

Progress made in respect of the Course of Actions for RFMOs from the Kobe Meeting of Joint Tuna RFMOs

ICCAT Secretariat

Introduction

The first joint meeting of tuna RFMOs held in 2007 in Japan was a major step towards improved cooperation and collaboration in the area of conservation and management of tuna and tuna-like species across the globe, from which stemmed some very important initiatives. ICCAT has since done its best to participate and to promote all of them.

Since that meeting, ICCAT has made considerable progress in many of the areas identified in the Kobe Course of Actions. The work started inter-sessionally, and ICCAT participated in the Joint Tuna RFMO Technical Working Group on Trade and Catch Documentation Schemes. This meeting served as the basis for the adoption by ICCAT at its annual meeting in 2007, of the *Recommendation by ICCAT on an ICCAT Bluefin Tuna Catch Documentation program* [Rec. 07-10], revised in 2008, which entered into force in June last year. This measure will help to strengthen controls in the bluefin tuna fishery by linking catch data to trade data.

At the 2007 Commission Meeting, new measures were also adopted in relation to the criteria for inclusion of vessels on the IUU list, allowing vessels identified by other RFMOs to be included on the ICCAT IUU list where appropriate. In 2008, it was agreed that information on the background for the inclusion of such vessels should be exchanged with the tuna RFMOs. It is hoped that these measures will take us one step further in the fight against these activities.

One of the major objectives of ICCAT in the 2008 inter-sessional period was the carrying out of a performance review, completed in September 2008. This was conducted by three external experts in the fields of fisheries management, fisheries biology and international law, which were selected through an open and transparent process. The evaluation was made on the basis of the common criteria accepted by RFMOs, all taking into account the specific characteristics of ICCAT. The results of this performance review will be studied in detail by the Working Group on the Future of ICCAT, which will in turn recommend actions to be taken by the Commission to improve performance and to ensure the objective of maintaining the stocks of tuna and tuna-like species at levels above MSY, at the same time respecting as far as possible the eco-systems of its broad Convention area.

At the joint meeting of the tuna RFMOs held in Kobe, Japan, January 22-26, 2007, key areas and challenges to be urgently addressed through effective cooperation and coordination among the five tuna RFMOs to improve their performance were identified, as well as the technical work considered priority. Below is a summary of the actions taken by ICCAT to date in these areas.

PART I -Key areas and challenges

1. Improvement, sharing and dissemination of data and stock assessments and all other relevant information in an accurate and timely manner including development of research methodologies.

The ICCAT statistical data base, which contains catch, effort and size data since 1950 (or even earlier for some stocks), is available to the public on the ICCAT web site. These data are used regularly by ICCAT species groups to assess the status of the stocks. The SCRS (Standing Committee on Research and Statistics) reviews annually the timeliness and completeness of data submissions and reports to the Commission.

All SCRS Reports are published on the ICCAT web site within about two weeks of the meeting, after being adopted by meeting participants. All reports of assessments and ancillary scientific documents

are published in the ICCAT Collective Volume of Scientific Papers series, which is also available to the public since the first (1973) issue on the ICCAT web site. Each year, the Secretariat provides entries of these documents' titles, abstracts and keywords to ASFA (Aquatic Sciences and Fisheries Abstracts), a worldwide database which tracks more than 5000 serial publications for dissemination to the international scientific community. The Collective Volume series is also made available in print to a number of libraries and agencies of ICCAT Contracting Parties.

The SCRS has an Ad hoc Working Group on Assessment Methods which examines methodological issues that are applicable to a range of stocks or a range of fisheries. This Working Group also establishes criteria for quality control, including peer review and transparency.

In addition to publishing all scientific reports on the ICCAT web site, ICCAT is a Partner in FIRMS (Fishery Resources Monitoring System, <http://firms.fao.org>) whose aim is to provide access to a wide range of high-quality information on the global monitoring and management of fishery marine resources.

2. Development, where appropriate, and application of equitable and transparent criteria and procedures for allocation of fishing opportunities or level of fishing effort, including provisions to allow for new entrants.

Following lengthy discussion during four inter-sessional meetings, ICCAT adopted the *ICCAT Criteria for the Allocation of Fishing Possibilities* in 2001. [Ref. 01-25]. Given the diversity and difficulty in weighting these criteria literally, they are used as a basis by Contracting Parties in the negotiation and adoption, usually by consensus, of quota shares on a stock by stock basis. Multi annual management plans, which include the sharing arrangements of TACs have been adopted for several stocks, including Atlantic bigeye tuna, eastern and western bluefin tuna, northern and southern Atlantic albacore and northern and southern Atlantic swordfish. New entrants are usually admitted in accordance with the ICCAT Allocation Criteria, at the start of a new management period, although adjustments may be made along the course in case of long term plans.

3. Controls, including capacity reduction as appropriate, to ensure that actual total catch, fishing effort level and capacity are commensurate with available fishing opportunities in order to ensure resource sustainability of tuna stocks while allowing legitimate fishery development of developing coastal states, particularly small island developing states and territories.

This principle has been embodied in the ICCAT Criteria for the Allocation of Fishing Possibilities, which *state that the allocation criteria should be applied consistently with international instruments and in a manner that encourages efforts to prevent and eliminate over-fishing and excess fishing capacity and ensures that levels of fishing effort are commensurate with the ICCAT objective of achieving and maintaining MSY.*

This has also been included specifically in multi-annual management plans for bigeye tuna and eastern bluefin tuna (*Bigeye- Each CPC shall adjust fishing effort commensurate with the available fishing opportunities; eastern Atlantic and Mediterranean bluefin tuna-Each CPC shall adjust its fishing effort commensurate with available fishing opportunities fixed in accordance with this Plan*).

The issue of capacity management is still ongoing in ICCAT. The Working Group on Capacity held its second meeting in 2008, but it was agreed that more work on this issue was necessary. The Report of the first meeting of this WG is available on the ICCAT web site at:

http://www.iccat.int/Documents/BienRep/REP_EN_06-07_II_1.pdf#page=104

and of the second meeting at:

http://www.iccat.int/Documents/BienRep/REP_EN_08-09_I_1.pdf#page=124

4. Ensuring that management measures are based on the best scientific advice available and consistent with the precautionary approach, particularly, with respect to establishment of effective stock rebuilding measures and other measures to maintain stocks at sustainable levels.

The SCRS meets annually and advises the Commission on required actions based on its assessments of the status of the stocks. This advice serves as the basis for ICCAT conservation and management measures. The data used by SCRS is provided primarily by scientific agencies of the Contracting Parties, following guidelines established by the SCRS. Several bodies of the SCRS such as the Sub-Committee on Statistics and the Methods Working Group advice on “best practices” for data collection and assessment.

Notwithstanding, the need to reach a consensus on management measures for eastern Atlantic and Mediterranean bluefin tuna led to the setting of a TAC higher than that recommended by the SCRS, as the reduction required to reach the level was generally considered by Contracting Parties not to be feasible from a socio-economic perspective. The measure aims to reduce the TAC gradually in order to allow the fishery to readjust. In order to promote greater compliance, stricter controls have been also introduced. On the other hand, ICCAT has also had examples of successful rebuilding plans, such as northern Atlantic swordfish which has recovered to the MSY level after a period of strictly controlled TACs.

ICCAT does not follow the precautionary approach strictly, partly because the ICCAT Convention specifies MSY as a target, while the precautionary approach implies that MSY should be considered as an upper limit, which should, therefore, be avoided. However, many conservation and management measures adopted by ICCAT aim to prevent recruitment overfishing of the stocks.

5. Ensuring compliance through establishment of integrated MCS (monitoring, control and surveillance) measures that could include VMS, observers, boarding and inspection schemes, port state controls, market state measures, stronger controls on transshipment, and monitoring of bluefin tuna farming, and the harmonization of those measures across the five tuna RFMOs where appropriate to avoid duplication and increase cost efficiency.

The work of the ICCAT Working Group on Integrated Monitoring Measures is still ongoing. In 2002, the Commission adopted a *General Outline of Integrated Monitoring Measures* [Ref. 02-31], which has been the basis for many MCS measures adopted since then. ICCAT has taken measures on VMS, including the requirement for vessels over 24m fishing for eastern bluefin tuna to send messages, via their FMCs, to the ICCAT Secretariat. Transshipment controls have been increased through the ICCAT Regional Observer Programme, and additional measures have been taken specifically for eastern bluefin tuna through the activation of the joint international inspection scheme and the establishment of the Regional Observer Programme for Bluefin Tuna.

Topics currently under discussion include port state controls in the context of the draft FAO agreement and strengthened market state measures. As many participants in these discussions are members of more than one Tuna RFMO, it is likely that some level of harmonization between the five RFMOs will be required.

6. Application of penalties and sanctions of adequate severity to deter IUU fishing by both non-members and members.

Trade restrictive measures may be applied to any party, entity or fishing entity whose activities are considered to undermine ICCAT conservation measures. The criteria and procedures for the imposition of such measures were compiled and streamlined in the *Recommendation by ICCAT Concerning Trade Measures* [Rec. 06-13]. Since 1996, trade restrictive measures have been imposed by ICCAT on several members and non-members.

The issue of applying other penalties, such as quota reduction, particularly for those cases of incompliance with the obligations related to data submission, was discussed at the 2007 and 2008 Commission meetings, but consensus could not be reached, except in the case of eastern bluefin tuna, for which the possibility of quota reductions was approved where non-compliance was considered to have undermined the management plan for this species.

Any over-harvest of species under quota management must be paid back, either in one or two years. Mechanisms for penalties of a reduction by 125% of over-harvest exist, but have not yet been enforced

7. Development and implementation of stronger measures to prevent, deter and eliminate IUU fishing, including mechanisms to identify and quantify IUU activities based on trade and other relevant information, a system to exchange information on IUU fishing among RFMOs and among flag states, port states, market states and coastal states, consolidation of the positive and negative lists, as described in section II below, effective control over nationals in accordance with their duties under international law, identification of beneficial ownership and demonstration of “genuine link” and dissemination of relevant information to the public.

The adoption in 2006 of the *Recommendation by ICCAT Amending the Recommendation by ICCAT to Establish a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area* extended the possible inclusion of vessels on the ICCAT IUU list to Contracting Parties and reinforced the criteria and procedures for including and removing vessels from this list.

Further amendments were introduced in 2007 to allow the inclusion on ICCAT list of vessels on the IUU lists of other RFMOs, providing there was sufficient explanatory information available to Parties.

8. Establishment and implementation of a system to monitor catches from catching vessels to markets.

ICCAT participated in the technical working group held in July 2007 to consider the harmonization and improvement of the trade tracking programs and, as appropriate, the development of catch documentation, including tagging systems as required.

In November 2007, ICCAT adopted a catch documentation scheme for Atlantic bluefin tuna *Recommendation by ICCAT on an ICCAT Bluefin Tuna Catch Documentation Programme* [Rec. 07-10] with the aim of achieving such a monitoring system. This scheme entered into force in June 2008, and was slightly modified in November 2008 through *Recommendation by ICCAT Amending Recommendation 07-10 on an ICCAT Bluefin Tuna Catch Documentation Program* [Rec. 08-12] as a result of practical issues which came to light through its implementation. Except in cases where a tail-tagging programme is operative, a validated catch document must accompany all catches of Atlantic bluefin tuna throughout the market chain.

9. Reviewing the performance of tuna RFMOs in accordance with Annex I.

In 2007, the Commission agreed that a performance review of ICCAT should be carried out by independent external experts using the agreed standard criteria as far as possible. All Contracting Parties were invited to put forward nominations for such experts, which were selected by the Chairman and the Executive Secretary, in consultation with all ICCAT CPCs. The review, carried out in 2008, has been presented to the Commission and will be considered in detail at the forthcoming meeting of the Working Group on the Future of ICCAT (August 2009). The full report is available from the ICCAT web site at:

<http://www.iccat.int/Documents/Meetings/Docs/Comm/PLE-106-ENG.pdf>.

10. Implementation of the precautionary approach and an ecosystem-based approach to fisheries management including improved data collection on incidental by-catch and non-target species and establishment of measures to minimize the adverse effect of fishing for highly migratory fish species on ecologically related species, particularly sea turtles, seabirds and sharks, taking into account the characteristics of each ecosystem and technologies used to minimize adverse effect.

As mentioned before, ICCAT does not follow the precautionary approach *sensu stricto* because the Convention makes no distinction between management targets and limits. However, there have been several scientific meetings that have looked at alternative management scenarios that the Commission could adopt to accommodate key concepts of the precautionary approach in its decision-making.

The SCRS has established a Sub-Committee on Eco-systems. Initial steps have been taken to encourage the collection of data in relation to by-catch of turtles and sea-birds, especially following the adoption of *Recommendation by ICCAT on Reducing Incidental By-catch of Seabirds in Longline Fisheries* [Rec. 07-07]. The Sub-Committee is currently undertaking an assessment of the impact of tuna fisheries on the status of sea-bird populations in the southern Atlantic Ocean. The Sub-Committee has also carried out ecological risk assessments of vulnerable shark species, which led to the prohibition of retaining bigeye thresher sharks *Recommendation by ICCAT on the Conservation of BigEye Thresher Sharks (Alopias superciliosus) Caught in Association with Fisheries Managed by ICCAT* [Rec. 08-07]. In addition, the Sub-Committee reviews available information on gear designs and fishing techniques that could mitigate the bycatch of vulnerable species of sharks, sea turtles and sea-birds.

11. Development of data collection, stock assessment and appropriate management of shark fisheries under the competence of tuna RFMOs.

ICCAT has taken several measures in relation to these issues over the years. In 2007, the Commission adopted a *Supplemental Recommendation by ICCAT Concerning Sharks* to enhance data collection and research. A Shark Species Group was established within the SCRS in 2006. In addition to the regular species group meeting prior to the SCRS, a data preparatory meeting was held in 2007 in preparation for the stock assessments of shortfin mako and blue sharks, which have been scheduled for 2008. Additional measures on sharks were adopted in 2008 through *Recommendation by ICCAT on the Conservation of BigEye Thresher Sharks (Alopias superciliosus) Caught in Association with Fisheries Managed by ICCAT* [Rec. 08-07] and Resolution by ICCAT on Porbeagle Shark (*Lamna nasus*) [Res. 08-08]. An assessment of Atlantic porbeagle stocks is being undertaken in 2009. The collection and reporting of basic fishery statistics on shortfin mako, blue and porbeagle sharks is now mandatory in ICCAT.

12. Research and development of techniques to reduce incidental take of juvenile tunas during tuna fisheries, in particular in FAD operations.

ICCAT has taken several measures in this regard, including a closed season for FAD operations in part of the Gulf of Guinea. The SCRS is currently evaluating the effectiveness of this time/area closure and will be advising the Commission on potential alternatives in November 2009.

Measures have also been taken to protect juveniles of bluefin tuna and swordfish, through closed areas and size and gear restrictions. Contracting Parties are required to report the results of these ongoing measures to the SCRS for further research.

13. Provision of adequate capacity building assistance, including human resource development, for developing coastal states, particularly small island developing states and territories, towards responsible fishery development, including participation in RFMO and scientific meetings, fisheries data collection and stock assessment and implementation of MCS measures.

ICCAT has established several funds, comprising voluntary contributions, to provide capacity building assistance to members from developing coastal states. These funds have been used to host several workshops and training courses in Africa, the Caribbean and South America, as well as funding the participation of scientists from developing countries in ICCAT meetings. The Secretariat has also informed all Contracting Parties of the procedures for applying for assistance through the *Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*, and information has been made available on the ICCAT web site.

The funds have been very helpful in assisting in the implementation and improvement of data collection systems which are expected to result in improved data quality for scientific assessments in the future. The ICCAT data funds were established in 2004 and since its establishment a total of 44 scientists from 14 Contracting Parties have been invited to participate in SCRS meetings. Twelve regional workshops and training courses have been organized, in which approximately 100 people from over 25 Contracting Parties have participated.

14. Enhancement of cooperation among scientists, relevant experts and with other relevant fisheries organizations possibly through organization of symposia or working groups on appropriate topics of common interest. Coordination of timing of annual meetings and scientific meetings with a view to avoiding their overlap as well as allowing an adequate interval between scientific and annual meetings and between proposal submission and annual meetings.

Scientists from ICCAT Contracting Parties often participate in meetings of other Tuna RFMOs. To the extent possible, participation from other scientists is encouraged, although it is not always possible to find dates for meetings that do not create conflicts (for example, the tuna-org web site contains over 35 meetings of the five tuna RFMOs for 2009).

In 2008, a World Symposium for the study of stock fluctuations of bluefin tuna was held, bringing together experts from ICCAT, IATTC, CCSBT and other organizations. Similar international workshops can be organized on an ad hoc basis for specific topics. In 2009, the ICCAT Tropical Tunas scientific working group recommended an international workshop to compare and contrast available information about growth and natural mortality of tropical tunas in the various oceans.

The ICCAT Executive Secretary is actively involved in the RSN and the Secretariats of tuna organizations networks. ICCAT also maintains close cooperation with the GFCM.

All ICCAT meetings are published on the Tuna-org web site, and are arranged not to coincide with other meetings as far as possible. At least three weeks (usually more) elapse between the SCRS and Commission meetings.

ICCAT is also a partner of FIRMS and CWP.

PART II. Technical work to cooperate across RFMOs will commence by addressing the following challenges

1. Harmonization and improvement of the trade tracking programs and, as appropriate, development of catch documentation including tagging systems as required

ICCAT participated in the technical working group which was held in July 2007 on this issue. See section 8 above.

2. Creation of a harmonized list of tuna fishing vessels that is as comprehensive as possible (positive list) including use of a permanent unique identifier for each vessel such as an IMO number. The positive list should include support vessels. Creation of a global list of IUU vessels.

The ICCAT Secretariat requested information from Contracting Parties in relation to the possibility of including IMO numbers in the ICCAT Record. Although response was low, it was perceived that in general this could be problematic for ICCAT Contracting Parties. Nevertheless, through the T-RFMO Secretariats network, ICCAT continues to liaise with other tuna RFMOs on this issue. This work has led to the preparation of *A Unique Vessel Identifier (UVI) for Tuna Fishing Vessels and Harmonization of T-RFMO Vessel Lists (Document 011)* under the leadership of Andrew Wright (WCPFC).

A joint T-RFMO positive list has been published in the past on the Tuna-Org web site maintained by the ICCAT Secretariat, as are the links to all IUU lists. In 2007, the Commission adopted a *Recommendation by ICCAT Amending the ICCAT's List of Fishing Vessels Believed to be Engaged in Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area and Other Areas* [Rec. 07-09] which allows for the inclusion of vessel on other tuna RFMO lists to be included on the ICCAT IUU list through established procedures.

3. Harmonization of transshipment control measures

ICCAT is the first of the tuna RFMOs to implement a regional observer programme to control transshipments. This programme became operative in April 2007, following the signing of a contract between the ICCAT Secretariat and the implementing consortium. Progress reports are submitted to the Commission each year. The ICCAT Secretariat has shared its experiences with other t-RMFOs and assisted as far as possible the other organizations in the practical implementation. MOUs have been signed with CCSBT and IOTC on cooperation and coordination of ROPs.

4. Standardization of presentation form of stock assessment results

After Kobe, the chairs of the five RFMO scientific Committees held discussions on standardizing presentations of assessment results. As a result, to a large degree the summary presentations of stock status are similar in both form and substance, taking into account both biomass and fishing mortality trends.