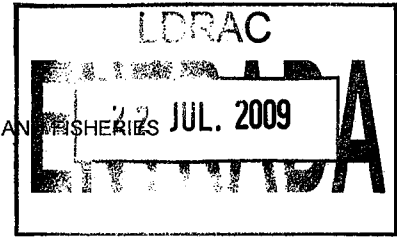




EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES  
THE DIRECTOR-GENERAL



Brussels, 20.07.2009 D 08512  
D(2009)

Mr. Antonio Schiappa Cabral  
Long Distance RAC  
C/ Velázquez 41, 4º C  
28001 Madrid  
SPAIN

**Subject: LDRAC advice in view of the San Sebastian meeting**

Dear Mr. Cabral,

I thank you for your letter of 5 June providing the LDRAC position regarding the joint Tuna RFMO meeting in San Sebastian. I take this opportunity to thank the LDRAC for organising the ad hoc meeting in Madrid on 21 April on the same matter, which was a good opportunity to exchange views on how to progress in the framework of the Kobe process.

I am pleased to report that the recommendations of the LDRAC to a very high extent coincided with our own views on the matter and that we did position ourselves along the lines that you suggested during the meeting.

Although we did not achieve all of our goals which we set up for the meeting, we do believe that many of the recommendations that we made for the meeting are included in the final document which constitute the conclusion of the meeting. I attach this final document for your information.

I do believe that this is a satisfactory result for the European Union and that we can continue working in this direction during this important process to reform and simplify the work of the tuna RFMOs. The Commission looks forward to continue working with the LDRAC to progress this matter in future meetings.

Yours sincerely,

Fokion Fotiadis



**DRAFT REPORT OF THE SECOND JOINT MEETING OF  
TUNA REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS (RFMOs)**  
*(San Sebastian, Spain, June 29 – July 3, 2009)*

The European Community organized and hosted the Second Joint Meeting of Tuna RFMOs from June 29 to July 3, 2009 in San Sebastian, Spain.

Welcoming remarks were given by M. Miyahara (Chairman of the First Joint Meeting), P. Amilhat (EC, Director for International Affairs and Markets, DG-MARE), P. Unzalu (Advisor of the Environment, Territorial Planning, Agriculture and Fishing of the Basque Country), S. Corcuera (Acting Mayor of Donostia-San Sebastian) and E. Espinosa (Minister of the Environment and Rural and Marine Affairs of Spain). The meeting included participants from 50 Members and cooperating non-Members of the five tuna RFMOs (IATTC: Inter-American Tropical Tuna Commission, ICCAT: International Commission for the Conservation of Atlantic Tunas, IOTC: Indian Ocean Tuna Commission, WCPFC: Western and Central Pacific Fisheries Commission, and CCSBT: Commission for the Conservation of Southern Bluefin Tuna), as well as representatives of the Secretariats of the five tuna RFMOs, four inter-governmental organizations, and twelve non-governmental organizations. The Agenda is attached as **Appendix 2** and the List of Participants is attached as **Appendix 3**. Opening statements are attached as **Appendix 4**.

Mr. Ernesto Penas Lado (EC) was elected as the Chairperson. It was agreed to call the joint meetings of the tuna RFMOs the "Kobe Process." A Workshop to review actions agreed at the first Joint Meeting of Tuna RFMOs (Workshop 1) was established, and Mr. Miyahara was selected to convene it. A Workshop to discuss fishing capacity issues (Workshop 2) was also established, and Mr. Glenn Hurry (Australia) was selected to convene it. P. Toschik (USA), V. Restrepo (ICCAT) and A. Gray (EC) served as Rapporteurs for the meeting and Workshops 1 and 2.

The Agenda was discussed, and several participants noted that they would have preferred to have had more input into the preparation of the Agenda and schedule prior to the meeting. It was agreed to improve the process of agenda and schedule development for future meetings.

The meeting proceeded based on three principles proposed by the Chair: First, to build on the work of Kobe 1 rather than starting discussions anew; second, to reinforce the mandate of the existing five tuna RFMOs; and, third, to go beyond reinforcing current work of the RFMOs and seek to address issues at a global level where the work of the individual RFMOs is not sufficient.

The two Workshops were held sequentially. The Conveners' reports of these Workshops, which summarize the discussions and conclusions in the view of the Conveners, are attached as **Appendices 5 and 6**, respectively. Documents and presentations made in support of the Workshops are also attached.

Based initially on the discussions held during the two Workshops, the meeting developed and adopted by consensus a Course of Actions (**Appendix 1**). The Course of Actions includes a number of elements for immediate action, as well as a work plan for 2009-2011, until the Third Joint Meeting takes place. The work plan calls for four inter-sessional Workshops to be held. First, an International Workshop on RFMO Management of Tuna Fisheries (to be held in 2010 and potentially hosted by the Forum Fisheries Agency, FFA). Second, a Workshop on Improvement and Harmonization of Monitoring and Control Measures (to be held in 2010 and potentially hosted by Japan). Third, a Workshop on Issues Relating to By-Catch (to be held in 2010 and potentially hosted by the United States). Fourth, a Workshop on the scientific process in the RFMOs, noting that this was not intended to imply that the individual RFMO scientific bodies were not doing their job, but rather to provide an opportunity to share best practices and discuss areas for coordination and harmonization (to be held in 2010 and potentially hosted by the European Community). In agreeing to recommend the use of the science matrix (**Attachment 1 to Appendix 1**), the participants noted that this was an improvement to harmonize the provision of scientific advice and presenting it in a simple and useful format, and that

other such improvements are possible, and could be discussed at the science Workshop. The co chairs for the four Workshops will be selected at the Workshops.

The participants also discussed the possibility of holding a Ministerial meeting in association with Kobe III. Some participants were of the view that this would provide necessary additional political will to implement the Kobe Process, while others preferred to maintain the Kobe Process outside a political framework. Several other matters were discussed, but consensus was not reached on how to address them. There was no agreement on this issue.

In reference to development of a compliance evaluation process, the participants discussed the process used in ICCAT. Some participants were unfamiliar with this process, and so it was not referenced as a model process. However, it was suggested that the ICCAT Secretariat should provide information on the ICCAT process to the WCPFC while it is in the process of developing its own compliance evaluation process.

The Forum Fisheries Agency (FFA) members made the following statement: "The Course of Action document, and in particular the immediate actions, represent very good progress. We are very pleased with the focus on improving fisheries management through a range of options, and the recognition that allocation is a fundamental priority. However Chair, on immediate action 1.a, FFA members are concerned that we are taking a considerable risk in agreeing to this text. In the past, FFA members have been severely impacted upon by abuse of very similar provisions. We echo the sentiments of our colleague from Tuvalu. FFA members will not stand for any attempts to use this to threaten our sovereign rights or development aspirations. Any such abuse we believe will seriously jeopardise the future of the Kobe process. FFA members have moved from our initial position in the spirit of good faith and cooperation. We would urge in the strongest sense possible for all participants to implement it through RFMO processes likewise."

The Chairman thanked participants for the fruitful discussions. He also thanked the interpreters, the ICCAT Secretariat and local authorities for logistical support. The Second Joint Meeting of the Tuna RFMOs was closed and the report adopted via correspondence.

### COURSE OF ACTIONS OF KOBE PROCESS 2009-2011

The Participants of the Second Joint Tuna RFMOs Meeting held in San Sebastian, Spain, from June 29, to July 3, 2009.

1. Reconfirming their firm commitment to the Course of Actions adopted in Kobe in January 2007.
2. Considering that some of the actions agreed at the meeting in Kobe in 2007 have been implemented, but that there is more work to be accomplished, and that concrete actions should be taken to implement the Course of Actions of Kobe without delay.
3. Noting the current tuna RFMOs performances and the risk that these bodies lose some of their relevance as international management organizations, taking into account the performance of the RFMOs and the status of the tuna stocks worldwide, considering then that there is an urgent need for immediate action to strengthen their performance in the short term.
4. Stressing the need for tuna RFMOs to operate on the basis of a sound mandate which foresees the implementation of modern concepts of fisheries management, including science-based marine governance, ecosystem-based management, conservation of marine biodiversity and the precautionary approach.
5. Desiring to strengthen, where appropriate, the co-operation between tuna RFMOs with the objective of agreeing on common standards, approaches and working methods based on best practice for the purpose of simplification and with the view of avoiding unnecessary duplication of work.
6. Welcoming the independent performance reviews carried out and ongoing by CCSBT, ICCAT and IOTC, and urging those RFMOs to consider implementation, as appropriate, of the recommendations of those reviews. Emphasizing the need for IATTC and WCPFC to conduct performance reviews without delay, as agreed in the Kobe Action Plan.
7. Noting with concern that the independent performance reviews carried out so far have identified fundamental shortcomings on such as failure to adopt measures that reflect scientific advice, lack of complete and accurate data collection and untimely provision of data, non compliance, lack of participation of important players, the need for institutional and legal reform, which need to be addressed without delay.
8. Conscious that many of these shortcomings should be addressed individually by the concerned RFMOs but also recommendations on harmonization and coordination of measures of the tuna RFMOs within the framework of the Kobe process and that such work could greatly enhance the functioning of these RFMOs.
9. Emphasising in particular the need for compatible and best practice standards on issues like transshipment monitoring and control, Vessel Monitoring Systems (VMS), observer requirements, by-catch mitigation measures, catch documentation and positive and non discriminatory negative market measures as well as scientific data collection and reporting, which tend to differ from one organisation to the next.
10. Urging the participants who are negotiating the Port State Measures Agreement to conclude those negotiations as soon as possible.

11. Emphasising that compliance with basic reporting requirements established within the RFMOs is essential for the functioning of tuna RFMOs, and noting with great concern that compliance with reporting requirements in several organisations is poor and needs to be enhanced through appropriate sanctions and through cooperation including capacity building, in particular developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies.
12. Noting that all RFMOs should introduce a robust compliance review mechanism by which compliance record of each Party is examined in depth on a yearly basis.
13. Recognising the need to address these shortcomings with a comprehensive system of non discriminatory sanctions to be developed through the RFMOs to be applied to Parties and non Parties alike that repeatedly fail to comply with the obligations or responsibilities.
14. Agreeing that this system of sanctions developed through RFMOs should include incentives to encourage swift and transparent recognition of overfishing, and reinforced sanctions for unreported overfishing and quota overages.
15. Taking into account the special needs of developing coastal States, in particular, small island developing States, territories and States with small and vulnerable economies, and recognising the need to find mechanisms to enhance the capacity of these States to benefit from and participate in the tuna fisheries and to fulfil their obligations as parties to RFMOs.
16. Recognizing that overfishing is a threat to tuna fisheries and to the ecosystem in which they operate and that, consequently RFMOs should strive to evaluate, control, and reduce as necessary the level of fishing mortality, including through reducing overcapacity in their fisheries.
17. Recognising further that despite the efforts to address the problems of overcapacity at regional level, the problem needs to be also tackled at the global level through the development of a coordinated management effort, in all five tuna RFMOs, and therefore agreeing that this work should be one of the priorities of the Kobe process in the coming years.
18. Acknowledging the need to reconcile the aspirations of developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies to benefit from tuna fisheries and the need to harness capacity in relation to the state of the tuna stocks.
19. Stressing the importance of sound scientific advice as the basis for fishery management decisions. Considering the critical role of high quality science, incorporating an assessment of uncertainty and risk, for scientific advice to be presented in as clear a form as possible, and calling on scientists from different tuna fisheries to exchange information and harmonise methodologies.
20. Conscious that tuna fisheries must be conducted in full respect of international commitments regarding the conservation of biodiversity and the implementation of the ecosystem approach. Considering that, within this context, it is necessary to improve our knowledge on the effects of tuna fishing on non-target species.

### Proposals for Immediate Action

1. The participants agree to call on RFMOs to take the following actions:
  - a. The participants agreed that global fishing capacity for tunas is too high, and that this problem needs to be urgently addressed. The participants recognized 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, including through a fair, transparent, and equitable process for the allocation of fishing opportunities among its members. 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, in particular small island developing States, territories, and States with small and vulnerable economies.
  - b. Tuna fishing capacity should not be transferred between RFMO areas and, as appropriate within RFMO areas, unless in accordance with the measures of the RFMOs concerned.
  - c. The establishment of a global Register of active vessels, with contributions by the five RFMOs. This list will not be understood as providing individual or collective fishing rights. It will be without prejudice to any system of rights provided for in the existing RFMOs. The preparation of this list will be coordinated by the Secretariats of the tuna RFMOs.
  - d. The implementation of a robust compliance review mechanism within each RFMO recording the actions by the Parties and non Contracting Parties, on a yearly basis, with a view to possible sanctions to Parties and non Contracting Parties found to be non compliant and possible incentives for good compliance.
  - e. Improving the request for scientific advice to clearly articulate risk and uncertainty to decision makers (**Attachment 1**).
  - f. Consistent with the FAO IPOA-Sharks, establishing precautionary, science-based conservation and management measures for sharks taken in fisheries within the convention areas of each tuna RFMO, including as appropriate:
    - Measures to improve the enforcement of existing finning bans;
    - Prohibitions on retention of particularly vulnerable or depleted shark species, based on advice from scientists and experts;
    - Concrete management measures in line with best available scientific advice with priority given to overfished populations;
    - Precautionary fishing controls on a provisional basis for shark species for which there is no scientific advice; and
    - Measures to improve the provision of data on sharks in all fisheries and by all gears.
  - g. Provide accurate, timely and complete data, and adopt measures to address the current low rate of compliance by RFMO participants with the obligations for data provision under the rules of each RFMO and any other relevant international instrument.

- h. The tuna RFMO Secretariats continue their collaboration to advance implementation of a combined vessel register that incorporates a unique vessel identifier (UVI). The Secretariats will advance this through meeting of their members and on-going collaboration with the competent organizations concerned, such as Lloyds Register-Fairplay, as appropriate, to include all of the tuna fishing vessels and to avoid unnecessary duplication.
  - i. To start work between RFMOs on harmonising and making compatible the procedures and criteria for the listing and delisting from the respective RFMO IUU list, with the aim of developing a global IUU list. As a first step, an indicative list combining the tuna RFMOs IUU lists should be prepared.
  - j. Enhance the ability of developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies, to conserve and manage highly migratory fish stocks and to develop their own fisheries for such stocks; and to enable them to participate in high seas fisheries for such stocks, including facilitating access to such fisheries; and to facilitate their participation in the work of tuna RFMOs and relevant technical Workshops. The Workshops agreed will consider how to address this principle.
2. The participants agreed to organize:
- a. An international Workshop on RFMO management of tuna fisheries. This exercise should include all fishing gear. This process is time limited and is to be developed through an international Workshop in 2010 and completed prior to Kobe 3 in 2011 [Kobe 1 Items 2, 3 and 13]. The Forum Fisheries Agency (FFA) offered to host this Workshop.
  - b. An international Workshop on improvement and harmonization and compatibility of monitoring, control and surveillance measures, including monitoring catches from catching vessels to markets. Japan offered to support this Workshop in 2010 [Kobe 1 points 5 and 8].
  - c. An international Workshop on tuna RFMO management issues relating to by-catch. Call on RFMOs to avoid duplication of work on this issue (in 2010). The United States offered to provide support for this Workshop. The Workshop is planned for 2010 [Kobe 1 items 10, 11, 12 and 14].
  - d. A meeting of experts to share best practices on the provision of scientific advice. EC offered to host this meeting. The Workshop is planned for 2010 [Kobe 1 points 4 and 14].

#### **The process from 2009 to 2011**

1. These Workshops should report on their work by the end of September 2010. The reports shall be sent to the acting Chair of the Joint Tuna RFMOs Meeting who will transmit them to the RFMOs Secretaries in view of their dissemination to RFMOs Contracting Parties and Cooperating non Contracting Parties/Members and Cooperating non Members.
2. The United States indicated its keen interest in hosting Kobe III in 2011. To that end, options for funding and venue will be explored and communicated to the current Chair. The draft Agenda, the schedule of the meeting, and the relevant documents, will be circulated well in advance and simultaneously to all members of tuna RFMOs, so the participants will have plenty of opportunity to participate in its construction.



### **Terms of Reference for the Workshops**

#### **A. Terms of Reference for an international Workshop on RFMO management of tuna fisheries**

The following Terms of Reference were proposed for the international Workshop on RFMO management of tuna fisheries, and agreed by the Participants.

Objective:

- To recommend measures to ensure the long term sustainability of the world's tuna fisheries, by addressing the core issues of allocation of fishing opportunities within the tuna RFMOs, the management of harvesting capacity in a way that retains the profitability of the world's tuna fleet and accommodates the rights and entry of developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies into these fisheries, and the means to achieve that, including the orderly transition of fishing effort/capacity.
- The Workshop should focus on future management options and initiatives, not just on the causes and symptoms of overcapacity.
- This process is time limited and is to be developed through an international Workshop in 2010 and completed prior to Kobe 3 in 2011.

In carrying out its work, the Workshop will take into account the need to provide adequate capacity building assistance to developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies to facilitate their participation and preparation for this Workshop.

The draft Agenda, the schedule of the meeting, and the relevant documents, will be circulated well in advance and simultaneously to all members of tuna RFMOs, so the participants will have plenty of opportunity to participate in its construction.

#### **B. Terms of Reference for an international Workshop on improvement and harmonization of monitoring and control measures within the Tuna RFMOs**

The Workshop will carry out work to standardize and harmonize, to the degree possible, operational aspects of:

- 1) Vessel Monitoring Systems (VMS), including:
  - The content, frequency and format of VMS messages
  - Guidelines for centralized centers at RFMO Secretariats
- 2) Observer Programs, including:
  - Minimum standards or best practices for regional observer programs
  - Minimum levels of observer coverage for different gear types
- 3) Transshipment controls, including:
  - Minimum standards or best practices for in-port and at sea transshipment control and monitoring

4) Monitoring catches from catching vessel to market, including:

- Extension of existing bigeye SDPs to cover fresh products and products destined for canneries
- Minimum standards or best practices for Catch Document Systems

In carrying out its work, the Workshop will take into account the need to provide adequate capacity building assistance to developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies to facilitate their participation and preparation for this Workshop.

The draft Agenda, the schedule of the meeting, and the relevant documents, will be circulated well in advance and simultaneously to all members of tuna RFMOs, so the participants will have plenty of opportunity to participate in its construction.

**C. Terms of Reference for an international Workshop on tuna RFMO management of issues relating to by-catch:**

Proposed objective:

- To review the available information on incidental catch of non-target species and juveniles of target species.
- To provide advice to tuna RFMOs on best practice, methods and techniques to assess and to reduce the incidental mortality of non-target species, such as seabirds, turtles, sharks, marine mammals, and of juveniles of target species.
- To develop and coordinate relevant research programs and observer programs.
- To make recommendations on mechanisms to streamline the work of the tuna RFMO Working Groups in this field in order to avoid duplication.

In carrying out its work, the workshop will take into account the need to provide adequate capacity building assistance to developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies to facilitate their participation and preparation for this workshop.

The draft Agenda, the schedule of the meeting, and the relevant documents, will be circulated well in advance and simultaneously to all members of tuna RFMOs, so the participants will have plenty of opportunity to participate in its construction.

**D. Terms of Reference for Workshop on science**

The Workshop will make recommendations on:

Improving the provision of scientific advice

- Common standards for data collection of target and non target species needed for scientific evaluations and stock assessments;
- Reporting requirements in support of the above standards;
- Harmonised data validation methods (United States to offer text);

- Clear delineation of confidentiality requirements which can be implemented at national level without compromising the need for scientific data collection;
- Enhanced co-operation between tuna RFMOs on stock assessment, inter alia through joint meetings, notably to reduce the number of meetings;
- Identification of necessary scientific initiatives such as tagging programmes and a common scientific methodology to deal with their outcomes and results;
- Investigate standardised assessments methods;
- Development of harmonised user friendly scientific reports, including standardized tables providing the TAC levels/target fishing mortality levels that allow overfishing to be halted and overfished stocks to be rebuilt several time frames. These TAC levels/target fishing mortality levels would be determined with specific probability levels to ensure a precautionary approach to fishery management;
- Common standards for dissemination and publication of scientific works.

In carrying out its work, the Workshop will take into account the need to provide adequate capacity building assistance to developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies to facilitate their participation and preparation for this Workshop.

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*Attachment 1 to Appendix 1***PROPOSAL FOR A KOBE II STRATEGY MATRIX**

At the first global summit of Tuna RFMOs (Kobe, Japan, January 2007), the Course of Actions document included recommendations to standardize the presentation of stock assessments and to base management decisions upon the scientific advice, including the application of the precautionary approach. Regarding standardization, it was agreed that stock assessment results across all five tuna RFMOs should be presented in the “four quadrant, red-yellow-green” format now referred to as the Kobe Plot. This graphical aid has been widely embraced as a practical, user-friendly method for presenting stock status information. The next logical step would be a “strategy matrix” for managers that lays out options for meeting management targets, including if necessary, ending overfishing or rebuilding overfished stocks.

The Strategy Matrix would be a harmonized format for RFMO science bodies to convey advice. Based on targets specified by the Commission for each fishery, the matrix would present model outputs that would achieve the intended management target with a certain probability by a certain time. The probabilities and timeframes to be evaluated would be determined by the Commission. In the case of fisheries managed under TACs, the outputs would be the various TACs that would achieve a given result. In the case of fisheries managed by effort limitations, the outputs would be expressed as, for example, fishing effort levels or time/area closures, as specified by the Commission. It would also indicate where there are additional levels of uncertainty associated with data gaps. Managers would then be able to base management decisions upon the level of risk and the timeframe they determine are appropriate for that fishery.

Presenting stock assessment results in this format would also facilitate the application of the precautionary approach, by providing Commissions with the basis to evaluate and adopt management options at various levels of probability. Commissions would establish management objectives and reference points, taking into account the precautionary approach and convention objectives. Additional supportive management measures may be necessary to complement the application of the precautionary approach.

The matrix below provides examples of how this information could be presented, for example, when the management target is to end overfishing, rebuild a depleted stock, or maintain a sustainable fishery.

**Strategy Matrix for Setting Management Measures**

Management Target	Time Frame	Probability of Meeting Target			Data Rich/ Data Poor
		A%	B%	C%	
<Fishing Mortality Target>	In x years				
	In y years				
	In z years				

Management Target	Time Frame	Probability of Meeting Target			Data Rich/ Data Poor
		A%	B%	C%	
<Biomass Target>	In x years				
	In y years				
	In z years				

Management Target		Probability of Maintaining Status Quo			Data Rich/ Data Poor
		A%	B%	C%	
<Status Quo>					

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2. Considering that some of the actions agreed at the meeting in Kobe in 2007 have been implemented, but that there is more work to be accomplished, and that concrete actions should be taken to implement the Course of Actions of Kobe without delay.
3. Noting the current tuna RFMOs performances and the risk that these bodies lose some of their relevance as international management organizations, taking into account the performance of the RFMOs and the status of the tuna stocks worldwide, considering then that there is an urgent need for immediate action to strengthen their performance in the short term.
4. Stressing the need for tuna RFMOs to operate on the basis of a sound mandate which foresees the implementation of modern concepts of fisheries management, including science-based marine governance, ecosystem-based management, conservation of marine biodiversity and the precautionary approach.
5. Desiring to strengthen, where appropriate, the co-operation between tuna RFMOs with the objective of agreeing on common standards, approaches and working methods based on best practice for the purpose of simplification and with the view of avoiding unnecessary duplication of work.
6. Welcoming the independent performance reviews carried out and ongoing by CCSBT, ICCAT and IOTC, and urging those RFMOs to consider implementation, as appropriate, of the recommendations of those reviews. Emphasizing the need for IATTC and WCPFC to conduct performance reviews without delay, as agreed in the Kobe Action Plan.
7. Noting with concern that the independent performance reviews carried out so far have identified fundamental shortcomings on such as failure to adopt measures that reflect scientific advice, lack of complete and accurate data collection and untimely provision of data, non compliance, lack of participation of important players, the need for institutional and legal reform, which need to be addressed without delay.
8. Conscious that many of these shortcomings should be addressed individually by the concerned RFMOs but also recommendations on harmonization and coordination of measures of the tuna RFMOs within the framework of the Kobe process and that such work could greatly enhance the functioning of these RFMOs.
9. Emphasising in particular the need for compatible and best practice standards on issues like transshipment monitoring and control, Vessel Monitoring Systems (VMS), observer requirements, by-catch mitigation measures, catch documentation and positive and non discriminatory negative market measures as well as scientific data collection and reporting, which tend to differ from one organisation to the next.
10. Urging the participants who are negotiating the Port State Measures Agreement to conclude those negotiations as soon as possible.

11. Emphasising that compliance with basic reporting requirements established within the RFMOs is essential for the functioning of tuna RFMOs, and noting with great concern that compliance with reporting requirements in several organisations is poor and needs to be enhanced through appropriate sanctions and through cooperation including capacity building, in particular developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies.
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13. Recognising the need to address these shortcomings with a comprehensive system of non discriminatory sanctions to be developed through the RFMOs to be applied to Parties and non Parties alike that repeatedly fail to comply with the obligations or responsibilities.
14. Agreeing that this system of sanctions developed through RFMOs should include incentives to encourage swift and transparent recognition of overfishing, and reinforced sanctions for unreported overfishing and quota overages.
15. Taking into account the special needs of developing coastal States, in particular, small island developing States, territories and States with small and vulnerable economies, and recognising the need to find mechanisms to enhance the capacity of these States to benefit from and participate in the tuna fisheries and to fulfil their obligations as parties to RFMOs.
16. Recognizing that overfishing is a threat to tuna fisheries and to the ecosystem in which they operate and that, consequently RFMOs should strive to evaluate, control, and reduce as necessary the level of fishing mortality, including through reducing overcapacity in their fisheries.
17. Recognising further that despite the efforts to address the problems of overcapacity at regional level, the problem needs to be also tackled at the global level through the development of a coordinated management effort, in all five tuna RFMOs, and therefore agreeing that this work should be one of the priorities of the Kobe process in the coming years.
18. Acknowledging the need to reconcile the aspirations of developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies to benefit from tuna fisheries and the need to harness capacity in relation to the state of the tuna stocks.
19. Stressing the importance of sound scientific advice as the basis for fishery management decisions. Considering the critical role of high quality science, incorporating an assessment of uncertainty and risk, for scientific advice to be presented in as clear a form as possible, and calling on scientists from different tuna fisheries to exchange information and harmonise methodologies.
20. Conscious that tuna fisheries must be conducted in full respect of international commitments regarding the conservation of biodiversity and the implementation of the ecosystem approach. Considering that, within this context, it is necessary to improve our knowledge on the effects of tuna fishing on non-target species.

### Proposals for Immediate Action

1. The participants agree to call on RFMOs to take the following actions:
  - a. The participants agreed that global fishing capacity for tunas is too high, and that this problem needs to be urgently addressed. The participants recognized 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, including through a fair, transparent, and equitable process for the allocation of fishing opportunities among its members. 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, in particular small island developing States, territories, and States with small and vulnerable economies.
  - b. Tuna fishing capacity should not be transferred between RFMO areas and, as appropriate within RFMO areas, unless in accordance with the measures of the RFMOs concerned.
  - c. The establishment of a global Register of active vessels, with contributions by the five RFMOs. This list will not be understood as providing individual or collective fishing rights. It will be without prejudice to any system of rights provided for in the existing RFMOs. The preparation of this list will be coordinated by the Secretariats of the tuna RFMOs.
  - d. The implementation of a robust compliance review mechanism within each RFMO recording the actions by the Parties and non Contracting Parties, on a yearly basis, with a view to possible sanctions to Parties and non Contracting Parties found to be non compliant and possible incentives for good compliance.
  - e. Improving the request for scientific advice to clearly articulate risk and uncertainty to decision makers (**Attachment 1**).
  - f. Consistent with the FAO IPOA-Sharks, establishing precautionary, science-based conservation and management measures for sharks taken in fisheries within the convention areas of each tuna RFMO, including as appropriate:
    - Measures to improve the enforcement of existing finning bans;
    - Prohibitions on retention of particularly vulnerable or depleted shark species, based on advice from scientists and experts;
    - Concrete management measures in line with best available scientific advice with priority given to overfished populations;
    - Precautionary fishing controls on a provisional basis for shark species for which there is no scientific advice; and
    - Measures to improve the provision of data on sharks in all fisheries and by all gears.
  - g. Provide accurate, timely and complete data, and adopt measures to address the current low rate of compliance by RFMO participants with the obligations for data provision under the rules of each RFMO and any other relevant international instrument.

- h. The tuna RFMO Secretariats continue their collaboration to advance implementation of a combined vessel register that incorporates a unique vessel identifier (UVI). The Secretariats will advance this through meeting of their members and on-going collaboration with the competent organizations concerned, such as Lloyds Register-Fairplay, as appropriate, to include all of the tuna fishing vessels and to avoid unnecessary duplication.
  - i. To start work between RFMOs on harmonising and making compatible the procedures and criteria for the listing and delisting from the respective RFMO IUU list, with the aim of developing a global IUU list. As a first step, an indicative list combining the tuna RFMOs IUU lists should be prepared.
  - j. Enhance the ability of developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies, to conserve and manage highly migratory fish stocks and to develop their own fisheries for such stocks; and to enable them to participate in high seas fisheries for such stocks, including facilitating access to such fisheries; and to facilitate their participation in the work of tuna RFMOs and relevant technical Workshops. The Workshops agreed will consider how to address this principle.
2. The participants agreed to organize:
- a. An international Workshop on RFMO management of tuna fisheries. This exercise should include all fishing gear. This process is time limited and is to be developed through an international Workshop in 2010 and completed prior to Kobe 3 in 2011 [Kobe 1 Items 2, 3 and 13]. The Forum Fisheries Agency (FFA) offered to host this Workshop.
  - b. An international Workshop on improvement and harmonization and compatibility of monitoring, control and surveillance measures, including monitoring catches from catching vessels to markets. Japan offered to support this Workshop in 2010 [Kobe 1 points 5 and 8].
  - c. An international Workshop on tuna RFMO management issues relating to by-catch. Call on RFMOs to avoid duplication of work on this issue (in 2010). The United States offered to provide support for this Workshop. The Workshop is planned for 2010 [Kobe 1 items 10, 11, 12 and 14].
  - d. A meeting of experts to share best practices on the provision of scientific advice. EC offered to host this meeting. The Workshop is planned for 2010 [Kobe 1 points 4 and 14].

#### **The process from 2009 to 2011**

1. These Workshops should report on their work by the end of September 2010. The reports shall be sent to the acting Chair of the Joint Tuna RFMOs Meeting who will transmit them to the RFMOs Secretaries in view of their dissemination to RFMOs Contracting Parties and Cooperating non Contracting Parties/Members and Cooperating non Members.
2. The United States indicated its keen interest in hosting Kobe III in 2011. To that end, options for funding and venue will be explored and communicated to the current Chair. The draft Agenda, the schedule of the meeting, and the relevant documents, will be circulated well in advance and simultaneously to all members of tuna RFMOs, so the participants will have plenty of opportunity to participate in its construction.



### **Terms of Reference for the Workshops**

#### **A. Terms of Reference for an international Workshop on RFMO management of tuna fisheries**

The following Terms of Reference were proposed for the international Workshop on RFMO management of tuna fisheries, and agreed by the Participants.

Objective:

- To recommend measures to ensure the long term sustainability of the world's tuna fisheries, by addressing the core issues of allocation of fishing opportunities within the tuna RFMOs, the management of harvesting capacity in a way that retains the profitability of the world's tuna fleet and accommodates the rights and entry of developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies into these fisheries, and the means to achieve that, including the orderly transition of fishing effort/capacity.
- The Workshop should focus on future management options and initiatives, not just on the causes and symptoms of overcapacity.
- This process is time limited and is to be developed through an international Workshop in 2010 and completed prior to Kobe 3 in 2011.

In carrying out its work, the Workshop will take into account the need to provide adequate capacity building assistance to developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies to facilitate their participation and preparation for this Workshop.

The draft Agenda, the schedule of the meeting, and the relevant documents, will be circulated well in advance and simultaneously to all members of tuna RFMOs, so the participants will have plenty of opportunity to participate in its construction.

#### **B. Terms of Reference for an international Workshop on improvement and harmonization of monitoring and control measures within the Tuna RFMOs**

The Workshop will carry out work to standardize and harmonize, to the degree possible, operational aspects of:

- 1) Vessel Monitoring Systems (VMS), including:
  - The content, frequency and format of VMS messages
  - Guidelines for centralized centers at RFMO Secretariats
- 2) Observer Programs, including:
  - Minimum standards or best practices for regional observer programs
  - Minimum levels of observer coverage for different gear types
- 3) Transshipment controls, including:
  - Minimum standards or best practices for in-port and at sea transshipment control and monitoring

4) Monitoring catches from catching vessel to market, including:

- Extension of existing bigeye SDPs to cover fresh products and products destined for canneries
- Minimum standards or best practices for Catch Document Systems

In carrying out its work, the Workshop will take into account the need to provide adequate capacity building assistance to developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies to facilitate their participation and preparation for this Workshop.

The draft Agenda, the schedule of the meeting, and the relevant documents, will be circulated well in advance and simultaneously to all members of tuna RFMOs, so the participants will have plenty of opportunity to participate in its construction.

**C. Terms of Reference for an international Workshop on tuna RFMO management of issues relating to by-catch:**

Proposed objective:

- To review the available information on incidental catch of non-target species and juveniles of target species.
- To provide advice to tuna RFMOs on best practice, methods and techniques to assess and to reduce the incidental mortality of non-target species, such as seabirds, turtles, sharks, marine mammals, and of juveniles of target species.
- To develop and coordinate relevant research programs and observer programs.
- To make recommendations on mechanisms to streamline the work of the tuna RFMO Working Groups in this field in order to avoid duplication.

In carrying out its work, the workshop will take into account the need to provide adequate capacity building assistance to developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies to facilitate their participation and preparation for this workshop.

The draft Agenda, the schedule of the meeting, and the relevant documents, will be circulated well in advance and simultaneously to all members of tuna RFMOs, so the participants will have plenty of opportunity to participate in its construction.

**D. Terms of Reference for Workshop on science**

The Workshop will make recommendations on:

Improving the provision of scientific advice

- Common standards for data collection of target and non target species needed for scientific evaluations and stock assessments;
- Reporting requirements in support of the above standards;
- Harmonised data validation methods (United States to offer text);

- Clear delineation of confidentiality requirements which can be implemented at national level without compromising the need for scientific data collection;
- Enhanced co-operation between tuna RFMOs on stock assessment, inter alia through joint meetings, notably to reduce the number of meetings;
- Identification of necessary scientific initiatives such as tagging programmes and a common scientific methodology to deal with their outcomes and results;
- Investigate standardised assessments methods;
- Development of harmonised user friendly scientific reports, including standardized tables providing the TAC levels/target fishing mortality levels that allow overfishing to be halted and overfished stocks to be rebuilt several time frames. These TAC levels/target fishing mortality levels would be determined with specific probability levels to ensure a precautionary approach to fishery management;
- Common standards for dissemination and publication of scientific works.

In carrying out its work, the Workshop will take into account the need to provide adequate capacity building assistance to developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies to facilitate their participation and preparation for this Workshop.

The draft Agenda, the schedule of the meeting, and the relevant documents, will be circulated well in advance and simultaneously to all members of tuna RFMOs, so the participants will have plenty of opportunity to participate in its construction.

*Attachment 1 to Appendix 1***PROPOSAL FOR A KOBE II STRATEGY MATRIX**

At the first global summit of Tuna RFMOs (Kobe, Japan, January 2007), the Course of Actions document included recommendations to standardize the presentation of stock assessments and to base management decisions upon the scientific advice, including the application of the precautionary approach. Regarding standardization, it was agreed that stock assessment results across all five tuna RFMOs should be presented in the “four quadrant, red-yellow-green” format now referred to as the Kobe Plot. This graphical aid has been widely embraced as a practical, user-friendly method for presenting stock status information. The next logical step would be a “strategy matrix” for managers that lays out options for meeting management targets, including if necessary, ending overfishing or rebuilding overfished stocks.

The Strategy Matrix would be a harmonized format for RFMO science bodies to convey advice. Based on targets specified by the Commission for each fishery, the matrix would present model outputs that would achieve the intended management target with a certain probability by a certain time. The probabilities and timeframes to be evaluated would be determined by the Commission. In the case of fisheries managed under TACs, the outputs would be the various TACs that would achieve a given result. In the case of fisheries managed by effort limitations, the outputs would be expressed as, for example, fishing effort levels or time/area closures, as specified by the Commission. It would also indicate where there are additional levels of uncertainty associated with data gaps. Managers would then be able to base management decisions upon the level of risk and the timeframe they determine are appropriate for that fishery.

Presenting stock assessment results in this format would also facilitate the application of the precautionary approach, by providing Commissions with the basis to evaluate and adopt management options at various levels of probability. Commissions would establish management objectives and reference points, taking into account the precautionary approach and convention objectives. Additional supportive management measures may be necessary to complement the application of the precautionary approach.

The matrix below provides examples of how this information could be presented, for example, when the management target is to end overfishing, rebuild a depleted stock, or maintain a sustainable fishery.

**Strategy Matrix for Setting Management Measures**

Management Target	Time Frame	Probability of Meeting Target			Data Rich/ Data Poor
		A%	B%	C%	
<Fishing Mortality Target>	In x years				
	In y years				
	In z years				

Management Target	Time Frame	Probability of Meeting Target			Data Rich/ Data Poor
		A%	B%	C%	
<Biomass Target>	In x years				
	In y years				
	In z years				

Management Target		Probability of Maintaining Status Quo			Data Rich/ Data Poor
		A%	B%	C%	
<Status Quo>					