the facts that the number of IUU fishing vessels flying their flag have considerably been reduced over the last several years, and that a number of non-Parties which had previously been non-cooperating have become Parties to the Convention.	No further action necessary?	
14	The Panel considers that efforts in assistance to developing States should be further strengthened, with the expanded participation of donors.	A Meeting Participation Fund (Rec. [11-26]) as well as a Scientific Capacity Building Fund (Rec[13-19]) has been established with initial funds available from the ICCAT Working Capital fund. Several CPCs also make voluntary contributions for capacity building activities.	
15	ICCAT has been making commendable efforts in cooperating with other RFMOs, particularly those dealing with tuna. Although it is not specified in the global law of the sea instruments, such efforts are certainly conducive to the enhancement of mutual cooperation among States, which is one of the key objectives enshrined in the preambles to UNCLOS and UNFSA. These efforts should therefore be continued and expanded.	ICCAT continues to be committed to the Kobe process, participating in the joint WG on by-catch and leading the WG on MSE, and the work plan of the tRFMOs is followed by ICCAT. The Secretariat, as well as ICCAT CPCs, has participated in many technical meetings.	
16	If ICCAT wants to give more equal opportunities to scientists of all Parties to become chair of the SCRS, it should consider a special fund to pay the salaries and expenses related to ICCAT activities of the SCRS chair.	A Meeting Participation Fund has been established as well as a special fund for the participation of the SCRS Chair in SCRS and other meetings related with SCRS activities.	

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17	The Panel recommends that the various ICCAT lists be consolidated to increase efficiency and usefulness and that additional resources be secured, as necessary, to support both the fisheries management and the scientific needs of ICCAT.	The ICCAT Record of Vessels has been restructured, although the measures adopted by the Commission have not fully reflected the proposed consolidation. All the ICCAT lists related with the BCD have been integrated into the eBCD system.	
18	The Panel recommends that target reference points be agreed for all species under ICCAT's purview to ensure that the Commission's objective has a high probability of being met, consistent with UNFSA and the precautionary approach.	- See item 2. - Reference points and the Kobe matrix have been adopted by the Commission. Interim LRP have been established for North Atlantic ALB (Rec [13-05]) and SWO (Rec.[13-02])	
19	For albacore tuna, the Panel recommends that catches for the northern stock be decreased such that fishing mortality is consistent with F_{MSY} . The Panel also recommends that more information be collected for Mediterranean albacore and that an assessment be conducted at the earliest possible date.	TAC for northern albacore has been decreased. Stock assessment for Mediterranean albacore held 2011 and a new one is planned 2016 .	
20	For bluefin tuna, the Panel concludes that the Commission objectives are not being met, and by far.	BFT plans for both east and west have been modified and strengthened, and E-BFT quotas significantly reduced since the performance review. In addition the GBYP has produced significant results and an MSE for BFT is ongoing under this research program.	
21	While recognising the difficulties of collecting reliable data on marlins and sailfish, particularly when caught as relatively rare by-catches in fisheries aimed principally at other species, the Panel notes that the duty to conserve all species under the purview of ICCAT implies an obligation to collect and make available relevant information to assess the status of the resources and the effect of exploitation on them.	Marlin plan has been revised and strengthened, with revised measures adopted in 2012.	
22	On sailfish, the Panel considers that it would be prudent to stabilise or reduce fishing mortality, but the paucity of information makes it difficult to quantify any reduction	This stock is due for assessment in 2015, by which time it is hoped that data can be improved.	

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	that may be required.		
23	The Panel is concerned that there appears to be little knowledge and information on skipjack tuna. The Panel considers that skipjack tuna fisheries should be managed in such a way as not to cause conservation concerns for other species, particularly including other species of tunas.	Last skipjack assessment was carried out in 2008, and is scheduled for assessment in 2014. A Feasibility study on an Atlantic Ocean Tropical Tuna Tagging Program (AOTTP) has been conducted.	
24	The Panel notes that recommending a TAC of 14 000t for north Atlantic swordfish, when MSY is estimated to be 14 100t leaves very little margin for uncertainties in the assessment and error of implementation.	TAC for northern swordfish has been reduced.	
25	The Panel considers that swordfish fisheries in the Mediterranean are in need of further coordinated management in order to achieve the Commission’s objective. The apparent success of past management initiatives in the north Atlantic should provide sufficient incentives for the Commission and CPCs to act decisively in the management of Mediterranean swordfish fisheries.	Measures for the management Mediterranean swordfish have been adopted.	
26	Given the steady decline in catches of yellowfin tuna, the Panel is surprised that stock assessments are not conducted more frequently.	Yellowfin was assessed in 2011, and a management plan adopted in conjunction with BET. A new assessment is planned for 2015.<	
27	The Panel notes with great concern that, three years after it became mandatory through Rec. 04-10 for CPCs to report Task I and Task II data for sharks, in accordance with ICCAT data reporting procedures, including available historical data, most parties are still not complying with the recommendation. The Panel recommends that CPCs comply with Rec. 04-10 immediately.	Shark data reporting is improving, but still weak. The Commission has taken more specific measures regarding certain vulnerable species, including mandatory data, a lack of which will be subject to the same penalties as other species	
28	The Panel urges CPCs to make data and scientific expertise available to the SCRS so that progress can be achieved in short order on evaluating the effect the fisheries under the purview of ICCAT have on seabirds and turtles.	Additional measures on seabirds and turtles have been adopted, and data is now being collected, and a short term contract for a sea-turtle expert was awarded in 2010. An assessment on the effect of tuna fisheries on sea turtles will be conducted in 2014.	

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29	The Panel recommends that CPCs ensure that scientists participating in SCRS activities have a good balance between quantitative skills and knowledge of the fisheries and of tuna biology.	Ensuring good participation of all specialists remains a challenge. The ICCAT Secretariat has organised training courses, and a fund for scientific capacity building established for CP scientists.	
30	The Panel recommends that CPCs send trained and knowledgeable scientists to the SCRS meetings for all fisheries in which they have substantial involvement.	Despite the availability of financial assistance, some sessions are still very under-represented.	
31	The Panel recommends that CPCs collect accurate Task I and Task II data from all their fisheries according to ICCAT protocols and report them in a timely fashion to the ICCAT Secretariat. The Panel further recommends that consideration be given to modify the ICCAT observer program to collect such data.	Data reporting is improving, but much needs to be done. In 2011, penalties for non-reporting were introduced. Any amendments to observer programmes will be considered by PWG, although minimum standards for national programmes have been set.	
32	The Panel recommends that the provision of Rec. 07-08 preventing access to VMS data less than 3 years old by SCRS scientists be removed at the next Commission meeting and that SCRS scientists be immediately given access to current VMS data.	Following a modification of the Recommendation on E-BFT (Rec. 12-03/13-07), the SCRS may now have access to most recent data concerning E_BFT vessels on request. st. ICCAT is also working on reducing the time between signals in order to improve the scientific use of this data for BFT	
33	The Panel recommends that ICCAT identifies three or four priority knowledge gaps that need to be resolved and that scientific programs be developed to resolve those issues in a timely manner.	This is being considered by SCRS, and a strategic plan has been developed for presentation to the Commission in 2014.	
34	The Panel recommends that for stocks where fishing mortality is estimated to be close to F_{MSY} or biomass is expected to be less than or close to B_{MSY} , comprehensive conventional tagging programs be developed and carried out to estimate fishing mortality and biomass more reliably.	The Commission has established a large scale tagging programme for tropical tunas. Bluefin tuna tagging has also been given priority under the GBYP.	
35	The Panel recommends that ICCAT develop and adopt more effective measures to deal with the catch of small yellowfin tuna including closer regulation and reduction in the	New measures including FAD management plans adopted in 2011, revised in 2013. As well as time	

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	use of FADs on the West Africa coast.	area closure with observer programmes	
36	The Panel recommends that more effective measures be developed and adopted to deal with the catch of small bigeye tuna including closer regulation of FAD use; that efforts continue to be made to improve the timeliness and accuracy of Task I and Task II data; that ICCAT continues to rigorously follow the scientific advice in the setting of overall total allowable catches for the fishery to have a high probability that the stock stays above B_{MSY} and that if longlining activity increases in a response to demand, that this be immediately factored into management decisions.	The management plan for YFT/BET adopted in 2011 has taken these considerations into account	
37	The Panel notes that with skipjack prices around \$2000 per tonne further pressure will be applied to these stocks and ICCAT will have no measure in place to manage the additional catches. This does not appear to be a sound approach for the management of this fishery.	None. Skipjack will be assessed in 2014.	
38	The Panel recommends that all fishing for East Atlantic and Mediterranean bluefin tuna be immediately suspended until the CPCs involved in those fisheries, their nationals and companies operating in their waters, agree to fully abide by the rules and recommendations of ICCAT and international fisheries law. The Panel considers that this decision is the only way to stop the continuation of what is seen by observers and by other CPCs as a travesty in fisheries management.	A vote to suspend E-BFT fishing was held in 2010, but was not passed. However, improved compliance has been noted with ICCAT measures, observer programme has been established and CPCs may be obliged to suspend their fisheries if fishing plans are not endorsed.	
39	The Panel further recommends that the suspension only be lifted when ICCAT CPCs adopt measures consistent with ICCAT decisions and individual CPCs can demonstrate that they can control and report on their catch. Alternatively the Panel recommends that ICCAT implements a full Secretariat based auditing and inspection regime for bluefin tuna fishing in the eastern Atlantic and Mediterranean.	Increased controls (see above) expected to be further strengthened with the full implementation of the eBCD.	
40	In addition the Panel recommends that the extent and consequences of mixing of the East and West Atlantic stocks be fully evaluated as a matter of priority, including, if necessary through further field studies and research program to better understand migratory and spawning patterns. The basis for management should be made consistent with the results of those investigations as soon as the results are available. This recommendation is not to be used in any way as an excuse for inaction on the first	This is being carried out in the context of the GBYP.	

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	recommendation; it is supplementary research.		
41	The Panel further recommends that ICCAT consider an immediate closure of all known bluefin tuna spawning grounds at least during known spawning periods.	Closed seasons have been established in the Mediterranean, and fishing in spawning grounds is prohibited in the W. Atl.	
42	The Panel is concerned at the status of the blue and white marlin stocks. The Panel considers that Recommendation 06-09 could be enhanced with the immediate provision of improved data to the SCRS. The Panel is concerned that there may be insufficient data for the next stock assessment (in 2010) to confidently assess stock size and status. Recommendation 06-09 should be reviewed to ensure that effective assessment and decisions can be taken and implemented in relation to these stocks no later than 2010.	These stocks were assessed in 2011 and 2012 respectively and additional management measures adopted.	
43	The Panel is concerned at the management of the fisheries on Mediterranean swordfish and recommends that the implementation of 07-01 be closely monitored and if necessary decisions to reduce the catch to levels consistent with scientific advice be taken at the Commission's 2008 meeting; that drift netting and gill netting cease immediately in the Mediterranean; and that action is taken by Mediterranean CPCs to immediately improve the quality and timeliness of data for this species provided to ICCAT.	New measures have been adopted for Mediterranean swordfish, as well as additional actions by CPCs to eradicate driftnet fishing.	
44	Recommendation 07-07 is a significant improvement on ICCAT's previous approach to the by-catch issue. However, the Panel recommends that ICCAT develop a stronger approach generally to by-catch and develop and adopt appropriate mitigation measures including reporting on the effectiveness of these measures throughout the fisheries.	A by-catch coordinator has been hired at the Secretariat and collection of information on by-catch is improving.	
45	The Panel is concerned that with the present situation in relation to data and compliance, the conclusion could be drawn that some parties to ICCAT hold in contempt the resolutions and recommendations in relation to the management of sharks and shark by-catch and the provision of related data. The Panel recommends that CPCs immediately take the management of shark fisheries and shark by-catch seriously and implement and comply with the ICCAT recommendations and resolutions to provide accurate and reliable data to the SCRS.	Additional measures have been taken relating to compliance with resolutions and recommendations in relation to the management of sharks and shark by-catch and the provision of related data. Ecological Risk Analysis (ERA) have been conducted for 16 species of sharks and a research plan on sharks have been submitted to SCRS	

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46	Consistent with the recommendations for bluefin tuna fisheries in the east Atlantic and Mediterranean, the Panel recommends that in respect of bluefin tuna farming all fishing for eastern and Mediterranean bluefin be suspended immediately until all CPCs involved in farming activities develop and implement controls necessary to effectively control, monitor and report the catch, transfer and grow-out of bluefin tuna in the farming operations in the Mediterranean. The new measures to be taken should include: the adoption of the recommendations on farming outlined in 06-07; the development of consistent auditable systems to monitor the number and weight of fish transferred into the grow-out cages; the use of independent auditors to randomly check farming operations with CPC representatives; full catch and market documentation; and the development of a strict penalty regime to be applied to member nationals or companies found in violation of the farming provisions.	A vote to suspend E-BFT fishing was held in 2010, but was not passed. However, improved compliance has been noted with ICCAT measures, observer programme has been established and CPCs may be obliged to suspend their fisheries if fishing plans are not endorsed. The BCD system is currently functioning and the electronic eBCD system is functioning, but being partially implemented until 2015 pending finalisation of some elements.	
47	The Panel strongly recommends that ICCAT immediately discontinue the practice of allowing the carry forward of uncaught allocations in all fisheries.	This is now approached on a stock by stock basis, with many carry-over allowances being only a small percentage of the initial quota. In some cases (e.g. E-BFT), no carry over is allowed.	
48	The Panel recommends that for all fisheries in ICCAT, fishing capacity is immediately adjusted to reflect fishing opportunities or quota allocations.	Capacity for E-BFT is now controlled. Information is being collected on capacity in other fisheries, with a limit on the number of vessels for some species.	
49	Given the numerous references and recommendations and resolutions in the ICCAT Compendium relating to improvements in data collection, the Panel finds it difficult to formulate a recommendation that might make a difference. The Panel strongly believes that: misreporting must stop immediately; CPCs must collect and report Task I and Task II data in a timely manner within the agreed time limits; effort should be continued to build capacity in developing CPCs and improve reporting by developed CPCs and CPCs who continually fail to comply should be subject to an appropriate penalties regime. Such a regime should be severe and be enforceable.	Penalties for the non-submission of Task I have been introduced, and capacity building is being improved through training and availability of funds.	
50	The Panel recommends that ICCAT prepare a discussion paper on transparency, fairness and equity within ICCAT and that ICCAT reviews its policy on NGOs attendance at ICCAT meetings.	NGOs are currently admitted to ICCAT meetings. The policy for participation at scientific meetings may be reviewed during 2014 in accordance with the adopted criteria.	

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51	The Panel recommends that the SCRS endeavour to provide simple, succinct and user-friendly advice to fisheries managers and Commissioners on the status of ICCAT stocks and the expected effects of potential management measures; that ICCAT Contracting Parties review their current management recommendations to ensure that they align with the current scientific assessment of the status of the stocks; and that ICCAT consider seriously the structure and basis of its decision making framework particularly in relation to fisheries management. A decision making framework should be adopted that guides the outcome of decisions and forces discipline consistent with the objectives of ICCAT on CPCs.	New structures for scientific reports have been adopted, as well as the Kobe plots and Kobe strategy Matrix. Two new working groups: WG Fisheries Managers and Scientists in support of the Western Bluefin Stock Assessment (met in 2013-14) and the Dialogue between Scientists and Managers Standing Working Group (2013) have been created to facilitate de dialogue.	
52	The Panel recommends that, once the binding criteria for allocation are developed pursuant to previous recommendation and agreed the current allocations should be reviewed and either confirmed or amended; that ICCAT should consider allowing the purchase and transferability of quota from existing to new members as a method to encourage compliance and the entry of new members; and that any future allocations to new members should be fairly negotiated and the agreed criteria strictly applied. In reviewing current allocations paragraphs 2, 16, 17, 18 and 22 of 01-25 should be applied and those parties found not to be in compliance should have their allocations reduced until they do comply with these provisions.	This is currently under consideration by the WG on Convention Amendment.	
53	The Panel recommends that CPCs immediately take seriously their obligations with respect to compliance with quota allocations and fishing opportunities and effectively manage their quota allocations and report honestly and accurately and in a timely manner their catch to ICCAT; that the key obligation should be reinforced by the development of an appropriate penalty regime of significant consequence to provide a real incentive for members to cooperate.	See 66 below.	
54	The Panel suggests that ICCAT consider the implications of a quota trading market in ICCAT.	Currently, transfer of quota is permitted with the consent of the Commission, but sale of quota is prohibited through Ref. 01-25	
55	The Panel noted the importance of the recreational and sport fishing sectors and the interest shown by the sector in providing submission to the review (two of the eight	Working Group met. Sport and Recreation fisheries are taken into account when adopting measures for	

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	submissions received were from the sport fishing fraternity.) The Panel noted with concern that the Working Group on sport and recreational fishing scheduled to meet in 2007 or early 2008 will now not meet until 2009.	certain species.	
56	The Panel recommends that ICCAT CPCs take this issue seriously and be more inclusive towards the recreational and sport fishing sector in future deliberations of ICCAT regarding fisheries management. While RFMOs were established principally to manage commercial fisheries, the “real interest” of recreational and charter industries predates the commercial sectors in some of these fisheries. In addition the recreational and charter industries have developed to the point where they are effective lobby groups in their own right and good public policy would suggest that they be incorporated into the ICCAT process.	A Working Group on Sport and Recreational Fisheries has been established, but information remains scanty.	
57	The Panel recommends that ICCAT CPCs should immediately apply fully the rules and measures adopted by ICCAT and through domestic arrangements including flag and port State controls, observer programs and VMS, provide effective control over their nationals; CPCs must agree to provide accurate and timely data and information on MCS activities and arrangements to ICCAT; CPCs should also consider immediately developing a fair and tough penalty regime that will be applied to defaulting CPCs.	Penalties for non-submission of data have been introduced, and review of overall compliance improved. However, a full penalty scheme has yet to be adopted.	
58	The Panel notes the actions that ICCAT has taken over time to apply non-discriminatory trade measures to countries that do not cooperate with the Commission. The Panel suggests that ICCAT investigate applying similar penalty arrangements to members that continually break ICCAT rules and regulations. In concert it is also recommended that ICCAT investigate and develop a universal penalty regime that either has the capacity to suspend member countries that systematically break ICCAT regulations or can apply significant financial penalties for breaches. These measures need to be severe in the sense that member should clearly understand that they will suffer significant economic consequences if their actions are in breach of ICCAT rules.	See 57 above. Trade measures may also be applied to Contracting Parties.	
59	On port and flag States measures, the main improvement that ICCAT could make is to modernise its practices and adopt as appropriate the port State measures developed by the FAO. The other major advance would be to make sure that all CPCs have in place domestic port State arrangements and controls that allow them to comply fully with the provisions of Recommendation 97-10. Capacity building based on the CCAMLR	Currently under consideration by IMM Working Group	

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	model may be relevant for ICCAT to adopt. The application of port State measures should be reported in the annual report by CPCs to ICCAT.		
60	ICCAT's performance in the area of trade and market related measures is sound. Actions against non-member countries have borne results and reduced IUU fishing activity. Further application of these measures against those CPCs whose nationals are involved in the IUU trade of bluefin tuna for farming in the Mediterranean may well assist in bringing some rigor and control to that fishery.	None to date, but trade measures may be applied to Contracting Parties.	
61	On registration and control of fishing vessels, the Panel suggests that ICCAT consider the IOTC approach of having two vessel lists. The first as described in Recommendation 02-22 and the other a list of vessels actually fishing. This second list acts a real time list of vessels active in the fishery and is smaller and as such easier for CPCs to monitor.	Rec. 02-22 has been revised to remove vessels no longer active. In addition, individual vessel lists by species have been established in some cases, as well as lists of vessels actually fishing in previous year for some species.	
62	ICCAT should seriously consider the report of the Working Group on Capacity and adopt at its 2008 meeting a recommendation to reduce capacity in all ICCAT fisheries where over-capacity is a problem.	Capacity reduction measures have been taken for E-BFT and in part for BET/YFT. However, overall capacity management remains a complex problem and has not been definitively resolved.	
63	The implementation by CPCs of full and effective MCS tools including observer and compliance arrangements coupled with strong flag and port State controls will deal effectively with IUU fishing activities. There are currently gaps in the application of these processes, although capacity building initiatives with developing countries that are now in place will no doubt prove beneficial in the longer term.	Improvements have been made through the adoption of port inspection scheme and the IUU fight remains high on the ICCAT agenda.	
64	The reporting to ICCAT of suspicious vessels and the trade restrictions applied to non-parties have all proven to be effective in dealing with IUU activity.	These measures are still in force.	
65	The move from SDPs to broad-based CDP for bluefin is a useful step in the right direction. These CDP must be able to track product that is used for domestic consumption as well as traded product. ICCAT should develop CDP for all high valued fisheries.	This is under consideration by the IMM working group.	

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66	The concept of a Compliance Committee and the terms of reference are sound. The adherence by members to the rules and recommendations made by the Commission however is poor. The Compliance Committee will not fix the underlying problems of this Commission; only political will can. The Compliance Committee would be far more effective if CPCs actually were committed to proper monitoring, control and compliance measures and had the will to deliver on their commitments to the Commission. It is difficult at times to read and then reconcile the annual reports from members with what is actually happening in some of the ICCAT fisheries. A strong and enforceable penalty regime may help to encourage proper compliance.	New ToR for Compliance Committee, and more thorough review in recent years. Full penalty regime still under consideration, but some elements already adopted, e.g. Lack of Task I reporting will equal 0 fishing rights the following year; no EBFT fishing plan results in suspension of fisheries...)	
67	ICCAT might consider reviewing the arrangements for assisting developing countries in the WCPFC for application in ICCAT.	Assistance to developing countries has greatly increased since last performance review.	
68	ICCAT should review at regular intervals the staffing profile of the Secretariat and if necessary adjust it to changes and to reflect workloads.	This is currently hindered by budgetary constraints in recent years, although some additional hires have been effected to take into account increasing requirements.	
69	ICCAT should ensure that the Secretariat and the Commission are granted privileges and immunities in all its members.	No action taken to date.	
70	ICCAT should ensure where practical the Secretariat staff positions are made available to people for all members of ICCAT to apply for.	Professional position vacancies are circulated to all CPCs and posted on the ICCAT Web site.	