

GENERAL PRESENTATION OF THE 2ND ICCAT PERFORMANCE REVIEW

1. Background

In the last 10 years, the function performed by RFMOs, including tuna RFMOs, has been controversial in terms of their role in the sustainable management of marine resources. Opinions have been voiced at the international level highlighting the urgent need to review their performance.

In this respect, there was growing debate in different international fora. Accordingly, the Review Conference of the 1995 UN Agreement developed a set of criteria on the basis of which the RFMOs are to be assessed. This initiative, which has been endorsed by the different Commissions, has been implemented from 2007.

In line with this resolution, ICCAT proceeded to carry out its first performance review in 2008.

At its 2007 annual meeting, ICCAT approved the terms of reference and the selection procedures for the members of the committee responsible for carrying out the review (see document PER-004). In early 2008, the Secretariat called on all Contracting Parties to propose three expert profiles in order to form the committee: a fishery resources manager, a scientist and a legal expert. On the basis of the proposals received, the Secretariat and the ICCAT Chairman selected the experts with the most support from the delegations of the Contracting Parties.

2. Main conclusions of the first ICCAT review

In the Committee's published report (document PER-003), the review had focused on several aspects, including:

1. The appropriateness of the ICCAT basic texts to the imperatives of the current context of exploitation of tuna resources.
2. Intervention by ICCAT in terms of scientific approach to maintaining Atlantic tuna species at sustainable levels.
3. The management and adoption of conservation measures for tuna species in the area as well as their compliance level by the Contracting Parties.

Following this review, the Committee made the following main general observations:

- ICCAT has developed reasonably sound conservation and fisheries management practices, which, if fully implemented and complied with by Contracting Parties, Cooperating non-Contracting Parties, Entities and Fishing Entities (CPCs), would have been expected to be effective in managing the fisheries under ICCAT's purview.
- The ICCAT Convention should be reviewed, modernised, or otherwise supplemented, to reflect current approaches to fisheries management.
- The ICCAT standing committee and panel structure is sound and the committees provide timely advice to ICCAT. However, the Panel expressed strong reservations on the performance of the Compliance Committee (COC).

- The Standing Committee on Research and Statistics (SCRS) provides sound advice to the Commission members operating under significant difficulties largely caused by CPCs failing to provide timely and accurate data.
- The performance of the Secretariat is sound and well regarded as both efficient and effective by CPCs.
- The fundamental problems and challenges that ICCAT faces in managing sustainably the fisheries under its purview are not unique; other tuna RFMOs also face them, but the size of the ICCAT membership adds more difficulties.

The Committee made the following general assessment of ICCAT performance:

- Fundamentally ICCAT's performance to date does not meet its objectives for several of the species under its purview.
- ICCAT's failure to meet its objectives is due in large part to the lack of compliance by many of its CPCs.
- CPCs have consistently failed to provide timely and accurate data and to implement monitoring, control and surveillance (MCS) arrangements on nationals and national companies.
- The judgement of the international community will be based largely on how ICCAT manages fisheries on bluefin tuna (BFT). ICCAT CPCs' performance in managing fisheries on bluefin tuna particularly in the eastern Atlantic and Mediterranean Sea is widely regarded as an international disgrace and the international community which has entrusted the management of this iconic species to ICCAT deserve better performance from ICCAT than it has received to date.
- There are concerns about transparency within ICCAT both in decision making and in resource allocation.
- Most of the problems and challenges ICCAT faces would be simple to fix if CPCs developed the political will to fully implement and adhere to the letter and spirit of the rules and recommendations of ICCAT.

The aim of the second assessment is to:

1. Evaluate how ICCAT has responded to the outcome of the first ICCAT performance review of 2008, taking into consideration the discussions/recommendations of the Working Group on the Future of ICCAT and subsequent decisions and practices by the Commission and its subsidiary bodies.
2. Taking into account the evaluation under item 1 above, assess the functioning of the Commission and its subsidiary bodies, in particular the Compliance Committee and the SCRS.
3. Compare, to the extent possible, the performance of ICCAT with the performance of other tuna RFMOs.
4. Identify areas where improvement is needed to strengthen the organisation further and make recommendations to the Commission on how performance could be improved.

In order for the Working Group to start its work, the Secretariat has prepared a tentative Agenda and some background documentation which may be of assistance (http://www.iccat.int/intermeetings/Performance_rev/index.htm). In addition, the Secretariat proposes the following tentative schedule as a guide. The schedule below may be modified as required by the Working Group:

3. Tentative work schedule of the WG

The ad-hoc Working Group to propose terms of reference shall present its terms of reference at the 24th Regular meeting of the Commission (10-17 November 2015, Malta).

1. Provisional ToR relating to SCRS and its sub-committees

The provisional Terms of Reference for the evaluation and the assessment of the functioning of the SCRS should be sent to the ICCAT Secretariat by 31 August 2015, to allow the SCRS to review and, if needed, comment on them.

2. Final proposed ToRs

The final Terms of Reference for the evaluation, the assessment, panel composition and, if possible, any recommendations relating to the comparison of ICCAT's performance with the performance of other tuna RFMOs will be:

- sent to the ICCAT Secretariat before 15 October 2015.
- distributed to ICCAT CPCs [and authorised observers registered for the meeting] so that it can be considered at the 24th Regular Meeting of ICCAT.

The participants to the *ad hoc* Working Group are encouraged to attend the 24th Regular Meeting of ICCAT.