

REPORT OF THE WORKING GROUP ON THE FUTURE OF ICCAT

(Sapporo, Japan – August 31 to September 3, 2009)

1. Opening of the meeting

The meeting was opened by the Chairman of the Commission, Dr. Fabio Hazin. Mr. Masanori Miyahara (Japan) welcomed participants. Both stressed the importance of this meeting as the first in a series of meetings to embark on a process of strengthening ICCAT.

A list of participants is attached as **Appendix 2**.

The Agenda was adopted without change and is attached as **Appendix 1**.

2. Election of Chair

Ms. Deirdre Warner-Kramer (USA) was elected Chairperson of the Working Group on the Future of ICCAT.

3. Appointment of Rapporteur

Ms. Melanie D. King (USA) was appointed rapporteur.

4. Working Group workplan

The Working Group reviewed its mandate and decided that it would review the recommendations of the Independent Performance Review of ICCAT, the report of the Second Joint Meeting of Tuna RFMOs (Kobe II), and other documents prepared by the Secretariat and recommend issues that the Commission should address regarding possible amendments to the ICCAT Convention as well as other actions that could be taken to improve the effectiveness of ICCAT.

5. Review of the ICCAT Convention, including its decision making process and structure, considering, in particular:

- a) Developments in international law since the Convention's signature (1966), including conventions, recommendations and resolutions of other Regional Fisheries Management Organizations (RFMOs)*
- b) Issues arising from the Joint Tuna RFMO meetings*
- c) ICCAT Performance Review*

The Working Group reviewed the ICCAT Convention in light of the recommendations of the Independent Performance Review of ICCAT, the Kobe II Report, the practices of other RFMOs, and developments in international law since the signing of the Convention. In particular, the Working Group focused on the recommendations of the Independent Performance Review and considered which of these recommendations might involve changes to the ICCAT Convention.

The Working Group identified several priorities for the Commission to consider in the context of possible amendments to the ICCAT Convention.

Precautionary approach. The Working Group discussed soliciting advice from the SCRS on how the precautionary approach could be best expressed in the Convention. Some Parties noted the 1995 United Nations Fish Stocks Agreement provided helpful language in this regard. The Working Group also noted that the incorporation of the precautionary approach into the Convention might involve looking at the Convention's objective itself.

Ecosystem considerations, including by-catch. The Working Group noted that, in particular, Article IV.1 of the Convention may need to be revised to allow for the scientific study of all species associated with ICCAT fisheries as well as Article VIII.1 to allow adoption of conservation and management measures to address species caught in conjunction with ICCAT-managed fisheries. It was noted that 1995 United Nations Fish Stocks Agreement and other tuna RFMO agreements have text that could provide a model for the ICCAT Convention.

Contribution scheme. The Working Group noted that the Commission should consider improvements to the process for calculating contracting party fees to make it simpler, more transparent, more predictable, and fair. Some Parties noted that the current scheme was out of step with the current value of ICCAT fisheries, in particular, due to the practice of basing fees on total quantity of catch and canning without taking into account the value of the CPCs' catch from respective ICCAT fisheries. While, the Working Group recognized that, especially in light of the process to develop and adopt the Madrid Protocol, revising this aspect of the Convention could be a particularly lengthy and difficult process, the Working Group considered this to be an important task.

Provisions to strengthen participation of non-Parties to the Convention. The Working Group recognized that the Convention could be amended to include possibilities for entities and fishing entities that have strong interest in ICCAT fisheries to commit to applying ICCAT measures and maintain a stronger and more stable relationship with the Commission, as has been done in other tuna RFMOs.

Decision-making processes. The Working Group recommends that the Commission consider amendments that would allow flexibility to adjust time for entry into force of recommendations on a more timely basis according to Article VIII, clarification of voting rules, establishing a requirement that voting should only occur when efforts to seek consensus have failed, additional due process and conditions to the objection process, without any prejudice to the right of a CPC to object, and the adoption of dispute settlement procedures.

Capacity building and assistance to developing States. The Working Group noted provisions in other RFMO conventions establishing formal mechanisms for providing assistance to developing States Parties, and recommended that the Commission consider incorporating this type of provision in the Convention.

A summary of these priority issues for consideration is attached as **Appendix 3**. There was general agreement that any changes to the Convention should take the form of amendments to key articles and that there was not, at this point, the need to draft a new convention. While recognizing that other issues regarding the Convention could be raised by CPCs, the Working Group recommended that the Commission review the priority issues identified in **Appendix 3** and determine the appropriate next steps in this regard.

6. Other actions needed for the strengthening of ICCAT

Based on the priority issues identified above, the recommendations of the ICCAT Performance Review, the Kobe II Report, and other issues currently facing ICCAT, the Working Group also considered actions, listed in **Appendix 4**, that the Commission, or in some cases specific bodies of the Commission, should take that would produce more immediate results in strengthening the work of ICCAT.

The Working Group noted that the Performance Review Panel recommended that the Commission consider the need to adopt the ecosystem approach or ecosystem-based management in a more formal and systematic manner. The SCRS Chairman presented a paper outlining important considerations and options (**Appendix 5**). The Working Group recognized that substantial additional funding and resources to support the monitoring and research within CPCs will be needed to accomplish this, and it is expected that many years and substantial research and data collection investments will be required for implementation, testing, and adaptation of ecosystem-based management. Nonetheless, the Working Group identified some ways of moving forward, including through the strengthening of observer programs, tagging programs, and port sampling.

In light of the need to ensure that all major fleets involved in ICCAT fisheries cooperate in their management, the Working Group recommended that the Commission take interim measures to enhance the ability of Cooperating non-Contracting Parties, Entities, and Fishing Entities to participate meaningfully in ICCAT. The Working Group also recommended establishing a pilot project for using the Kobe II Strategy Matrix. A number of the ICCAT performance review recommendations call for science-based management decisions and

the application of the precautionary approach as a general practice to be adopted by ICCAT, as well as in specific cases of stock management. In order to consider the applicability of the Kobe II Strategy Matrix in the ICCAT context, the Working Group recommended that SCRS at its 2009 meeting identify the stocks and management measures (TAC, minimum size, closed areas, etc) for which sufficient information exists to enable analysis of timelines and probability levels. The Kobe II Strategy Matrix requires fishery managers first to determine the management objectives (probabilities, targets, time frames) before requesting work on it by the scientists. The Working Group therefore recommends that ICCAT determine at the 2009 Annual Meeting which stocks, measures, and management objectives are appropriate for analysis. At the 2010 ICCAT Annual Meeting the relevant Panel(s) should consider the utility of the Matrix in evaluating management alternatives. Based on the results of these pilot applications, the Commission may consider potential expansion of the use of this Matrix.

The Working Group considered a paper presented by the USA on principles for decision making on conservation and management measures (attached as **Appendix 6**). The Working Group took note of the principles and that further consideration was needed to see how the principles could be applied in practical terms. A way forward may be to apply the principles as part of the pilot project for using the Kobe II Strategy Matrix.

The Working Group agreed that there was a role for more socioeconomic analysis to inform ICCAT's decision-making. The Working Group noted that there needs to be additional clarity about what considerations this analysis would include and whether it would be best done through the SCRS or elsewhere. The SCRS Chair noted that it would be a good idea for the Commission to ask SCRS to develop a plan for incorporating socioeconomic data into its work.

The Working Group discussed possible structural changes to ICCAT, including consolidating responsibility for all bluefin tuna fisheries in Panel 2 and albacore tuna into Panel 3. The Working Group also considered creating a new Panel 5 with responsibility for sharks and associated species. The Working Group noted that such a change could have implications for CPC contributions and overall Panel membership and recommended that the Commission study this issue further.

The Working Group strongly encouraged the two Working Groups on Capacity and on Integrated Monitoring Measures to continue their work.

The Working Group also recommended that the Commission adopt recommendations that consolidate all existing measures applicable to an issue. Some CPCs were of the view that the Commission should reconsider the issue of codification of ICCAT measures.

The Working Group underscored the critical importance of capacity building work and assistance to developing States CPCs. It was noted that such capacity building and assistance was particularly important in the following three areas: (1) data collection and scientific work; (2) implementation of ICCAT obligations, particularly monitoring, control, and surveillance; and (3) development of ICCAT fisheries. The Working Group strongly recommended that ICCAT develop a coordinated strategy for capacity building and assistance programs, which could include gathering information on the needs of developing States CPCs, possibly through a questionnaire or survey, and reviewing other mechanisms for assistance, such as bilateral programs between CPCs and similar programs available through other organizations. The Working Group recognized the importance of ensuring that developing States CPCs were aware of potential assistance already available.

The Working Group recommended that the Commission enhance support for the Compliance Committee Chair in order to improve the effectiveness of the Compliance Committee process and increase CPC compliance with ICCAT's conservation and management measures, as well as data reporting. The Working Group's recommendations in this regard, attached as **Appendix 7**, include the creation of a Compliance Task Force to assist in analyzing information and preparing reports, creation of a penalty schedule as a guide for applying sanctions to noncompliant CPCs, and holding a Compliance Committee meeting prior to and separate from the annual Commission meeting.

The Working Group recognizes that ICCAT Panels have a responsibility to review species specific issues and develop appropriate Recommendations for the consideration of the Commission. As such, the Working Group feels that the appropriate Panels must consider, during the 21st Regular Meeting of the Commission, relevant recommendations and conclusions from the Performance Review, as specified in **Appendix 8**, for possible development of corresponding ICCAT Recommendations for each of the stocks referenced. In the event that a

Panel decides not to act on a referred Recommendation from the Performance Review, the Panel should provide an explicit rationale for its decision, for the consideration of the Commission.

Turkey expressed its dissent for the inclusion of recommendations 38 and 46 of the Performance Review Panel into the list of “Indicative List of Performance Review Recommendations to be Considered by Panels” and requested inclusion of recommendations 4 and 54 in respect of allocation issues to be considered by relevant Panels. In particular, Turkey stated that ICCAT has already developed and adopted strict measures to effectively control, monitor and report the catch, transfer and grow-out of BFT in the farming operations through ICCAT Recommendations 08-05 and 08-12, and that the process for implementation of “ICCAT Regional Observer Program” has been initiated. Turkey expressed its view that there was no reason to re-discuss these issues in the next Panel 2 meeting until ICCAT has the outcomes of this process (observer reports, compliance reports, etc.).

The Working Group had an extended discussion of the issues surrounding quota allocations and the carry-forward of unused quota. The Working Group agreed that the development of a mathematical formula for the application of allocation criteria was not practical. Regarding the elimination of the carry forward, while there was some agreement on the need to eliminate stockpiling, some Parties noted the need for flexibility, and it was recommended that the Panels consider this matter on a stock-by-stock basis.

The Working Group also encouraged the SCRS to consider the recommendations of the Performance Review Panel relevant to its work, attached as **Appendix 9**, at its next meeting. In the event that the SCRS decides not to act on a referred Recommendation from the Performance Review, the SCRS should provide an explicit rationale for its decision, for the consideration of the Commission.

The Working Group recommends that it meet again at a time and place to be determined by the Commission, but preferably as soon as possible, to continue its work in light of decisions and actions taken by the Commission as well as other activities.

7. Other matters

The Working Group noted that the future of the Commission could be strongly affected by the listing of ICCAT species by the Convention in International Trade in Endangered Species of Flora and Fauna (CITES) and that there was a need for ICCAT to improve its relationship with CITES overall. The Working Group supported the initiative of the Chairman of the Commission to take up this issue at the 21st Regular Meeting of the Commission in November 2009.

No other matters were discussed.

8. Adoption of the Report

The Report was adopted by correspondence.

9. Adjournment

The 2009 Meeting of the Working Group on the Future of ICCAT was adjourned on September 3, 2009.

AGENDA

1. Opening of the Meeting
2. Election of Chair
3. Nomination of Rapporteur
4. Working Group workplan
5. Review of the ICCAT Convention, including its decision making process and structure, considering, in particular:
 - a) Developments in international law since the Convention's signature (1966), including conventions, recommendations and resolutions of other Regional Fisheries Management Organizations;
 - b) Issues arising from the Joint Tuna RFMO meetings;
 - c) ICCAT Performance Review
6. Other actions needed for the strengthening of ICCAT
7. Other matters
8. Adoption of the Report
9. Adjournment

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**RECOMMENDATIONS FOR PRIORITY ISSUES
IDENTIFIED IN THE REVIEW OF THE ICCAT CONVENTION**

- Precautionary Approach
- Ecosystem considerations, including by-catch
- Contribution scheme
- Provisions to strengthen participation of non-Parties to the Convention
- Decision-making processes:
 - Timing of entry into force of recommendations
 - Voting rules
 - Objection procedures
 - Dispute settlement procedures
- Capacity-building and assistance to developing States

RECOMMENDATIONS FOR OTHER ACTIONS NEEDED TO STRENGTHEN ICCAT

Ecosystem-based management

- The Commission should embark upon identifying a fuller range of goals for the Convention Area ecosystem components impacted by the fleets, especially those related to concerns beyond targeted species, and to make these operational.
- The SCRS should then use models which incorporate best knowledge of ecosystem dynamics and account for the identified goals to identify critical data gaps, and ecological processes, and guide research and data collection needed for testing and implementation of EBFM.
- It is apparent that the data demands for fully implementing EBFM are more intense than for single species fishery management approaches, but until the necessary investments are made and research is done, it is not possible to know what the optimal management tools and their data requirements will be for EBFM. However, at a minimum, it is critical to have a full accounting of the catch composition and disposition of the fleets impacting ICCAT species of concern as well ecologically related species. As such, the Commission should take steps designed to intensify and improve scientific observer programs, sampling programs, tagging programs, and research to support these requirements.
- Until a full EBFM approach can be implemented, the Commission should consider, implementing precautionary management as a Best Practice to address, to the degree possible, unaccounted ecosystem concerns.

Commission Functioning

- Take interim steps to enhance the participation of Cooperating non-Contracting Parties, Entities, and Fishing Entities.
- Establish a pilot project for using the Kobe 2 Strategy Matrix.
- Develop mechanisms to incorporate socio-economic analysis into decision-making.
- Consider reorganizing Panels 2 and 3 and consider establishing new Panel 5 for sharks and associated species.
- Continue work on capacity, including in the Capacity Working Group, and in particular expand its focus beyond bluefin tuna fisheries.
- Continue work on MCS, including in the Integrated Monitoring Working Group, with a particular focus on adopting and implementing port State measures in light of the finalization of the text at FAO, and observer programs.
- Continue work on catch documentation schemes and other market measures.
- Prohibit the stock piling of carry overs.
- Adopt recommendations that consolidate all existing measures applicable to an issue.
- ICCAT and its Members should fully engage in the the Kobe II Workshops planned for 2010, as they are addressing issues central to the strengthening of ICCAT.

Capacity-Building and Assistance to Developing States

- Undertake a comprehensive study of existing capacity-building and assistance programs within ICCAT.
- Consider a survey to identify capacity-building needs among ICCAT members.
- Develop a coordinated strategy for ICCAT assistance and capacity-building programs.

Compliance Committee

- Build on the 2009 Compliance Committee intersessional meeting and continue improving the Committee's functioning, including developing mechanisms to assist the Chairman of the Committee, and to ensure transparency and due process in submission and review of information.
- Hold additional sessions of the Compliance Committee separate from the annual Commission meeting.

Panels

- Consider relevant recommendations and conclusions from the Performance Review for possible development of ICCAT Recommendations, or a detailed rationale for any decision not to act on each recommendation, for the consideration of the Commission.

SCRS

- Consider relevant recommendations and conclusions from the Performance Review for possible implementation, or a detailed rationale for any decision not to act on each recommendation, for the consideration of the Commission.

Appendix 5

ECOSYSTEM-BASED FISHERY MANAGEMENT

The Performance Review Panel recommended that the Commission consider the need to adopt the ecosystem approach or ecosystem-based management in a more formal and systematic manner. It is generally acknowledged that Ecosystem Based Fishery Management (EBFM) is, at the moment, not well defined and open to a broad array of interpretation. It is also generally acknowledged that the task of progressing towards EBFM will be difficult and require substantial new investments into long-term monitoring with means other than simple fisheries data.

Improving management to take ecological and ecosystem effects into account will require greatly expanded monitoring and research; improvement in the understanding of interactions among fleets, the fish they catch, and the predators and prey of the harvested species; as well as understanding costs and benefits for different management alternatives.

Substantial additional funding and resources to support the monitoring and research within CPCs will be needed to get this work done. The expected benefits of EBFM include explicit incorporation of societal goals into fishery management, more stable and predictable long-term yields, and the maintenance of ecosystem goods and services into the future (Marasco *et al.* 2007)².

Although it is expected that many years and substantial research and data collection investments will be required for implementation, testing, and adaptation of EBFM, there are some ways of moving forward. The Working Group on the Future of ICCAT (WGFI) recommends:

² Richard J. Marasco, Daniel Goodman, Churchill B. Grimes, Peter W. Lawson, Andre E. Punt, and Terrance J. Quinn II. 2007. Ecosystem-based fisheries management: some practical suggestions. *Can. J. Fish. Aquat. Sci.* 64: 928-939.

- 1) The Commission should embark upon identifying a fuller range of goals for the Convention area ecosystem components impacted by the fleets, especially those related to concerns beyond targeted species, and to make these operational.
- 2) The SCRS should then use models which incorporate best knowledge of ecosystem dynamics and account for the identified goals to identify critical data gaps, and ecological processes, and guide research and data collection needed for testing and implementation of EBFM.
- 3) It is apparent that the data demands for fully implementing EBFM are more intense than for single species fishery management approaches, but until the necessary investments are made and research is done, it is not possible to know what the optimal management tools and their data requirements will be for EBFM. However, at a minimum, it is critical to have a full accounting of the catch composition and disposition of the fleets impacting ICCAT species of concern as well ecologically related species. As such, the Commission should take steps designed to intensify and improve scientific observer programs, sampling programs, and research to support these requirements.
- 4) Until a full EBFM approach can be implemented, the Commission should consider implementing precautionary management as a Best Practice to address, to the degree possible, unaccounted ecosystem concerns.

Appendix 6

PRINCIPLES ON DECISION MAKING FOR CONSERVATION AND MANAGEMENT MEASURES IN LIGHT OF ICCAT OBJECTIVES

1. Maximum sustainable catch (also known as maximum sustainable yield (MSY)), status determination criteria, and reference points

For each managed stock, ICCAT should specify the MSY, criteria for determining the status of the stock (e.g., when overfishing is occurring and when a stock is overfished), and conservation and management reference points.

MSY is not a static concept. It is an estimate of the long-term average catch that can be taken from a stock under prevailing ecological and environmental conditions and fishery characteristics (e.g., gear selectivity, location of fishing activities, and distribution of catch among fleets). MSY should be re-estimated as needed [at periodic intervals?] to address changes in ecological and environmental conditions and fishery characteristics.

MSY should take into consideration the catch of fish retained for any purpose, as well as the mortality of discarded fish. Interactions of a stock with other species in the ecosystem should also be taken into consideration to the extent possible.

Conservation (“limit”) reference points should be used to constrain harvesting within safe biological limits within which stocks can produce MSY. Management (“target”) reference points should be used to meet management objectives.

2. Best available scientific information and precautionary approach

MSY and conservation and management measures should be based on the best scientific information available at the time of the decision.

The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management actions that are needed. ICCAT shall be more cautious when information is uncertain, unreliable, or inadequate.

In conducting stock assessments and developing conservation and management measures, ICCAT should take into account uncertainties relating to the size and productivity of stocks, reference points, stock condition in

relation to such reference points, levels and distributions of fishing mortality, the impact of fishing activities on non-target and associated or dependent species, and existing and predicted oceanic, environmental, and socio-economic conditions.

Reference points should be stock-specific and account for reproductive capacity, the resilience of each stock, and the characteristics of fisheries exploiting the stock, as well as other sources of mortality and major sources of uncertainty. Scientific and management uncertainty should both be taken into consideration.

When information for determining reference points is poor or absent, provisional reference points (or reasonable proxies) should be used, based on the best scientific information available.

3. Decision making on conservation and management measures

Conservation and management measures should be designed to maintain or restore stocks at levels capable of producing MSY.

Management strategies shall seek to maintain or restore stocks at levels consistent with agreed-upon reference points. ICCAT should adopt conservation and management actions that would take effect immediately when reference points are triggered.

Management strategies shall ensure that the risk of exceeding limit reference points is very low. Measures should have at least a 50% probability of achieving the conservation and management objectives for stock. Higher probabilities should be used, as appropriate, to address the uncertainty that current conditions will prevail during the entire period of a management action.

If a stock falls below a limit reference point, or is at risk of falling below the limit reference point, conservation and management action should be initiated to facilitate stock recovery. Management strategies shall ensure that target reference points are not exceeded on average.

The fishing mortality rate that generates MSY should be regarded as a minimum standard for limit reference points.

For stocks that are experiencing overfishing, conservation and management measures should be designed to end the overfishing immediately.

For overfished stocks, the biomass that would produce MSY may serve as a rebuilding target. ICCAT should specify a time period for rebuilding that is as short as possible, taking into account the status and biology of the stock and socio-economic and ecosystem considerations.

For stocks that are not experiencing overfishing or overfished, management strategies shall ensure that fishing mortality does not exceed that which corresponds to MSY, and that the biomass does not fall below a predefined threshold.

ICCAT decisions should be based on the scientific advice of SCRS. If a CPC proposes a measure that is inconsistent with SCRS advice, ICCAT should not adopt the measure unless the CPC explains why it is not following SCRS advice and what the probability is that the proposal will accomplish the conservation and management objectives for the stock.

**FUTURE OF ICCAT WORKING GROUP
SUGGESTIONS FOR IMPROVEMENTS IN COC PROCESS
PER RECOMMENDATIONS #5 AND #8**

Compliance Task Force

Due to the level of work required to analyze information and prepare reports for the annual meeting, CPCs should consider providing assistance to the Chair of the Compliance Committee through a Compliance Task Force. Options for establishing this Task Force could include election of one or two vice chairs, formation of a small working group of CPC delegates familiar with the compliance information (Friends of the Chair), hiring additional staff within the ICCAT Secretariat, or contracting independent consultants with knowledge and expertise about the ICCAT fisheries. The budget for this activity would be discussed by STACFAD and agreed by the Commission at the 2009 meeting. Based on budget evaluation and an affirmative decision by the Commission, the preferred approach to obtaining expert assistance (CPC delegates, Secretariat staff or consultants) would be decided at the 2009 ICCAT Meeting and work would begin in 2010. In the mean time, the Secretariat will continue to work with the COC Chair to develop more user-friendly presentations and analyses that will inform the COC and facilitate its work.

The role of the Task Force would be to compile and analyze information from numerous sources, including:

- ICCAT databases constructed from information submitted by CPCs.
- Relevant CPC data (e.g., logbook, observer, and trade data) not currently required to be submitted to ICCAT. The Task Force would formally request this data in order to verify reports to ICCAT or clarify any questions or concerns of the Task Force. Confidentiality agreements may be required.
- Other appropriate sources (e.g., public sources or third party sources).

Based on the analysis of this information, the Task Force would note, for each CPC, potential failures to implement conservation measures (quota levels, minimum size limits, time/area closures, etc.), problems in reporting the required data, or deficiencies in monitoring and control activities. The results of the analysis of the Task Force would be shared with the concerned CPC prior to the COC meeting. The CPCs would have an opportunity to provide information to clarify or refute the identified concerns. A revised document, including CPC responses, would be used as the basis for a systematic review of each CPC's compliance at the annual COC meeting.

Penalty schedule and Incentives

Due to the need to improve compliance with ICCAT measures, the COC should develop a penalty schedule. The penalty schedule would create categories of compliance deficiencies in terms of the potential adverse impact on ICCAT's management programs. The penalty schedule would also specify appropriate sanctions for each category. The sanctions should be designed to provide an incentive to improve compliance and should consider the need for capacity building. Such sanctions could include reductions to quotas or allocations, trade measures, fleet limits, special reporting requirements, independent monitoring, or other penalties. Once adopted by the commission, the penalty schedule would serve as guidance for the COC to apply to each CPC after completing the systematic review of compliance. In applying the penalty schedule, the COC would consider actions that CPCs have taken, or will take, under their domestic enforcement authorities in the exercise of their flag state, port state or market state responsibilities, and also actions taken by CPCs to build their enforcement and data collection capabilities. Positive incentives for transparency and good compliance should also be developed.

Separate COC meeting

Due to the amount of time needed for a systematic review of each CPC, the COC meeting should be held during a period of time separate from and prior to the annual Commission meeting. The selection of the meeting dates should consider the time needed for data compilation and analyses, in particular data submitted by July 31st as

required under ICCAT procedures. In addition, the scheduling of the meeting should consider minimizing travel costs so as to ensure participation by all CPCs. As deemed necessary by the Commission, special intersessional meetings of the COC could be scheduled to address particular concerns about management of a certain species or about implementation of specific monitoring programs.

Results of the COC deliberations, including the determinations of non-compliance and the appropriate penalties, would be forwarded to the plenary session at the annual meeting. Should additional time be necessary for discussions at the annual meeting, specific sessions may be scheduled for continuation of the COC deliberations.

Appendix 8

INDICATIVE LIST OF PERFORMANCE REVIEW PANEL FINDINGS AND RECOMMENDATIONS TO BE CONSIDERED BY PANELS

The following are taken from the report of the ICCAT Performance Review Panel. In all cases within the excerpted findings and recommendations, the reference to “the Panel” refers to the Performance Review Panel itself, and not to an ICCAT stock management Panel.

Panel 1

23. The Panel is concerned that there appears to be little knowledge and information on skipjack tuna. The Panel considers that skipjack tuna fisheries should be managed in such a way as not to cause conservation concerns for other species, particularly including other species of tunas.
26. Given the steady decline in catches of yellowfin tuna, the Panel is surprised that stock assessments are not conducted more frequently.
35. The Panel recommends that ICCAT develop and adopt more effective measures to deal with the catch of small yellowfin tuna including closer regulation and reduction in the use of FADs on the West Africa coast.
36. The Panel recommends that more effective measures be developed and adopted to deal with the catch of small bigeye tuna including closer regulation of FAD use; that efforts continue to be made to improve the timeliness and accuracy of Task I and Task II data; that ICCAT continues to rigorously follow the scientific advice in the setting of overall total allowable catches for the fishery to have a high probability that the stock stays above B_{MSY} and that if longlining activity increases in a response to demand, that this be immediately factored into management decisions.
37. The Panel notes that with skipjack prices around \$2000 per tonne further pressure will be applied to these stocks and ICCAT will have no measure in place to manage the additional catches. This does not appear to be a sound approach for the management of this fishery.

Panel 2

19. For albacore tuna, the Panel recommends that catches for the northern stock be decreased such that fishing mortality is consistent with F_{MSY} . The Panel also recommends that more information be collected for Mediterranean albacore and that an assessment be conducted at the earliest possible date.
20. For bluefin tuna, the Panel concludes that the Commission objectives are not being met, and by far.
38. The Panel recommends that all fishing for East Atlantic and Mediterranean bluefin tuna be immediately suspended until the CPCs involved in those fisheries, their nationals and companies operating in their waters, agree to fully abide by the rules and recommendations of ICCAT and international fisheries law. The Panel considers that this decision is the only way to stop the continuation of what is seen by observers and by other CPCs as a travesty in fisheries management.

39. The Panel further recommends that the suspension only be lifted when ICCAT CPCs adopt measures consistent with ICCAT decisions and individual CPCs can demonstrate that they can control and report on their catch. Alternatively the Panel recommends that ICCAT implements a full Secretariat based auditing and inspection regime for bluefin tuna fishing in the eastern Atlantic and Mediterranean.
40. In addition the Panel recommends that the extent and consequences of mixing of the East and West Atlantic stocks be fully evaluated as a matter of priority, including, if necessary through further field studies and research program to better understand migratory and spawning patterns. The basis for management should be made consistent with the results of those investigations as soon as the results are available. This recommendation is not to be used in any way as an excuse for inaction on the first recommendation; it is supplementary research.
41. The Panel further recommends that ICCAT consider an immediate closure of all known bluefin tuna spawning grounds at least during known spawning periods.
46. Consistent with the recommendations for bluefin tuna fisheries in the east Atlantic and Mediterranean, the Panel recommends that in respect of bluefin tuna farming all fishing for eastern and Mediterranean bluefin be suspended immediately until all CPCs involved in farming activities develop and implement controls necessary to effectively control, monitor and report the catch, transfer and grow-out of bluefin tuna in the farming operations in the Mediterranean. The new measures to be taken should include: the adoption of the recommendations on farming outlined in 06-07; the development of consistent auditable systems to monitor the number and weight of fish transferred into the grow-out cages; the use of independent auditors to randomly check farming operations with CPC representatives; full catch and market documentation; and the development of a strict penalty regime to be applied to member nationals or companies found in violation of the farming provisions.

Panel 4

21. While recognizing the difficulties of collecting reliable data on marlins and sailfish, particularly when caught as relatively rare by-catches in fisheries aimed principally at other species, the Panel notes that the duty to conserve all species under the purview of ICCAT implies an obligation to collect and make available relevant information to assess the status of the resources and the effect of exploitation on them.
22. On sailfish, the Panel considers that it would be prudent to stabilize or reduce fishing mortality, but the paucity of information makes it difficult to quantify any reduction that may be required.
24. The Panel notes that recommending a TAC of 14 000t for north Atlantic swordfish, when MSY is estimated to be 14 100t leaves very little margin for uncertainties in the assessment and error of implementation.
25. The Panel considers that swordfish fisheries in the Mediterranean are in need of further coordinated management in order to achieve the Commission's objective. The apparent success of past management initiatives in the north Atlantic should provide sufficient incentives for the Commission and CPCs to act decisively in the management of Mediterranean swordfish fisheries.
27. The Panel notes with great concern that, three years after it became mandatory through Rec. 04-10 for CPCs to report Task I and Task II data for sharks, in accordance with ICCAT data reporting procedures, including available historical data, most parties are still not complying with the recommendation. The Panel recommends that CPCs comply with Rec. 04-10 immediately.
42. The Panel is concerned at the status of the blue and white marlin stocks. The Panel considers that Recommendation 06-09 could be enhanced with the immediate provision of improved data to the SCRS. The Panel is concerned that there may be insufficient data for the next stock assessment (in 2010) to confidently assess stock size and status. Recommendation 06-09 should be reviewed to ensure that effective assessment and decisions can be taken and implemented in relation to these stocks no later than 2010.
43. The Panel is concerned at the management of the fisheries on Mediterranean swordfish and recommends that the implementation of 07-01 be closely monitored and if necessary decisions to reduce the catch to levels consistent with scientific advice be taken at the Commission's 2008 meeting; that drift netting and gill netting cease immediately in the Mediterranean; and that action is taken by Mediterranean CPCs to immediately improve the quality and timeliness of data for this species provided to ICCAT.

45. The Panel is concerned that with the present situation in relation to data and compliance, the conclusion could be drawn that some parties to ICCAT hold in contempt the resolutions and recommendations in relation to the management of sharks and shark by-catch and the provision of related data. The Panel recommends that CPCs immediately take the management of shark fisheries and shark by-catch seriously and implement and comply with the ICCAT recommendations and resolutions to provide accurate and reliable data to the SCRS.

In addition, the following Recommendations from the Performance Review should be considered by all Panels, as they may be applicable to the management of multiple ICCAT species.

47. The Panel strongly recommends that ICCAT immediately discontinue the practice of allowing the carry forward of uncaught allocations in all fisheries.
48. The Panel recommends that for all fisheries in ICCAT, fishing capacity is immediately adjusted to reflect fishing opportunities or quota allocations.
51. The Panel recommends that the SCRS endeavor to provide simple, succinct and user-friendly advice to fisheries managers and Commissioners on the status of ICCAT stocks and the expected effects of potential management measures; that ICCAT Contracting Parties review their current management recommendations to ensure that they align with the current scientific assessment of the status of the stocks; and that ICCAT consider seriously the structure and basis of its decision making framework particularly in relation to fisheries management. A decision making framework should be adopted that guides the outcome of decisions and forces discipline consistent with the objectives of ICCAT on CPCs.
52. The Panel recommends that, once the binding criteria for allocation are developed pursuant to previous recommendation and agreed the current allocations should be reviewed and either confirmed or amended; that ICCAT should consider allowing the purchase and transferability of quota from existing to new members as a method to encourage compliance and the entry of new members; and that any future allocations to new members should be fairly negotiated and the agreed criteria strictly applied. In reviewing current allocations paragraphs 2, 16, 17, 18 and 22 of 01-25 should be applied and those parties found not to be in compliance should have their allocations reduced until they do comply with these provisions.
55. The Panel noted the importance of the recreational and sport fishing sectors and the interest shown by the sector in providing submission to the review (two of the eight submissions received were from the sport fishing fraternity.) The Panel noted with concern that the Working Group on sport and recreational fishing scheduled to meet in 2007 or early 2008 will now not meet until 2009.
56. The Panel recommends that ICCAT CPCs take this issue seriously and be more inclusive towards the recreational and sport fishing sector in future deliberations of ICCAT regarding fisheries management. While RFMOs were established principally to manage commercial fisheries, the “real interest” of recreational and charter industries predates the commercial sectors in some of these fisheries. In addition the recreational and charter industries have developed to the point where they are effective lobby groups in their own right and good public policy would suggest that they be incorporated into the ICCAT process.

**INDICATIVE LIST OF PERFORMANCE REVIEW PANEL
FINDINGS AND RECOMMENDATIONS TO BE CONSIDERED BY SCRS**

The following are taken from the report of the ICCAT Performance Review Panel. In all cases within the excerpted findings and recommendations, the reference to “the Panel” refers to the Performance Review Panel itself, and not to an ICCAT stock management Panel.

19. For albacore tuna, the Panel recommends that catches for the northern stock be decreased such that fishing mortality is consistent with FMSY. The Panel also recommends that more information be collected for Mediterranean albacore and that an assessment be conducted at the earliest possible date.
26. Given the steady decline in catches of yellowfin tuna, the Panel is surprised that stock assessments are not conducted more frequently.
28. The Panel urges CPCs to make data and scientific expertise available to the SCRS so that progress can be achieved in short order on evaluating the effect the fisheries under the purview of ICCAT have on seabirds and turtles.
29. The Panel recommends that CPCs ensure that scientists participating in SCRS activities have a good balance between quantitative skills and knowledge of the fisheries and of tuna biology.
30. The Panel recommends that CPCs send trained and knowledgeable scientists to the SCRS meetings for all fisheries in which they have substantial involvement.
31. The Panel recommends that CPCs collect accurate Task I and Task II data from all their fisheries according to ICCAT protocols and report them in a timely fashion to the ICCAT Secretariat. The Panel further recommends that consideration be given to modify the ICCAT observer program to collect such data.
32. The Panel recommends that the provision of Rec. 07-08 preventing access to VMS data less than 3 years old by SCRS scientists be removed at the next Commission meeting and that SCRS scientists be immediately given access to current VMS data.
33. The Panel recommends that ICCAT identifies three or four priority knowledge gaps that need to be resolved and that scientific programs be developed to resolve those issues in a timely manner.
34. The Panel recommends that for stocks where fishing mortality is estimated to be close to FMSY or biomass is expected to be less than or close to BMSY, comprehensive conventional tagging programs be developed and carried out to estimate fishing mortality and biomass more reliably.
40. In addition the Panel recommends that the extent and consequences of mixing of the East and West Atlantic stocks be fully evaluated as a matter of priority, including, if necessary through further field studies and research program to better understand migratory and spawning patterns. The basis for management should be made consistent with the results of those investigations as soon as the results are available. This recommendation is not to be used in any way as an excuse for inaction on the first recommendation; it is supplementary research.
49. Given the numerous references and recommendations and resolutions in the ICCAT Compendium relating to improvements in data collection, the Panel finds it difficult to formulate a recommendation that might make a difference. The Panel strongly believes that: misreporting must stop immediately; CPCs must collect and report Task I and Task II data in a timely manner within the agreed time limits; effort should be continued to build capacity in developing CPCs and improve reporting by developed CPCs and CPCs who continually fail to comply should be subject to an appropriate penalties regime. Such a regime should be severe and be enforceable.
51. The Panel recommends that the SCRS endeavour to provide simple, succinct and user-friendly advice to fisheries managers and Commissioners on the status of ICCAT stocks and the expected effects of potential

management measures; that ICCAT Contracting Parties review their current management recommendations to ensure that they align with the current scientific assessment of the status of the stocks; and that ICCAT consider seriously the structure and basis of its decision making framework particularly in relation to fisheries management. A decision making framework should be adopted that guides the outcome of decisions and forces discipline consistent with the objectives of ICCAT on CPCs.