

# Compliance Assessment in the Tuna Regional Fisheries Management Organizations - A Comparative Review



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## Acronyms

ABNJ	Areas Beyond National Jurisdiction
AIS	Automatic Identification System
CCFS	Compliance Case File System
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CCM	Members, Cooperating Non-members and Participating Territories (collective acronym)
CDS	Catch Documentation Scheme
CMM	Conservation Management Measure
CMR	Compliance Monitoring Report
CMS	Compliance Monitoring Scheme
CMS-IWG	WCPFC Intersessional Working Group established to facilitate the multi-year workplan of tasks to enhance the CMS
CNCP	Cooperating non-Contracting Party
CNM	Cooperating non-Member
CPC	Contracting Party and Cooperating non-Contracting Party (collective acronym)
CP	Contracting Party
DWF	Distant Water Fishing
DWFN	Distant Water Fishing Nation
EEZ	Exclusive Economic Zone
EPO	Eastern Pacific Ocean
ERS	Ecologically Related Species
ERSWG	Ecologically Related Species Working Group
EU	European Union
FAD	Fish Aggregating Device
FAO	Food and Agriculture Organization of the United Nations
GTAC	Global Total Allowable Catch
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ISSF	International Seafood Sustainability Foundation
IMCS	International Monitoring Control and Surveillance Network
IOTC	Indian Ocean Tuna Commission
IUU	Illegal, unreported and unregulated fishing
MCS	Monitoring, control and surveillance
MOC	Memorandums of Cooperation
MOU	Memorandums of Understanding
PNC	Potential non-Compliance
PSM	Port State Measures
PT	Participating Territory
QAR	Quality Assurance Review
REIO	Regional Economic Integration Organization
RFMO	Regional Fisheries Management Organization
RFV	Record of Fishing Vessels
SBT	Southern Bluefin Tuna
SIDs	Small Island Developing States
SOP	Standard Operating Procedures

TAC	Total Allowable Catch
TCN	Tuna Compliance Network
TOR	Terms of Reference
WCPFC	Western and Central Pacific Fisheries Commission
WPICMM	Working Party on the Implementation of Conservation and Management Measures
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
UNGA	United Nations General Assembly
USD	United States Dollar
VMS	Vessel Monitoring System

## About This Document

This document is the result of work undertaken during 2021 to 2022 and reflects the status of the five tuna Regional Fisheries Management Organizations (RFMOs) and their compliance assessment processes as of August 2022. RFMOs are continually evolving and it can be challenging to provide an up-to-date overview of their processes. The compliance assessment processes are particularly dynamic with changes occurring annually. Since this document was completed, there have been several changes to the operation of the compliance assessment processes and the development of additional recommendations for their strengthening. Therefore, the Tuna Compliance Network (TCN), with support from the IMCS Network, will prepare an addendum to supplement this document and provide an overview on the most recent changes to the compliance assessment processes. The addendum will be made available towards the end of 2023.

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## Executive Summary

The conservation and management of highly migratory tuna and other tuna-like species in Areas Beyond National Jurisdiction (ABNJ) are under the direct responsibility of five tuna RFMOs; the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC) and the Western and Central Pacific Fisheries Commission (WCPFC). The five tuna RFMOs cover an area over 325 million km<sup>2</sup>, representing ninety-one percent of the world's ocean. A total of one hundred and seven countries, fishing entities and Regional Economic Integration Organizations (REOI) cooperate within the framework of the tuna RFMOs and are involved in the conservation and management of tuna and tuna-like species that have an annual value of almost USD10 billion at landing.

The assessment of the implementation of, and compliance with, agreed obligations is a key component of the internationally accepted fisheries governance regime. To fulfill the objectives of the tuna RFMOs, participants must implement and comply with a range of RFMO obligations. All the tuna RFMOs have recognized a need for a structured process to assess the implementation of, and compliance with, obligations and have adopted compliance assessment processes. Compliance assessment processes provide a framework to assess implementation and compliance in a structured and consistent way and may identify trends in compliance over time. Compliance assessment processes seek to improve the performance of an RFMO and to support participants to better meet their obligations.

It has been over a decade since the compliance assessment processes were adopted by the tuna RFMOs and a great deal of work has been dedicated to strengthening and enhancing the processes. While difficult to quantify, compliance appears to have improved over time. The tuna RFMOs have adopted a range of successful practices to support the compliance assessment processes including principles by which the processes operate, compliance strategies and assessment guidelines, electronic platforms for the management of data and information, working groups and sub-committees to support compliance assessment and capacity development initiatives.

Despite this progress, the question remains, are the compliance assessment processes achieving what they set out to do? While the processes have evolved and it appears that implementation and compliance is improving, it is equally clear that there is significant scope for improvement. There are several aspects of the compliance assessment processes that could be enhanced to ensure that RFMO participants can fully support the assessment processes and that they effectively identify and address implementation and compliance issues.

Recommendations in this document are intended, in the first instance, to address the key pain points identified by this study, including factors such as the number and complexity of reporting obligations, the quantity, utility and interpretation of data included in annual reporting templates, and the vast amount of data and information required for the assessment processes in general. Fundamental improvements across these pain points would likely have a positive influence on the effective operation of the compliance assessment processes into the future.

## Background

The TCN was established in 2017 to promote communication and cooperation between the tuna RFMOs and to provide a forum to share information about monitoring, control and surveillance (MCS) processes and compliance best practice. The TCN was established with support from the Common Oceans Areas Beyond National Jurisdiction (ABNJ) Tuna Project (the Project) and is hosted within the IMCS Network. The TCN includes officers responsible for compliance in the five tuna RFMOs and has been invaluable in bringing together those that work in this unique, complex and challenging environment. In 2020, the TCN identified a need to undertake a comparative review of the compliance assessment processes implemented by the tuna RFMOs to:

- understand and compare the compliance assessment processes and issues that impact their effectiveness;
- highlight successful compliance assessment-related systems, processes, policies or responses currently implemented by the tuna RFMOs;
- identify compliance trends and issues impacting compliance; and
- develop recommendations to enhance, strengthen and streamline the compliance assessment processes.

To understand the compliance assessment processes there is a need to examine the broader context in which they have been developed and operate. Therefore, this study:

- Examines the broader context in which these processes have been developed and operate.
- Provides a comprehensive overview of process elements including:
  - the composition and roles of participants in the tuna RFMOs;
  - the compliance structures and bodies established to support or direct the compliance assessment process; and
  - the way in which the compliance assessment processes themselves have developed.
- Examines all aspects of the processes; from the obligations assessed to the use and presentation of data and information.
- Seeks to establish if compliance assessment processes are effective and can identify compliance trends over time.

## Introduction

An RFMO is an intergovernmental organization established by international agreement with the competence to adopt legally binding obligations.<sup>1</sup> The conservation and management of highly migratory tuna and tuna-like species in the ABNJ are under the direct responsibility of five tuna RFMOs:

- Commission for the Conservation of Southern Bluefin Tuna (CCSBT);
- Inter-American Tropical Tuna Commission (IATTC);
- International Commission for the Conservation of Atlantic Tunas (ICCAT);
- Indian Ocean Tuna Commission (IOTC); and

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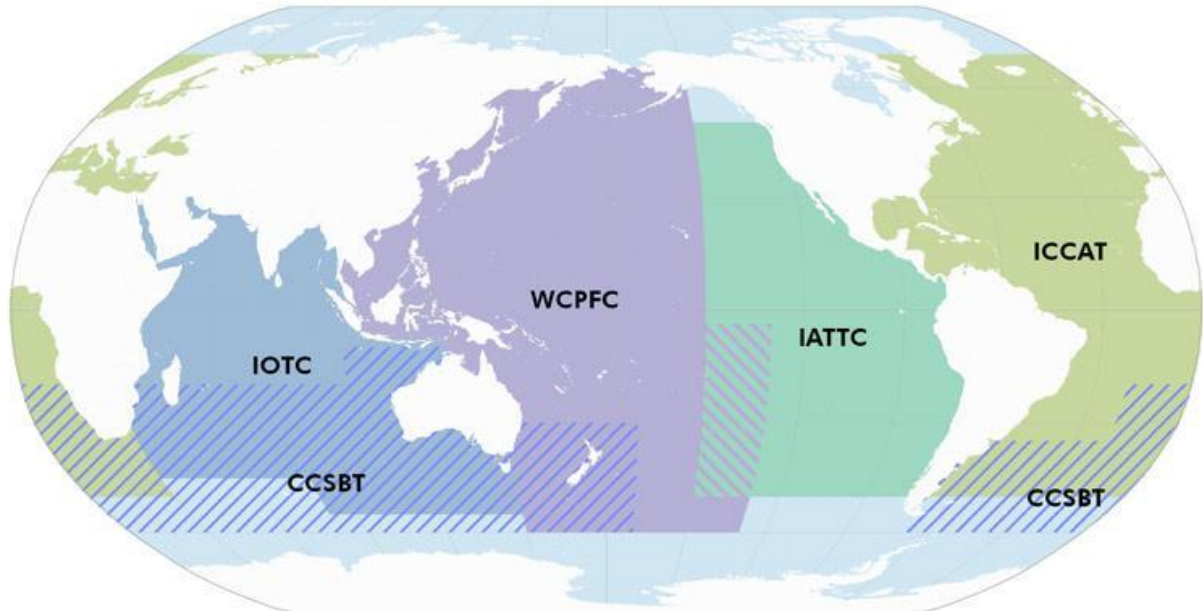
<sup>1</sup> There is no internationally agreed definition of a regional fisheries management organization (RFMO) however, the Food and Agriculture Organization of the United Nations (FAO) does provide a working definition - <http://www.fao.org/in-action/vulnerable-marine-ecosystems/key-concepts/en/>



- Western Central Pacific Fisheries Commission (WCPFC).

The five tuna RFMOs cover an area over 325 million km<sup>2</sup>, representing 91 percent of the world's ocean (Figure 1).<sup>2</sup>

Figure 1: tuna RFMO areas of competence



RFMOs provide the primary mechanism for cooperation between States to ensure the effective conservation and management of tuna resources in the ABNJ. The 1995 United Nations Fish Stocks Agreement (UNFSA)<sup>3</sup> places RFMOs at the heart of fisheries management and conservation in the ABNJ and includes measures which participants to an RFMO must agree on to achieve the long-term sustainability of straddling fish stocks and highly migratory fish stocks.<sup>4</sup> In doing so, UNFSA defines the desirable characteristics of RFMOs.

#### Tuna Regional Fisheries Management Organizations

The five tuna RFMOs have been established by specific international conventions or agreements (Table 1). The original IATTC Convention and the ICCAT Convention were established before the United Nations Convention on the Law of the Sea (UNCLOS) came into force. The conventions of CCSBT and WCPFC, the IOTC Agreement and IATTC's Antigua Convention came into force after UNCLOS. Only the IOTC Agreement and the WCPFC Convention came into force after both UNCLOS and UNFSA came into effect. The Antigua Convention was negotiated by IATTC to strengthen the IATTC establishing Convention, and this entered into force after UNCLOS and UNFSA. The IOTC Agreement is the only instrument establishing a tuna RFMO under Article XIV of the FAO Constitution. UNCLOS provides that the operation of another instrument cannot be inconsistent with the objectives of UNCLOS (Article 311(2)). This fundamentally ensures that all tuna RFMOs, irrespective of when or how they were

<sup>2</sup> Recommendations to Kobe III Joint Tuna RFMO Meeting, Pew Charitable Trusts Statement Policy, 2011

<sup>3</sup> The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

<sup>4</sup> Lodge, M., et al, Recommended Best Practices for Regional Fisheries Management Organizations, Chatham House, London, 2007.

established, must operate in accordance with the marine conservation and governance principles outlined in the preamble of UNCLOS.

Table 1: Summary of tuna RFMO conventions or agreements including their objectives and year entered into force

	Convention/Agreement	Entered into force	Objective
CCSBT	The Convention for the Conservation of Southern Bluefin Tuna (SBT)	20 May 1994	The objective of the Convention is to ensure, through appropriate management, the conservation and optimum utilization of SBT
IATTC	The Convention for the Establishment of an Inter-American Tropical Tuna Commission	31 May 1949	The objective of the Antigua Convention is to ensure the conservation and sustainable use of living marine resources in the Eastern Pacific Ocean
	The Antigua Convention (negotiated to strengthen and replace the 1949 Convention)	27 August 2010	
ICCAT	The International Convention for the Conservation of Atlantic Tunas	21 March 1969	The objective of the Convention is to maintain the populations of tuna and tuna-like species in the Atlantic Ocean at levels that allow maximum sustainable catch for food and other purposes
IOTC	The Agreement for the Establishment of the Indian Ocean Tuna Commission (concluded under Article XIV of the FAO Constitution)	27 March 1996	The objective of the Agreement is to promote the conservation and optimal utilization of tuna and tuna-like stocks covered by the Agreement, and to encourage sustainable development of these fisheries
WCPFC	The Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean	19 June 2004	The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean

The objectives of the tuna RFMOs are consistent with some variations in wording. They all broadly seek the long-term conservation and sustainable use of tuna and tuna-like species in their areas of

competence. CCSBT differs in that the Convention applies to the entire geographic distribution of only one species of tuna, SBT, rather than to multiple tuna species within a defined geographic area. The objectives of CCSBT and IOTC directly reference optimum utilization of tuna resources and ICCAT infers this by stating “maximum sustainable catch for food and other purposes”.

The assessment of the implementation of, and compliance with, internationally agreed obligations is a key component of the internationally accepted fisheries governance regime. To fulfill the objectives of the tuna RFMOs as articulated in their conventions/agreement, participants must implement and comply with obligations arising under their respective conventions/agreement. All the tuna RFMOs recognized a need to have a structured process to assess the implementation of, and compliance with, obligations and have adopted compliance assessment processes. Compliance assessment processes provide a framework to assess implementation and compliance in a structured and consistent way and may identify trends in compliance over time. Compliance assessment processes seek to improve the performance of an RFMO and to support participants to better meet their obligations.

### Participants

This section provides an overview of the participants<sup>5</sup> that cooperate within the framework of tuna RFMOs. The composition and roles of participants, and for flag States the size of their fishing fleets, in the tuna RFMOs is important as it influences several factors in the establishment, operation, and performance of the tuna RFMOs. This also impacts how the compliance assessment processes have been developed and implemented.

#### *RFMO roles*

Various terms are used for States, REIOs or fishing entities that cooperate within the framework of a tuna RFMO including Member, Contracting Party (CP), Cooperating non-Member (CNM), Cooperating non-Contracting Party (CNCP) and Participating Territory (PT) (Table 2). These terms describe a role that a participant has in a particular tuna RFMO. Member and CP describe the same role and a participant that is a Member or CP may fully participate in decision-making, has assessed financial obligations, and is bound to the obligations adopted by a tuna RFMO.

CNM and CNCP describe the same role and while they do broadly contribute to discussions and decision making, they do not have a formal vote in Commission decisions. CNM and CNCP are bound to the obligations adopted by a tuna RFMO (with some exceptions) and may have assessed financial obligations and limits applied to their participation in fishing activities. IATTC, ICCAT and IOTC use the abbreviation CPC to refer to Members and CNMs or CNCPs together.<sup>6</sup> WCPFC uses CCMs in a similar way to refer to Members, CNMs and PTs collectively.<sup>7</sup> CCSBT does not use a collective term for their Members and CNMs (Table 2).

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<sup>5</sup> The tuna RFMOs use various terms to describe participation including Member and Contracting Party (CP), as well as Cooperating non-Member (CNM), Cooperating non-Contracting Party (CNCP) and Participating Territory (PT). For this document, the term participants will be used and is intended to cover all the different terms used by the tuna RFMOs.

<sup>6</sup> Owen, D, and Chambers, F, Technical Study No. 2, Practice of RFMOs Regarding Non-members A report to support the independent high-level panel to develop a model for improved governance by RFMOs, Chatham House, 2007

<sup>7</sup> Ibid

Table 2: Terminology used to describe participants that cooperate within the framework of RFMOs

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Member	✓	✓		✓	✓
Contracting Party (CP)			✓	✓	✓ <sup>8</sup>
Cooperating non-Member (CNM)	✓	✓			✓
Cooperating non-Contracting Party (CNCP)			✓	✓	
Participating Territory (PT)					✓
CPC		✓	✓	✓	
CCM					✓

WCPFC has adopted a specific role, Participating Territory (PT), that enables the participation of territories with the appropriate authorization of the CP having responsibility for its international affairs. PTs in WCPFC can participate in the work of the Commission and its subsidiary bodies based on the distribution of competence between the PT and their CP and the evolution of the territories capacity to exercise its rights and responsibilities under the Convention. PTs do not have a vote in the Commission, and they are not counted in the determination of a quorum. Currently, the PTs of the United States (US); American Samoa, Guam, and the Northern Mariana Islands, can engage in the Commission on matters within their competence, but annual reporting expectations and compliance assessments are as part of the US. They are not listed individually in the annual Compliance Monitoring Report (CMR). The PTs of France; French Polynesia, New Caledonia and Wallis and Futuna, can engage on matters within their competence, may list vessels on the Record of Fishing Vessels under the PT flag and certain annual reporting expectations and compliance assessments are undertaken as the PT (as a coastal CCM). France is responsible for inspections, and they are expected to provide relevant annual reports and compliance assessments related to the inspection responsibilities. The European Union (EU) is responsible for flag State obligations of France-flagged vessels, as is the case for vessels flying the flag of other EU Member States that are authorized to fish in the WCPFC Convention Area. The PTs of France and the EU are individually listed in the CMR and considering the distribution of competence. The PT of New Zealand; Tokelau, can engage on matters within their competence and annual reporting expectations and compliance assessments are like those of other coastal CCMs. Tokelau and NZ are listed separately in the CMR.

The only REIO that participates in the tuna RFMOs is the EU. Within the tuna RFMOs, the EU represents all its Member States and the EU is the flag party for its Member States that fish for tuna. In 2021, approximately sixteen EU Member States had flagged vessels authorized in the tuna RFMOs for which the EU had the flag State responsibility for (Table 3).

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<sup>8</sup> Member is used as a more inclusive term that includes all participants that are bound by the Convention and CMMs. CP is used in select instances both within the Convention, some Conservation and Management Measures (CMMs) and Rules of Procedures.

Table 3: EU Member States that had flagged vessels authorized in 2021 in the tuna RFMOs

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Croatia			✓		
Cyprus			✓		
France			✓	✓	✓
Germany					
Greece			✓		
Ireland			✓		
Italy			✓	✓	
Latvia			✓		
Lithuania			✓	✓	✓
Malta			✓		
Netherlands			✓	✓	✓
Poland			✓		
Portugal	✓	✓	✓	✓	✓
Spain	✓	✓	✓	✓	✓

#### *Development status*

In the report, participants to the tuna RFMOs have been identified as developed or developing States<sup>9</sup> (Table 4). This categorization is important as their status may influence their level and type of interest in the fisheries management measures implemented by the tuna RFMOs and can impact their capacity to effectively engage and implement obligations arising under a tuna RFMO. This in turn influences the way in which the participants cooperate, how effective that cooperation is and the overall performance of a tuna RFMO. Several key points are relevant to this:

- An RFMO that has a large proportion of developing parties that are highly dependent on fisheries resources is, on average, financially poorer compared to RFMOs that have a larger proportion of developed participants.<sup>10</sup>
- Developing coastal States often have coastal and artisanal fisheries that rely on the fishery being managed through an RFMO, as well as having an economic interest in commercial fishing (domestic and foreign). Thus, their interest in the management of the fisheries may be broader and greater than that of other States.
- Coastal States with transboundary stocks must cooperate to ensure the effective management and conservation of fish stocks and to maximize equitable economic benefits.
- Developing coastal States may have capacity constraints that can impact their ability to engage in the work of an RFMO and to effectively implement the obligations arising under an RFMO.

<sup>9</sup> As identified in the World Economic Situation and Prospects, United Nations, 2020 that contains a set of data that the World Economic Situation and Prospects (WESP) employs to delineate trends in various dimensions of the world economy.

<sup>10</sup> Haas et al., Factors influencing the performance of regional fisheries management organizations, Marine Policy, 2020

- Generally, developed States have a greater capacity to engage in the work of an RFMO and implement the obligations arising under the RFMO.
- The world’s largest DWFNs have been characterized as operating with opacity and an unwillingness to exert appropriate flag State control over their flagged vessels and this ultimately impacts the performance of an RFMO.<sup>11</sup>
- Developing flag States have been characterized as having ineffective flag State control and several of the developing flag States that operate in the tuna RFMOs have been, or are subject to, an EU IUU Regulation carding decision.<sup>12</sup>

As of December 2021, a total of 107 countries formally participate in the tuna RFMOs (Table 4). 92 of these, almost 86% are developing countries<sup>13</sup> (green) and only 14% are developed (yellow).<sup>1415</sup>

Table 4: Participants to the tuna RFMOs (2021)

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Albania			CP		
Algeria			CP		
American Samoa					PT
Angola			CP		
Australia	M			M	M
Bahamas					CNM
Bangladesh				M	
Barbados			CP		
Belize		M	CP		
Bolivia		CNM	CNCP		
Brazil			CP		
Cape Verde			CP		
Canada		M	CP		M
Chile		CNM			
China		M	CP	M	M
Colombia		M			
Commonwealth of Northern Mariana Islands					PT
Comoros				M	
Cook Islands					M
Costa Rica		M	CNCP		

<sup>11</sup> Yozell, S., and Shaver, A. Shining a Light: The Need for Transparency across Distant Water Fishing. Stimson Environmental Security Program, 2019

<sup>12</sup> Ibid and EU IUU carding decisions.

<sup>13</sup> As identified in the World Economic Situation and Prospects, United Nations, 2020 that contains a set of data that the World Economic Situation and Prospects (WESP) employs to delineate trends in various dimensions of the world economy.

<sup>14</sup> As identified in the World Economic Situation and Prospects, United Nations, 2020 that contains a set of data that the World Economic Situation and Prospects (WESP) employs to delineate trends in various dimensions of the world economy.

<sup>15</sup> Of these developing countries, 21 or 19% of the total number of participants, have been, or are subject to EU IUU Regulation carding decisions. Only one developed participant, Chinese Taipei has been subject to an EU IUU Regulation carding decision.

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Côte d'Ivoire			CP		
Curaçao			CP		CNM
Ecuador		M			CNM
El Salvador		M	CP		CNM
Equatorial Guinea			CP		
Eritrea				M	
European Union	M	M	CP	M	M
Egypt			CP		
Federated States of Micronesia					M
Fiji					M
French Polynesia					PT
France		M <sup>16</sup>	CP <sup>17</sup>	M <sup>18</sup>	M
Gabon			CP		
Ghana			CP		
Gambia			CP		
Grenada			CP		
Guam					PT
Guatemala		M	CP		
Guinea			CP		
Guinea Bissau			CP		
Guyana			CNCP		
Honduras		CNM	CP		
Iceland			CP		
India				M	
Indonesia	M	CNM		M	M
Iran				M	
Japan	M	M	CP	M	M
Kenya				M	
Kiribati		M			M
Korea, Republic of	M	M	CP	M	M
Liberia		CNM	CP		CNM
Libya			CP		
Madagascar				M	
Malaysia				M	
Maldives				M	

<sup>16</sup> In respect of the French overseas collectivities (collectivité d'outre-mer) of French Polynesia

<sup>17</sup> In respect of the French overseas collectivities (collectivité d'outre-mer) of Saint Pierre and Miquelon

<sup>18</sup> In respect of the French overseas collectivities (collectivité d'outre-mer)

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Mauritania			CP		
Mauritius				M	
Mexico		M	CP		
Morocco			CP		
Mozambique				M	
Namibia			CP		
Nauru					M
New Caledonia					PT
New Zealand	M				M
Nicaragua		M	CP		CNM
Nigeria			CP		
Norway			CP		
Niue					M
Oman				M	
Pakistan				M	
Palau					M
Panama		M	CP		CNM
Papua New Guinea					M
Peru		M			
Philippines			CP	M	M
Republic of Marshall Islands					M
Russian Federation			CP		
Samoa					M
Sao Tomé & Príncipe			CP		
Senegal			CP	CNCP	
Seychelles				M	
Sierra Leone			CP		
Solomon Islands					M
Somalia				M	
South Africa	M		CP	M	
Sri Lanka				M	
St. Vincent and the Grenadines			CP		
Sudan				M	
Suriname			CNCP		
Syria			CP		
Tanzania				M	
Thailand				M	CNM



	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Tunisia			CP		
Tokelau					PT
Tonga					M
Trinidad & Tobago			CP		
Turkey			CP		
Tuvalu					M
United Kingdom			CP	M <sup>19</sup>	
United States		M	CP		M
Uruguay			CP		
Vanuatu		M			M
Venezuela		M	CP		
Vietnam					CNM
Wallis and Futuna					PT
Yemen				M	
Chinese Taipei <sup>20</sup>	M	M	CNCP		M

The size of the tuna RFMOs varies with ICCAT having 57 participants through to CCSBT with only eight (Table 5). The percentage of developed versus developing participants is similar in IATTC, ICCAT, IOTC and WCPFC. It is reversed in CCSBT (Table 5).

Table 5: tuna RFMO participants summary (2021)

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Developing	2 (25%)	21 (73%)	46 (81%)	23 (74%)	33 (79%)
Developed	6 (75%)	5 (27%)	11 (19%)	8 (26%)	9 (21%)
Total	8	26	57	31	42

As expected, the composition of participants in IATTC, ICCAT, IOTC and WCPFC represents both the geographical location of their relevant areas of competence and the key flag States that fish for tuna globally. In CCSBT, the composition includes participants that fish for SBT across its geographic distribution.

Several participants are broadly engaged across the tuna RFMOs and this reflects the significant size of the fishing fleets of these participants and the breadth of fishing areas targeted by their flagged vessels including:

- The EU, Japan, and Korea participate in all five tuna RFMOs as members or CPs. Chinese Taipei<sup>21</sup> is a member of CCSBT, IATTC and WCPFC, a CNCP of ICCAT and participates in IOTC as an Invited

<sup>19</sup> Ongoing territorial dispute that puts their status as a Member in question. This year, the UN has started a more aggressive campaign to implement the non-binding United Nations General Assembly (UNGA) Resolution 73/295 that does not recognize the sovereignty of the UK over the Chagos Archipelago

<sup>20</sup> Referred to as the Fishing Entity of Taiwan in CCSBT.

<sup>21</sup> Referred to as the Fishing Entity of Taiwan in CCSBT.

Expert. China has the largest fishing fleet in the world<sup>22</sup> and is a Member of IATTC, IOTC and WCPFC and a CP of ICCAT.

- Liberia and Panama have significant fleets of flagged carrier vessels and both broadly participate in the tuna RFMOs. Liberia is a CP of ICCAT and a CNM of IATTC and a CNM of WCPFC. Until recently, Liberia was a CNCP of IOTC. Several CCSBT-authorized carrier vessels are flagged to Liberia. Panama is a Member of IATTC and a CP of IATTC and ICCAT respectively. Panama is a CNM in WCPFC.

Several participants are broadly engaged and this is due to geographical reasons including:

- Indonesia is a Member of CCSBT, IATTC, IOTC and WCPFC. The areas of competence of IOTC and WCPFC border Indonesian waters and SBT are found in waters under Indonesia's national jurisdiction, hence their broad participation in the tuna RFMOs.
- France is a Member of IATTC and IOTC and a CP of ICCAT in respect of its overseas collectivities (collectivité d'outre-mer). France is also a Member of WCPFC and its overseas collectivities (collectivité d'outre-mer) of French Polynesia New Caledonia and Wallis and Futuna are PT. For French-flagged vessels, the EU has the flag State responsibility in IATTC, ICCAT, IOTC and WCPFC. Flag State and coastal State roles

In general, participants cooperate in the context of a tuna RFMO because of their real interest in the fish stocks managed by that tuna RFMO. However, the specific interest and the ability of a party to participate effectively in the processes of the tuna RFMO can be impacted by their development status. In addition, the specific interest and operation of a State within the RFMO context can vary depending on whether they are a coastal State and/or a flag State. This can create challenges in balancing the interests of different national stakeholders within the RFMO context. Participants have been categorized as a flag State, coastal State or as both (Table 6). This categorization is important as it provides the basis to understand their specific interest in the fish stocks managed by the tuna RFMOs.

The commonly accepted definition of Distant Water Fishing (DWF) covers fishing activities outside a nation's 200-mile exclusive economic zone (EEZ), whether on the high seas or in another nation's EEZ.<sup>23</sup> It is generally accepted that Distant Water Fishing Nations (DWFNs) fish far away from their own waters. However, the term DWFN isn't used consistently across the tuna RFMOs and the concept of "far away" is a subjective assessment. To avoid bringing this subjectivity into this report, DWFN hasn't been used as a category, only whether the State is a flag State has been included (Table 6).<sup>24</sup> However, to assist with understanding the potential interests of a participant, flag States have been differentiated depending on if they are also coastal States (shown as CS;FS in Table 6) within the context of each RFMO. This has been included as it is a less subjective means to assess where a participant's vessels may be fishing.

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<sup>22</sup> Yozell, S., and Shaver, A. Shining a Light: The Need for Transparency across Distant Water Fishing. Stimson Environmental Security Program, 2019

<sup>23</sup> Ibid.

<sup>24</sup> This is based on industrial fisheries with relatively large-scale vessels and does not consider small-scale artisanal fisheries with small vessels which may occur within the waters of some parties.

Table 6: The roles of participants to the tuna RFMOs

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Albania			CS;FS		
Algeria			CS;FS		
American Samoa					CS
Angola			CS;FS		
Australia	CS;FS			CS;FS	CS;FS
Bahamas					FS
Bangladesh				CS	
Barbados			CS		
Belize		CS;FS	CS;FS		
Bolivia		FS	CS;FS		
Brazil			CS		
Cape Verde			CS;FS		
Canada		FS	CS;FS		FS
Chile		CS;FS			
China		FS	FS	FS	FS
Colombia		CS;FS			
Commonwealth of Northern Mariana Islands					CS
Comoros				CS	
Cook Islands					CS;FS
Costa Rica		CS;FS	CS		
Côte d'Ivoire			CS;FS		
Curaçao			CS;FS		FS
Ecuador		CS;FS			FS
El Salvador		CS;FS	FS		FS
Equatorial Guinea			CS		
Eritrea				CS	
European Union	FS <sup>25</sup>	FS	CS;FS <sup>26</sup>	FS	FS
Egypt			CS;FS		
Federated States of Micronesia					CS;FS
Fiji					CS;FS
French Polynesia					CS
France		CS	CS	CS	*27

<sup>25</sup> The EU has a very small SBT allocation which it has legislated cannot be used for targeted fishing and can only be used in the event of SBT bycatch.

<sup>26</sup> Several EU Member States are coastal States in ICCAT.

<sup>27</sup> While France is a Member in WCPFC, it has no assigned role as the coastal State role belongs with its overseas collectivities (collectivité d'outre-mer) of French Polynesia and the flag State role for French-flagged vessels lies with the EU.

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Gabon			CS		
Ghana			CS		
Gambia			CS		
Grenada			CS		
Guam					CS
Guatemala		CS;FS	CS;FS		
Guinea			CS		
Guinea Bissau			CS		
Guyana			CS		
Honduras		CS	CS		
Iceland			CS;FS		
India				CS;FS	
Indonesia	CS;FS	FS		CS;FS	CS;FS
Iran				CS;FS	
Japan	FS	FS	FS	FS	CS;FS
Kenya				CS;FS	
Kiribati		FS			CS;FS
Korea, Republic of	FS	FS	FS	FS	FS
Liberia		FS	CS;FS		FS
Libya			CS;FS		
Madagascar				CS;FS	
Malaysia				CS;FS	
Maldives				CS;FS	
Mauritania			CS		
Mauritius				CS;FS	
Mexico		CS;FS	CS;FS		
Morocco			CS;FS		
Mozambique				CS;FS	
Namibia			CS;FS		
Nauru					CS;FS
New Caledonia					CS;FS
New Zealand	CS;FS				CS;FS
Nicaragua		CS;FS	CS		FS
Nigeria			CS		
Norway			CS;FS		
Niue					CS
Oman				CS;FS	
Pakistan				CS	

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Palau					CS
Panama		CS;FS	CS;FS		FS
Papua New Guinea					CS;FS
Peru		CS;FS			
Philippines			FS	FS	CS;FS
Republic of Marshall Islands					CS;FS
Russian Federation			CS;FS		
Samoa					CS
Sao Tomé & Príncipe			CS;FS		
Senegal			CS;FS	FS	
Seychelles				CS;FS	
Sierra Leone			CS		
Solomon Islands					CS;FS
Somalia				CS	
South Africa	CS;FS		CS;FS	CS;FS	
Sri Lanka				CS;FS	
St. Vincent and the Grenadines			CS;FS		
Sudan				CS	
Suriname			CS;FS		
Syria			CS		
Tanzania				CS;FS	
Thailand				CS;FS	FS
Tunisia			CS;FS		
Tokelau					CS
Tonga					CS;FS
Trinidad & Tobago			CS;FS		
Turkey			CS;FS		
Tuvalu					CS;FS
United Kingdom			CS;FS	CS	
United States		CS;FS	CS;FS		CS;FS
Uruguay			CS		
Vanuatu		FS			CS;FS
Venezuela		FS	CS;FS		
Vietnam					FS
Wallis and Futuna					CS
Yemen				CS	
Chinese Taipei	FS	FS	FS		FS

Using the tables above, a summary of participants' categorization has been provided (developing/developed and flag State only, coastal State only, or both) (Table 7).

Table 7: Summary table of participants (2021)

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Developing coastal States only		1 (4%)	18 (32%)	7 (23%)	9 (22%)
Developing flag States only		7 (27%)	3 (5%)	3 (10%)	10 (24%)
Developing coastal/flag States	2 (25%)	11 (42%)	25 (44%)	13 (42%)	14 (34%)
Developed coastal States only		1 (4%)	1 (2%)	2 (6%)	0
Developed flag States only	4 (50%)	5 (19%)	3 (5%)	3 (10%)	4 (10%)
Developed coastal/flag States	2 (25%)	1 (4%)	7 (12%)	3 (10%)	4 (10%)
Total	8	26	57	31	41

The composition of the IATTC, ICCAT, IOTC and WCPFC is dominated by participants that are developing States that are a coastal State only or are a coastal/flag State. IATTC differs in that only one developing participant is a coastal State only. Developing coastal States/flag States may have flagged vessels operating in waters under their own national jurisdiction, the national jurisdiction of another State or on in the ABNJ or any combination of these. There are several developing States that operate as flag States only, a significant percentage in IATTC and WCPFC. Several of these developing flag States operate only carrier or bunkering vessels in the tuna RFMO context. The percentages of developed participants that are flag States only is comparatively low, but this may not accurately reflect the impact and influence of these States, as the size of their fishing fleets is often significant.

#### *Authorized vessels*

The number of vessels authorized to operate by a participant can be a useful representation of the economic interest that a State has in the resource being managed by a tuna RFMO (Table 8).

Table 8: All vessels authorized by the tuna RFMOs period 1 October 2020 and 30 September 2021<sup>28</sup>

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Total vessels authorized	850	5588	19951	4716	3268
Total vessels authorized by developed flag States only (DWFN)	347 (41%)	920 (16%)	370 (2%)	424 (9%)	965 (30%)

<sup>28</sup> Due to the differences in vessel authorization requirements and the management of vessel data and information, this analysis includes all vessels authorized for each tuna RFMO and this may include actual fishing vessels, carrier vessels and reefer vessels. In some cases, vessels are authorized and included in a tuna RFMO's registry even though they may not be flagged to a participant of that tuna RFMO.

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Total vessels authorized by developed flag/coastal States	135 (16%)	2211 (40%)	12674 (64%)	91 (2%)	1004 (31%)
Total vessels authorized by developing flag States only (DWFN)	19 (3%) <sup>29</sup>	512 (9%)	85 (0.5%)	207 (4%)	682 (21%)
Total vessels authorized by developing flag/coastal States	349 (41%)	1945 (35%)	6822 (34%)	3994 (85%)	616 (19%)

### Compliance assessment processes

This section provides a comparative review of the compliance assessment processes of the five tuna RFMOs. This review includes the functions of the Compliance Committees, the roles and responsibilities of participants, Secretariats and Compliance Committees, the use and presentation of data and information and the compliance responses available through these processes.

#### *Compliance Committees*

Through their Conventions or Agreement, the tuna RFMOs may establish subsidiary and/or advisory bodies to support the work of their Commissions. All the tuna RFMOs have used these mechanisms to establish subsidiary bodies to specifically consider matters related to implementation and compliance (Compliance Committees) (Table 9).

Table 9: Tuna RFMO Compliance Committees

	Title	Established by
CCSBT	Compliance Committee	Established by the Convention (Article 8, paragraph 10) and implemented through the <i>Terms of Reference for the Compliance Committee</i> (2013) adopted by the Commission and included in the <i>Terms of Reference for Subsidiary Bodies</i> .
IATTC	Committee for the Review of Implementation of Measures Adopted by the Commission	Established by the Convention (Article X) and detailed in Annex 3 – <i>Committee for the Review of Implementation Adopted by the Commission</i> .

<sup>29</sup> These 19 vessels are authorised carrier vessels flagged to Liberia, Panama or Vanuatu. None of these three States are Members of CCSBT but their data are included in the CCSBT Record of Carrier Vessels and they have been authorized by CCSBT Members (Japan, Korea and the Fishing Entity of Taiwan) in accordance with Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels.

	Title	Established by
ICCAT	Conservation and Management Measures Compliance Committee	Established by the Rule of Procedure Convention (Rule 3, paragraph 13) and detailed in the Recommendation by ICCAT to <i>Amend the Mandate and Terms of Reference Adopted by the Commission for the ICCAT Conservation and Management Measures Compliance Committee (COC)</i> (2011).
IOTC	Compliance Committee	Established through the IOTC Agreement (Article II.5) and detailed in the Rules of Procedure (Appendix V) <i>The Compliance Committee Terms of Reference and Rules of Procedure</i> (2014).
WCPFC	Technical and Compliance Committee	Established by the Convention (Article 11, paragraph 1) and detailed in Article 14 – Functions of the Technical and Compliance Committee.

The basic mandate and functions of the Compliance Committees are detailed in various instruments including the Conventions or Agreement themselves, Rules of Procedure, Terms of Reference (TOR) or in the case of ICCAT, a Recommendation (Table 10). In many cases, these establishing instruments do not reflect the true extent of the functions of the Compliance Committees. Some of the broader functions are provided in a range of Conservation Management Measures (CMMs), Resolutions, Recommendations, or Decisions. In some cases, the functions are not reflected in any instrument or document.

Table 10: Compliance Committee functions as provided for in establishing instruments

RFMO	Title	Functions
CCSBT	Compliance Committee (Subsidiary Body)	<ul style="list-style-type: none"> <li>● Monitor, review and assess compliance with all conservation and management measures adopted by the Extended Commission.</li> <li>● Monitor, review and assess the quality of data (in terms of both accuracy and timeliness) submitted to the Extended Commission.</li> <li>● Exchange information on Member and Co-operating Non-Member activities in relation to compliance activities by Members and Co-operating Non-Members of the Extended Commission.</li> </ul>



RFMO	Title	Functions
		<ul style="list-style-type: none"> <li>● Report to the Extended Commission on the implementation of compliance measures by Members and Co-operating Non-Members.</li> <li>● Make recommendations to the Extended Commission on new compliance measures, including measures to address non-compliance and measures to ensure that accurate and timely data is obtained on all fisheries.</li> <li>● Make recommendations to the Extended Commission on cooperation in compliance activities and information exchange.</li> </ul>
IATTC	Committee for the Review of Implementation of Measures Adopted by the Commission (Subsidiary Body)	<ul style="list-style-type: none"> <li>● Review and monitor compliance with conservation and management measures adopted by the Commission, as well as cooperative measures referred to in Article XVIII, paragraph 9, of this [Antigua] Convention.</li> <li>● Analyze information by flag, or when information by flag would not cover the relevant case, by vessel, and any other information necessary to carry out its functions.</li> <li>● Provide the Commission with information, technical advice and recommendations relating to the implementation of, and compliance with, conservation and management measures.</li> <li>● Recommend to the Commission means of promoting compatibility among fisheries management measures of the members of the Commission.</li> <li>● Recommend to the Commission means to promote the effective implementation of Article XVIII, paragraph 10, of this [Antigua] Convention<sup>30</sup>.</li> <li>● In consultation with the Scientific Advisory Committee, recommend to the Commission the priorities and objectives of the program for data collection and monitoring established in Article VII, subparagraph (I) of paragraph 1, of</li> </ul>

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<sup>30</sup> Article XVIII, paragraph 10 relates to action taken by parties in accordance with the Convention and international law, to deter vessels engaged in activities which undermine the effectiveness of or otherwise violate the conservation and management measures until appropriate action is taken by the flag State.

RFMO	Title	Functions
		<p>this [Antigua] Convention and assess and evaluate the results of that program.</p> <ul style="list-style-type: none"> <li>● Perform other such functions as the Commission may direct.</li> </ul>
ICCAT	Conservation and Management Measures Compliance Committee (Subsidiary Body)	<ul style="list-style-type: none"> <li>● Broadly responsible for reviewing all aspects of compliance with ICCAT conservation and management measures.</li> <li>● Gather and review information relevant to the assessment of compliance by CPCs with ICCAT conservation and management measures, including information from ICCAT subsidiary bodies; Annual Reports submitted to the Commission; catch data compiled by the Commission and SCRS; trade information obtained through statistics of CPCs and non-Contracting Parties, Entities or Fishing Entities (NCPs), including from statistical and catch document programs; and other relevant information.</li> <li>● Pursuant to this review, assess the status of each CPC's implementation of and compliance with ICCAT conservation and management measures, including monitoring, control, and surveillance (MCS) measures.</li> <li>● Review available information to assess the cooperation of NCPs with ICCAT in the conservation and management of ICCAT species.</li> <li>● Review domestic measures for the implementation of the Commission's recommendations, as reported by CPCs, and, if available, NCPs.</li> <li>● Review and evaluate reports on inspection and surveillance activities carried out in accordance with ICCAT measures, including reports of activities in contravention of such measures as well as follow-up actions taken to address such activities.</li> <li>● Develop and make recommendations to the Commission to address issues of non-compliance or lack of cooperation with ICCAT conservation and management measures.</li> </ul>

RFMO	Title	Functions
		<ul style="list-style-type: none"> <li>● Where needed, develop new or modify existing recommendations to the Commission designed to enhance compliance and cooperation with ICCAT conservation and management measures, such as rules on quota carryovers, or to address ambiguity with respect to the application of such measures.</li> <li>● Review and make recommendations to the Commission regarding requests for cooperating status.</li> </ul>
IOTC	<p>Compliance Committee (Advisory Body<sup>31</sup>)</p> <p>Established through the IOTC Agreement (Article II.5) and detailed in the Rules of Procedure (Appendix V) The Compliance Committee Terms of Reference and Rules of Procedure (2014</p>	<ul style="list-style-type: none"> <li>● To assess individual IOTC CPCs compliance and enforcement with their obligations.</li> <li>● To provide a structured forum for discussion of all problems related to effective implementation of, and compliance with, binding CMMs in the IOTC Area.</li> <li>● To gather and review information relevant to compliance with IOTC CMMs from IOTC subsidiary bodies, and from Reports of Implementation submitted by CPCs.</li> <li>● To identify and discuss problems related to the implementation of, and compliance with, binding IOTC CMMs, and to make recommendations to the Commission on how to address these problems.</li> <li>● The Compliance Committee is responsible for developing a structured, integrated approach to evaluate the compliance of each party against IOTC obligations.</li> </ul>
WCPFC	<p>Technical and Compliance Committee (Subsidiary Body)</p> <p>Established by the Convention (Article 11, paragraph 1) and detailed in Article 14 – Functions of the Technical and Compliance Committee.</p>	<ul style="list-style-type: none"> <li>● Provide the Commission with information, technical advice and recommendations relating to the implementation of, and compliance with, conservation and management measures.</li> <li>● Monitor and review compliance with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary.</li> <li>● Review the implementation of cooperative measures for monitoring, control, surveillance</li> </ul>

<sup>31</sup> Subsidiary body in the Agreement, advisory body in Rules of Procedure.

RFMO	Title	Functions
		<p>and enforcement adopted by the Commission and make such recommendations to the Commission as may be necessary.</p> <ul style="list-style-type: none"> <li>● Provide a forum for exchange of information concerning how they are applying the conservation and management measures adopted by the Commission on the high seas and complementary measures in waters under national jurisdiction.</li> <li>● Receive reports from each member of the Commission relating to measures taken to monitor, investigate and penalize violations of provisions of this Convention and measures adopted pursuant thereto.</li> <li>● In consultation with the Scientific Committee, recommend to the Commission the priorities and objectives of the regional observer programme, when established, and assess the results of that programme.</li> <li>● Consider and investigate such other matters as may be referred to it by the Commission, including developing and reviewing measures to provide for the verification and validation of fisheries data.</li> <li>● Make recommendations to the Commission on technical matters such as fishing vessel and gear markings.</li> <li>● In consultation with the Scientific Committee, make recommendations to the Commission on the fishing gear and technology which may be used.</li> <li>● Report to the Commission its findings or conclusions on the extent of compliance with conservation and management measures.</li> <li>● Make recommendations to the Commission on matters relating to monitoring, control, surveillance and enforcement.</li> </ul>

In comparing the broad functions of the Compliance Committees as articulated in their establishing instruments (Table 11) and against the actual work of the Compliance Committees, some common themes emerge:

- the establishing instruments do not clearly reflect all the functions undertaken by the Compliance Committees and Secretariats;

- the other functions are described across a range of obligations and documents so it can be challenging to clearly understand what a Compliance Committee does and this may impact decision-making in relation to the time and resources that the Committees and Secretariats need;
- the Compliance Committees are responsible for monitoring, reviewing, and assessing the implementation of, and compliance with, obligations adopted by the tuna RFMOs; and
- the Compliance Committees are responsible for reporting to and providing recommendations to their Commissions.

Importantly, only one establishing instrument is explicit about a compliance assessment processes, yet all the tuna RFMOs have adopted these processes and they are core to the work of the Compliance Committees.

Table 11: Functions of the Compliance Committees as explicitly articulated in their establishing instruments <sup>32</sup>

Function	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Monitor, review and assess implementation and compliance with all conservation and management measures	✓	✓ <sup>33</sup>	✓	✓	✓
Consider, discuss exchange information, report on and make recommendations to the Commission on the implementation of, and compliance with obligations	✓	✓	✓ <sup>34</sup>	✓ <sup>35</sup>	✓ <sup>36</sup>
Monitor, review and assess the quality of data	✓	✓ <sup>37</sup>			✓ <sup>38</sup>
Review, evaluate and exchange information on participant activities in relation to compliance activities	✓	✓	✓ <sup>39</sup>	✓ <sup>40</sup>	

<sup>32</sup> Generally the Compliance Committees undertake a range of functions that are not explicitly described in their establishing instruments.

<sup>33</sup> IATTC contains a further to “analyze information by flag, or when information by flag would not cover the relevant case, by vessel, and any other information necessary to carry out its functions” which provides further detail on the monitoring, review, and assessment of compliance with measures.

<sup>34</sup> ICCAT specifically refers to the review of domestic measures for the implementation of the Commission’s recommendations.

<sup>35</sup> For IOTC this refers to identifying and discussing problems related to the implementation of, and compliance with, binding IOTC CMMs and making recommendations to the Commission.

<sup>36</sup> WCPFC is specific to means by which they are applying the conservation and management measures adopted by the Commission on the high seas and complementary measures in waters under national jurisdiction.

<sup>37</sup> In consultation with the Scientific Advisory Committee.

<sup>38</sup> This is specific to the priorities and objectives of the regional observer programme, rather than broader information.

<sup>39</sup> ICCAT is more specific in detail and refers to the review and evaluation of reports on inspection and surveillance activities carried out in accordance with measures and follow up action to address activities.

<sup>40</sup> IOTC is specific to compliance with CMMs rather than broader compliance activities.

Function	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Make recommendations on new measures, including measures to enhance compliance and timely data	✓	✓	✓		✓
Make recommendations to promote compatibility of measures		✓			
Make recommendations to improve cooperation in the conservation and management of RFMO species	✓ <sup>41</sup>		✓		✓ <sup>42</sup>
Developing a structured, integrated approach to evaluate the compliance of each party		✓	✓	✓	
Develop and make recommendations to the Commission to address issues of non-compliance or lack of cooperation with conservation and management measures		✓	✓		✓ <sup>43</sup>
Review and make recommendations to the Commission regarding requests for cooperating status		✓	✓	✓	
Perform other such functions as the Commission may direct <sup>44</sup>	✓	✓	✓	✓	✓

The Compliance Committee meetings are convened in advance of the annual Commission meetings where they consider and make recommendations to their Commissions in respect of implementation and compliance. It is important to recall that the Compliance Committees do not have a decision-making mandate, rather they provide advice and recommendations to their respective Commissions that are responsible for decision making. The Compliance Committees are chaired by an individual nominated from a member except for CCSBT. CCSBT is the only tuna RFMO that has a Compliance Committee chaired by an independent chair that is remunerated for their work. The Extended Commission appoints the chair for a three-year term with the possibility of up to two reappointments. The chair cannot be an officer or official of a CCSBT Member government and is expected to act with independence, regardless of employment or nationality. This approach seeks to ensure that the chair

<sup>41</sup> For CCSBT this is specific to compliance activities and information exchange.

<sup>42</sup> WCPFC is specific to the implementation of cooperative measures for monitoring, control, surveillance, and enforcement rather than broader conservation and management.

<sup>43</sup> This refers to receiving reports relating to measures taken to monitor, investigate and penalize violations.

<sup>44</sup> Implicit for CCSBT, IATTC, IOTC and WCPFC. Explicit for ICCAT.

remains objective and has a greater capacity to engage in the work of the Compliance Committee and the Secretariat.

The composition of Compliance Committees appears to have been influenced by the adoption of the compliance assessment processes and has thus changed over time. There has been a shift from technical and operational personnel to policy and legal personnel. In many cases, the leads of participants delegations (Heads of Delegation/Commissioners) regularly participate in the Compliance Committees and this is reflective of the sensitive and political nature of compliance assessment.

The Compliance Committees of CCSBT, IOTC and WCPFC currently have working groups to support their work and in some cases, specifically to enhance the compliance assessment processes (Table 12). ICCAT has also adopted “Friends of the Chair” to support the chair to consider and manage the compliance assessment process.

Table 12: Compliance Committee working group summary

	Title	Purpose
CCSBT	<p>Ad-hoc Compliance Committee Working Group (CCWG)</p> <p>Established based on a recommendation of the Compliance Committee and endorsed by the Extended Commission (2006).</p> <p>Technical Compliance Working Group (TCWG)</p> <p>Established by a decision of the Extended Commission and implemented through the <i>Terms of Reference for the Technical Compliance Working Group</i> (2018) adopted by the Commission and included in the <i>Terms of Reference for Subsidiary Bodies</i>.</p>	<ul style="list-style-type: none"> <li>• Undertake a more detailed examination of key compliance issues and policies including related to current measures (e.g., CDS, VMS, transshipment) and new measures.</li> <li>• To provide advice to the Compliance Committee on compliance issues of a technical nature.</li> </ul>
IOTC	<p>Working Party on the Implementation of Conservation and Management Measures (WPICMM)</p> <p>Established by Resolution 17-02 Working Party on the Implementation of Conservation and Management Measures (WPICMM) and detailed in Annex I Terms of Reference for a WPICMM (2017).</p>	<ul style="list-style-type: none"> <li>• Alleviate the technical discussions, workload, and time pressures on the Compliance Committee, and permit it to focus on higher level compliance implementation strategies in its work for the Commission.</li> <li>• Enhance the technical capacity of CPCs to understand and implement IOTC CMMs.</li> </ul>

	Title	Purpose
		<ul style="list-style-type: none"> <li>● Prioritize implementation issues and develop operational standards for use by CPCs.</li> </ul>
WCPFC	<p>Intersessional Working Group established to facilitate the multi-year workplan of tasks to enhance the CMS (CMS-IWG)</p> <p>Established by a decision of the Commission in 2020.</p>	<ul style="list-style-type: none"> <li>● Undertake the CMS Future Work, including on audit points and the risk-based framework.</li> </ul> <p>In 2021, WCPFC supported the prioritization of four streams of intersessional work for the CMS IWG including:</p> <ul style="list-style-type: none"> <li>● the development of a risk-based assessment framework to inform compliance assessments and ensure obligations are meeting the objectives of the Commission;</li> <li>● the development of audit points to clarify the Commission obligations assessed under the CMS, as well as a checklist to be used by proponents of any proposal to include a list of potential audit points for the consideration of the Commission;</li> <li>● the development of a process for TCC to consider the aggregated tables alongside the draft CMR; and</li> <li>● the development of guidance on the participation of observers in the CMS process as outlined in CMM 2019-06.</li> </ul>

The establishment of the Compliance Committee supporting mechanisms reflects the importance of the compliance assessment processes and the challenges the tuna RFMOs face in effectively implementing them. For each of the tuna RFMOs the processes require and create a significant amount of data and information, require significant resources and time including to support the ongoing efforts to strengthen, enhance and streamline the processes.

All the tuna RFMOs have adopted compliance assessment processes following the establishment of their Compliance Committees. ICCAT established its Compliance Committee a significant period after the Convention came into force. ICCAT also adopted its compliance assessment process a significant period after the Compliance Committee was established. All the tuna RFMOs, except IATTC, operated a Compliance Committee for a period before a compliance assessment process was adopted. IATTC established its Compliance Committee at the same time it adopted the Antigua Convention, a key element in the strengthening of IATTC as an organization (Table 13).

Table 13: Key dates



	Convention/Agreement came into force	Compliance Committee established	Compliance Committee first meeting	Compliance assessment process implemented
CCSBT	1994	1997	2006	2010
IATTC	1949 and 2010 <sup>45</sup>	2010	2010	2011
ICCAT	1969	1983 <sup>46</sup>	1985 <sup>47</sup>	2009 <sup>48</sup>
IOTC	1996	2003	2003	2011
WCPFC	2004	2004	2005	2011 <sup>49</sup>

The compliance assessment processes are established through several mechanisms. In CCSBT, through several decisions of the Extended Commission, in ICCAT and IATTC through a Resolution, in WCPFC through a CMM and through the Agreement and Rules of Procedure in IOTC (Table 14). Only IOTC and WCPFC have a specifically articulated purpose for their compliance assessment processes. WCPFC has also developed guiding principles. For CCSBT, IATTC, ICCAT the purpose of the compliance assessment processes can be inferred from the functions of their Compliance Committees and/or from the text of the implementing mechanism but it is not always clear.

The articulation of compliance assessment purposes by IOTC and WCPFC provides clarity as to the form and function of the processes and a mechanism to assess if they are achieving what they intend to. In both cases, the purpose is clear and aligns with the overall objectives of the RFMO. The principles adopted by WCPFC highlight priorities and provide guidance on how compliance assessment processes are to be operated to ensure their long-term success. These principles are intended to operate across all aspects of compliance assessment and guide the development of the processes.

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<sup>45</sup> Antigua Convention

<sup>46</sup> Infraction Committee, changed in 1995 to the Compliance Committee

<sup>47</sup> First meeting of the Compliance Committee in 1996

<sup>48</sup> Agreement on more formal procedure but no Recommendation adopted) formal procedure adopted in 2016

<sup>49</sup> Covering 2010 activities

Table 14: Compliance assessment processes establishing instruments and purposes (2021)

	Implemented by	Purpose
CCSBT	<p>Annual compliance assessment</p> <p>Implemented in accordance with a 2009 decision of the Commission to “ensure compliance with CMMs” and “audit Member’s implementation of Commission decisions and international obligations as they relate to CCSBT and annual reporting to the Compliance Committee”<sup>50</sup>. It has evolved since first being introduced.<sup>51</sup></p> <p>Quality Assurance Reviews (QARs)<sup>52</sup></p> <p>Undertaken in accordance with specific Terms of Reference (TOR) that are adopted by the Commission.</p>	<p>Not specifically articulated but may be inferred from the functions of the Compliance Committee to <i>monitor, review and assess compliance with all conservation and management measures adopted by the Extended Commission</i> and the wording of the 2009 decision.</p> <p>QARs provide independent reviews of a member’s implementation of specified CCSBT obligations and recommendations on areas requiring improvement. QARs seek to:</p> <ul style="list-style-type: none"> <li>• benefit the reviewed member by giving them confidence in the integrity and robustness of their own monitoring and reporting systems;</li> <li>• promote confidence among all members as to the quality of individual Members’ performance reporting; and</li> </ul>

<sup>50</sup> In 2019, CCSBT agreed to establish an intersessional working group to develop a more formalized compliance assessment process. In 2020, CCSBT considered the progress of the working group and it was reported that there was support for only limited modifications to the existing compliance assessment process. The current process was considered effective, but it was agreed that the group could continue its discussions.

<sup>51</sup> Between 2019 and 2021, CCSBT considered a more formalized compliance assessment process (including defined compliance statuses). However, no formal process was adopted and Members have only supported limited modifications to the existing compliance assessment process.

<sup>52</sup> QARs focus on one or two Members in any given year. All CCSBT members have been subject to one or more QARs except for the EU which will have its QAR completed in 2021. QARs may be undertaken as a desk-top review or an in-country visit or a combination of the two.

Table 14: Compliance assessment processes establishing instruments and purposes (2021)

	Implemented by	Purpose
		<ul style="list-style-type: none"> <li>• further demonstrate the credibility and international reputation of the CCSBT as a responsible RFMO.</li> </ul> <p>The QARs are evidence-based evaluations of Member’s CCSBT obligations. The first round of QARs examined members’ compliance with CCSBT’s national allocation, CDS and transshipment<sup>53</sup> measures/obligations. QARs are undertaken by an independent service provider and are guided by specific TOR adopted by the Extended Commission. QARs generally take approximately six months to complete and require extensive information and evidence gathering to demonstrate a member’s compliance with relevant obligations.</p>
IATTC	<p>Established and implemented in accordance with Resolution C-11-07 <i>Resolution on the Process for Improved Compliance of Resolutions Adopted by the Commission</i>.</p> <p>New resolution C-2202 approved in 2022 which includes a framework to enhance the compliance performance evaluation of IATTC Members including the necessity to adopt national plans to enhance compliance.</p>	<p>Not specifically articulated in the Resolution but may be inferred from the chapeau <i>to assess and improve compliance with measures adopted by the Commission to achieve the objectives of the Convention and ensure the long-term conservation and sustainable use of fish stocks</i>.</p> <p>Linked with Article XVII (10) of the Antigua Convention:</p> <ul style="list-style-type: none"> <li>• If the Commission determines that vessels fishing in the Convention Area have engaged in activities which undermine the effectiveness of or otherwise violate the conservation and management measures adopted by the Commission, the Parties may take action, following the recommendations adopted by the Commission and in accordance with this Convention and international law, to deter such vessels from such activities</li> </ul>

<sup>53</sup> For relevant Members only.

Table 14: Compliance assessment processes establishing instruments and purposes (2021)

	Implemented by	Purpose
		until such time as appropriate action is taken by the flag State to ensure that such vessels do not continue those activities.
ICCAT	Implemented in accordance with Resolution 16-22 <i>Resolution by ICCAT to Facilitate an Effective and Efficient Compliance Process</i>	Not specifically articulated in the Resolution but may be inferred from the chapeau to <i>enhance the efficiency and effectiveness of ICCAT's compliance review process in a fair, equitable, and transparent manner.</i>
IOTC	Established through the IOTC Agreement (Article II.5) and detailed in the Rules of Procedure (Appendix V) <i>The Compliance Committee Terms of Reference and Rules of Procedure</i> (2014)	<p>Review each individual CPC's compliance with binding IOTC Conservation and Management Measures adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness, notably in relation to the:</p> <ul style="list-style-type: none"> <li>• mandatory statistical requirements and all issues related to obligatory reporting and data providing, including non-targeted species;</li> <li>• level of CPC's conformity with binding IOTC Conservation and Management Measures;</li> <li>• CPC's conformity with the Resolutions concerning the limitation of the fishing capacity;</li> <li>• status of implementation of Resolutions for monitoring, control, surveillance and enforcement adopted by the Commission (e.g., Port inspections, VMS, follow-up on infringements and market related measures); and</li> </ul>

Table 14: Compliance assessment processes establishing instruments and purposes (2021)

	Implemented by	Purpose
		<ul style="list-style-type: none"> <li>reporting on authorized as well as active vessels in IOTC area of competence, in relation to the IOTC Resolution on fishing effort limitation.</li> </ul>
WCPFC	Implemented in accordance with CMM 2019-06 for the Compliance Monitoring Scheme (CMS) <sup>54</sup>	<p>To ensure CCMs implement and comply with obligations arising under the Convention and CMMs adopted by the Commission.</p> <p>To assess flag CCM action in relation to alleged violations by its vessels, not to assess compliance by individual vessels.</p> <p>The CMS is designed to:</p> <ul style="list-style-type: none"> <li>assess CCMs' compliance with their WCPFC obligations;</li> <li>identify areas in which technical assistance or capacity building may be needed to assist CCMs to attain compliance;</li> <li>identify aspects of CMMs which may require refinement or amendment for effective implementation;</li> <li>respond to non-compliance by CCMs through remedial and/or preventative options that include a range of possible responses that take account of the reason for and degree, the severity, consequences, and frequency of non-compliance, as may be necessary and appropriate to promote compliance with CMMs and other Commission obligations (footnote 1. In accordance with the process for identifying corrective action, as provided for in paragraph 46(iv).); and</li> </ul>

<sup>54</sup> In December 2021, WCPFC decided to extend CMM 2019-06 until 31 December 2023 and deferred the CMR process in 2022 to allow considerations of revisions to the CMS (CMM 2021-03). In 2023, the CMR process will review both 2022 and 2023.

Table 14: Compliance assessment processes establishing instruments and purposes (2021)

	Implemented by	Purpose
		<ul style="list-style-type: none"> <li>• monitor and resolve outstanding instances of non-compliance by CCMs with their WCPFC obligations.</li> </ul> <p>The implementation of the CMS and its associated processes shall be conducted in accordance with the following principles:</p> <ul style="list-style-type: none"> <li>• Effectiveness: Effectively serve the purpose of this CMM to assess compliance by CCMs and assist the TCC in fulfilling the provisions of Article 14(1)(b) of the Convention;</li> <li>• Efficiency: Avoid unnecessary administrative burden or costs on CCMs, the Commission or the Secretariat and assist TCC in identifying and recommending removal of duplicative reporting obligations; and</li> <li>• Fairness: Promote fairness, including by ensuring that obligations and performance expectations are clearly specified, that assessments are undertaken consistently and based on a factual assessment of available information and that CCMs are given the opportunity to participate in the process.</li> <li>• Cooperation towards Compliance: Promote a supportive, collaborative, and non-adversarial approach where possible, with the aim of ensuring long-term compliance, including considering capacity assistance needs or other quality improvement and corrective action.</li> </ul>

The annual compliance assessment processes are made up of several tasks with specific responsibilities allocated to participants, the Secretariats and Compliance Committees (Table 15). These tasks can be broadly described as the submission of data and information (in templates and reports), the collation, review, analysis and presentation of data and information; decision making and compliance responses and follow-up actions.

*Data and information submission (templates and reports)*

The compliance assessment processes start with the identification and documentation of obligations to be assessed, as agreed by the Commissions. The decision-making in respect of what obligations are to be assessed in any given year does vary. For example, in ICCAT, all obligations adopted each year are to be assessed. The Secretariat, in consultation with the Chair of the Conservation and Management Measures Compliance Committee, updates the Annual Report Template and prepares a list of obligations that will not be assessed because there is no reporting requirement, or they have expired. In WCPFC, the list of obligations assessed is updated and agreed to annually, and since 2020 there has been work to develop a risk-based assessment framework that will support future decisions on the obligations to be assessed in any given year. The CMS CMM provides specific guidance that the Commission must consider including:

- the needs and priorities of the Commission, including those of its subsidiary bodies;
- evidence of high percentages of non-compliance or persistent non-compliance by CCMs with specific obligations for multiple years;
- additional areas identified through the risk-based approach to be developed; and
- the potential risks posed by non-compliance by CCMs with CMMs (or collective obligations arising from CMMs) to achieve the objectives of the Convention or specific measures adopted thereunder.
- It is the responsibility of the Secretariats, often in consultation with the chair of the Compliance Committees, to ensure that the obligations to be assessed and the reporting templates are up-to-date and provided to participants. The list of obligations to be assessed are included in guidelines, questionnaires or reporting templates (Table 16). Only WCPFC provides reporting templates online.

Table 16: Annual reporting templates

	Annual Reporting templates
CCSBT	Annual Report to the Compliance Committee and the Extended Commission National Report to the Extended Scientific Committee National Report to Ecologically Related Species Working Group (ERSWG) <sup>55</sup>
IATTC	Standard Questionnaire on Compliance with IATTC Resolutions. Formats to respond to possible infractions reported by the IATTC Secretariat.
ICCAT	Annual Report

<sup>55</sup> Only required to be submitted in years the ERSWG is held.

	Annual Reporting templates
IOTC	Compliance Questionnaire Report of Implementation
WCPFC	Annual Report Part 2 Annual Report Part 1 Suggested checklist of reporting requirements under CMMs or other WCPFC decisions

These annual reporting templates provide the basis for participants to submit data and information on the implementation of, and compliance with relevant obligations. In preparing their relevant reports, participants may answer yes, no or not applicable. These reports provide the basis for compliance assessment and several tasks build upon the reports submitted by participants. These reports may provide the details of national implementation and performance. However, this may, but often does not, provide a robust assessment of implementation or compliance with obligations. In some cases, the answers provided are proven incorrect, may be very generalized, and/or it is demonstrated that the participant did not understand the requirements and/or question. In some instances, reports are incomplete. The reports are all large, require a significant amount of data and information and take considerable time to complete.



Table 15: Summary of key compliance assessment process tasks

	Participants	Secretariat	Compliance Committee
CCSBT	<p>Members and CNMs must submit at least two annual reports – one to the Extended Scientific Committee and an <i>Annual Report to the Compliance Committee and the Extended Commission</i> based on agreed templates.<sup>56</sup></p> <p>No compliance statuses are assigned by Members or CNMs.</p> <p>Members and CNMs check and if necessary, update/correct and/or provide feedback to the Secretariat on Attachment A (Compliance with CCSBT Measures) and Attachment C (Characterization of Global Fisheries for Southern Bluefin Tuna) included in the annual <i>Compliance with CCSBT Management Measures</i> paper (refer to information in the Secretariat column).</p>	<p>Using the information provided by Members and CNMs supplemented by its own data holdings, the Secretariat prepares three key papers for the Compliance Committee:</p> <p>1) A <i>Compliance with CCSBT Management Measures</i> paper that:</p> <ul style="list-style-type: none"> <li>● summarizes compliance with CCSBT’s management measures;</li> <li>● details issues of main compliance concern;</li> <li>● Includes a summary table of compliance against obligations; and</li> <li>● summarizes data and information related to fishing activity.</li> </ul> <p>Drafts of Attachment A (Compliance with CCSBT Measures) and Attachment C (Characterization of Global Fisheries for Southern Bluefin Tuna) are provided to Members/CNMs approximately 3 months in advance of the Compliance Committee to allow them to check and provide updates/corrections as necessary.)</p>	<p>The Compliance Committee considers and assesses instances of non-compliance and issues with data and information.</p> <p>These considerations and assessments are provided in the meeting report of the Compliance Committee that includes a range of recommendations for the Extended Commission.</p> <p>No compliance statuses are assigned by the Compliance Committee, but they do identify areas of possible non-compliance or incomplete implementation.</p> <p>The Compliance Committee may also make recommendations on the application of the <i>Corrective Actions Policy (Compliance Policy Guideline 3)</i>. The policy provides clear guidelines to respond to instances of non-compliance, particularly in relation to over catches.</p> <p>The Compliance Committee also considers the implementation of the CCSBT <i>Compliance Plan</i></p>

<sup>56</sup> An ERSWG report must also be submitted during any year an ERSWG meeting is held.

Table 15: Summary of key compliance assessment process tasks

	Participants	Secretariat	Compliance Committee
		<p>No compliance statuses are assigned by the Secretariat. The Secretariat does however provide a summary of areas it interprets as persistent non-compliance (since 2019).</p> <p>The Secretariat also provides an <i>Annual Report on Members' implementation of ERS measures and performance with respect to ERS</i>:</p> <ul style="list-style-type: none"> <li>● Implementation of ERS Measures: <ul style="list-style-type: none"> <li>○ observer coverage;</li> <li>○ use of seabird mitigation measures;</li> <li>○ data submission;</li> <li>○ participation and reporting to ERSWG meetings; and</li> <li>○ annual reports to the Compliance Committee and the Extended Commission.</li> </ul> </li> <li>● Performance <ul style="list-style-type: none"> <li>○ ERS mortality rate; and</li> <li>○ total ERS mortality.</li> </ul> </li> </ul> <p>The Secretariat also provides an <i>Operation of CCSBT MCS Measures</i> paper which provides supplementary compliance implementation information on key CCSBT measures.</p>	<p>(revised in 2019) and its associated 5-year <i>Action Plan</i>. These provide a framework to improve compliance and provide important guidance in for the compliance assessment process.</p>

Table 15: Summary of key compliance assessment process tasks

	Participants	Secretariat	Compliance Committee
IATTC	<p>CPCs must complete the <i>Standard Questionnaire on Compliance with IATTC Resolutions</i> that is provided in <i>Resolution C-11-07</i>.</p> <p>The questionnaire includes the details of obligations (resolution number, paragraph and the details of specific obligations).</p> <p>CPCs are required to assign a compliance status of yes, no or not applicable.</p> <p>In the incidents of possible case of non-compliance, participants are asked to provide:</p> <ul style="list-style-type: none"> <li>● details of the possible case of non-compliance;</li> <li>● status of the fishing vessel;</li> <li>● status or result of investigation; and</li> <li>● actions taken based on the result of the investigation, including sanctions and preventive actions.</li> </ul> <p>CPCs must provide a response to possible non-compliance highlighted by the Secretariat.</p> <p>A CPC must evaluate their compliance performance.</p>	<p>The Secretariat, in consultation with the Chair, is required to update the questionnaire to ensure that it reflects current obligations.</p> <p>The Secretariat is also required to send the update questionnaire to CPCs.</p> <p>The Secretariat is required to extract data and information on possible non-compliance and provide this to CPCs.</p> <p>The Secretariat prepares three papers for the</p> <ul style="list-style-type: none"> <li>● <i>Report by the staff on compliance;</i></li> <li>● <i>Review of the questionnaires submitted by CPCs in compliance with Resolution C-11-07; and</i></li> <li>● <i>Identification of Members whose implementation of IATTC measures is inadequate, and mechanisms to improve compliance.</i></li> </ul> <p>No compliance statuses are assigned by the Secretariat.</p>	<p>The Committee for the Review of Implementation of Measures Adopted by the Commission considers and assesses compliance and issues related to the late or non-submission of questionnaires.</p> <p>The Committee for the Review of Implementation must identify:</p> <ul style="list-style-type: none"> <li>● a compliance record for each CPC;</li> <li>● areas of possible improvement; and</li> <li>● recommended actions.</li> </ul> <p>Details of these are provided in the meeting report of the Committee for the Review of Implementation of Measures Adopted by the Commission and provided to the Commission for further consideration and decision making.</p> <p>The Committee also:</p> <ul style="list-style-type: none"> <li>● makes annual recommendations to the Commission to improve its work as well as improve compliance of CPCs;</li> <li>● reviews the progress of the actions that have been taken to address the recommendations issued in the previous</li> </ul>

Table 15: Summary of key compliance assessment process tasks

	Participants	Secretariat	Compliance Committee
		The Committee, through resolution C-22-02 must give a status of compliance of each IATTC Member.	<p>year regarding compliance with the CPCs; and</p> <ul style="list-style-type: none"> <li>• provides recommendations for improvements in the presentation of information to facilitate the work of the Committee.</li> <li>• Assign a qualification of the compliance performance of each CPC.</li> </ul>
ICCAT	<p>CPCs must complete an Annual Report that requires responses to a range of reporting obligations and commentary on the implementation of several obligations.</p> <p>CPCs must review their Draft Summary Compliance Table and any supplementary tables prepared by the Secretariat in consultation with the Chair of the Conservation and Management Measures Compliance Committee. CPCs must provide a written response to the information contained in their tables including written explanations of inaccuracies and additional information.</p>	<p>The Secretariat, in consultation with the Chair, and using the Annual Reports submitted by CPCs, prepares Draft Summary Compliance Tables for each CPC that provide a comprehensive inventory of compliance information. Some supplementary documentation may also be prepared as required.</p> <p>The Secretariat must circulate these tables to participants and are responsible for revising them following input by CPCs.</p> <p>The Chair, in consultation with the Friends of the Chair, will identify and propose priority participants or cases, as well as broader issues or meeting, as needed or as appropriate.</p>	<p>The Conservation and Management Measures Compliance Committee considers the priority issues identified by the Chair, with a focus on more serious issues.</p> <p>CPCs may provide additional information concerning their compliance during this discussion.</p> <p>The Chair and Secretariat prepare a draft Summary Compliance Tables, any supplementary tables, and the Chair’s proposed compliance status and actions to address non-compliance (with documented rationale). These actions are developed by the Chair in consultation with the Friends of the Chair. These actions may be based on guidance</p>

Table 15: Summary of key compliance assessment process tasks

	Participants	Secretariat	Compliance Committee
		<p>The Secretariat prepares a <i>Secretariat's Report to the ICCAT Conservation and Management Compliance Committee</i> that provides an overview of compliance issues that require review by the Committee. The report refers to several other papers prepared by the Secretariat on the implementation of, and compliance with, relevant obligations.</p> <p>Additional information is made available through the Secretariat's Report on Research and Statistics.</p> <p>The Secretariat prepares a range of other documents to support the Compliance Committee and assessment of compliance including a list of Potential Non-compliance (PNC) events and responses and a compilation of responses to letters on compliance issues detected the previous year.</p>	<p>provided in several recommendations and resolutions.</p> <p>The Committee agrees to a Compliance Annex for the Commission's consideration and appropriate action.</p> <p>The Conservation and Management Measures Compliance Committee also considers progress against the <i>Strategic Plan for Review of Compliance Priorities</i>.</p>
IOTC	<p>CPCs must prepare a Report of Implementation that:</p> <ul style="list-style-type: none"> <li>describes the actions taken, under national legislation, in the previous year to implement conservation and management</li> </ul>	<p>The Secretariat develops assessment criteria that is considered and approved by the WPICMM</p> <p>The Secretariat updates and circulates a Compliance Report template and a Compliance</p>	<p>The completed Compliance Questionnaires and Reports of Implementation are provided to the Compliance Committee.</p> <p>The Compliance Committee considers the individual Compliance Reports and assesses the</p>

Table 15: Summary of key compliance assessment process tasks

	Participants	Secretariat	Compliance Committee
	<p>measures adopted in the previous year (including the imposition of adequate penalties for violations);</p> <ul style="list-style-type: none"> <li>● describes the actions taken, under national legislation, to implement conservation and management measures adopted by the Commission in the previous year; and</li> <li>● includes data and information reporting requirements.</li> </ul> <p>CPCs must also complete a Compliance Questionnaire provided by the Secretariat.</p> <p>No compliance statuses are assigned by CPCs.</p>	<p>Questionnaire that includes all the obligations to be assessed.</p> <p>Based on the responses provided in the Compliance Questionnaire, the Reports of Implementation and information in National Scientific Reports, the Secretariat prepares a Compliance Report for each CPC. The Secretariat assigns a draft compliance status for each obligation for each CPC.</p> <p>The Secretariat prepares a <i>Summary Report on the Level of Compliance</i> that summarizes the level of compliance with some of the more important CMMs.</p> <p>The information is presented by CPC and by CMM. The paper provides the rates of compliance for each CPC and relevant obligations and provides commentary on compliance trends and progress.</p> <p>The Secretariat also prepares an <i>Implementation of Recommendations Relevant to the Compliance Committee</i> paper that provides the basis for the Compliance Committee to consider the progress made during the intersessional period, in relation to</p>	<p>level of compliance. This assessment also takes into consideration various other papers prepared by the Secretariat including:</p> <ul style="list-style-type: none"> <li>● Response to Feedback Letters;</li> <li>● Report on establishing a Programme for Transshipment by Large-Scale Fishing Vessels;</li> <li>● Implementation of reporting obligations of nominal catch data;</li> <li>● Summary report on possible infractions observed under the regional observer programme; and</li> <li>● Summary of compliance with the drifting fish aggregating devices management plans.</li> </ul> <p>The Compliance Committee makes recommendations in relation to implementation and compliance issues and provides an opinion on the compliance status of each CPC.</p>

Table 15: Summary of key compliance assessment process tasks

	Participants	Secretariat	Compliance Committee
		<p>the recommendations for actions by CPCs, the Chair of the Compliance Committee and/or the IOTC Secretariat.</p> <p>The Secretariat also prepares a <i>Summary Report on Compliance Support Activities</i> that provides a summary of the activities undertaken by the IOTC Secretariat in support of the implementation of CMMs.</p>	
WCPFC	<p>CCMs are required to complete an Annual Report Part 2 that includes details on actions taken to address non-compliance identified in the final Compliance Monitoring Report (CMR) from previous years.</p> <p>CCMs are also required to complete an Annual Report Part 1, covering the previous years' activities.</p> <p>Each CCM must consider the dCMR prepared by the Secretariat to:</p> <ul style="list-style-type: none"> <li>● provide additional information, clarifications, amendments or corrections to information contained in its dCMR;</li> <li>● identify any difficulties with respect to implementation of any obligations; or</li> </ul>	<p>The Secretariat prepares individual draft CMRs (dCMRs) for each CCM. The Secretariat identifies whether there is a “potential issue” (no issues detected, additional information needed, or potential compliance issue).</p> <p>The Secretariat prepares and circulates a Draft Compliance Report that consists of individual draft CMRs (dCMRs) concerning each CCM. The scope of the dCMR is based on the list of obligations that the Commission has adopted (CMM 2019-06 paragraph 6) and is to reflect the relevant CCMs implementation of obligations as well as potential compliance issues where appropriate.</p>	<p>The TCC considers the full Draft Report and identify any potential compliance issues for each CCM, based on information contained in the dCMRs, as well as any information provided by CCMs.</p> <p>TCC considers the <i>CMR Review process</i> paper prepared by the TCC Chair and decides on the process to develop the Provisional Report.</p> <p>TCC develops a Provisional Report that includes:</p> <ul style="list-style-type: none"> <li>● a compliance status with respect to all applicable individual obligations; and</li> <li>● recommendations for any corrective action(s) needed by the CCM or action(s) to be taken by the Commission.</li> </ul>

Table 15: Summary of key compliance assessment process tasks

	Participants	Secretariat	Compliance Committee
	<ul style="list-style-type: none"> <li>● identify technical assistance or capacity building needed to assist the CCM with implementation of any obligations.</li> </ul> <p>No compliance statuses are assigned by CCMs.</p> <p>When a Small Island Developing State (SIDS) a Participating Territory, Indonesia or the Philippines cannot meet a particular obligation that is being assessed, due to a lack of capacity<sup>57</sup>, that CCM they can provide a Capacity Development Plan to the Secretariat with their draft Compliance Monitoring Report (dCMR) that:</p> <ul style="list-style-type: none"> <li>● clearly identifies and explains what is preventing that CCM from meeting that obligation;</li> <li>● identifies the capacity assistance needed to allow that CCM to meet that obligation;</li> <li>● estimates the costs and/or technical resources associated with such assistance, including, if possible, funding and technical assistance sources where necessary; and</li> </ul>	<p>Information sources from the dCMRs includes the Annual Report Part 1 and the Annual Report Part 2, as well as information available to the Commission through data collection programmes, including observer programme data, inspections reports, VMS etc.</p> <p>The dCMR presents all available information relating to each CCM’s implementation of obligations for compliance review by TCC.</p> <p>The Secretariat also provides a summary from the online compliance case file system to each relevant flag CCM that includes:</p> <ul style="list-style-type: none"> <li>● the infringement identification relating to alleged violations by its flagged vessels for the previous year; and</li> <li>● aggregated information across all fleets based on the information reported by CCMs for the previous 5 years.</li> </ul> <p>The TCC Chair, with support of the Secretariat, prepares a <i>CMR Review process</i> paper that</p>	<p>TCC may assign the following compliance statuses: Compliant, Non-Compliant, Priority Non-Compliant, Capacity Assistance Needed, or CMM Review.</p> <p>TCC also considers the aggregated information from the case file system.</p> <p>TCC considers the information and identified challenges and makes recommendations for these challenges to be addressed.</p> <p>TCC finalizes the Provisional Report and forwards to it to the Commission for consideration.</p> <p>The Commission adopts a final CMR that includes instances of non-compliance by CCM and notes if the non-compliance has been reported in the previous year. The final CMR is published each year as an Attachment to the Summary Report of the WCPFC Regular Annual Session.</p>

<sup>57</sup> Any CCM may identify a capacity assistance need through the CMS process; however, the applications in relation to paragraphs 14 - 16 of CMM 2019-06 are limited to those CCMs identified in the paragraph (SIDS, Participating Territory, Indonesia, or the Philippines).



Table 15: Summary of key compliance assessment process tasks

	Participants	Secretariat	Compliance Committee
	<ul style="list-style-type: none"> <li>sets out an anticipated timeframe in which, if the identified assistance needs are provided, that CCM will be able to meet that obligation.</li> </ul>	<p>provides guidance and suggestions to TCC on how the CMS process will proceed.</p> <p>The Secretariat prepares several annually required reports and information papers for TCC that overview the WCPFC MCS and Compliance program and include summaries of relevant data and information reported by CCMs annually, including the <i>Annual Report Part 2</i>.</p>	

*Collation, review, verification and analysis of data and information*

Building on the data and information provided by participants in their reports, the Secretariats undertake additional work to review, follow up, collate and verify data and information and to identify implementation and compliance issues. This is a critical step in the compliance assessment processes but again, there are differences in how this is done. These differences arise for several reasons but is largely impacted by the availability and quality of data and information, the capacity, mandate, and time available to the Secretariats for additional reconciliation, verification, and analysis. All Secretariats, however, do undertake verification and analysis of participants' implementation of and compliance with obligations. All the tuna RFMOs use the reports submitted by participants and draw on a range of data sources to inform their compliance assessment processes (Table 17). This source data may be stored in structured databases or in other forms such as spreadsheets and scanned documents.

Table 17: Data (raw or aggregated) sources used for compliance assessment

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Records of authorized fishing vessels	✓ <sup>58</sup>	✓	✓	✓	✓
Records of authorized carrier vessels	✓	✓	✓	✓	
Records of authorized fishing farms	✓				
Catch and effort data	✓	✓	✓	✓	✓
Fisheries observer data and/or reports	✓	✓		✓	✓
Port inspection reports	✓	✓	✓	✓	✓
VMS data and/or reports		✓	✓	✓	✓
Surveillance reports					✓
CDS/catch certification/trade data schemes	✓		✓	✓	
Transshipment reports	✓	✓	✓	✓	✓
High seas boarding and inspection reports			✓		✓

While a range of data and information is available to undertake an assessment of compliance, given the nature of the processes and in some instances, the limitations placed on the Secretariats, there is little scope to undertake robust analysis. The reconciliation and analysis of data would provide better information on which to assess compliance and potentially identify compliance issues of a more serious nature.

<sup>58</sup> CCSBT is the only tuna RFMO that also maintains a record of active vessels.

### *Presentation of data and information*

The reports prepared by the Secretariats are provided to participants for review and the provision of additional information. The next key step is the preparation of Secretariat papers that provide key summaries of compliance data and information and highlight specific areas of concern (Table 18). These papers provide important guidance to the chairs and the Compliance Committees and provide the basis for the main discussions at the Compliance Committee meetings.

Table 18: Secretariat papers prepared in respect of compliance assessment/implementation of obligations for the Compliance Committee meetings

	Secretariat paper/s (≈ pages)
CCSBT	Compliance with CCSBT Management Measures (≈24 pages) Annual Report on Members' implementation of ERS measures and performance with respect to ERS (≈11 pages) Operation of CCSBT Measures (≈8 pages)
IATTC	Report on Compliance with IATTC Resolutions (≈28 pages) Compendium of Possible non-compliance Cases of IATTC Resolutions (≈70 pages)
ICCAT	Secretariat's Report to the ICCAT Conservation and Management Compliance Committee (≈20 pages) Summary Compliance Tables (≈60 pages) Compliance Annex (to determine compliance with quotas (≈24 pages) Other summary and compilation documents are also prepared by the Secretariat on specific aspects as required.
IOTC	Summary Report on the Level of Compliance (≈15 pages) which includes the IOTC Compliance Score Board Summary Report on Compliance Support Activities (≈15 pages)
WCPFC	Draft Compliance Report is prepared and delivered through an online reporting system (for ease of reference an export from the online reporting system is produced as an Excel document ≈3200 lines) Various summary reports of data and annual reporting submissions that are submitted as TCC information papers by the Secretariat (≈2 - 33 pages each)

The structure and content of the Secretariat papers varies but some useful features have been identified:

- The IOTC Report on the Level of Compliance paper provides succinct summaries of data and information relating to the implementation of measures and a range of Secretariat actions (Figure 2). The paper provides useful visual representations of compliance rates and trends over time (Figure 3), the comparison of compliance rates across similar obligations (Figure 4),

IOTC trends in compliance levels with the different fisheries management tools (Figure 5) and the Compliance Scoreboard (Figure 6).

- The WCPFC paper differs in that it is used to develop a Final Compliance Monitoring Report (≈40 pages) that presents a Final CMR Matrix that provides a detailed annual overview of compliance status for each CCM against obligations (Figure 7).
- The CCSBT and ICCAT papers also provide useful aggregate tables of compliance by participants against obligations (Figure 8 and Figure 9).
- While not developed for the annual CMS, WCPFC has developed a spider graph to visually describe CMR outcomes over time (Figure 10).

Figure 2: IOTC summary level of compliance with obligations with reporting requirements

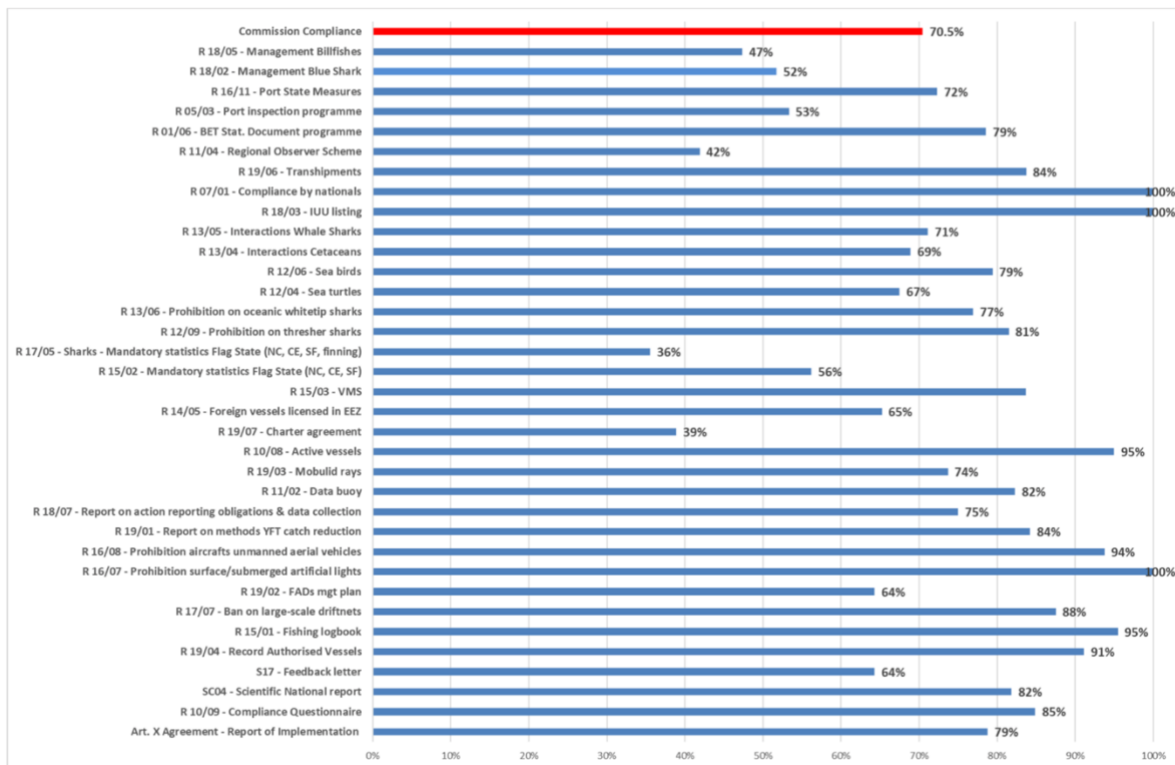


Figure 3: IOTC example graph demonstrating trends in compliance

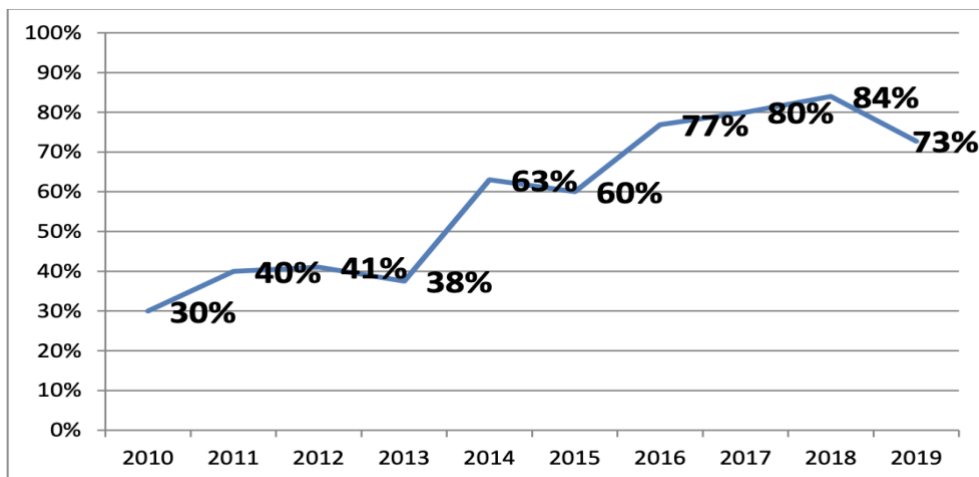


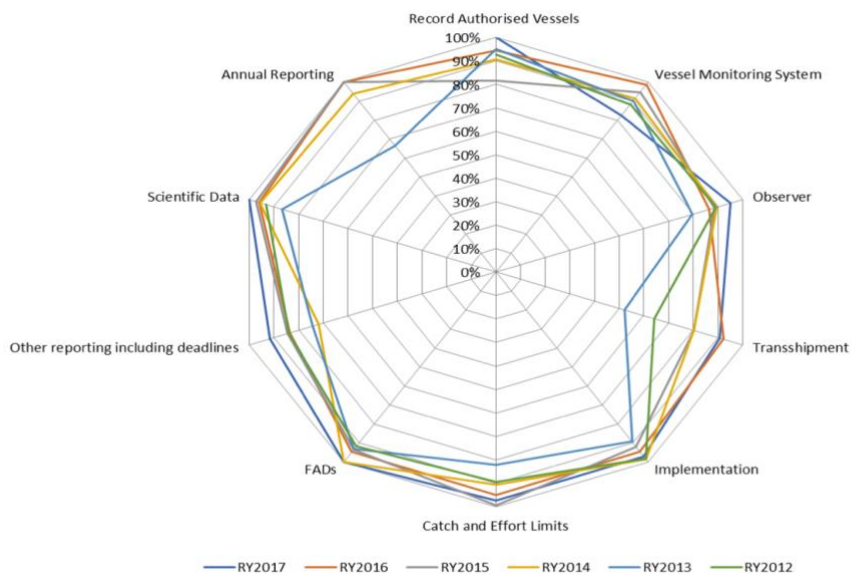




Figure 9: ICCAT example compliance summary table (snapshot)

CPC	Potential issues of non-compliance 2018	Response / explanation by CPC	Actions taken in 2018	Potential issues of non-compliance 2019	Response / explanation by CPC	Actions taken in 2019
	<b>Annual Reports/ Statistics:</b> Part 1 of Annual Report received late and Part II slightly late. Statistical data reported late; no national scientific observer programme data received (ST09).	Late reporting due to reporting of historical data; were trying to report all outstanding data and information and submit complete report. Only one purse seiner fishing for ICCAT species, so no national observer programme yet in place, although ROP is deployed.	Letter on reporting issues and implementation of domestic scientific observer requirements, while noting improvement in reporting.	<b>Annual Reports/ Statistics:</b> Statistical data received late.		
	<b>Conservation and Management Measures: Rec. 16-14:</b> Not yet implemented, but actions currently being taken to implement in 2019. <b>Rec. 16-13:</b> No legally binding measures taken to implement shark requirements.	[Domestic] legislation has transposed the EU regulation. Have difficulties providing data on species for which there is no catch or no authorization. More species have been added to the legislation. [CPC] will send English version of [domestic] legislation to show that all ICCAT Recommendations are applied.		<b>Conservation and Management Measures:</b> Turtle handling guidelines submitted [in original language] but unclear if implementation of paragraphs 1 and 2 of turtle measures is complete i.e., legally binding.		

Figure 10: WCPFC summary CMR outcomes over time



### Compliance responses

Following the consideration of annual reports and other data and information, the Compliance Committees may make a range of recommendations to address implementation and compliance issues. This is a critical aspect of the compliance assessment processes and there are a range of responses to non-compliance available to the Compliance Committees including the application of a compliance status, documentation of the non-compliance, corrective actions recommended and sanctions or penalties imposed including trade restrictive measures (Table 19).

Table 19: Compliance responses available to the tuna RFMOs

Responses available	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Defined compliance statuses applied		✓		✓ <sup>59</sup>	✓
A description of non-compliance provided	✓	✓	✓	✓	✓
Compliance rate or ranking applied				✓	
Corrective actions recommended.	✓	✓	✓		
Letters provided and/or report required for actions taken to address non-compliance from previous years		✓ <sup>60</sup>	✓ <sup>61</sup>	✓ <sup>62</sup>	✓ <sup>63</sup>
Sanctions or penalties imposed including trade restrictive measures <sup>64</sup>	✓		✓	✓	
Capacity-building initiatives identified and applied	✓		✓	✓	✓

CCSBT and ICCAT have developed guidelines/policies to clarify the application of compliance responses. ICCAT have adopted *Resolution 16-17; Resolution by ICCAT Establishing an ICCAT Schedule of Actions to Improve Compliance and Cooperation with ICCAT Measures*. The Resolution guides the determination of the severity of non-compliance and required or potential actions to address non-compliance. The Resolution seeks to provide a way to address non-compliance in a consistent, fair, and transparent way while remaining flexible to address the unique circumstances of participants. In 2021, ICCAT worked towards fully implementing Resolution 16-17, however progress remains slow.

CCSBT has adopted a *Corrective Actions Policy* that sets out a framework to respond to evidence of non-compliance by a Member. The policy is used to determine the corrective action to be recommended

<sup>59</sup> Only assigned by the Secretariat to individual compliance reports and not reflected in the outcomes of the Compliance Committee. Compliance statuses are Compliant, Non-compliant, Not Applicable, Partially Compliant or Late.

<sup>60</sup> Letter from the Chair of the Commission

<sup>61</sup> Letters of concern

<sup>62</sup> Feedback letters

<sup>63</sup> WCPFC requires each CCM include in Annual Report Part 2 a report on actions taken to address non-compliance identified in the CMR from previous years. The Secretariat prepares the template for this report, and as it is hosted as part of the online reporting system the template links to the full compliance monitoring report from the past year.

<sup>64</sup> These approaches have generally not been fully implemented.



where there is evidence of catch more than a Member's annual catch limit or other instances of non-compliance.

In 2018, WCPFC committed to a multi-year workplan to strengthen the CMS including the development of corrective actions to encourage and incentivize compliance with obligations, and this work led by the CMS-IWG is continuing in 2020 to 2023. WCPFC does have specific responses identified in their CMS CMM, but only as they relate to compliance statuses. There are also specific responses identified in certain CMMs, e.g., if purse seine effort limits, bigeye longline catch limits or if Pacific bluefin catch limits are exceeded but these are not in place for all measures.

#### *Follow up actions*

The compliance assessment processes are generally lacking effective mechanisms to follow-up on the corrective actions that are applied. The processes have been developed in a way that focuses on the processes that lead to the compliance assessment, not those that follow up on post-compliance assessment. This makes it challenging to determine the benefit of compliance assessment and to determine if the processes are having an impact in improving implementation and compliance.

#### Capacity development

Technical assistance and capacity development are important compliance responses, particularly given the dominance of developing participants. In the tuna RFMOs it is broadly recognized that there are different capacities among RFMO participants and there is a need to ensure that capacity development needs are addressed. IOTC implements comprehensive technical assistance and capacity development initiatives that seek to strengthen the implementation of active IOTC CMMs, thus increasing the level of compliance; and provide technical support to the developing States. The technical assistance and capacity development initiatives include training manuals, implementation sheets, Compliance Support Missions, regional workshops, the review fisheries law and regulations of CPCs, PSM legal assistance and training.

WCPFC's CMS CMM specifically articulates that one of its purposes is to identify areas in which technical assistance or capacity building may be needed to assist CCMs to comply with their obligations. The CMM makes special provisions for Small Island Developing States (SIDS), PTs, the Philippines or Indonesia when they cannot meet a particular obligation due to a lack of capacity. These CCMs must provide a Capacity Development Plan that:

- clearly identifies and explains what is preventing that CCM from meeting that obligation;
- identifies the capacity assistance needed to allow that CCM to meet that obligation;
- estimates the costs and/or technical resources associated with such assistance, including, if possible, funding and technical assistance sources where necessary; and
- sets out an anticipated timeframe in which, if the identified assistance needs are provided, that CCM will be able to meet that obligation.

The TCC considers the Capacity Development Plan and assesses its completeness and then confirms a compliance status for that CCM as *Capacity Assistance Needed*.

While previous non-compliance may be considered at the Compliance Committee meetings the tuna RFMOs have not adopted, systematic or strategic mechanisms to follow up on compliance responses or the actions taken by participants to address non-compliance. There is therefore no mechanism to monitor the incremental progress of participants in meeting their obligations, beyond a compliant or

non-compliant assessment. WCPFC does however, require the inclusion of actions taken to address non-compliance identified in the CMS from previous years. There is an annual reporting requirement, as part of Annual Report Part 2, for relevant CCMs to provide a report on progress to follow up on capacity building initiatives or to assess if they have had an impact on implementation and compliance.

### Review, Strategy and Enhancement

The compliance assessment processes of the tuna RFMOs have all evolved since their adoption over a decade ago. Several processes contribute to their strengthening including formal reviews and the development of compliance strategies. Other enhancements, particularly the electronic management of data and information and the prioritization of obligations to be assessed, are also key to ensuring the compliance assessment processes are effective.

#### *Review*

Both IOTC and WCPFC have formally reviewed their compliance assessment processes. In 2018 following a decision of the Commission, an Independent Panel reviewed the WCPFC CMS and:

- assessed the processes and procedures used in the CMS process to evaluate the effectiveness of the CMS in meeting the purpose of the CMS and the Convention; and
- provided clear recommendations on how best to implement the CMS.

A report was prepared by the Independent Panel: *Review of the Compliance Monitoring Scheme by an Independent Panel* and provided to the TCC and Commission for consideration. In response to the report, WCPFC established an Intersessional Working Group (CMS-IWG) to facilitate consideration of the report from the Independent Panel and to develop a revised CMM. The CMS-IWG was also tasked with:

- developing a multi-year workplan of tasks to enhance the CMS, with the aim of making it more efficient and effective by streamlining processes (CMM 2018-07 paragraph 45); and
- progressing the streamlining of annual reporting and audit point development.

In 2019, the IOTC WPICMM reviewed the IOTC compliance assessment process to advance the workplan of the WPICMM including to:

- review the reporting requirements contained within CMMs to harmonize and streamline;
- develop a methodology for the assessment of implementation by CPCs for producing the Country Compliance reports provided annually to the Compliance Committee and flag States;
- develop of minimum regional standards for implementation of CMMs; and
- establish a baseline for IUU fishing activities based on international recommendations.

A report, *Strengthening the IOTC Compliance Assessment Methodology*, was prepared and was presented to the WPICMM and the Compliance Committee for consideration and development of next steps.

#### *Strategy*

The development of compliance plans or strategies can be useful to identify priorities, clarify core capabilities, identify, and address weaknesses and mitigate risks. Compliance strategies can establish the foundations against which a tuna RFMO can define, monitor, and evaluate their success and this can support the strengthening of compliance assessment processes. CCSBT and ICCAT have developed

compliance strategies that provide guidance on compliance assessment priorities and seek to improve the level of compliance with obligations.

CCSBT has adopted a *CCSBT Compliance Plan* that supports its Strategic Plan. It was originally adopted in 2011 and most recently revised in 2019. The *CCSBT Compliance Plan* provides a framework for CCSBT, Members and CNMs to improve compliance, and over time, achieve full compliance with CCSBT obligations. The *CCSBT Compliance Plan* includes a 5-year Action Plan that addresses priority compliance risks. The Action Plan is reviewed and confirmed or updated annually to ensure it remains relevant. Importantly, the *CCSBT Compliance Plan* mandates the Secretariat to progress work including the review of obligations.

ICCAT has adopted a *Strategic Plan for Review of Compliance Priorities* in 2019 to:

- priorities conservation measures for more in-depth review in certain years to improve the effectiveness and efficiency of the Compliance Committee, recognizing the limited time available for Compliance Committee sessions; and
- identify any general issues of compliance and propose solutions for improving compliance with the respective measures.

#### *Enhancement*

##### *Electronic management of data and information*

The compliance assessment processes use a range of data and information and produce a considerable amount of information and documentation. It is widely recognized that the compliance assessment processes are cumbersome and that there is a need to provide electronic platforms for the submission and review of data and information. There is also a broad need to better manage data and information that contributes to the processes and to streamline, integrate and automate data management systems. All the tuna RFMOs are working to improve data management systems. Several are undertaking work specific to support the compliance assessment processes.

In 2012, WCPFC commenced the development of an online reporting system to support the CMS. Since its initial implementation, the system has been refined and updated to respond to identified needs and challenges. The online reporting system facilitates the submission of reporting requirements and the work of TCC. In 2020, the online reporting system was further enhanced including the development of an online support tool. WCPFC has also developed an online Compliance Case File System (CCFS) that is used to document alleged violations and the progress of flag State investigations. The development of these platforms has occurred in parallel with a stepwise approach to develop integrated databases. This work has greatly enhanced the Secretariat's analytical and reporting capabilities and automated a range of tasks. The CCFS was reviewed in 2020 and several enhancements were recommended. These were fully delivered to members in early 2022. This is another example of where WCPFC has been proactive in reviewing and enhancing their systems and processes. The CCFS is a particularly useful tool that provides a mechanism for the structured and centralized recording of correspondence related to alleged infringements. This information is then available to the Secretariat to inform the CMS. The compliance assessment processes are not just about identifying non-compliance but examining participants' responses to non-compliance, and the information captured by the CCFS is helpful to this process.

In 2017, ICCAT established an Online Reporting Technology Working Group to work with the Secretariat to develop an online reporting system for the submission of a range of data and information and to

automate compliance assessment processes. The new system was trialed in 2022 and the system to support the submission of annual reports is almost complete.

IOTC is developing online reporting and information management system, e-MARIS, that will facilitate the provision of data and information used in the compliance assessment.

### *Prioritization*

All the tuna RFMOs have identified the need to prioritize and clarify the requirements of the obligations assessed and some have taken steps to respond to these needs. WCPFC completed a comprehensive review of reporting requirements in 2019 and is developing a risk-based framework that will inform the development of the list of obligations for compliance assessments and ensure obligations are meeting the objectives of the Commission. WCPFC is continuing significant work to clarify specific obligations with their work to develop audit points.

The CCSBT and ICCAT compliance strategies provide guidance on the prioritization of obligations to be assessed in any given year. The extent to which these strategies achieve prioritization however appears to have been limited. CCSBT has gone a considerable way to clarify the obligations to be assessed through the development of the minimum performance requirements to meet *CCSBT Obligations Compliance Policy Guidelines*.

### *Cooperation*

The tuna RFMOs have adopted a range of data sharing agreements, Memorandums of Cooperation (MOC) and Memorandums of Understanding (MOU). These have been established between the tuna RFMOs, with other RFMOs and a range of other organizations and reflect shared geographical or species-related interests. It is recognized that effective data sharing, cooperation and harmonization of obligations will improve the overall performance of RFMOs. This will in turn have a positive impact on compliance assessment. While several data sharing agreements, MOC and MOU are in place between the tuna RFMOs (Table 20), the implementation of these have been limited.

Table 20: Data sharing agreements, MOC and MOU between the tuna RFMOs  
(green = yes/orange = no)

	CCSBT	IATTC	ICCAT	IOTC	WCPFC
CCSBT					
IATTC					
ICCAT					
IOTC					
WCPFC					

A few of these arrangements are worth noting. The convention areas of IATTC and WCPFC overlap in the Eastern Pacific Ocean (EPO). In 2009, IATTC and WCPFC signed an MOU to establish and maintain consultation, cooperation and collaboration in respect of matters of common interest. The MOU details several areas of cooperation including in the exchange of data and information, collaboration on

research efforts and on management and conservation approaches. The MOU proposes a consultative process between the Secretariats to enhance cooperation. Also in 2009, IATTC and WCPFC signed an MOC specifically on the exchange and release of data and in 2011, signed an MOC for the cross-endorsement of observers.

Data sharing and cooperation arrangements are particularly important to CCSBT as the Convention applies to the entire geographic distribution of only one species of tuna, SBT. This distribution overlaps with the convention areas of ICCAT, IOTC and WCPFC. CCSBT has adopted a Resolution to align CCSBT’s Ecologically Related Species (ERS) measures with those of other tuna RFMOs including IOTC, ICCAT and WCPFC. This Resolution recognizes the need for cooperation between RFMOs and seeks to ensure the adequate protection of ERS. In 2017, CCSBT and WCPFC signed an MOC on the endorsement of WCPFC Regional Observer Programme for observing transshipments of SBT on the high seas of the WCPFC Convention Area. As of 2021, this MOC has yet to be implemented. There appears to be scope to review and strengthen a range of these arrangements and to develop processes to ensure they are effectively implemented, monitored and evaluated.

#### Obligations assessed

This section provides a comparative review of the current obligations that are assessed in the tuna RFMOs. To achieve the objectives of their Conventions or Agreement, and in accordance with the requirements of their Conventions or Agreement, tuna RFMOs adopt a range of obligations. Depending on the tuna RFMO these obligations may be called CMMs, Recommendations, Resolutions, or Decisions. CMM can also be used to describe a specific obligation contained in a Resolution or Recommendation. In the case of CCSBT, Decisions of the Extended Commission as documented in meeting reports, are obligations that may be assessed. For this document, the general term, obligation is used to describe CMMs, Resolutions, Recommendations, and Decisions. The tuna RFMOs have adopted a range of obligations to support their objectives and these have been developed to respond to the specific priorities and needs of the tuna RFMOs. Together, the obligations form a comprehensive fisheries management framework. Each obligation includes several provisions, audit points or minimum performance requirements and these may span several of the broad categories or types of obligations (Table 21).

Table 21: Broad categories of obligation assessed

Type of obligation	Broad categories of obligations
Fisheries management and conservation measures – established to ensure the conservation and sustainable use of fisheries resources and to protect the marine environment:	<ul style="list-style-type: none"> <li>● Target species management, catch and effort limits and reporting for target species</li> <li>● Reporting in respect of non-target species including ERS and ecosystem impacts</li> <li>● By-catch mitigation and non-target species conservation measures</li> <li>● Spatial or temporal closures</li> <li>● Fish Aggregating Devices (FAD) management and restrictions</li> <li>● Other gear restrictions/requirements or prohibitions</li> <li>● Transshipment monitoring and control</li> </ul>

Type of obligation	Broad categories of obligations
	<ul style="list-style-type: none"> <li>● Farming</li> </ul>
MCS measures – data and information from MCS measures are used to assess compliance with the fisheries management regime. Compliance with the requirements of MCS measures is also assessed:	<ul style="list-style-type: none"> <li>● Vessel authorization and records of fishing vessels and the marking and identification of fishing vessels</li> <li>● Vessel chartering</li> <li>● Access agreements</li> <li>● Vessel sightings</li> <li>● Vessel Monitoring System (VMS)</li> <li>● Schemes of observation</li> <li>● Port State Measures (PSM) and other schemes of inspection</li> <li>● Control of nationals</li> <li>● Catch Documentation Scheme (CDS)/catch certification</li> <li>● Other trade or market related measures</li> <li>● IUU Vessel Lists and IUU measures</li> </ul>
Other	<ul style="list-style-type: none"> <li>● Finances<sup>65</sup></li> <li>● Compliance assessment<sup>66</sup></li> </ul>

It is important to note that not all obligations adopted by the tuna RFMOs are assessed within the framework of the compliance assessment processes. Several obligations are assessed annually by the Compliance Committees separate from the compliance assessment processes. Table 22 provides a comparison of those broad categories of obligations that were recently assessed through the compliance assessment processes. Where a broad category of obligations is not included in the compliance assessment processes it is usually because it is assessed through a different process at the Compliance Committee meeting or that no specific obligation has been adopted by the tuna RFMO.

Table 22: Comparison of obligations assessed or reviewed through the compliance assessment processes (2017 -2020)

Broad categories of obligations	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Target species conservation, management and reporting	✓	✓	✓	✓	✓
By-catch or non-target species mitigation, conservation and reporting including Ecologically Related Species (ERS) and ecosystem impacts	✓	✓	✓	✓	✓
Spatial or temporal closures		✓	✓		

<sup>65</sup> All the tuna RFMOs have established subsidiary bodies that have a mandate to consider and make recommendations in relation to finance and administration. IATTC is the only tuna RFMO that has financial contribution matters considered by the Compliance Committee.

<sup>66</sup> These measures provide the framework or guidance on the compliance assessment processes and are not assessed themselves.

Broad categories of obligations	CCSBT	IATTC	ICCAT	IOTC	WCPFC
Fish Aggregating Devices (FAD) management and restrictions		✓	✓	✓	✓
Other gear restrictions/requirements or prohibitions	✓	✓	✓	✓	
Marine pollution		✓			
Transshipment monitoring and control	✓	✓	✓	✓	✓
Farming	✓		✓		
Vessel authorization and records of fishing vessels and the marking and identification of fishing vessels	✓	✓	✓	✓	✓
Vessel chartering		✓	✓	✓	✓
Access agreements			✓	✓	
Vessel sightings		✓	✓	✓	
Vessel Monitoring System (VMS)	✓	✓	✓	✓	✓
Schemes of observation	✓	✓	✓	✓	✓
Port State Measures (PSM) and other schemes of inspection	✓	✓	✓	✓	
Control of nationals			✓	✓	
Catch Documentation Scheme (CDS)/catch certification	✓	✓	✓	✓	
Trade or market related measures	✓		✓	✓	
IUU Vessel Lists and IUU measures	✓	✓	✓	✓	
Finances <sup>67</sup>		✓			

<sup>67</sup> All the tuna RFMOs have established subsidiary bodies that have a mandate to consider and make recommendations in relation to finance and administration. IATTC is the only tuna RFMO that has financial contribution matters considered by the Compliance Committee.

The obligations adopted by RFMOs can lack clarity and consistency with other obligations, may be duplicative, have inadequate reporting mechanisms or cannot be effectively implemented. This can make compliance assessment challenging. These obligations may be reviewed and revised as agreed in any given year. The process often commences during the plenary sessions of Compliance Committee meetings or Commission meetings. Much of the negotiation and refinement of obligations occurs on the margins of these meetings. None of the tuna RFMOs have developed a specific process by which participants review and revise obligations and this may contribute to their complex, often duplicative and contradictory nature. The Secretariats may be called on to support the process by which obligations are developed and reviewed but this is limited. CCSBT however, does mandate, through the *CCSBT Compliance Plan*, the Secretariat to review and recommend revisions to obligations as required.

### Compliance trends

Compliance assessment processes provide a framework to assess implementation and compliance in a structured and consistent way and may identify trends in compliance over time. Compliance assessment processes seek to improve the overall performance of an RFMO and support participants to better meet their obligations. While the processes may provide a way to identify trends in compliance over time it is challenging to develop a single methodology to do this. Several factors impact the ability to identify compliance trends over time including the:

- limited independent verification of data and information;
- limited ability to confirm if non-compliance, when it occurs, is identified;
- the evolving nature of the compliance assessment processes;
- the evolving and expanding nature of the obligations assessed;
- consensus decision-making may result in compliance issues and statuses not being agreed or applied;
- the lack of compliance statuses being applied for each participant against each obligations assessed;
- the complexity, lack of clarity, different interpretation or unimplementable obligations;
- the way implementation and compliance data and information is recorded and managed; and
- limited ability to identify the nature and severity of non-compliance.

However, in examining available data and information it does appear that implementation and compliance is improving over time. Several factors appear to influence this improvement including:

- increased awareness around the compliance assessment processes and the expectations in relation to them;
- improvements in the operation of the compliance assessment processes;
- improved quality of data and information; and
- improved national capacity.

Despite the limitations in undertaking a standard analysis of compliance data, several compliance trends have been identified.

- All the tuna RFMOs have issues across their participants with a range of reporting requirements including:
  - the submission of poor-quality, incomplete, or inaccurate data and information; and
  - non-submission or late submission of required data, information, and reports.



- When examined in isolation, many issues identified can be considered of a minor technical or administrative nature. However, when taken in their totality, these minor technical or administrative issues become more serious and start having an impact on fishery management arrangements. They also have significant impacts on the workloads of the Secretariats.
- That non-compliance identified is dependent on available data and information sources, so if there are poor or no data and information sources then less or no, non-compliance will be identified. This can create inequities in compliance assessment.
- Persistent minor, technical or administrative non-compliance is easier to identify than serious non-compliance and may be indicative of more serious non-compliance that is simply not identified.
- There appears to be very few cases of significant non-compliance, much less than would be expected from the operation framework of the tuna RFMOs. The persistent minor non-compliance and the nature of the operating environment would suggest that there are more instances of serious non-compliance that are not being identified.
- Several developed flag States, all that have a long history of engagement with tuna RFMOs, continue to have issues with submission of data and information. The requirements relating to this submission are often straightforward. This persistent non-compliance does not appear to be due to a lack of capacity or related to a lack of clarity with obligations. It appears that it may be due to lack of incentives to comply, a lack of political will or lack of coordination between national administrations.
- Several participants demonstrate a persistent unwillingness to comply with their obligations.
- Developing flag/coastal States broadly have issues with implementation and compliance with limited evidence that this is improving over time. The complex and detailed nature of the obligations and the compliance assessment processes are clearly very difficult for some participants and more needs to be done to address this.

There remain some fundamental questions about whether the compliance assessment processes are effectively addressing the key issues and how participants, Secretariats and Compliance Committees can add value to the processes. The tuna RFMOs have a limited ability to identify the reasons why a particular participant may not implement or comply with obligations and to understand the drivers of non-compliance. Thus, it is difficult to ensure that compliance responses are appropriate. Several factors appear to influence compliance in the tuna RFMOs including:

- duplicative and inconsistent obligations;
- expanding and changing nature of obligations;
- limitations in the ability to translate tuna RFMO obligations into national law;
- obligations that cannot be implemented in practice, for example, observer requirements of vessels that cannot physically accommodate observers (IOTC);
- contradictory obligations, for example, requirements for the release of non-target species and requirements relating to the full utilization of retained catches of non-target species (IATTC).
- differing interpretations of ambiguous obligations;
- lack of political will or willingness to comply;
- lack of incentives to comply;
- challenges in national capacity including small, ever changing national administrations; and
- industry influence on participants.

## Summary

It has been over a decade since the compliance assessment processes were established in the tuna RFMOs and all have worked to strengthen, enhance, and streamline their processes. These processes have been supported by long standing compliance officers who have significant experience and expertise. This creates a strong foundation to understand and improve the compliance assessment processes and to ensure that they are fulfilling their purposes and supporting the tuna RFMOs in achieving their objectives.

The environment within which the compliance assessment processes have been developed and operate, is an extremely complex one. It is an environment characterized by political sensitivities, complex legal, institutional and operational interactions, geographic and cultural differences and of course, a complex marine environment where conservation, sustainability and management must be balanced.

The compliance assessment processes themselves are very complex. They are broadly characterized as requiring significant resources to undertake and manage. Since their implementation, all the compliance assessment processes have evolved significantly. Much of this evolution has occurred without clear strategic direction or a clear or shared sense of what is intended. Managing these processes in time constrained meetings is particularly challenging and this has a direct impact on compliance outcomes. All of this has been compounded by the COVID-19 Pandemic that has forced meetings to occur online. This has had a direct impact on the time available to consider matters and the level of engagement by participants.

A range of recommendations to strengthen, streamline and enhance the compliance assessment processes have been made in recent years.<sup>68</sup> IOTC and WCPFC both had independent reviews of their compliance assessment processes and a range of recommendations were developed through these reviews. IOTC has established the WPICMM and WCPFC has established the CMS-IWG to progress some of the recommendations of these reviews. CCSBT and ICCAT have both adopted compliance strategies/plans that provide some guidance to strengthen their compliance assessment processes and several priority work areas are identified through these strategies/plans.

The question remains, are the compliance assessment processes achieving what they set out to do? While the processes have improved and it appears implementation and compliance are improving, it is equally clear that there is significant scope for further improvement.

## Recommendations

There are several aspects of the compliance assessment processes that could be improved to ensure that they can effectively identify and address implementation and compliance issues. These recommendations are intended, in the first instance, to address the key pain points identified by this study. Additional recommendations have been made based on successful practices already employed by some of the tuna RFMOs.

The three key pain points identified cover the number and complexity of reporting obligations, annual reporting templates and the use of data and information:

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<sup>68</sup> Strengthening the IOTC Compliance Assessment Methodology, IOTC, 2019, Tuna RFMO Compliance Assessment Processes: A Comparative Analysis to Identify Best Practice, ISSF, 2020 and Review of the Commission's Compliance Monitoring Scheme, WCPFC, 2018.

- The number of obligations adopted by the tuna RFMOs is large. Not all tuna RFMOs assess all obligations through their compliance assessment processes, however, there is still a considerable number, and this creates a significant burden. The obligations can lack clarity, can contradict other obligations and may be open to differing interpretations. Obligations can have a range of reporting requirements and deadlines, many that are duplicative or are overlapping.
- The reporting templates require a significant amount of data and information. Several participants appear to have challenges in interpreting requirements and completing and submitting their reports as required. Except for WCPFC, the reports are submitted via email in unstructured formats (Word or PDF). The responses provided by participants varies and often does not provide enough information to assess implementation and compliance. Given the size, complexity and quality of information provided, their utility appears limited.
- The amount of data and information used by the compliance assessment processes and produced by them, is considerable. The effective and efficient management and presentation of data and information are large constraints and create significant burdens on the Secretariats, participants, and the Compliance Committees. Current work to improve data management systems and processes to develop or improve online platforms to support the compliance assessment processes must be prioritized and adequately resourced. There is a need for broad recognition that the resources within Secretariats to do this work is limited and additional resources need to be provided. The management of additional resources can create a burden on Secretariats and ways to mitigate this should be considered.

Fundamental improvements across these pain points would likely have a positive influence on the effective operation of the compliance assessment processes into the future. There is a priority need to improve the current state of obligations including:

- clarifying the requirements of obligations;
- rationalizing and streamlining reporting obligations;
- prioritizing obligations to be assessed;
- monitoring the status of obligations and developing a process for their review; and
- identifying and addressing data gaps that limit the effective assessment of compliance with priority obligations.

There is a need to develop a more defined process for the development, revision, and adoption of obligations to ensure that they are clear, consistent with other obligations, have adequate reporting mechanisms and can be effectively implemented. These processes may be developed to operate within governing and subsidiary bodies or in parallel to them. In either approach, the processes need to be provided with sufficient time and adequate resources to support their operation. The process would benefit from providing:

- clarity on the roles and responsibilities as they relate to the development and adoption of obligations;
- a clear role for Secretariats to support the review and development and monitoring of obligations;
- a template to guide the development of obligations;
- intersessional mechanisms for review and discussion;
- a mechanism for strategic and holistic review of obligations; and
- an electronic platform for the submission, consideration, revision and adoption of obligations.

The three pain points identified by this study are interrelated and need to be addressed holistically by:

- limiting the number of obligations assessed, potentially based on prioritization of obligations or by assessing different sets of obligations in different years;
- rationalizing and clarifying the data and information to be submitted by participants and ensuring this can be done electronically;
- modifying the compliance assessment process period to a biennial or triennial process;
- identify and addressing data gaps and data availability to strengthen the assessment of priority obligations;
- expanding the capacity and mandate of the Secretariats to develop more advanced and more automated data reconciliation, verification and analysis processes;
- prioritizing the development of electronic platforms for the submission, collation, review, analysis and presentation of data and information and compliance assessment outcomes.

These key elements would make the compliance assessment processes more targeted and efficient for participants and Secretariats as well as more focused on identified risk and priorities. These elements would also facilitate the better use of available data and information and support Secretariats in undertaking more advanced reconciliation, verification and analysis of data and information. Refining the compliance assessment processes in this way may potentially free up time to focus on streamlining and clarifying reporting obligations and identify emerging issues.

There are several measures that could be developed to enhance the compliance assessment processes such as improving transparency and strengthening compliance responses. However, there is a priority need to change how the compliance assessment processes are operated. The improvements recommended above, may provide the foundation for greater engagement by participants and improve confidence in the processes. This in turn may provide the foundation for the more effective implementation of compliance responses and broader support to improve transparency. This study also highlighted that several specific measures developed and implemented by the tuna RFMOs in recent years that may have wider application (Table 23).

Table 23: Specific recommendations to improve the tuna RFMO compliance assessment processes

Who	What	Recommendation
IOTC and WCPFC	<p>IOTC and WCPFC have articulated purposes for their compliance assessment processes. The purposes are clear and align with the overall objectives of the two tuna RFMOs. The purposes provide useful guidance on why the compliance assessment processes are undertaken.</p> <p>WCPFC has gone one step further in also articulating the principles for their compliance assessment process. WCPFC's principles are well</p>	<p>Building on the wording included in the mechanisms used to establish their Compliance Committees and compliance assessment processes CCSBT, IATTC and ICCAT could consider developing a clear and contextualized purpose for their processes.</p> <p>The purpose must include statements such as:</p> <ul style="list-style-type: none"> <li>● compliance assessment processes seek to identify and address</li> </ul>

Who	What	Recommendation
	<p>articulated and contextualized and provide important guidance in <i>how</i> the compliance assessment process is to be undertaken.</p>	<p>implementation and compliance issues;</p> <ul style="list-style-type: none"> <li>● support the tuna RFMO in meeting its objectives of conservation and sustainable management;</li> <li>● provide compliance trends over time;</li> <li>● support participants to better meet their obligations.</li> </ul> <p>CCSBT, IATTC, ICCAT and IOTC could consider developing clear and contextualized principles to guide how their compliance processes are to be undertaken. This could draw on the work of WCPFC and include the following principles:</p> <ul style="list-style-type: none"> <li>● Transparent</li> <li>● Legitimate</li> <li>● Fair</li> <li>● Consistent</li> <li>● Timely</li> <li>● Targeted</li> <li>● Efficient</li> <li>● Effective</li> <li>● Cooperative</li> </ul>
CCSBT	<p>CCSBT has adopted a framework to appoint an independent chair of the Compliance Committee.</p> <p>The Extended Commission appoints the Compliance Committee chair for a three-year term with the possibility of up to two reappointments. The Chair cannot be an officer or official of a CCSBT Member government and is expected to always act with independence, regardless of employment or nationality.</p> <p>There is recognition that the independent Chair manages the Compliance Committee meetings</p>	<p>There is a need to evaluate the role of the chairs and their influence on the operation of the Compliance Committees and compliance assessment processes. This will provide a basis to determine if the adoption of an independent chair approach would have value.</p> <p>It was reported that the nature of the chair can have a significant impact on compliance assessment processes and the role of the Secretariats. This study suggests that an independent chair would address some of these challenges.</p>

Who	What	Recommendation
	without influence, is better engaged with the Secretariat, has a broader understanding of the issues, provides continuity across multiple years, and has more time to dedicate to the role.	
CCSBT	CCSBT has developed a QAR process of independent review to assess whether Members have met minimum standards with respect to the implementation of a set of specified set of CCSBT obligations.	Other tuna RFMOs could consider utilizing QARs if appropriate to their own circumstances, e.g., targeted QARs on obligations and/or for participants.  Several of the principles and processes for the QARs including an extended timeframe for analysis, the use and presentation of data, provide useful guidance to strengthen the current compliance assessment processes.
CCSBT, ICCAT and WCPFC	<p>CCSBT and ICCAT have both adopted policies to guide compliance responses. These policies provide useful guidance for Compliance Committees on how to respond to instances of non-compliance. The policies provide important clarity for parties on the consequences to expect.</p> <p>In 2018, WCPFC committed to a multi-year workplan to strengthen the CMS including the development of corrective actions to encourage and incentivize compliance with obligations.</p> <p>In theory, these policies ensure that responses are consistent, fair, and transparent and can potentially save time at Compliance Committee meetings.</p>	IATTC and IOTC may benefit from the development of policies or guidelines to guide corrective actions in respect of non-compliance. WCPFC should maintain the momentum to progress the multi-year workplan to strengthen the CMS.
CCSBT and ICCAT	CCSBT and ICCAT have both adopted compliance strategies/plans. These strategies provide guidance on compliance priorities and seek to	IATTC, IOTC and WCPFC may benefit from the development of compliance strategies/ plans to guide their compliance regimes and to strengthen

Who	What	Recommendation
	<p>improve the level of compliance with obligations.</p> <p>In general, strategies can establish the foundations against which a tRFMO can create, monitor, and evaluate its success.</p>	<p>their compliance assessment processes.</p> <p>The strategies would benefit from reflecting the objectives of the tRFMOs and reinforcing the purpose and principles of the compliance assessment processes.</p>
WCPFC	<p>In 2018, WCPFC committed to a multi-year workplan to strengthen the CMS including a risk-based framework to inform the prioritization of obligations to be assessed.</p>	<p>The need to prioritize the obligations assessed is critical especially in situations where there are many obligations and many parties. However, there is a need to carefully consider if a risk-based approach is the best way to facilitate this. There is potential for a risk-based framework to create more challenges and a greater burden.</p> <p>There may be a need to evaluate risk-based approaches and how they may be best applied in a tRFMO framework. Other mechanisms to prioritize obligations to be assessed should also be considered or developed.</p>
WCPFC	<p>WCPFC has adopted provisions that limit verbal clarifications at the Compliance Committee meetings and limit the ability for a CCM to block consensus on a compliance issue that relates to them. These two principles seek to minimize the time taken to address issues and provide a fairer process at the Compliance Committee meetings.</p>	<p>CCSBT, IATTC, ICCAT and IOTC may wish to consider adopting similar principles.</p>
IOTC and WCPFC	<p>IOTC has significantly developed their capacity building initiatives including:</p> <ul style="list-style-type: none"> <li>● training manuals;</li> <li>● implementation sheets;</li> <li>● Compliance Support Missions;</li> <li>● Regional workshops;</li> </ul>	<p>Work is needed across the tuna RFMOs to develop strategic approaches to develop and implement technical assistance and capacity building initiatives.</p>

Who	What	Recommendation
	<ul style="list-style-type: none"> <li>● Review fisheries law/regulations of CPCs;</li> <li>● PSM legal assistance;</li> <li>● National PSM training course; and</li> <li>● Regional PSM training course.</li> </ul> <p>The implementation sheets are particularly useful in that they provide a user-friendly overview of the requirements of obligations.</p> <p>The comprehensive nature of their capacity building initiatives is also important.</p> <p>WCPFC annually approves a Strategic Investment Plan to target investment to address the priority capacity assistance needs as identified by developing States. This plan is updated annually considering capacity development needs identified in Annual Report Part 2 and the Compliance Monitoring Scheme. The WCPFC website also provides information on funding options, eligibility and application processes for CCMs to receive capacity assistance.</p>	
CCSBT, IOTC and WCPFC	CCSBT, IOTC and WCPFC have provided comprehensive information about their compliance regimes on their websites. IATTC and ICCAT also have a range of data and information available.	<p>Given the broad conversation about the need to improve transparency, improving the presentation of information about the compliance assessment processes on the tRFMO websites may be a simple step that could be taken in this regard.</p> <p>This would also provide an opportunity to consider what and how is made available in respect of the outcomes of the compliance assessment processes.</p>

The compliance assessment processes and the context that they operate in is complex and it appears that the documentation of these processes is limited. This creates a significant risk to the tuna RFMOs in the event the corporate knowledge held by the compliance officers and their staff is lost. There would



be some benefit in developing or further developing documentation<sup>69</sup> that summarizes each of the compliance assessment processes. These could be made available to participants and the wider public to provide a clear overview of how the processes work and guidance on the key reporting requirements and deadlines.

Work could also be undertaken to develop Standard Operating Procedures (SOPs) to provide uniform guidance in the operation and management of the compliance assessment processes. A clear purpose and principles for compliance assessment processes are important foundations for effective SOPs. SOPs provide step-by-step instructions to support the Secretariats and participants to carry out their work in relation to the compliance assessment processes. SOPs aim to achieve efficiency, quality outputs and uniform performance, while reducing miscommunication and failure to meet relevant obligations. SOPs would be subject to regular review and update to reflect any decisions by the tuna RFMOs or technological or operational changes. This would provide a useful mechanism to track changes over time.

#### COVID-19 Pandemic

The COVID-19 Pandemic has impacted the tuna RFMOs in several ways. One of the most significant has been the need to convene Compliance Committee meetings online. In some instances, this has had a positive impact with meeting papers being provided earlier than usual and discussions being facilitated in advance of meetings. However, it has also had a negative impact and there has been a reduction in robust discussion and less technical and operation personnel engaging in the meetings. For most of the tuna RFMOs, the time zone differences between the various participants has provided an additional challenge in the organization of Compliance Committee meetings and in some cases, has reduced the time available for meetings significantly.

Several MCS measures adopted by the tuna RFMOs were suspended during the COVID-19 Pandemic including the WCPFC Regional Observer Programme and the IOTC Regional Observer Programme. The suspension of the IOTC Regional Observer Programme impacted CCSBT that relies on IOTC transshipment reports provided by observers. The suspension of these programs has impacted the amount of data and information available to assess a range of compliance issues. This highlights the importance of understanding data sources so that they can be strengthened and data gaps can be quickly identified and filled when data becomes unavailable.

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<sup>69</sup> IOTC Implementation Sheets, WCPFC Audit Points and CCSBT Minimum Performance Requirements.

# INTERNATIONAL IMCS NETWORK

[www.imcsnet.org](http://www.imcsnet.org)



## COMMON OCEANS | Tuna project

The Common Oceans Tuna project brings together a global partnership dedicated to sustainable tuna fisheries aiming to advance responsible tuna fisheries management and biodiversity conservation in areas beyond national jurisdiction (ABNJ). Funded by the Global Environment Facility (GEF) and led by the United Nations Food and Agriculture Organisation (FAO), it works in collaboration with five regional tuna fisheries management organizations, including the Indian Ocean Tuna Commission (IOTC) as executing agency, intergovernmental organizations, the private sector, and civil society.

IN COLLABORATION WITH:



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