ANNEX 1

AGENDA

I. **Opening of the meeting**

II. **Election of Chair**

III. **Appointment of Rapporteur**

IV. **Adoption of agenda**

V. **Science**

- **a. Review of past Kobe science recommendations**
- **b. Report of relevant recommendations from Joint Technical Bycatch Working Group**
- **c. Focus issues for Kobe III**
  - i. Data confidentiality and data sharing
  - ii. Addressing common issues in RFMOs' scientific bodies

VI. **Management**

- **a. Review of past Kobe management recommendations**
- **b. Summary report of Joint IATTC-WCPFC Workshop**
- **c. Report of relevant recommendations from Joint Technical Bycatch Working Group**
- **d. Focus issues for Kobe III**
  - i. Capacity and Allocation
  - ii. Decision-making principles

VII. **Compliance and Enforcement**

- **a. Review of past Kobe compliance and enforcement recommendations**
- **b. Summary of Pre-Kobe III Preparatory Workshop on Port State Measures and Catch Documentation Schemes**
- **c. Focus issues for Kobe III**
  - i. Unique Vessel Identifiers and Harmonized IUU list
  - ii. Standardized report cards on data submission
  - iii. Port State Measures
  - iv. Market measures/CDS/trade tracking

VIII. **Future of Kobe Process**

IX. **Other matters**

X. **Adoption of meeting report and intersessional work plan (if needed)**

XI. **Adjournment**

BACKGROUND FOR AGENDA ITEM V.c.i.

Topic: Data sharing across tuna RFMOs

The five tuna regional fisheries management organizations (RFMOs) generally collect a variety of data and information for both scientific and compliance purposes. Some of this information could enhance the RFMOs' efforts to meet their objectives, such as addressing illegal, unreported, and unregulated (IUU) fishing or bycatch issues, if relevant data and information were routinely shared. However, there is currently no mechanism which allows the organizations to share data and information across the RFMOs, including the respective scientific committees. The Kobe III meeting could provide a forum for discussing and possibly developing rules and a mechanism to allow data sharing between the respective RFMOs.

To be successful, a key issue to address will be data confidentiality. All five of the tuna RFMOs have adopted data confidentiality rules and/or procedures. While the respective rules or procedures vary, they provide some structure to the process of cross-RFMO data sharing. Taking into account existing frameworks, the discussion could determine exactly what information is useful to share, who would have access to information, and how data utilization and dissemination would be controlled, providing for confidentiality. During Kobe III, parties could discuss the utility of allowing the RFMOs to share different types of information, recognizing that some may be more useful than others.

Examples of data that could be shared across tuna RFMOs range from scientific data (such as catch and effort data by gear type, biological sampling, bycatch, and observer data) to information that can assist in compliance reviews (such as transshipment information across RFMOsand trade data). For example, sharing catch-per-unit-effort (CPUE) and biological data could enhance the results of stock assessments. Regarding at-sea transshipment, significant amounts of tuna product are transshipped in order to reach the final market destination; the ability to cross-check transshipment information among RFMOs would facilitate the identification of IUU product that crosses convention boundaries. The Kobe III discussions could focus on the possibility of developing rules and a mechanism to allow such data to be shared among tuna RFMOs.

BACKGROUND FOR AGENDA ITEM V.c.ii.

Topic: Addressing Common Issues in Tuna RFMOs Scientific Bodies

Three important recommendations (Rec. 14, 15 and 19) made by the K2Sci requested the 5 RFMO's Scientific Committees to progress on common practices and scientific issues. While formal exchanges between tRFMO SC Chairs have not generally occurred over the intervening time, there have been a few which address common scientific issues across tRFMOs. Among those, the 2011 stock assessment workshop organized by the International Seafood Sustainability Foundation (ISSF) and the outcomes of the Technical Experts Overseeing Third Country Expertise (TXOTX) project are viewed by the SC Chairs as positive contributions in support of developing scientific advice. Other joint initiatives are needed.

A brief summary on the way the three above mentioned recommendations were tackled by the SCs is presented below:

1) **To develop a checklist and minimum standards for stock assessments (Rec 14)**

Guidelines for the presentation of data, quality control procedures, CPUE series used, stock assessment (SA) models and outputs, would ensure a greater transparency and facilitate peer-review of methods used and results produced by the SCs. The IOTC-SC has adopted such guidelines in 2007, which were further expanded in 2010 to apply to all assessments conducted. The IOTC is also developing a data quality scoring system that would help identify fleets that require improvements in the data quality. ICCAT is also developing a checklist for SA documentation aiming at generating automatically standard reports of stock status and projections, keeping track of inputs/outputs. The IATTC has adopted external peer-reviews of its SAs, centering the review on the methodology and assumptions of the assessment models. This practice was applied to bigeye SA in 2010 and it is programmed to be done for the yellowfin tuna SA methods in 2012. The WCPFC-SC has strict guidelines for the provision of scientific data by member states to the Commission, data quality control, and SA procedures. It also plans to conduct an external peer-review of 2011 bigeye stock assessment in 2012. However, WCPFC-SC requested clarification of Recommendation 14 text when it reviewed all Kobe-2 workshop recommendations. The CCSBT Extended Scientific Committee (ESC) conducts detailed assessments for a single stock only and considered that a checklist was not likely to be of significant value to the CCSBT. Nevertheless, the CCSBT does have requirements in place regarding the provision of data (including change control rules) as well as specifications for CPUE series, operating models and robustness trials.

2) **To develop a common template for executive summaries to summarize stock status and management recommendations (Rec 15)**

The IOTC template provides the required information on fisheries indicators, stock status and management advice. However, the SC agreed the current template which has not changed over the past years, needs to be revised. The new template will diverge substantially from the current one in order to be more user-friendly and easier to update. The current structure of the ICCAT Executive Summary reports, implemented in 1995, fairly well fits the FIRMS reporting format. Nevertheless, the 2011 Working Group on the Organization of the SCRS of ICCAT reflected the need to make improvements to the current structure and a proposal will be presented to the SCRS. The IATTC produces a Fishery Status Report annually that summarizes stock status and trend for all of the major fish stocks managed by the

commission. A separate document summarizing the management advice and recommendations is made as part of the annual meeting of the Commission. The WCPFC-SC provides information on stock status and trends, management advice and recommendations, which include estimates of management quantities, Kobe charts, MSY and catch trends and specification to be taken to achieve associated MSY levels. The WCPFC-SC agreed to develop a draft template for discussion at Kobe-3. The CCSBT-ESC considered this recommendation more relevant to the other tRFMOs which are dealing with numerous species and stock assessments. Nevertheless, the CCSBT produces a standardized user friendly report on Biology, Stock Status and Management of Southern Bluefin Tuna each year, which is distributed to FAO and other RFMOs with an interest in southern bluefin tuna. The CCSBT also inputs this information into the FIRMS system, which provides a common interface and reporting format on stock status and management for numerous global stocks.

Finally, similar actions can be noted across the approaches developed by the 5 tRFMO regarding Kobe-2 Recommendations 14 and 15. However, there is still room for further improvements through coordinated action that could be discussed and proposed at Kobe-3. The SC Chairs would welcome any additional inputs and considerations from the CPCs

3) To establish an annotated list of common issues and prioritize them for discussion at the Kobe 3 meeting (Rec 19)

From the discussions held at the ISSF SA workshop (2011) and the repeated concerns expressed by the SCs in their plenary sessions, several cross-cutting issues can be raised and prioritized.

First set of priorities :

- How to best quantify uncertainty in the assessments in terms of populating the K2Strategy Matrix.
- Define best practices for large-scale tuna tagging programs in support of developing fishery management advice.
- Re-examine life history parameters (growth and age, natural mortality, maturity, steepness of the stock-recruitment relationship) and compare those across oceans in the perspective of reconciling values that are often assumed
- How to improve standardization of purse seine and longline CPUEs for their use as reliable proxies of abundance

Second set of priorities :

- Movements of HMS species (highly viscous or highly migratory ? Reasons for differences between oceans ?) and their implication in management (e.g. oceanic MPAs, interactions between fisheries)
- How to link ecosystem and multispecies approaches and models with stock assessment?
- The impact of FADs in oceanic ecosystems
- Incorporating oceanographic information into the assessment and forecasting of abundance trends

The best way to achieve cross-fertilization and progress on those issues is through joint workshops focusing on those themes or through the strength of the participation in the workshops already offered by the RFMO's such as the IATTC fall workshops which have dealt with several of the issues mentioned above. Concerns were expressed in Kobe-2 meetings that gathering a significant number of participants to these workshops would be a challenging issue if too many of these are organized.

Another critical issue which is broader than the solely scientific aspects is the evaluation of the expected performance of decision rules (usually associated with the status of the stock relative to reference points) that are translated into management actions. This process, which is known as the Management Strategy Evaluation, is a participative approach involving all stakeholders, from scientists to managers, the industry and the fishing communities, and it represents a crucial process in the implementation of the precautionary approach. It should be developed globally for tuna fisheries and we propose that a Joint MSE Technical Working Group be organized during the next biennium to progress on this issue. Draft Terms of Reference for such a Working Group is attached.

Finally, the t-RMFO SCs underline that the proposed action would incur additional financial and manpower costs which have not been budgeted.

Joint Management Strategy Evaluation (MSE) Technical Working Group: Terms of Reference

The Joint MSE Technical Working Group (TMSEWG) should be relatively small in nature so as to work more efficiently (e.g. 2-3 representatives from each Tuna RFMO). The TMSEWG will support, streamline, and seek to harmonize the MSE related activities of stock assessment working groups. The WG will have the ability, where necessary, to consult and work with other experts including those from fishing industry, IGOs and NGOs. The findings/recommendations of the TMSEWG will be considered by each RFMO, including, as appropriate, their technical bodies, in accordance with the procedures of each RFMO. The RFMOs may provide feedback to the TMSEWG as necessary. To the extent possible, the TMSEWG will meet electronically, but should also focus on providing advice to next SC meeting of Tuna RFMOs in 2012.

Terms of Reference:

1) Review the literature and the experiences of tRFMOs in relation to MSE in order to investigate the feasibility to apply to different tunas.

2) Provide guidance for developing MSE and operational models (OM) for tuna biology/ecology/fisheries in relation to the main sources of uncertainty arising from tuna assessment.

3) To the extent possible, provide and develop the modeling framework to apply the OM/MSE to tunas among Tuna RFMOs.

4) The duration of the TMSEWG will depend on the needs and requests of the Tuna RFMOs.

BACKGROUND FOR AGENDA ITEM VI.d.i.

Topic: Capacity

Kobe III provides an opportunity to advance the discussion of capacity and allocation issues in the global tuna community, to review past progress, and identify ongoing issues of concern.

The issue of capacity has been controversial both in the Kobe process and within the tuna RFMOs, and the debate has centered on reconciling the need to reduce the overcapacity of the global tuna fleet with the aspirations of developing coastal states to develop their fisheries and avoid undue restrictions on their artisanal fleets. At Kobe II, participants agreed that the global fishing capacity for tuna is too high and that "in order to address this problem it is imperative that members of RFMOs collaborate at a global level, and that each flag State or fishing entity ensure that its fishing capacity is commensurate with its fishing opportunities as determined by each tuna RFMO. The participants agreed that this problem should be addressed in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States." At Kobe II participants also noted that it is important that capacity reduction measures not result in capacity transfers between tuna RFMOs. The Kobe II Management Workshop built off of these outcomes with recommendations that included consideration of a freeze on capacity on a fishery by fishery basis, consideration of rights-based approaches, and ensuring an exchange of information on fleet capacities among the RFMOs.

The IATTC, ICCAT, IOTC, and WCPFC all currently have some form of capacity controls. IATTC Resolution C-02-03establishes a total vessel capacity limit for all vessels fishing in the Eastern Pacific Ocean and allocates a vessel capacity limit to each member. ICCAT has limited the number of vessels operating in certain fisheries such as eastern bluefin tuna (Recommendation 10-04), northern albacore (Recommendation 98-08), and bigeye (Recommendations 04-01, 09-01, 10-01). In 2009 the IOTC adopted a comprehensive capacity measure replacing previous capacity limits on tropical tunas, swordfish, and albacore fleets. The WCPFC has adopted a resolution to reduce the overcapacity of purse seine vessels in the Western Pacific Ocean (Resolution 2005-02), as well as a number of binding measures that either directly or indirectly address capacity measures in certain fisheries (CMMs 2004-04, 2005-02, 2005-03, 2006-03, 2006-04, 2008-01, 2009-07, and 2009-11). In many cases, RFMOs have struggled with implementation and adherence of these measures by their members.

Kobe III presents an opportunity to discuss the progress made on past Kobe recommendations related to capacity, the complexities of measuring and monitoring capacity, the effectiveness of the current capacity limits, and the potential for improved strategies and coordinated approached that can balance the need to reduce the global tuna fleet capacity with the aspirations of developing States.

BACKGROUND FOR AGENDA ITEM V.d.ii

Topic: Kobe III Guidelines - Addressing overfishing and/or stocks that are overfished

At Kobe I, the five tuna regional fisheries management organizations (RFMOs) Commissioners agreed to the "Kobe Plot" (or Chart, see below) as a harmonized diagram showing the current and historical level of biomass (B) and fishing mortality (F) versus B_{MSY}[1] and F_{MSY} in three colors (green, yellow and red) to illustrate the status of a given stock of tunas. The Kobe Plot has become a standard feature of scientific and policy documents at the tuna RFMOs, and facilitates presentation of stock assessment results in an easily understood, clear and concise manner.

Kobe II produced the "Kobe II Strategy Matrix" (K2SM) as a harmonized format for presentation of fishery management alternatives. The K2SM is expected to improve the way in which the tuna RFMOs' Scientific Committees communicate to the Commissioners the potential risks and consequences of management options. When possible, K2SM tables, or similar tools, can guide Commission discussions when adopting conservation and management measures with the aim of providing a high probability of achieving and maintaining stocks at levels consistent with Convention objectives. The precautionary approach, which reflects the UN Fish Stocks Agreement as well as certain tuna RFMO Conventions, may be implemented by adopting a higher level of probability.

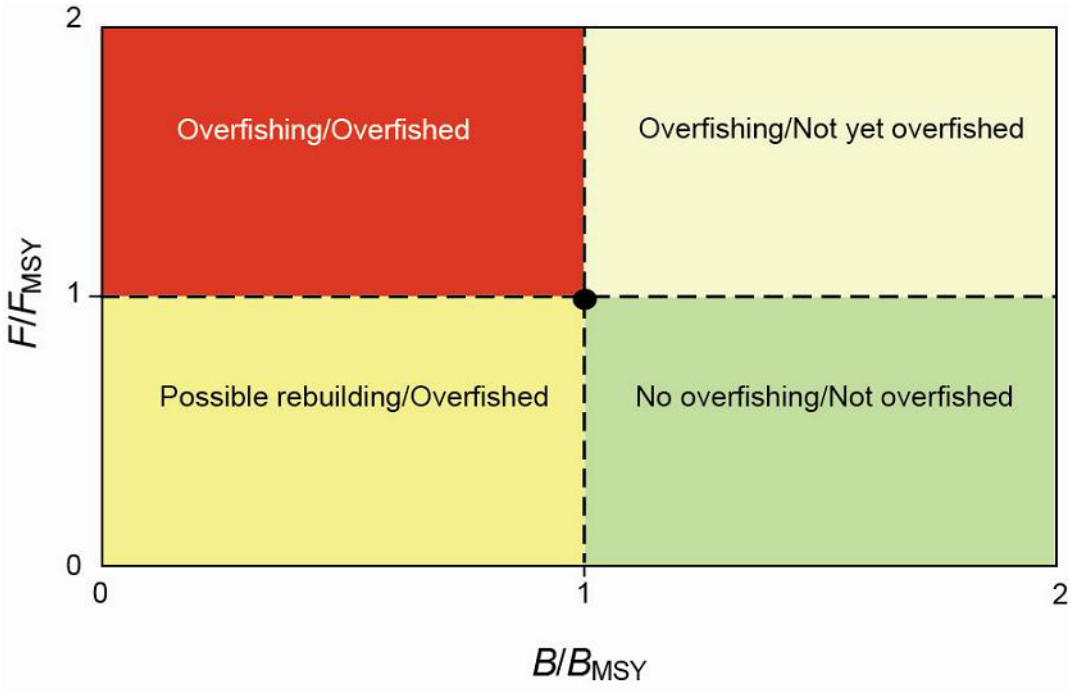
The Kobe III meeting presents an opportunity to develop this process further by establishing guidelines for decision-making on conservation and management measures that are based on objectives stipulated in the Convention of the applicable tuna RFMO and/or objectives that have been previously agreed. This work should build upon the stock status represented in the Kobe Plot as well as the options in the K2SM, taking a precautionary approach through specific probability levels. These guidelines can consist of harvest control rules that establish a target level of biomass (*e.g.* B_{MSY}) and a limit level of fishing mortality (*e.g.* F_{MSY}). The precautionary approach may also be incorporated by setting target B sufficiently above B_{MSY} and/or limit F sufficiently below B_{MSY} to take uncertainties into account.

Potential guidelines for decision-making on conservation and management measures

1. For stocks that are in the green zone, management measures should be established which result in a low probability of exceeding limit F.
2. For stocks that are in the lower left-hand yellow zone, management measures should be established which result in a reasonably high probability of rebuilding biomass to target B within a certain timeframe, with a low probability of exceeding limit F.
3. For stocks that are in the upper right-hand yellow zone, management measures should be established that result in a low probability of exceeding limit F within a certain timeframe, and with a reasonably high probability of maintaining biomass at target B.
4. For stocks that are in the red zone, management measures should be established which result in a reasonably high probability of rebuilding biomass to target B within a certain timeframe and which result in a low probability of exceeding limit F within a certain timeframe.
5. When the relevant Commission is unable to reach agreement on management measures, a default measure will be in effect. The default measure, (*e.g.* set fishing mortality at the level with a low probability of exceeding F_{MSY}) must be specified in advance.

[1] MSY = Maximum sustainable yield

6. For stocks that are in the red zone and whose fishing mortality levels and biomass levels are such that, according to scientific advice, the stock is in imminent danger of collapse, fishing mortality should be set at a level of zero (closure).



BACKGROUND FOR AGENDA ITEM V.d.ii.

Topic: Global Consolidated List of Authorized Vessels (CLAV)

Since the late 1990s, the five tuna regional fisheries management organizations (T-RFMOs) have adopted measures that call for their members to authorize large-scale fishing vessels, carrier vessels and other types of vessels, as appropriate, to operate in their areas of competence or catch species under their purview. T-RFMO Secretariats are responsible for maintaining and publishing Records of Authorized Vessels in a timely manner. During the first joint T-RFMO meeting in 2007 (Kobe I), the participants "underlined the need for a stronger cooperation and coordination among tuna RFMOs particularly, unification of lists of authorized as well as IUU[1] vessels. T-RFMOs agreed to work towards the 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 International Maritime Organisation (IMO number". Such a list would consolidate the information contained in the Records of Authorized Vessels of each T-RFMO, identifying duplicates to the extent possible and assigning unique vessel identifiers (UVIs) for vessels that have not yet been assigned IMO identification numbers.

The IATTC and the IOTC Secretariats built the first versions of the CLAV in 2007 and 2009, respectively. The T-RFMOs noted that these lists, albeit useful at the time they were created, represented only snapshots in time of the T-RFMO Lists of Authorized Vessels, agreeing on the need for the T-RFMOs to establish a mechanism to allow for a more frequent consolidation of their lists of authorized vessels. This was achieved through the organization of the "Workshop on exchange of information and maintenance of the consolidated list of authorized vessels of Tuna Regional Fisheries Management Organizations", held in February 2011 with the support of FAO and the International Seafood Sustainability Foundation (ISSF). The Workshop, which was attended by database and compliance managers from the T-RFMO Secretariats and participants from FAO, agreed on the procedures and time frames to be used in the consolidation of vessel records.

The IOTC Secretariat, in collaboration with the other Secretariats, undertook a new update of the CLAV in February 2011, and has updated this information several times since then. Authorized fishing vessels are identified through a T-RFMO Unique Vessel Identifier (TUVI) that corresponds to the IMO number if the vessel has been assigned one; if not, the vessel is assigned a temporary unique identifier. This information and the vessel list are shared among T-RFMOs. The latest update, carried out in April 2011, identified a total of 19,587 vessels authorized by the five T-RFMOs, with 17,035 vessels authorized by only one T-RFMO and 2,052 authorized by two or more T-RFMOs. 157 fishing vessels were identified as authorized by all five T-RFMOs.

The T-RFMOs, through the IOTC, are currently cooperating with the FAO with a view to streamlining the procedures for the consolidation of lists of authorized vessels, including modification of the duplicate-finding algorithm used by the FAO Vessel Record Management Framework to be used by the CLAV, and increase the frequency of updates to reach close to real-time updates in the future.

In addition, the T-RFMOs have identified the following areas for future development of the CLAV:

- Incorporation and maintenance of historical records in the CLAV.
- Incorporation of non-fishing vessels in the CLAV (*e.g.* carrier vessels), if authorized by T-RFMOs.

The use of the CLAV can be helpful in the following areas:

[1] Illegal, unreported, and unregulated

- Portal to access authorized fishing vessels from all T-RFMOs in one go: only one website to consult.
- Improved data quality through the identification of inconsistent data: for instance conflicting vessel attributes reported by two or more T-RFMO for the same vessel.
- Provide a first building block for the future Global Vessel Record free of charge.
- Studies of total capacity of major tuna fleets: the identification of individual vessels done at the CLAV will reduce double-counting to a minimum.

BACKGROUND FOR AGENDA ITEM VII.c.i.

Topic: Harmonized IUU Vessel Lists across T-RFMOs

As a tool to help curtail illegal, unreported and unregulated (IUU) fishing, four of the five tuna regional fisheries management organizations (RFMOs) have established IUU vessel listing procedures. The listing process differs slightly among each organization, and only ICCAT provides for cross-listing vessels from other tuna RFMOs' IUU vessel lists. The lack of cross-listing can limit the effectiveness of the IUU vessel list as a tool, given that fishing vessels are capable of moving across ocean basins, even within a single year. The Kobe III meeting presents an opportunity to make progress on efforts to create a harmonized IUU vessel list across all five t-RFMOs. Such an outcome would be consistent with the Kobe I and Kobe II recommendations, and it would contribute to the development of a global IUU vessel list.

A possible product of Kobe III is a model measure on the establishment of a common IUU vessel list. This model measure could provide each tuna RFMO with a process for adding other tuna RFMOs IUU-listed vessels to its IUU list. The process could be based on the ICCAT procedure in ICCAT Recommendation 09-10, which provides for cross-listing once an IUU vessel list and supporting information is received from another tuna RFMO. As procedures for addition or deletion of a vessel from the list are different in each RFMO, the model measure should leave the specifics of such procedures up to each organization. A provision of information supporting the listing on other t-RFMO vessel lists could address due process concerns. If this model measure were adopted by each t-RFMO, this could be an important first step in the creation of a global IUU tuna vessel list.

BACKGROUND FOR AGENDA ITEM VII.c.ii.

Topic: Statistical Data Report Card

Each of the five tuna regional fisheries management organizations (RFMOs) has requirements for statistical data reporting. In particular, they require reporting of data that are essential for stock management decisions. However, many members of tuna RFMOs are not fully complying with their data reporting obligations or are unable to do so. This can negatively affect the quality of the stock assessments and hamper scientific committees' ability to provide meaningful management advice. The Kobe III meeting provides a great opportunity to discuss the merit in recommending that each tuna RFMO require its Secretariat to prepare an annual report on the completeness, accuracy, and timeliness of data submissions using a common reporting format where feasible. Requiring such reports for all of the tuna RFMOs and establishing a generic reporting format would provide a common framework to encourage timely and accurate data submissions across the RFMOs while allowing each tuna RFMO the flexibility to focus on its particular conservation measures. In some tuna RFMOs, such as the IATTC, members do not receive information on which members are not meeting their data submission requirements, including completeness and timeliness. Some organizations also lack guidelines for submitting the required information and do not take compliance actions against members that are failing to meet their obligations. For all these reasons, data are often late, incomplete, or missing.

The report could be as simple as a spreadsheet prepared annually by the appropriate Secretariat that would list the specific data submissions and reporting obligations for catch or other data by species. The completeness, accuracy, and timeliness of the data submitted by each member of the tuna RFMO would be noted. The "data report cards" prepared by the ICCAT Secretariat can serve as an example. A common format across the tuna RFMOs would enable comparison of members' reporting record across organizations. Such a report would also allow the respective compliance bodies to evaluate the data deficiencies by members and recommend appropriate actions, taking into account any explanations and/or plans for corrective action.

In addition, there could also be a recommendation that the Secretariats assess the extent to which missing statistical data have adversely affected the most recent stock assessments and an appraisal of the data deficiencies with respect to formulation of management advice (as is done under ICCAT Recommendation 2005-09). Another useful component of ICCAT Recommendation 2005-09 is the requirement that members provide an explanation on their reporting deficiencies, including the reasons underlying the identified data gaps, capacity challenges, and plans for corrective action.

BACKGROUND FOR AGENDA ITEM VII.c.iii.

Topic: Port State Measures

For more than a decade, there has been a general understanding among the international fisheries community that port State control schemes and measures can be an important component of efforts to deter illegal, unreported, and unregulated (IUU) fishing activities. Recognition of the importance of port State measures is reflected in provisions for such measures in global instruments such as the UN Fish Stocks Agreement and FAO International Plan of Action on IUU fishing (IPOA-IUU), actions taken by States individually and through regional fisheries management organizations (RFMOs), and culminated in the adoption of the Port State Measures Agreement (PSMA) at the 36th Session of the FAO Conference in 2009. The PSMA is designed to combat IUU fishing through, *inter alia*, establishing minimum standards for the conduct of fishing vessel inspections and inspector training by port States; requiring Parties to the Agreement to investigate and take appropriate enforcement action in response to IUU activity detected during an inspection; requiring denial of port entry and/or use of ports for landing, transshipping, and other services to vessels that have been engaged in IUU fishing; and assisting developing States in their development and implementation of effective port State measures.

Concurrent with progress on this issue at the global level reflected in the PSMA, the international community has highlighted the importance of the adoption of port State measures at the regional level, as reflected in United Nations General Assembly Resolution on Sustainable Fisheries and the resolutions and recommendations of previous meetings of the Kobe process:

2010 UN General Assembly Resolution 65/38:

> "*Recognizing* the need for States, individually and through regional fisheries management organizations and arrangements, to continue to develop and implement, consistent with international law, effective port State measures to combat overfishing and illegal, unreported and unregulated fishing, the critical need for cooperation with developing States to build their capacity, and the importance of cooperation between the Food and Agriculture Organization of the United Nations and the International Maritime Organization in this regard ..."

Recommendations of Kobe II Workshop on Monitoring, Control and Surveillance (MCS):

"Port State Measures

1. Encourage RFMO Members to consider signing and ratifying the FAO Port State Measures Agreement at their earliest opportunity.
2. Where they do not already exist, where appropriate, adopt port State control measures that are consistent with the FAO Port State Measures Agreement, and that take into account the specific characteristics and circumstances of each RFMO."

In furtherance of the minimum standards in the PSM Agreement and international calls for actions at the regional level, in recent years IATTC, ICCAT, IOTC, and WCPFC have considered proposals for comprehensive port State measures schemes modeled on the PSMA. IOTC

adopted a scheme at its 2010 annual meeting[1], and the development of schemes by other tuna RFMOs is expected to continue.

At Kobe III, participants could exchange views on such aspects associated with port State measures as special requirements of developing States in implementing such measures, challenges to implementation, strategies for effective and realistic implementation by tuna RFMOs, minimum standards and harmonization of measures among the tuna RFMOs and member States, and collaboration and cooperation among the five tuna RFMOs and their member States, including information sharing.

[1] The IOTC adopted Port State Measures as Resolution 10-11, incorporating major requirements of the PSMA.

BACKGROUND FOR AGENDA ITEM VII.c.iv.

Topic: Market measures/CDS/trade tracking

As a follow-up to Kobe II, the *International Workshop on Improvement, Harmonization and Compatibility of Monitoring, Control and Surveillance Measures, Including Monitoring Catches from Catching Vessels to Markets* was held in Barcelona in June 2010. Participants at the Workshop agreed with the principle of expanding coverage by catch documentation schemes (CDS) to other tuna species in addition to Atlantic bluefin tuna and southern bluefin tuna, as well as to sharks. They also noted that there would be several topics to be considered, such as utilization of modern technologies (*e.g.*, electronic CDS), priority species to be covered, capacity building for implementation, use of tags, who validates catches in EEZs, how to treat purse-seine catches destined to canneries, how to treat fresh products, how to address catches made by artisanal fisheries, *etc*. In general, participants agreed that more discussion of these topics within RFMOs was needed, and that tuna RFMOs should be encouraged to do so and report to Kobe III on their consideration of these issues.

After the Workshop, CDS proposals were submitted to IATTC, ICCAT and IOTC, taking into consideration the discussions at the Workshop. For various reasons, none of the RFMOs adopted any of these proposals, but decided to continue discussions.

It should be noted that ICCAT has established a working group to develop an electronic Bluefin Tuna Catch Documentation System for strengthening the implementation of the existing scheme. The working group met in February 2011, and the results will be discussed at the next annual meeting of ICCAT in November.

WCPFC also agreed at its seventh annual meeting to form an intersessional CDS Working Group, to be coordinated by Papua New Guinea, to progress work on an inclusive WCPFC CDS that includes flag, coastal and market States, and enables certification and export. It was agreed that the first consultation would involve the development of Terms of Reference for the CDS Working Group.

At Kobe III, participants will be informed of the state of play and expected to exchange views on this issue.

ANNEX 4

KOBE III RECOMMENDATIONS

I. Science

(1) Recognizing that the five tuna Regional Fisheries Management Organizations (tRFMOs) have different data confidentiality rules, and noting this might curb the exchange of data across tRFMOs, Kobe III participants recommended that tRFMO Secretariats cooperate to develop common data confidentiality rules and a draft protocol for data sharing. The protocol will specify the types of data to be shared, how it can be used, and who can have access to it.

(2) Emphasizing the potential of the Kobe II Strategy Matrix (K2SM) to communicate efficiently among all stakeholders and to assist in the decision-making process according to different levels of risk, but also recognizing that substantial uncertainties still remain in the assessments, Kobe III participants recommended that the Scientific Committees and Bodies of the tRFMOs develop research activities to better quantify the uncertainty and understand how this uncertainty is reflected in the risk assessment inherent in the K2SM.

(3) Recognizing that a Management Strategy Evaluation (MSE) process needs to be widely implemented in the tRFMOs in the line of implementing a precautionary approach for tuna fisheries management, it is recommended that a Joint MSE Technical Working Group be created and that this Joint Working Group work electronically, in the first instance, in order to minimize the cost of its work.

II. Management

Bycatch Working Group

(4) In accordance with the Terms of Reference for the Joint Technical Bycatch Working Group (JTBWG), which were adopted at the Kobe II Bycatch Workshop, Kobe III participants welcomed the report of the first meeting of the JTBWG and recommended that it be transmitted to each tRFMO for its consideration.

Capacity and Allocation

(5) Kobe III participants recommended that each tRFMO Secretariat annually measure existing capacity in tuna fisheries under its jurisdiction and monitor where that capacity is used and by whom. The results of this work should be referred to the respective Commission for its consideration.

(6) In order to assist in the analysis and appropriate management decision-making to reduce overfishing and overcapacity, Kobe III participants recommended that by 2013 each tRFMO establish a record of vessels, by gear type, actively fishing for stocks under its jurisdiction, and that all tRFMO Secretariats coordinate the establishment of a common vessel database linked, to the extent possible, to the existing consolidated list of active vessels, taking into account the requirements of each tRFMO for vessel registration.

(7) Kobe III participants recommend that developed fishing members freeze large-scale purse-seine capacity under their flag. Based on the status of the stocks, each tRFMO should consider a scheme for:

- Reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies; and
- Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate.

Decision-Making

(8) Kobe III participants recommended that the decision-making framework guidelines outlined in Annex 3 be referred to the respective tRFMOs for consideration.

III. Compliance and Enforcement

(9) Kobe III participants noted their appreciation for the work already conducted by the tRFMO Secretariats on the development of a consolidated list of authorized vessels, including the implementation of unique vessels identifier (UVIs), and recommended that they continue these efforts. Furthermore, the participants recommended that these efforts be coordinated with the Food and Agriculture Organization of United Nation's (FAO) effort to develop and implement a global record of fishing vessels, refrigerated transport vessels, and supply vessels.

(10) Kobe III participants recommended that tRFMOs cooperate to harmonize illegal, unregulated and unreported (IUU) vessel listing criteria, processes, and procedures, to the maximum extent possible, and move towards adopting principles, criteria, and procedures for cross-listing IUU vessels that are listed on the IUU list of other tRFMOs, taking into account the principles in Annex 5.

(11) Kobe III participants recommended that the tRFMOs establish a common format for assessing compliance with data reporting requirements. Furthermore, to facilitate compliance, participants recommended that all tRFMOs streamline and harmonize their reporting formats, procedures, and timing.

(12) Kobe III participants, reaffirming the recommendations regarding port state measures and catch document schemes (CDS), recommended that tRFMOs, developed States, and NGOs accelerate efforts to provide capacity building assistance through various means, including workshops, to implement CDS, port state measures, and data collection and to participate in the scientific work.

IV. Future of Kobe Process

(13) To support the ongoing importance of meeting the core objective of the Kobe process to harmonize approaches and actions of the five tRFMOs, a Steering Committee will be established, comprised of the Chairs and Vice Chairs of each of the five tRFMOs, supported by the five Executive Directors/Secretaries of those same tRFMOs.

(14) The Steering Committee's mandate will be to review and report to the five tRFMOs, on a regular basis as determined by the Steering Committee, on the implementation of the recommendations agreed to during the Kobe process, including those adopted at Kobe III. The first meeting of the Steering Committee will take place during the FAO Committee on Fisheries (COFI) meeting in Rome, July 2012, and the work of the Steering Committee will be guided by the principle of transparency.

(15) Beginning from the adoption of this recommendation at Kobe III, the Secretariat of each of the five tRFMOs will propose that the agenda of their respective annual meetings include a specific item on the Kobe process, to be introduced and led by the Commission Chair, and focused on a review by the tRFMO members of the Kobe process recommendations requiring action by that tRFMO.

(16) Tuna RFMO members should provide input to the Steering Committee through the Chair(s) of their respective RFMO(s) and during the annual review at the RFMO meeting(s).

Annex 5

U.S. White Paper
Basic principles for adopting measures for cross-listing vessels listed as IUU by other RFMOs

1) Scope: An RFMO should ensure its IUU cross-listing procedures are applicable to IUU vessel lists of other RFMOs that have an appropriate nexus (e.g., species and/or geographical) to the cross-listing RFMO. For example NAFO's cross-listing procedure is limited to IUU listings of NEAFC, which covers similar fisheries, and which has a convention area that is in close geographical proximity to the NAFO convention area. In the case of ICCAT, its cross-listing provision provides for the recognition of IUU listings of all other tuna RFMOs, thereby limiting its scope to RFMOs with species mandates (and therefore vessel coverage) similar to that of ICCAT. Given the global mobility of tuna vessels, ICCAT's cross-listing provision does not have a specific geographical limitation.

2) Information sharing between RFMOs: Effective IUU cross-listing provisions depend on the ability and willingness of RFMOs to share information on listing determinations with one another. This should include timely communication to other tuna RFMOs of IUU listings as well as supporting information considered by the original listing RFMOs and other relevant information regarding the listing determination (e.g., listing criteria, processes and procedures used and information on deliberations of the RFMO).

3) Compatible listing criteria, processes and procedures: There should be a common understanding among t-RFMOs of each other's listing criteria, processes and procedures. To the maximum extent possible, criteria, processes and procedures should be made compatible among all the t-RFMOs.

4) Preserving decision-making authority of the cross-listing RFMO: It is important that members of the cross-listing RFMO have the opportunity to consider each vessel, on a case-by-case basis, and to decide not to cross-list a vessel under certain circumstances, including, but not limited to, where:

- the original listing was not compatible or consistent with the RFMO's listing decision criteria or processes,
- there is satisfactory information to establish that the vessel did not engage in the IUU activity identified by the listing RFMO,
- appropriate action has been taken in response to the IUU fishing activities in question, or
- there is insufficient information on the basis for the original listing to make a cross-listing determination.

Decisions by an RFMO to place a vessel that appears on another RFMO's IUU list on its own IUU vessel list through a cross-listing mechanism should be based on a review of all documentation provided to the RFMO considering the cross-listing, any new relevant information, and a review of the report from the original RFMO reflecting its decision-making process.

As a result of this review, any member of the cross-listing RFMO should have the opportunity to object to the cross-listing of any vessel, or request additional time to consider it, given that the original listing RFMO may use different criteria and/or processes for IUU determinations, or a member of the RFMO with the cross-listing provision may not be a member of the original listing

RFMO, and therefore would not have participated in the original decision to place the vessel on the IUU list.

5) Timely delisting and listing procedures: In recognition of the original RFMO's primary expertise in determining what activities are IUU under its requirements, removal of a cross-listing should be automatic upon removal of the vessel from the IUU vessel list of the original listing RFMO. Cross-listing procedures should provide for intersessional delisting and, to the extent possible and appropriate, for intersessional listing, of vessels from other RFMO IUU vessel lists.

Annex 6

The FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

By the Norwegian Delegation

Several initiatives have been taken by global organizations, by many regional bodies and States to counteract illegal, unreported and unregulated (IUU) fishing, in particular by implementing relevant parts of the FAO International Plan of Action on IUU Fishing (IPOA-IUU). As a follow-up to the IPOA-IUU, FAO adopted in 2005 a Model Scheme on Port State Measures to Combat IUU Fishing, describing basic and minimum standards for subsequent action to be taken in particular within regional fisheries management organizations (RFMOs).

Following the successful implementation of some regional schemes, it soon was recognised that global and binding efforts in ports could be a cost-effective way of targeting IUU fishing. The main reasons for relying not only on regional application are that not all port States are members of the relevant RFMOs, not all regions are covered by RFMOs, some RFMOs deal only with a limited number of species, there are regions with more than one RFMO and finally vessels engaged in IUU fishing move in and out of areas under jurisdiction of multiple States and operate within areas of competence of several RFMOs.

Numerous calls for a binding, global agreement on port State control appeared, and the FAO Committee of Fisheries agreed in 2007 to pursue such an initiative, and a FAO Technical Consultation commenced in mid 2008. The Consultation finalized its work in August 2009 after four rounds of negotiations, and the Agreement was adopted by the FAO's governing Conference on 25 November 2009, and it is set to enter into force once 25 ratifications have been received by the depositary, the FAO.

The FAO Agreement is by many considered to be a milestone achievement as States commit themselves to take steps to identify and deny IUU vessels access to ports or the use of port services. The FAO treaty describes minimum standards and takes on board tools already used by some RFMOs, such as powerful actions based on IUU vessel lists, creation of a stronger linkage to the flag State of the vessel as well as applying port State measures to transhipped fish. The application of such measures will now be extended from a regional to a global level, including the indirect establishment of a global IUU vessel list as actions are linked to such a list established by any RFMO.

Immediately following the adoption of the agreement at FAO Conference in November 2009, the first eleven FAO members signed the treaty, indicating their clear intention to becoming a party. But so far, there are only three parties to the instrument. The effectiveness of the instrument depends of course on the number of countries that commit themselves to be bound by its provisions, and their will and capacity to implement them.

Norway urges States to ratify or accede to the FAO Agreement as soon as possible, and to take initiatives within tuna-RFMOs to use this instrument as a basis for developing comprehensive regional schemes tailored to meet special regional requirements, noting also the need for harmonization between tuna-RFMOs in line with the objective of the Kobe-process.

The main elements of the FAO Agreement are described in the Annex.

Annex

The FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Main Elements

The FAO Agreement consists of ten parts and five annexes.

1 General

The general provisions are set out in part 1, which includes terms, objective, application, relationship with other international instruments, integration and coordination at the national level and cooperation and exchange of information. It should be noted that the term "fishing related activities" is limited to fish (all species of living marine resources, whether processed or not) that have not been previously landed at a port, as well as the provisioning of personnel fuel, gear and other supplies at sea.

The objective of the FAO Agreement is to combat IUU fishing through the implementation of effective port State measures, and thereby to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.

The FAO Agreement applies to all vessels not flagged to the port State, except for vessels of a neighbouring State that are engaged in artisanal fishing for subsistence where the States cooperate to ensure that there is no IUU fishing and for container vessels that are not carrying fish, or if carrying fish, only fish that have been previously landed.

2 Entry into port

Part 2 of the FAO Agreement deals with entry into ports, and establishes a step by step process for the port State to allow or deny the entry and the use of its port. Use includes landing, transhipping, packaging, processing, refuelling, resupplying, maintenance and dry-docking. Ports where vessels may request entry must be designated and publicised, and have sufficient capacity. Prior notification must be required sufficiently in advance to allow the port State time for examination before access to port is granted, Based on the notification as well as other information it may require to determine whether the vessel has engaged in IUU fishing, the port State shall decide whether to authorise or to deny entry into its port. A port State shall, however, deny access if it has sufficient proof that a vessel has engaged in IUU fishing, and in this regard in particular if the vessel is on an IUU vessel list established by an RFMO. A port State may allow such a vessel into its port exclusively for the purpose of inspection and taking alternative measures which are at least as effective as denial of port entry. If an IUU vessel is in port for any reason, the port State shall deny the use of its port.

3 Use of ports

Provisions on the use of ports are set out in part 3of the FAO Agreement, and describe the conditions where vessels shall not be allowed the use of ports, and notification processes. A vessel that has entered a port, shall not be permitted to use that port if the vessel does not have an authorisation required by the flag State or a coastal State, or if there is clear evidence that the fish on board was taken in contravention with coastal State measures. Furthermore use shall be denied if the flag State, on request, fails to confirm that the fish onboard was taken in accordance with requirements of an RFMO or the port State has reasonable grounds to believe that IUU fishing had taken place, unless the vessel can establish otherwise. Exceptions shall be made for port services that are

essential to the safety or health of the crew or the safety of the vessel, or for the scrapping of the vessel concerned. The port State shall promptly notify the flag State, and other States and RFMOs as appropriate, about any denials.

4 Inspections and follow-up actions

Inspections and follow-up actions are dealt with in part 4 of the FAO Agreement. Port States shall conduct an annual number of inspections necessary to achieve the objective of the FAO Agreement, and seek to agree on minimum levels through RFMOs. Inspection priority must be given to vessels that have been denied the use of ports under the Agreement, on requests from States or RFMOs to inspect a particular vessel and vessels for which there are clear grounds for suspecting engagement in IUU fishing. The FAO Agreement lists a series of duties on port States in carrying out inspections, including qualification of inspectors noting the guidelines for training programmes, identity cards, examination, cooperation and communication and an obligation to minimise interference and inconvenience. The port State is required to produce a report of the inspection, and to transmit the results the flag State and others as appropriate. Port States are encouraged to establish mechanisms for direct electronic exchange of information as well as other information-sharing mechanisms relevant to the FAO Agreement. If an inspection unveils that there are clear grounds for believing that a vessel has been engaged in IUU fishing, the port State shall promptly notify the flag State of the vessel of its findings and shall deny the use of its ports.

5 Role of flag States

Specific duties apply when a party to the FAO Agreement act as a flag State. Its vessels shall be required to cooperate during inspections and it shall request that inspections or other measures to be taken by another port State if there are clear grounds to believe that one of its vessels has engaged in IUU fishing. A flag State shall furthermore encourage its vessels to use only ports that act in a manner consistent with the FAO Agreement, and parties to the FAO Agreement are encouraged to develop international procedures for identifying States, which do not act in accordance or in a manner consistent with the FAO Agreement. A flag State is also obliged to investigate and take appropriate enforcement actions if it receives an inspection report indicating clear grounds to believe that one of its vessels has engaged in IUU fishing, and shall report to other parties and relevant organisations on actions taken in this regard.

6 Requirements of developing countries

Part 6 contains a comprehensive framework for assistance to developing countries in implementing the FAO Agreement, including the assessment of their needs. In particular assistance shall be provided for enhancing their legal basis and capacity, their participation in international organisations as well as technical assistance to strengthen and coordinating the development of port State measures. Parties shall cooperate to establish funding mechanisms to assist in developing port State measures, capacity for monitoring, control and surveillance, for training, for access to technology and equipment. Technical and financial assistance may be provisioned through bilateral, regional and multilateral levels, including South-South cooperation. An *ad hoc* working group will be established, which shall make recommendations on funding mechanisms, including a scheme for contribution, identification and mobilisation of funds as well as criteria and procedures to guide implementation and progress.
