

REPORT OF THE 3rd MEETING OF THE WORKING GROUP ON THE FUTURE OF ICCAT

(Madrid, Spain – May 28 to 31, 2012)

1. Opening of the meeting

The Chair, Ms. Deirdre Warner Kramer (USA), opened the meeting and welcomed the delegations to the Third Meeting of the Working Group on the Future of ICCAT. She proposed to deal with the matters already opened and under discussion from the previous meeting as well as the matters proposed by the CPCs in the documents circulated in advance of the meeting.

2. Nomination of the Rapporteur

In the absence of a volunteer from among the delegations, the ICCAT Secretariat was requested to serve as rapporteur.

3. Adoption of Agenda and meeting arrangements

The Agenda was adopted with the inclusion of an item on Monitoring, Control and Surveillance (MCS) under Agenda item 5 as proposed by the delegation of the United States. The revised Agenda is attached as **Appendix 1**.

The Executive Secretary introduced the following 21 Contracting Parties that attended the meeting: Algeria, Brazil, Canada, European Union, Ghana, Guinea Republic, Japan, Korea (Rep.), Libya, Mauritania, México, Morocco, Namibia, Norway, Sao Tome and Principe, Senegal, Tunisia, Turkey, United Kingdom (Overseas Territories), United States of America and Uruguay. The List of Participants is attached as **Appendix 2**.

The Executive Secretary also introduced Chinese Taipei that attended the meeting as a Cooperating non-Contracting Party, Entity or Fishing Entity. The Conférence Ministérielle sur la Coopération Halieutique entre les Etats Africains Riverains de l'Océan Atlantique (COMHAFAT) attended the meeting as an observer from an inter-governmental organisation.

The following non-governmental organisations were admitted as observers: International Seafood Sustainability Foundation (ISSF) and the Pew Environment Group.

Dr. Gerry Scott attended the meeting, as consultant of the GEF project, to present information on the global tuna project being sponsored by the FAO and the Global Environmental Facility (GEF). The list of observers is included in the List of Participants (**Appendix 2**).

4. Discussion of appropriate next steps to address issues identified by CPCs

Norway and the United States each presented papers highlighting priority issues for any future process to amend the ICCAT Convention, including possible options for text. Both papers touched on a number of the specific topics discussed below. Norway's document is attached to this report as **Appendix 3**, and the U.S. document is attached as **Appendix 4**.

4.a Precautionary Approach

The Working Group agreed that the precautionary approach was fundamental to ICCAT's objectives and noted that ICCAT had already taken some steps to implement the precautionary approach even without a specific provision defining the precautionary approach in the Convention. Some participants noted it would not be necessary to formally incorporate reference to the Precautionary Approach in the Convention to continue to implement it in ICCAT. Nonetheless, most participants agreed that text to enshrine the concept of the precautionary approach should be considered in any future Convention amendment process.

4.b Ecosystem approach including by-catch and

4.c Convention scope, in particular sharks conservation and management

These two Agenda items were discussed together, in light of the interrelationship between these issues.

As in the discussion of the precautionary approach, the Working Group noted that ICCAT had already taken significant action to incorporate ecosystem considerations into the work of the SCRS and the Commission, and a Convention amendment was not necessary to continue this work. However, most participants agreed that formally incorporating ecosystem considerations into the Convention would serve to clarify and facilitate additional work by ICCAT in this regard, and that any future amendments should not be overly restrictive. It was also noted that the ecosystem approach includes socio-economic parameters and its implementation is closely linked to capacity-building in developing countries. The Working Group agreed that any expansion of the scope of species managed by ICCAT would require amendment of the Convention. There was a broad view that there would be merit in clarifying the species to be covered by the Convention, in particular sharks. Participants noted some of the important considerations should ICCAT decide to move forward with this effort, including improving data on the types of sharks currently being taken as incidental or directed catch in the Convention Area and the effects of including small pelagic fish.

4.d Contribution scheme

Some CPCs expressed that the present calculation of contributions is extremely complex and lacks transparency and, therefore it would be beneficial to somehow find ways to simplify it. Some CPCs also expressed a concern that ICCAT's contribution scheme was inequitable. Given the importance of the issue, some delegations proposed to establish a Technical Working Group to evaluate other ways of calculating the contribution giving different treatment to small tuna catches and canning. These delegations considered that this would facilitate obtaining more accurate statistics on small tuna. However, other delegations stated that it would be extremely complicated to agree on a fairer formula for all. These delegations preferred maintaining the current scheme. No agreement could be reached on a change to the contribution scheme; nevertheless, it was decided to further examine how to improve data on small tuna.

4.e Capacity building and assistance

No specific document was presented under this Agenda item. Participants noted that the *Recommendation by ICCAT on the Establishment of a Meeting Participation Fund for Developing ICCAT Contracting Parties* [Rec. 11-26] was adopted in 2011. The Working Group recognized the importance of capacity building assistance not only to support the full participation of developing countries in meetings but also in implementing the ICCAT conservation and management measures. It was also acknowledged that Rec. 11-26 was good progress but that more could be done to strengthen scientific collaboration. The Working Group recommended that ICCAT further develop programmes to this end, and in particular look for ways to collaborate with other international organisations. The Working Group also recommended additional efforts to coordinate and streamline the use of the existing capacity-building funds; some supported the creation of a single ICCAT fund while others cautioned that doing so would make it more difficult for some CPCs to provide voluntary contributions. The Working Group also emphasized the importance of respecting the existing deadlines and procedures for use of ICCAT funds. While several CPCs spoke in support of inclusion of this concept in Convention's amendment, there was no agreement on whether to amend the Convention to reflect the need to enhance capacity building and assistance to developing CPCs.

4.f Non-Party participation

The Working Group took note of the "Proposal to the Third Meeting of the Working Group on the Future of ICCAT" submitted by the United States. Chinese Taipei mentioned the examples of the full participation of fishing entities in WCPFC and IATTC, and requested the amendment of the Convention so as to allow fishing entities to be fully engaged in the work of the Commission. While some CPCs voiced support for this proposal, the Working Group expressed that this issue should be considered at the annual meeting of the Commission to enable all CPCs to discuss the matter.

4.g Strengthening the SCRS

The Chairman of the SCRS, Dr. Josu Santiago, presented the document "Notes to the FIWG Agenda Item 4.g - Strengthening the SCRS", pointing out the main outcomes of the Working Group on Stock Assessment Methods

in response to the *Resolution by ICCAT on Best Available Science* [Res. 11-17]. He also presented an update of the SCRS response to the findings of the performance review panel relevant to the work of the SCRS. Both documents are attached as **Appendices 5** and **6**, respectively.

The Working Group took note of the recommendations contained in both documents and agreed on the critical need for more capacity building and assistance to developing CPCs, both to support attendance at SCRS meetings and to further develop the necessary technical expertise to fully contribute to these meetings. The Working Group also endorsed the effort of SCRS to develop a SCRS Strategic plan for 2014-2020.

4.h Decision making processes and procedures

i) Entry into force provisions for Recommendations

The Working Group agreed that any change to the timing of the entry into force of recommendations would require an amendment to the Convention. Many delegations noted that ICCAT's current delay of six months could be excessive for some measures or not enough for others, and supported a process to amend the Convention to allow flexibility in the timing of entry into force, taking into account cases of urgency or specific scientific advice.

ii) Voting rules/quorum

Canada presented its proposal to amend the Rules of Procedure concerning inter-sessional voting by changing the method to calculate the quorum for a mail vote as well as the effect of abstentions (attached as **Appendix 7**). The Working Group agreed on the need to improve inter-sessional mail voting procedures and to consider the issue at the forthcoming Commission meeting.

The Working Group agreed that ICCAT decisions should be made on the basis of consensus to the greatest extent possible, but that it was important to maintain an opportunity to vote where consensus was not possible. Many delegations noted the need to clarify the rules for voting, and several delegations noted that the current rules for the calculation of votes in the Convention created a unduly high standard. The Working Group took note of the submissions of the United States (**Appendix 4**), and Libya (**Appendix 8**), which included proposed approaches to amend Article VIII of the Convention to change the way that majorities were determined.

iii) Objection procedures

The Working Group agreed on the fundamental right of all CPCs to object. Canada presented a draft resolution on the use of the objection procedure, attached as **Appendix 9**, which sets out additional guidance on the process for presenting objections. The Working Group expressed general support for the concepts contained in Canada's proposal, though delegations expressed different views about whether these processes could be most appropriately addressed through resolution, recommendation, or Convention amendment. The Working Group recalled the importance of working by consensus but also the need to maintain the right to object for occasional situations. Some delegations emphasized that there should be a mechanism to ensure the Commission reviews and takes action to address the core issues that led to an objection, including the possibility of arbitration. The Working Group took note of Norway's proposal to eliminate the restriction currently in Article VIII of the Convention that only members of a given Panel may object to decisions that originate in that Panel, but was not able to achieve consensus on this issue. The Working Group noted the link between the objection procedure and dispute resolution.

iv) Dispute resolution

Some participants noted the need to develop an ICCAT dispute resolution scheme, and that the establishment of such a scheme would require amendment of the Convention. The Working Group noted the link between dispute resolution and the objection procedure. Some CPCs noted existing models for dispute resolution schemes in international texts are already in force.

4.i Procedural issues

i) Transparency

Norway presented its proposal on transparency, “Future of ICCAT Working Group – Proposals from Norway” and stated that it would be essential to amend the Convention to insert a provision ensuring transparency. The Working Group emphasized that transparency was a key element of the decision-making process. Some delegations strongly supported Norway’s proposal to enshrine the concept in the Convention, while some other delegations emphasized that ICCAT could take other steps to improve transparency and full participation without a Convention amendment.

ii) Allocation of fishing possibilities

Turkey presented its proposal on fishing allocation, attached as **Appendix 10**, to task the SCRS to develop a mathematical formula to implement the current ICCAT allocation criteria [Ref. 01-25]. While some delegations supported the idea of developing a formula to weight the allocation criteria, there were a range of views about whether the SCRS would be the appropriate body to do so. Other delegations noted that the criteria were intended to be applied on a Panel by Panel, and stock by stock basis, and that it may not be possible to develop such a formula. However, the Working Group agreed that ICCAT should improve the clarity and transparency of how the ICCAT allocation criteria were applied by Panels in developing conservation and management measures. CPCs noted that there was a fundamental relationship between fair application of the criteria and transparency and inclusivity in decision-making.

iii) Panel structure

It was recalled that the proposal presented by STACFAD in 2011 (i.e. to redistribute the species among the four Panels or to add a fifth Panel) did not reach a consensus during the annual meeting. The Working Group recommended that STACFAD consider the issue further at the forthcoming annual meeting as well as determining the most appropriate body to develop measures related to non-commercial species and by-catches that may be of interest to all ICCAT CPCs.

iv) Streamlining / simplifying conservation measures

The Working Group agreed on the importance and the need to streamline the work of the Commission. Delegates discussed the different possibilities to improve the drafting of the Recommendations and also reviewed the document “ICCAT Reporting Requirements Review” prepared by the Compliance Committee Chair in 2011 (attached as **Appendix 11**). The Working Group considered a number of actions CPCs could take to address this, including: respect the deadlines for the presentation of proposals, avoid presenting Recommendations with similar issues, eliminate redundancy in texts adopted, ensure consistency among Recommendations, reduce the number of Recommendations, and adopt a standard format for proposed recommendations. The Working Group recommended that the Panels review the “ICCAT Reporting Requirements” and identify further ways to streamline requirements.

v) Election of Chairs

The Working Group considered means to clarify the process for selection of chairs of the Commission and its subsidiary bodies. Some delegations suggested establishing a geographical distribution of the mandate so as to ensure equitable and fair rotation. The Working Group took note of the differences between the provisions in the Convention and the Rules of Procedure regarding the rules for re-election of the Chair and Vice-Chairs of the Commission and supported consideration of ways to ensure these provisions were consistent with each other and with current practice.

5. Other issues to strengthen the Commission

5.a Monitoring, Control and Surveillance (MCS)

In their document with several proposals for the meeting, the United States considered that MCS provisions should be updated in the Convention. Most participants agreed that any future Convention amendment process should include language on MCS that would reflect the goals of MCS programs but not prescribe specific tools.

The Working Group noted the extensive ICCAT MCS tools already in place and agreed this work should continue.

5.b Force majeure

Libya presented the document “Issues for discussion by the Working Group on the future of ICCAT”. Based on its experience during the 2011 bluefin tuna fishing season, Libya proposed including the principle of *force majeure* in the Convention. Some CPCs felt this matter would be best taken up on a case by case basis in conservation and management recommendations. There was no agreement on this issue, but the proposal is attached as **Appendix 8** to enable further consideration.

5.c ICCAT Communication policy

Several CPCs expressed concern about the lack of a clear and efficient ICCAT communication policy that would enable ICCAT to quickly and effectively convey the results of its work. The Working Group recommended that the Chair of STACFAD, in consultation with the Chair of the Commission and CPCs, should prepare a draft communication policy for consideration at the next annual meeting. In addition, the Working Group requested the Executive Secretary to explore the possibility of engaging an expert in communication or hiring a media company to assist ICCAT in communicating the facts of its work with the media. STACFAD should consider the financial and logistical implications of these options at the next annual meeting.

6. Development of Recommendations to the Commission, including, as appropriate, a process and procedures for negotiation and adoption of the Convention amendments

Further to the discussion of all the items under agenda 4, the delegates considered the document presented by Chinese Taipei, “Explanatory Note on the Draft Resolution by ICCAT for Amendments to the Terms of Reference of the Working Group on the Future of ICCAT in Annex 2 to Resolution 06-18” proposing a mandate to amend the *Basic Texts*.

The delegations of the European Union, Republic of Guinea, Norway, Chinese Taipei, the United Kingdom-Overseas Territories and the United States presented a “Draft [Resolution] [Recommendation] by ICCAT to Establish a [Working Group] to Develop Amendments to the ICCAT Convention“ that established terms of reference for this new body. Taking into account additional changes proposed by other delegations, the Working group decided to refer the amended proposal to the Commission to finalize. Canada and Japan presented a general reservation on the document attached as **Appendix 12**.

7. Other matters

Japan presented an explanatory note on a “Draft Recommendation by ICCAT on Shark Action Plan” [which is attached as **Appendix 13**]. The Working Group supported the need to further refine the meaning of “sharks caught in association with ICCAT fisheries” and recommended that the proposal should be discussed in Panel 4.

There were no other matters discussed by the Working Group under this Agenda item.

8. Adoption of the report

The report was adopted at the meeting.

9. Adjournment

The meeting was adjourned on Thursday, 31 May 2012.

Agenda

1. Opening of the meeting
2. Nomination of Rapporteur
3. Adoption of agenda and meeting arrangements
4. Discussion of appropriate next steps to address issues identified by CPCs
 - a. Precautionary Approach
 - b. Ecosystem considerations, including bycatch
 - c. Convention scope, in particular sharks conservation and management
 - d. Contribution scheme
 - e. Capacity building and assistance
 - f. Non-party participation
 - g. Strengthening the SCRS
 - h. Decision making processes and procedures
 - i) Entry into force provisions for recommendations
 - ii) Voting rules/quorum
 - iii) Objection procedures
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 - i. Procedural issues
 - i) Transparency
 - ii) Allocation of fishing possibilities
 - iii) Panel structure
 - iv) Streamlining / simplifying conservation measures
 - v) Election of chairs
5. Other issues to strengthen the Commission
 - a) Monitoring, Control and Surveillance (MCS)
6. Development of recommendations to the Commission, including, as appropriate, a process and procedures for negotiation and adoption of Convention amendments
7. Other matters
8. Adoption of the report
9. Adjournment

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Working Group on the Future of ICCAT – Proposals from Norway

In response to ICCAT Circular #5000/2011, requesting CPCs to indicate which issues they intend to work on in 2012 in the framework of the Working Group on the Future of ICCAT, Norway informed by letter of 19 December 2011 that we would like to address the following issues:

- Application of Ecosystem Considerations and reference to the Precautionary Approach in the ICCAT Convention
- Amendments to the Objection Procedures and application of Provisions on Transparency in the decision-making process.

According to Resolution 11-25, Annex 1 paragraph 3, CPCs should, at least 45 days in advance of the meeting of the WGFI, submit to the Secretariat proposals addressing:

- Objectives and desired outcomes of a proposed initiative to address a particular priority issue;
- Mechanisms envisaged for the proposed initiative (modifying Basic Texts, decisions of the Commission or both),
- Potential legal, management and policy implications associated with the proposal; and
- Possible drafting suggestions for eventual amendments to Basic Texts or for decisions of the Commission, as appropriate.

In line with this, Norway would propose the following:

Precautionary Approach

Some provisions of the ICCAT Convention might be considered to touch upon elements of the precautionary approach, and this principle has increasingly been reflected in ICCAT conservation and management measures. Nevertheless, it is fundamental that the precautionary approach is applied throughout the work of ICCAT. To ensure compliance with relevant international rules, an obligation to apply the precautionary approach should be explicitly expressed in the Convention. Norway would therefore propose to include in Article VIII.1 (a) an obligation for the ICCAT Commission to apply the precautionary approach as a basic principle for recommendations pertaining to conservation and management.

Proposed amendments to Article VIII.1 (a) (i)

Article VIII

1.(a) The Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable ~~catch~~ yield. When making such recommendations the Commission shall, in accordance with relevant international instruments:

(i) apply the precautionary approach;

Article VIII in its entirety, with all amendments proposed is to be found below.

Ecosystem considerations

In recent years ICCAT has adopted a wide variety of measures which takes into account the impact of ICCAT fisheries on ecosystems. According to the Convention, the mandate of ICCAT is to cooperate to maintain the populations of tuna and tuna-like fishes. Article IV.1 of the Convention tasks the Commission with the study of these fish as well as “such other species of fishes exploited in tuna fishing in the Convention area as are not under investigation by another international fishery organization”. There is, however, no explicit link between these studies and the adoption of recommendations under Article VIII. Furthermore, there are no other specific provisions in the ICCAT Convention relating to ecosystem considerations. Hence, it should be clearly expressed in the Convention that recommendations shall be based on ecosystem considerations. Norway therefore suggests that this be reflected in general terms in the Convention as follows:

Article VIII

1.(a) *The Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable ~~catch~~ yield. When making such recommendations the Commission shall, in accordance with relevant international instruments:*

(i) apply the precautionary approach;

(ii) take ecosystem considerations;

(iii) take due account of the need to conserve marine biological diversity.

Article VIII in its entirety, with all amendments proposed is to be found below.

In addition, to the amendments above, it would be appropriate to add an Article to the Convention stating the objective of the Convention. Norway would propose a new Article II as follows:

Article II

The objective of this Convention is to ensure the long term conservation and sustainable use of tuna and tuna-like fishes in the Convention Area and, in doing so, to safeguard the marine ecosystems in which these resources are found.

Objection procedures

All ICCAT Recommendations are binding for all ICCAT CPCs. However, Article VIII.3 of the ICCAT Convention grants all Contracting Parties the right to object to a recommendation before its entry into force, with the exception of objections to recommendations that originated within a Panel. Such objections may only be lodged by the members of that Panel, or by other non-Panel members if a member of the relevant Panel has lodged an objection, c.f. Article VIII.3 (a) and VIII.1 b) (ii) and (iii). This means that CPCs have to be members of all Panels in order to ensure the right to object to all recommendations. However, all Panels may propose recommendations of principle nature which may have bearings on CPCs not member of the relevant Panel. Becoming member of all Panels could represent an economic obstacle. Hence, these objection procedures could be perceived as discriminatory.

The right to object is of fundamental importance and in order to allow all Contracting Parties to object to recommendations, including those originating within a Panel to which it is not a member, the Convention should be amended accordingly.

It might be argued that such an amendment could lead to an increase in the number of objections. This could be avoided by introducing requirements for Contracting Parties to specify the reasons for their objections.

The right to object is already explicitly set out in the Convention. Hence, amendments to the objection procedures can only be accomplished by amending Article VIII.3.

Amendments to the objection procedures must also be seen in connection with the rules regarding entry into force of recommendations. These rules need to be amended to shorten the period for entry into force.

Proposal for amendments to Article VIII.3 (a):

3. (a) If any Contracting Party in the case of a recommendation made under paragraph 1 (b)(i) above ~~or any Contracting Party member of a Panel concerned in the case of a recommendation made under paragraph 1(b)(ii) or (iii) above~~ presents to the Commission an objection to such recommendation within the ~~six~~ XX months period provided for in paragraph 2 above, the recommendation shall not become effective for an additional ~~sixty~~ XX days.

Article VIII in its entirety, with all amendments proposed is to be found below.

Transparency

The ICCAT Convention does not include any provisions requiring transparency in the Commissions decision-making processes. There are, however, some requirements in Rule 8 of the Rules of Procedure, and policies have been instituted to improve the ability of CPCs to undertake a timely review of proposals.

Lack of transparency within the Commission in its decision-making processes has represented a problem in ICCAT. Late distribution of documents and incomplete explanation of proposed recommendations are important parts of this problem. In order to ensure transparency in the decision-making processes it is necessary to amend the Convention accordingly. Such an amendment could be implemented in form of a new Article VIII bis or possibly by a preambular provision.

Proposal for a new Article VIII bis or a new preambular provision:

The Commission shall promote transparency in the implementation of this Convention, in its decision-making processes and in other activities.

Drafting suggestions

Article II

The objective of this Convention is to ensure the long term conservation and sustainable use of tuna and tuna-like fishes in the Convention Area and, in doing so, to safeguard the marine ecosystems in which these resources are found.

Article VIII

1.(a) The Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable ~~catch~~ yield. When making such recommendations the Commission shall in particular:

- (i) apply the precautionary approach;*
- (ii) take ecosystem considerations;*
- (iii) take due account of the need to conserve marine biological diversity.*

These recommendations shall be applicable to the Contracting Parties under the conditions laid down in paragraphs 2 and 3 of this Article.

(b) The recommendations referred to above shall be made:

- (i) at the initiative of the Commission if an appropriate Panel has not been established or with the approval of at least two-thirds of all the Contracting Parties if an appropriate Panel has been established;*
- (ii) on the proposal of an appropriate Panel if such a Panel has been established;*
- (iii) on the proposal of the appropriate Panels if the recommendation in question relates to more than one geographic area, species or group of species.*

2. Each recommendation made under paragraph 1 of this Article shall become effective for all Contracting Parties ~~six~~ XX months after the date of the notification from the Commission transmitting the recommendation to the Contracting Parties, except as provided in paragraph 3 of this Article.

3. (a) If any Contracting Party in the case of a recommendation made under paragraph 1 ~~(b)(i)~~ above ~~or any Contracting Party member of a Panel concerned in the case of a recommendation made under paragraph 1(b)(ii) above~~, presents to the Commission an objection to such recommendation within the ~~six~~ XX months period provided for in paragraph 2 above, the recommendation shall not become effective for an additional ~~sixty~~ XX days.

(b) Thereupon any other Contracting Party may present an objection prior to the expiration of the additional ~~sixty~~ XX days period, or within ~~forty-five~~ XX days of the date of the notification of an objection made by another Contracting Party within such additional ~~sixty~~ XX days, whichever date shall be the later.

(c) The recommendation shall become effective at the end of the extended period or periods for objection, except for those Contracting Parties that have presented an objection.

(d) However, if a recommendation has met with an objection presented by only one or less than one-fourth of the Contracting Parties, in accordance with sub-paragraphs (a) and (b) above, the Commission shall immediately notify the Contracting Party or Parties having presented such objection that it is to be considered as having no effect.

(e) In the case referred to in sub-paragraph (d) above the Contracting Party or Parties concerned shall have an additional period of ~~sixty~~ XX days from the date of said notification in which to reaffirm their objection. On the expiry of this period the recommendation shall become effective, except with respect to any Contracting Party having presented an objection and reaffirmed it within the delay provided for.

(f) If a recommendation has met with objection from more than one-fourth but less than the majority of the Contracting Parties, in accordance with sub-paragraphs (a) and (b) above, the recommendation shall become effective for the Contracting Parties that have not presented an objection thereto.

(g) If objections have been presented by a majority of the Contracting Parties the recommendation shall not become effective.

4. Any Contracting Party objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such Contracting Party immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this Article.

5. The Commission shall notify each Contracting Party immediately upon receipt of each objection and of each withdrawal of an objection, and of the entry into force of any recommendation.

Article VIII bis or preambular provision

The Commission shall promote transparency in the implementation of this Convention, in its decision-making processes and in other activities.

Appendix 4

Proposal to the Third Meeting of the Working Group on the Future of ICCAT

(Submitted by the United States)

ICCAT Resolution 11-25 directed the Working Group on the Future of ICCAT to “discuss concrete proposals to address the priority issues identified during the first two meetings of the Working Group on the Future of ICCAT with a view to making recommendations to the Commission at the 18th Special Meeting to achieve progress on strengthening ICCAT.”

The United States believes that targeted amendments to certain Convention articles are necessary to address fully many of the priority issues identified in the Future of ICCAT process and to ensure the efficient and effective functioning of ICCAT in the long run. With that in mind and pursuant to Resolution 11-25, the United States would like to offer proposals on some of the priority issues that will be considered by the working group during its May 2012 meeting. This initial contribution focuses on needed changes to the ICCAT Convention in the following five key areas: (1) the precautionary approach; (2) ecosystem considerations and Convention scope; (3) decision-making processes; (4) non-party participation; and (5) monitoring, control and surveillance (MCS) measures. In addition, given the nature of some of our suggestions, we first touch on a possible addition to the structure of the Convention that would help incorporate and put into context these and potentially other priority issues.

In this submission, the United States has not fully addressed all the priority issues identified by the working group in its first two meetings. The United States remains very interested, however, in working with other parties on ways to address all of the issues to be considered in May.

Convention objective, principles, and approaches. To help address the five areas covered in this proposal and potentially other issues highlighted previously in the Future of ICCAT process, the Commission should consider amending the Convention to include clearly articulated Convention objectives and to outline guiding principles and approaches to decision-making. Principles and approaches such as the ecosystem approach to management, the precautionary approach, science-based management, transparency, capacity building and assistance, effective MCS measures and potentially others, are key to good fisheries management and should be reflected in the ICCAT Convention. ICCAT has incorporated some of these elements in its operations and decision-making through conservation and management recommendations adopted under Article VIII of the Convention. However, many of these important concepts are noticeably absent from the Convention itself. ICCAT needs to enshrine these guiding principles and approaches in its Convention to provide the strongest foundation possible

to support its operations and decisions. Articles outlining the Commission's overarching objective and guiding principles and approaches could be accomplished by:

- ◆ Redrafting the preamble to become an operative article outlining the overarching objective, which may be the appropriate place to reflect the concepts of maximum sustainable yield or long-term conservation and sustainable use;
- ◆ Adding an article that sets forth concepts and approaches to guide the work of the Commission, including, at a minimum:
 - Decisions should be based on the best available science and should reflect the precautionary approach;
 - Decisions should reflect the ecosystem-based approach to fisheries management;
 - Decisions should be made in a fair and transparent manner;
 - Decisions should take into account the needs and special circumstances of developing coastal States; and
 - Decisions should take into account allocation criteria as developed by the Commission.

The Precautionary Approach. The ICCAT Convention must more clearly reflect the central role of science-based management and the application of the precautionary approach with respect to the species under its purview. A core aspect of these concepts is that States should be more cautious when information is uncertain, unreliable, or inadequate and that the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures. Recent actions taken by the Commission to help ensure its decisions are based on the best available science and implement the precautionary approach are welcome advancements; however, we believe that these will not address the matter in its entirety and into the future. These concepts should also be central, guiding tenets in the ICCAT Convention.

To more clearly incorporate the precautionary approach, amendments to the Convention should include, at a minimum, the following elements:

- ◆ A provision that establishes the precautionary approach as a guiding tenet of Commission, as proposed in section above (“Convention objective, principles, and approaches”);
- ◆ Stocks should be managed for their long-term conservation and sustainable use, appropriately taking into account scientific uncertainty.

Several recent multilateral fisheries agreements, including the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO Convention), the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific (WCPFC Convention), and the Convention on the Conservation and Management of the High Seas Fishery Resources of the South Pacific Ocean (SPRFMO Convention) incorporate the precautionary approach as reflected in the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) and the FAO Code of Conduct for Responsible Fisheries and offer useful examples to consider.

Ecosystem considerations and Convention scope. ICCAT's objective as set forth in the Convention must move beyond a focus on managing only tuna and tuna-like species in a manner that achieves maximum sustainable yield to more fully reflect a comprehensive ecosystem approach. Toward that end, we believe ICCAT needs to clarify the scope of the ICCAT Convention with respect to target and bycatch species so that there is no misunderstanding about what falls within ICCAT's mandate. The urgency of this matter is clear. Some CPCs have already expressed uncertainty about ICCAT's ability to adopt management measures for certain species, such as sharks. Failure to more formally incorporate the ecosystem approach into ICCAT's Convention and to address questions of Convention scope decisively and for the long term could undermine ICCAT's ability to ensure the conservation and management of important ocean resources. The United States believes that clarifying the scope of the Convention would require amendments to the preamble, Articles IV, and Article VIII. At a minimum, the amendments should contain the following elements in order to adequately address this issue:

- ◆ Clarity in ICCAT's authority to manage non-tuna, highly migratory fish species found in the Convention area;

- ◆ Clarity in ICCAT’s authority to adopt conservation and management measures for species belonging to the same ecosystem and that are affected by fishing for, or dependent on or associated with, ICCAT species;
- ◆ The unambiguous authority to adopt standards for the responsible conduct of fishing operations;
- ◆ Addition of the concept of ecosystem-based management in a new section to the Convention setting forth guiding principles and approaches as discussed above.

Some of these changes could be accomplished, at least in part, by amending the scope of species referred to in the preamble, deleting the text “(the Scombriformes with the exception of the families Trichiuridae and Gempylidae and the genus *Scomber*)” in Article IV, and/or through other means.

The Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention) and the WCPFC Convention provide useful models to consider in addressing this important priority.

Decision-making processes. There are a variety of provisions in the ICCAT Convention related to decision-making that are unclear, confusing, and/or out of step with other international fisheries instruments and ICCAT’s current and future operational needs. Provisions identified in the Future of ICCAT process in this regard include: (1) timing of entry-into-force of recommendations, (2) objection procedures, (3) voting rules, and (4) dispute settlement procedures. The need for clarification on these issues is clearly highlighted by the significant difficulties encountered in recent months and years associated with votes, objections, and entry into force dates as well as disagreements between CPCs concerning the proper interpretation or application of ICCAT requirements. Convention amendment is necessary to address fully all aspects associated with these four items. We must modernize and clarify the Convention’s decision-making provisions to ensure consistent and transparent application and to make the organization as efficient and effective as possible.

Timing of entry into force of recommendations: Article VIII of the ICCAT Convention specifies that recommendations shall become effective six months after the date they have been transmitted to the Contracting Parties. This long time period was necessary to account for the delays associated with international communication. Such communication, however, can be done much more rapidly today. In addition, ICCAT has been adopting stronger and more comprehensive management measures for a number of the stocks under its purview to address conservation needs and is likely to continue to do so. Such actions can and have created a need for an earlier entry into force date given the nature and timing of some fisheries. The Convention has been understood to allow recommendations to specify entry into force dates that are later than the current 6 month deadline but not earlier.

Under the circumstances, therefore, reconsideration of the entry into force provisions of the ICCAT Convention is needed. Specifically, this effort should eliminate unnecessary delays in the entry into force of management recommendations and support effective stock conservation. Toward that end, any agreed approach must reinforce the obligation of Contracting Parties to effectively manage their fisheries in accordance with ICCAT’s conservation and management measures no matter when those fisheries occur. Article VIII, paragraph 2, should be amended to take these considerations into account. Conforming amendments would be needed in paragraph 3(a) of this same Article.

Objection procedures: Like the entry into force provisions, ICCAT’s objection procedures reflect a time when international communications were difficult and slow. In addition to being lengthy, they are cumbersome and can be confusing as recent experience has shown. The process and procedures for lodging objections, therefore, need to be clarified, modernized, and, if possible, streamlined. Improving the transparency of the objection process and strengthening their foundation are important goals. Article VIII, paragraph 3, should be amended to provide, at a minimum, that:

- ◆ An objection should not delay the entry into force for a recommendation for non-objecting Contracting Parties unless a certain number of Contracting Parties object to the measure;
- ◆ The objecting Contracting Party must explain the reason for their objection as well as what alternative measures they will put in place to ensure that the objectives of the ICCAT measure are not undermined.

CPCs could also consider whether the Convention should include a limited number of grounds on which an objection can be made. The NAFO Convention, SPRFMO Convention, and the new North Pacific Fisheries Commission Convention provide useful models to consider with regard to improving ICCAT’s objection procedures.

Voting rules: The current rules create an extremely high bar for adopting measures by vote. To date, voting in ICCAT has been shown to be an ineffective tool for taking decisions – intersessionally or otherwise. Currently, two-thirds of ICCAT's Contracting Parties constitute a quorum; however, the threshold needed to adopt a measure is a majority of all Contracting Parties in almost all cases. Thus, for a measure to pass, a qualified or absolute majority of ICCAT's full membership must vote in favor. Abstentions under ICCAT's current rules effectively act as negative votes. Amendments to Article III, paragraph 3, will be necessary to address these issues, and, at a minimum, should reflect the following:

- ◆ Decisions should be taken by consensus when possible, but, if all attempts to reach consensus fail, a vote may be called;
- ◆ Decisions of the Commission should be based on the votes of those Contracting Parties present and casting a positive or negative vote;
- ◆ Conforming amendments to Article 1(b)(i) and ICCAT's Rules of Procedure.

The SPRFMO Convention may be a useful model in this regard.

Dispute settlement procedures: Currently the issue of dispute settlement is absent from the ICCAT Convention and Rules of Procedure. Given the potential for disagreements among ICCAT members concerning the interpretation or application of ICCAT requirements, the addition of an article to the ICCAT Convention establishing a dispute settlement procedure in line with that provided in UNCLOS/UNFSA should be considered. Other approaches to this matter, such as through adjustment to the Rules of Procedure, may also be appropriate.

Participation of non-Parties to the Convention. To enhance ICCAT's ability to manage the resources under its purview fully and effectively, it is in the interest of all to create better opportunities for Cooperating non-Contracting Parties, Entities, and Fishing Entities who have significant interests in ICCAT fisheries but who are not currently able to be members of ICCAT to develop a stronger and more stable relationship with the Commission, as has been done in other RFMOs. While ICCAT has taken interim steps in this regard, the fullest and most appropriate treatment can only be accomplished through Convention amendment. The WCPFC Convention, the Antigua Convention, the SPRFMO Convention, and the new North Pacific Fisheries Commission Convention contain provisions that address the participation of non-Parties and provide helpful guidance on this matter.

Monitoring, Control, and Surveillance (MCS). Effective MCS programs are critical for ensuring that management measures can be well implemented. While ICCAT has adopted a variety of MCS measures through recommendation, the MCS provisions of the ICCAT Convention specified in Article IX are somewhat limited and do not fully reflect concepts contained in more modern instruments. Enhancing this aspect of the Convention by establishing clear and modern MCS mandates would provide ICCAT with the strongest foundation possible to ensure compliance with its rules.

The United States will be considering if there are additional contributions we might make to facilitate the Working Group on the Future of ICCAT at its May meeting. In support of this, we encourage CPCs to contact us in advance of that meeting to share their views on issues raised herein and any other matters to be considered by the Working Group. The United States anticipates that a key outcome of the May meeting will be clear agreement on ways and means for bringing the ICCAT Convention and other basic texts in line with modern fisheries management approaches and current international legal norms.

Appendix 5

Notes to the Working Group on the Future of ICCAT Agenda Item 4.G - Strengthening the SCRS

During the 2011 Commission meeting in Istanbul, reaffirming the necessity that any conservation and management measure is based on the best possible scientific advice, the Commission adopted the *Resolution by ICCAT on Best Available Science* [Res. 11-17]. The Commission recognizes the high quality work of the SCRS and, with this Resolution, intends to reinforce the role of the Committee.

The SCRS Working Group on Stock Assessment Methods (Madrid, 16-20 April 2012) analyzed the implications of this Resolution and the main outcomes are summarized below:

- **Quality control and validation of stock assessment software used by SCRS.** The SCRS has a protocol for software validation and quality control in place, the ICCAT software catalogue. The Working Group agreed to continue collaborating with other initiatives, like the Strategic Initiative on Stock Assessment Methods (SISAM) and to explore the possibility of the ICCAT software catalogue becoming part of a worldwide repository of stock assessment methods.
- **Transparency.** On the issue of the transparency of the work of the SCRS, it was indicated that the Performance Review of ICCAT considered the SCRS work to be highly transparent. The Group recognized the importance of taken steps towards maintaining and even improving the transparency of the work of the SCRS.
- **Code of conduct.** The Group acknowledged that currently the SCRS does not have a code of conduct for scientists and observers attending its meetings and, therefore, it recommended that such a code of conduct be drafted to comply with the requirements of [Res. 11-17].
- **Peer reviews.** The Group was reminded that peer reviews of the work of SCRS Working Groups have already been conducted in the past and that a protocol to conduct such reviews is already in place.

It was agreed that the current protocol for peer review of the SCRS work should be revised and updated. The Group also agreed that the Secretariat should prepare and keep a list of experts who have been agreed to participate in the peer review process and who have been judged to have the necessary experience and expertise to perform that task. This will allow the selection of external experts as soon as the SCRS calendar of assessment meetings has been approved by the Commission.

The Group recognized that for effectively implement peer review of stock assessments with the participation of external reviewers, the Commission needs to allocate specific funds to cover the costs of this process. For that purpose, the Commission should be provided with multiannual plans detailing the financial requirements for that period or, alternatively, the Commission could allocate permanent funds to support the financial needs of a peer review process. It was also suggested by the Group that an external performance review of the review process be conducted after a period of approximately 5 years to assess its effectiveness, financial implications, and to consider potential improvements.

- **SCRS Science Strategic Plan.** During 2013, the 2014-2020 SCRS Science Strategic Plan (including Quality Assurance and Capacity Building) should be developed by the SCRS.

Appendix 6

Indicative List of Performance Review Panel Findings and Recommendations to be Considered by the SCRS, According to the Working Group on the Future of ICCAT

The Working Group on the Future (FUT) of ICCAT encouraged the SCRS to consider the recommendations of the Performance Review Panel that FUT considered relevant to the work of SCRS. The Committee provided its comments in Table 16.9.4 of the 2009 SCRS Report, and they are updated in the present document.

- 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.**
 - a) The setting of TACs and catch limits is not a function of SCRS, since it is considered a policy function of the Commission. SCRS shall continue to advise the Commission on the risks related to achieving its management goals under different management options, considering uncertainty in estimates of stock status and productivity, to the degree that uncertainty can be characterized.
 - b) In 2011, an assessment of Mediterranean albacore was carried out, although the general lack of pertinent data leads to a high level of unquantified uncertainty.

26. Given the steady decline in catches of yellowfin tuna, the Panel is surprised that stock assessments are not conducted more frequently.

Yellowfin was last assessed in 2008 and at the request of the Commission in 2010, yellowfin tuna was again assessed in 2011. In support of Commission decisions on potential TAC for this stock, a Kobe 2 strategy matrix was prepared based upon a range of plausible hypotheses regarding stock condition.

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.

The Committee agrees that the collection and reporting of relevant information and the availability of experts are essential if the Commission wishes to evaluate fishery impacts on seabirds and turtles. Furthermore, assessments of several seabird populations were conducted by SCRS in 2009.

Increased observer coverage of all major fishing fleets is an essential element for this task.

Although the Commission has since required observer sampling of CPC fleets at at least a 5% sampling level, information from such observer data collection systems across the fleets have yet to be provided to SCRS. In fact, in 2011, only a small proportion of CPCs with observer sampling data collection systems provided information required under [Rec 10-10]. Adoption of data confidentiality policies by the Commission in 2010 should promote the provision of detailed, operational level observer data needed to carry out or refine assessments of impacts of the tuna fleets on seabirds or turtles, although such data has yet to become commonly available to SCRS. Such operational level data are also required to refine assessments of target species, as referenced in the Kobe III science report, but these data remain largely unavailable to SCRS.

To expedite the evaluation of the impact of ICCAT fisheries on sea turtle populations [Rec. 10-09], an expert was contracted for a 6 months' term working in coordination with the convener of the Sub-Committee on Ecosystems.

The Sub-Committee on Ecosystems also established a work plan for activities and will meet again in 2012 to review information available and make recommendations with regard to the methodologies.

The By-catch Coordinator was contracted by the Secretariat in May 2012.

Starting in 2011, the SCRS Report includes reporting scores on data completeness and quality. The *Resolution by ICCAT to Standardize the Presentation of Scientific Information in the SCRS Annual Report and in Working Group Detailed Reports* [Res.11-14] includes a proposal of format to report this information.

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.

The Committee agrees with this recommendation. The needs of developing CPCs in terms of capacity building in this regard need to be addressed.

30. The Panel recommends that CPCs send trained and knowledgeable scientists to the SCRS meetings for all fisheries in which they have substantial involvement.

The Committee agrees with this recommendation. The needs of developing CPCs in terms of capacity building in this regard need to be addressed.

In 2011 the SCRS adopted guidelines for the use of different funds available at the Secretariat which should further facilitate this capacity building. Nonetheless, lack of participation in assessments of scientists from CPCs directly involved in tuna fisheries remains a problem, especially for southern hemisphere and Mediterranean stocks. In 2011, only limited participation by scientists with fishery expertise in the South Atlantic and Mediterranean albacore stock assessments was attained.

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.

- a) The Committee agrees that it is essential that CPCs collect and report accurate fishery statistics.

In 2011, although some improvements in data reporting across CPCs were noted, the overall quality of the data reported in support of stock assessments remains unconfirmed. Future work of the SCRS will involve assessing the quality of data collected and reported, rather than evaluating the timeliness of reports.

- b) The Committee believes that using observer programs to collect scientific information is an important complement to regular logbook collection and other sampling activities that ICCAT typically uses to estimate Task I and II data, and should be more broadly implemented by CPCs. Observers can also help cross-check logbook data and collect information on dead discards, non-target species, size composition, etc. Modification of the ICCAT observer program could be a reasonable option, especially for CPCs for which national programs could not be implemented.

While requirements for observer sampling have been agreed, such data are not generally available to SCRS.

32. The Panel recommends that the provision of Rec. 07-08 preventing access to VMS data less than three years old by SCRS scientists be removed at the next Commission meeting and that SCRS scientists be immediately given access to current VMS data.

The 3-year provision was removed in [Rec. 08-05]. In 2009 the Committee was able to obtain summary VMS information for 2008 and 2009. The Committee notes that if the Commission adopts confidentiality rules for data protection and sharing, then more detailed VMS information could become available in the future.

In 2010, the Commission adopted confidentiality policy. SCRS has evaluated the utility of the VMS data reported at six hour intervals and finds it of limited scientific value for indexing fishing effort in the eastern Atlantic and Mediterranean bluefin fisheries. It is recommended that VMS at 2 hr. or finer resolution be made available across the Atlantic tuna fleets and for FADS to provide a basis for indexing effort applied in all the ICCAT fisheries.

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.

- a) General recommendations are given in Section 15.

General recommendations have been provided annually, including those with financial implications for the Commission. To date, there has been relatively little progress in implementing the recommendations and these often remain outside of the regular budget for the Commission.

- b) Bluefin tuna research to better understand mixing, to recover basic data, and to improve management advice is of very high priority (see Item 16.4). The GBYP started in 2010 after the voluntary contributions by CPCs and other interested parties.
- c) There are activities that, if funded, could help fill data gaps for more than one species at a time. For example, large-scale tagging programs for tropical tunas, or scientific observer programs in major fisheries.
- d) There is a need to obtain fishery-independent data, including tagging
- e) Progress should be made on the collection of fishery statistics and the improvement on the knowledge of the population dynamics of small tunas.
- f) With the continued depression of the albacore fishery in the Bay of Biscay, it is becoming critical to understand the underlying reasons through enhanced research as outlined in the proposal submitted for consideration in 2010 and 2011.

- 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 B_{MSY} , comprehensive conventional tagging programs be developed and carried out to estimate fishing mortality and biomass more reliably.**

The Committee agrees with this recommendation. In 2010 the Committee developed a comprehensive large-scale tagging program for tropical tunas for consideration by the Commission

- 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.**

- a) The Committee is hopeful that the new Bluefin Research Program (see Section 16.4), if funded at a sufficient level for 5-6 years, will provide critical information about the extent and consequences of mixing.
- b) The Committee will continue to endeavor to provide scientific advice for management that is consistent with its findings.

- 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.**

The Committee believes that a response to this recommendation could be best handled by the Compliance Committee and the Commission as a whole.

Beyond meeting time-lines for reporting, at issue remains the quality of the information being reported, which has largely not been fully analyzed. It is the intent of SCRS to move beyond examination of reports for timeliness and evolve toward a more structured evaluation of the quality of the information being reported by CPCs, with an eye toward improvements in that area.

- 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.**

- a) The Committee endeavors to provide simple, succinct and user-friendly advice, although it may not always achieve it. The Committee welcomes suggestions for improvement such as the Kobe II Strategy Matrix and the *Resolution by ICCAT to Standardize the Presentation of Scientific Information in the SCRS Annual Report and in Working Group Detailed Reports* [Res. 2011-14]
- b) The Committee believes that the other sentences in this recommendation would be best handled by the CPCs and by the Commission as a whole. The *Recommendation by ICCAT on the Principles of Decision Making for ICCAT Conservation and Management Measures* [Rec. 11-13] will guide the Commission on actions to be taken to achieve the Convention objectives, and the SCRS should also use it as a framework when developing limit reference points and harvest control rules and when conducting Management Strategy Evaluations (MSE).

**Proposal for Consideration at the Third Meeting of the Working Group
on the Future of ICCAT: Modification of Rule 9 in ICCAT Rules of Procedure
in Respect of Intersessional Voting**

(Proposed by Canada)

Intersessional votes at ICCAT have become more common. Recent examples have shown that a high proportion of Parties not responding in an intersessional vote may have a determining outcome on a decision. Under the current Rules of Procedure, an omission to vote is recorded as an abstention and, as such, has the same effect as a vote against a proposal. While modifying the quorum, the majority or how abstentions are counted in a vote might require an amendment to ICCAT's Convention, modifications could be made to Rule 9 (Voting) of ICCAT's Rules of Procedure to improve the intersessional voting process.

A) Objectives and outcomes of the proposal

The proposal to modify Rule 9 of the Rules of Procedure seeks to encourage greater participation in intersessional votes by members of the Commission as well as to ensure that outcomes of intersessional votes reflect more accurately the will of the Commission, by:

- 1) Modifying how the quorum is calculated for an intersessional vote;
- 2) Providing additional steps throughout the process to remind members of the requirement to respond to an intersessional vote, and;
- 3) Not considering a failure to respond to an intersessional vote as an indication that a member is abstaining from voting.

1) Modifying how the quorum is calculated for an intersessional vote

The ICCAT Convention provides, in article III (3):

Except as may otherwise be provided in this Convention, decisions of the Commission shall be taken by a majority of the Contracting Parties, each Contracting Party having one vote. Two-thirds of the Contracting Parties shall constitute a quorum.

At a meeting of the Commission, the quorum is defined as the minimum number of members that must be present for a decision to be taken. Hence, the criterion for the quorum is merely that the members be present, not that they vote. Nevertheless, in practice, the members present will usually vote or register an abstention when a vote is called, rather than refrain from participating in a vote. Consequently the quorum will be representative of the number of members participating in a decision on a proposal put to a vote.

In the case of intersessional votes, paragraphs 12 and 15 of Rule 9 of the Rules of Procedure currently provide that the members that have confirmed their reception of a proposal or request put to an intersessional vote be considered for the purpose of a quorum. As a result the quorum can differ significantly from the number of members who respond to the Executive Secretary indicating whether they cast votes or abstain from voting.

It is proposed to modify paragraphs 12 and 15 of Rule 9 of the Rules of Procedure so that for the purpose of an intersessional vote, the quorum should only include responses received from members, indicating whether they cast an affirmative vote, cast a negative vote or abstain from voting. Ultimately, if less than two thirds of the members respond to an intersessional vote, there would be no quorum and no decision would be taken.

2) Providing additional steps throughout the process to remind members of the requirement to respond to an intersessional vote

Under paragraph 14 of Rule 9 of the Rules of Procedure, members have 40 days to respond to an intersessional vote, either with an affirmative vote, a negative vote, an indication of their abstention or a request for additional time for voting, in which case a further 30 days shall be allowed from the expiration of the initial 40-day period. In the event of an extension, the Executive Secretary has to inform all members of the final date by which responses must be received. Aside from this information, the Executive Secretary is not required to communicate with the members during the 40 or 70-day voting period.

To encourage members to respect the requirement to respond to an intersessional vote, it is proposed that Rule 9 be modified to require additional communications by the Executive Secretary to the members at various stages of the process:

- In paragraph 13 of Rule 9, if no request for an intersessional vote on the chairman's determination has been received after 10 days, the Executive Secretary informs the members and reminds them of the number of days left to respond to the initial proposal.
- 10 days before the end of the initial voting period, if no request for an extension of time has been received, the Executive Secretary informs the members of the approaching expiration of the 40-day period, reminds them of the requirement to respond and could identify the members whose responses have not yet been received.
- In paragraph 14 of Rule 9, the Executive Secretary when informing the members of the final date by which responses must be received after an extension could identify the members whose responses have not yet been received.

3) *Not considering a failure to respond to an intersessional vote as an indication that a member is abstaining from voting*

Under paragraph 15 of Rule 9 of the Rules of Procedure, if no reply from a member is received within 40 days of transmittal, or by the extended deadline specified by the Executive Secretary in the event of a 30-day extension to consider the proposal, that member shall be recorded as having abstained.

An abstention is an expression of the refusal to vote in favour or against a proposal, but it is an expression nevertheless. By assimilating a failure to vote to an abstention, the current version of Rule 9 might have the effect of discouraging the members who may wish to abstain from responding to an intersessional vote, even if a response is required by paragraph 14 of Rule 9, given that their failure to do so will have the same effect as abstaining. Furthermore, assimilating the failures to vote to abstentions assumes that all the non-respondent would have abstained and therefore ignores the possibility that some non-respondent might have voted in favour or against a proposal, but just failed to do so.

It is proposed to modify paragraph 15 of Rule so that a member's failure to respond would not be recorded as an abstention. Instead, a failure to respond could be recorded as such and not be considered for the constitution of the quorum, not unlike a member who is not present for a vote at a meeting¹.

B) Possible drafting suggestions

12. Members shall promptly acknowledge receipt of the proposal or request transmitted under paragraph 11. If no acknowledgment is received within 10 days of the date of transmittal, the Executive Secretary shall retransmit the proposal or request and shall use all additional means available to ensure that the transmittal has been received. ~~Confirmation by the Executive Secretary that the transmittal has been received shall be deemed conclusive regarding the inclusion of the member in the quorum for the purpose of the relevant intersessional vote.~~

13. Within 10 days of the initial transmittal of a proposal pursuant to paragraph 11 (a), in accordance with Rule 7(d), any member may request an intersessional vote on the chairman's determination of the necessity of considering the proposal intersessionally made under paragraph 9, to be subject to the majority decision rule contained in paragraph 2. **[If no such request is received, the Executive Secretary shall inform all members and indicate the number of days remaining to respond to the proposal.]**

14. Members shall respond within 40² days of the date of the initial transmittal of a proposal or request, indicating whether they cast an affirmative vote, cast a negative vote, abstain from voting, or require additional time to consider the matter. **[If no request for an extension of time has been received within 30 days of the initial transmittal of a proposal or request, the Executive Secretary shall inform all members of the**

¹ Alternatively, a failure to vote by a member, provided that the Secretariat has confirmed receipt of the intersessional vote transmittal by that member, could also be counted either as: 1) a vote in favour of a proposal; 2) a vote neither in favour nor against a proposal (1/2 vote in favour and 1/2 vote against, having a neutral effect on the outcome of a proposal), or; 3) an undetermined response (1/3 vote in favour, 1/3 vote against and 1/3 abstention, having a slight effect (1/3 of a vote) against a proposal).

² The duration of the voting period and of an extension to the voting period were not considered as part of this proposal but could be reviewed to improve the efficiency of the process.

approaching expiration of the 40 day period, indicate which responses have yet to be received and remind the members of the requirement to respond.]

14 *bis* If a member of the Commission requests additional time for consideration, a further 30 days shall be allowed from the expiration of the initial 40 day period. No additional extensions of time beyond one 30 day extension will be permitted³. In the event of such an extension, the Executive Secretary shall [**indicate which responses have yet to be received and**] inform all members of the final date by which responses must be received.

15. If no reply from a member is received within 40 days of transmittal, or by the extended deadline specified by the Executive Secretary in the event of a 30 day extension to consider the proposal, that member ~~shall be recorded as having abstained and~~ shall [**not**] be considered part of the quorum for voting purposes.

C) Additional measures to encourage participation of members in intersessional votes

In addition to modifying the Rules of Procedures, further means could be envisaged to encourage members to respond in an intersessional vote. Compliance of members with Rules of Procedures could be assessed during the annual meeting of the Commission. The Secretariat could also make use of the different means envisaged in the current Rules of Procedures to secure the greatest amount of responses from Contracting Parties (e.g. secure web-site, an e-mail with a voting button sent as a reminder, etc.).

Appendix 8

Issues for Discussion by the Working Group on the Future of ICCAT

(Submitted by Libya)

Reference is made to ICCAT circular No 5000/2011, requesting CPCs to indicate which issues they intend to work on in the framework of the Working Group on the Future of ICCAT during its May 2012 meeting.

In addition to the issues identified by the working group on the future of ICCAT, Libya would like to address the following:

- Due to the advent of the Libyan 17th February revolution to overthrow the tyrant regime, the Libyan quota of bluefin tuna for fiscal year 2011 has not been used (i.e. typical case of *force major*); thus Libya, and as an exceptional case, would like to have last year's quota carried-over, either wholly or partially, to this year and/or the following fiscal years. We would also like see the principle (the *force major* principle) of carrying-over be reconsidered in any suggested future amendments to the Convention, based on similar cases in future.
- Libya agrees with the proposal made by USA regarding the current voting rules which create an extremely high bar for adopting measures by vote. To date, voting in ICCAT has been shown to be an ineffective tool for taking decisions – intersessionally or otherwise. Currently, two-thirds of ICCAT's Contracting Parties constitute a quorum; however, the threshold needed to adopt a measure is a majority of all Contracting Parties in almost all cases. Thus, for a measure to pass, a qualified or absolute majority of ICCAT's full membership must vote in favor. Abstentions under ICCAT's current rules effectively act as negative votes. Amendments to Article III, paragraph 3, will be necessary to address these issues and, at a minimum, should reflect the following:
 - ◆ Decisions should be taken by consensus when possible, but, if all attempts to reach consensus fail, a vote may be called;

³ The possibility of allowing an additional extension should the quorum not be satisfied was not considered as part of this proposal but could be envisaged.

- ◆ Decisions of the Commission should be based on the votes of those Contracting Parties present and casting a positive or negative vote;
- ◆ Conforming amendments to Article 1(b)(i) and ICCAT's Rules of Procedure.

Appendix 9

Proposal for Consideration at the Third Meeting of the Working Group on the Future of ICCAT on the Objection Procedure

(Proposed by Canada)

Pursuant to Article VIII (3) of the Convention, any Contracting Party may present an objection to a recommendation of the Commission on a matter not under the purview of a Panel. Recommendations on matters under the purview of one or more Panels can only be the subject of an objection by a Contracting Party that is also a member of the relevant Panel or Panels, unless a valid objection has already been presented by another Contracting Party. Objections have to be presented within the six month period for recommendations to become effective and will delay the entry into effect of such recommendation for an additional 60 to 105 day period. The ICCAT Convention does not require that objections presented by Contracting Parties be justified or based on specific grounds.

Objectives and desired outcomes of a proposed review of the ICCAT Objection Procedure

- 1) Preserve the right of Contracting Parties to present objections to decisions of the Commission;

The possibility for Contracting Parties to present an objection to a decision of the Commission would not be restricted. As is the case currently, all recommendations of the Commission would be subject to objections by Contracting Parties. This principle could be reflected in a resolution or in an amendment to the Convention.

- 2) Extend, when possible, the right of a Contracting Party to object;

The possibility for a Contracting Party to object to a recommendation of the Commission should not be limited to those recommendations under the purview of the Panels of which it is a member. However, allowing Contracting Parties to object to recommendations originating from Panels of which they are not member would require an amendment to the Convention.

- 3) Reduce, to the extent possible, the impact of objections on the entry into effect of recommendations of the Commission;

Contracting Parties have six months after the date of notification from the Commission transmitting the recommendation to the Contracting Parties to present an objection to the Commission, which automatically extends by another 60 days the period for a recommendation to become effective. Other Contracting Parties can present an objection at any time during that extended eight month period. Additionally, Contracting Parties have 45 days to present an objection from the last objection made during the 60 day extension, which has the potential to further delay the entry into effect of a recommendation. Consequently, if all parties present their objections early (no less than 45 days before the end of the extended objection period), a further extension is avoided.

Such a change could be the object of a resolution or an amendment to the Convention. The latter could also reduce the period in which objections can be presented so that it would be included in the period necessary for recommendations to become effective, thereby avoiding any delay in the entry into effect of recommendations.

- 4) Require that objections be justified and based on specific grounds;

An objection does not exempt a Contracting Party from its duty to cooperate within the Commission to pursue the objectives of the Convention. As such, without restricting its right to present an objection, a Contracting

Party should, when presenting an objection to the Commission, include its justifications for doing so, based on the following grounds:

- The recommendation is inconsistent, with UNCLOS, the UN Fish Stocks Agreement, the ICCAT Convention, or another ICCAT recommendation still in effect;
- The recommendation unjustifiably discriminates in fact or law against the objecting Contracting Party;
- The recommendation is inconsistent with a domestic measure that pursues compatible conservation and management objectives and that is at least as effective as the recommendation, and;

Such a mechanism would not restrict the right to present an objection to a recommendation since the justifications and grounds for the objections would be determined by the Contracting Party presenting the objection. Furthermore, providing justifications to the objections would give them more weight and credibility, while at the same time bringing more transparency to the decision making process at ICCAT.

Such a change could be the object of a resolution or an amendment to the Convention.

- 5) Require that a Contracting Party presenting an objection also propose to adopt and implement, to the extent applicable, alternative management and conservation measures consistent with the objectives of the Convention;

An objection does not exempt a Contracting Party from its duty to cooperate within the Commission to pursue the objectives the Convention. When presenting an objection, to the extent applicable, a Contracting Party should specify the management and conservation measures it proposes to adopt and implement in lieu of the recommendation and which would be consistent with the objectives of the Convention. While objecting to a specific element of a recommendation, a Contracting Party could commit to implement the rest of the recommendation.

Such a change could be the object of a resolution or an amendment to the Convention.

Mechanisms envisaged for the review of the ICCAT Objection Procedure

A draft resolution is proposed below to implement the proposed changes more rapidly. Convention amendments might be needed to address this issue more effectively.

Draft Resolution by ICCAT Regarding the Presentation of Objections in the Context of Promoting Effective Conservation and Management Measures Adopted by ICCAT

(Proposed by Canada)

Recalling that pursuant to Article VIII of the Convention, Contracting Parties may present objections to recommendations adopted by the Commission;

Concerned that the presentation of objections by ICCAT Contracting Parties has increased;

Considering that the presentation of an objection does not exempt a Contracting Party from the obligation to cooperate with Contracting Parties in pursuing the objectives of the ICCAT Convention;

Further considering that in conformity with the aims of the Commission and in view of the rights accorded by Article VIII of the Convention and taking account of the fundamental obligation of all Contracting Parties not to undermine the ICCAT objectives, it is essential that the terms relating to the presentation of objections be clearly defined;

The International Commission for the Conservation of Atlantic Tunas (ICCAT) resolves that:

1. Contracting Parties wishing to present objections should do so no less than 45 days before the end of the extended objection period, so not as to delay further the entry into effect of a recommendation.

2. Each Contracting Party that presents an objection pursuant to Article VIII of the Convention should provide to the Commission, at the time of presenting its objection, the reasons for its objection, based on the following grounds:
 - The recommendation is inconsistent, with UNCLOS, the UN Fish Stocks Agreement, the ICCAT Convention or another ICCAT recommendation still in effect;
 - The recommendation unjustifiably discriminates in fact or law against the objecting Contracting Party;
 - The recommendation is inconsistent with a domestic measure that pursues compatible conservation and management objectives and that is at least as effective as the recommendation, and;
3. Each Contracting Party that presents an objection pursuant to Article VIII of the Convention should, at the same time, to the extent applicable, specify to the Commission the alternative management and conservation measures consistent with the objectives of the Convention it proposes to adopt and implement.
4. At each Commission meeting thereafter while its objection is maintained, the Contracting Party concerned should communicate to the Commission the alternative conservation and management measures it has adopted to respect the objectives of ICCAT and their effectiveness.
5. The Executive Secretary should provide all Contracting Parties with the details of all information and clarifications that have been received in conformity to paragraphs 2 and 3.
6. Each year the Commission should consider the effectiveness of the measures identified in paragraph 3.

Appendix 10

Proposal for Consideration at the Third Meeting of the Working Group on the Future of ICCAT for an Amendment to the ICCAT Criteria for the Allocation of Fishing Possibilities [Ref. 01-25]

(Proposed by Turkey)

It is proposed that paragraph 19 of the *ICCAT Criteria for the Allocation of Fishing Possibilities* [Ref. 01-25] be amended as follows:

“19. The allocation criteria should be applied in a fair, equitable **and transparent** manner with the goal of ensuring opportunities for all qualifying participants. **The allocation of fishing possibilities shall take into account the criteria listed under the Title III. Allocation Criteria by using a mathematical formula to be developed by the SCRS. In this regard, SCRS shall be mandated to develop such a formula based on the criteria referred to in this resolution to be provided to the relevant Panels.**”

ICCAT Reporting Requirements Review

No	Information required	Rec/Res	Frequency & deadline	Form adopted by Commission	Processed / stored / published	Purpose of information	Comments	Possible overlap	Recommended Action	Referred for Action	Referred for Action
GENERAL											
1	Annual Reports (Scientific)	Convention; Res. 01-16 and Ref. 04-17.	Annual; At the start of the SCRS meeting	Yes, see Ref. 04-17	Biennial Report	Scientific	Basic reporting requirement	N/A	None	N/A	N/A
2	Annual Reports (Commission)	Convention; Res. 01-16 and Ref. 04-17;	Annual; One month before the Commission meeting	Yes, see Ref. 04-17	Biennial report	Management Implementation	Basic reporting requirement	N/A	None	N/A	N/A
3	Compliance Tables	Rec. 98-14	Annual, with Annual report (one month before the Commission meeting)	Yes (outdated-CP13-COC_Sec)	Published in COM report	To determine if reported catches and size distribution are within CPC catch/size limits for the purposes of the Compliance Committee reviews; To agree on adjustments for under/over harvest in prior year.	Current system of allowing changes until first day of meeting inconsistent with Rec. Form adopted by the Commission no longer relevant to current methods. Adjustments are agreed for the prior year after fishing has occurred. Difficulty accounting for prior year revised data and unreported catches. COC (2008) agreed on 31 July submission deadline without amending Rec.98-14.	Task 1 and 2 data submissions. For E-BFT, overlap with Weekly/Monthly Catch Reports	1) Resolve deadline difference between Recommendation 98-14 and deadline adopted by the Commission in 2008. 2) Revise recommendation to reflect current reporting practices.	COC	Rec 11-11 addresses overlap with Task 1 and 2 data and weekly/monthly BFT catch reports, resolves the deadline conflict, and establishes a process for subsequent changes made by CPCs to compliance table submissions.

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4	List of vessels greater than 20 meters	Rec. 09-08	At time of change	No reporting form but data elements specified in recommendation and electronic submission encouraged (CP01-VessLsts.xls)	ICCAT web site	To ensure only authorized vessels fish in the Atlantic. To support at-sea and port inspection and trade monitoring by verifying vessel's flag state authorization.	Vessels often included after fishing activities have begun. Information often incomplete. Many vessels with expired authorizations on list.	With other vessel lists	Develop protocol that places vessels with expired authorizations on an archive list. Facilitate search of active list and archive by period of validity. Always include notification date. Consider consolidation with other lists	Commission	Rec 11-12 addresses retroactive authorizations and removal of vessels with expired authorizations.
5	Vessels 20 m internal actions report	Rec. 09-08, para. 6	Annual; not specified	Yes (CP10-IntAc20)	Currently not processed	Ensure that flag states exercise legal control over vessels	Few CPCs submit information.	Overlap with previous years' reports, Annual reports and Rec. 06-14 Reports	Combine Rec. 09-08 and Rec. 06-14 reports with Annual Report, Section 4.	Commission	- Rec 11-12 replaced Rec 09-08 but did not change this provision. - COC report modified review process.
6	LSTLV Management Standard	Res. 01-20	Annual; not specified	Yes (CP17-LSTLV.doc)	Currently not processed	Ensure that flag states exercise legal control over vessels	Few CPCs submit information, most with no changes from prior year.	With previous years' reports	Include in Annual Report	Commission	Addressed by COC in 2011 – submit reports only when changes occur.

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7	Vessel chartering - arrangements and termination	Rec. 02-21	At time of arrangement and termination	No (CP05-ChartrCP.xls / CP06-ChartrFS)	Partially published on ICCAT web site within consolidated vessel list.	To ensure chartered vessels are operated by ICCAT regulations and that the flag State and chartering State agree on catch reporting and accounting for catch limits.	Summary reports rarely sent, so no data base has been developed. Secretariat not always informed of termination.	With other vessel lists	Revise to include complete chartering information on the list maintained under Rec. 09-08, including expiration dates and real time updates. Chartering states should include summaries of effort and catches under charter in the Annual Report.	Commission	- Compliance recommended review of implementation of this measure. - Likely appropriate for PWG
8	Vessel chartering - summary report	Rec. 02-21	Annual, by July 31	No (CP036-ChartSum)	Not published	To ensure chartered vessels are operated by ICCAT regulations and that the flag state and chartering state agree on catch reporting and accounting for catch limits.	Summary reports rarely sent, so no data base has been developed. Secretariat not always informed of termination.	With other vessel lists	Revise to include complete chartering information on the list maintained under Rec. 09-08, including expiration dates and real time updates. Chartering states should include summaries of effort and catches under charter in the Annual Report.	Commission	- Compliance recommended review of implementation of this measure. - Likely appropriate for PWG

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9	Transshipment (carrier) vessels	Rec. 06-11	At time of change	No reporting form but data elements specified in recommendation and electronic submission encouraged (CP-02-VessCATS)	ICCAT web site	To ensure that at-sea transshipments are made only to authorized vessels.	Unclear whether notice obligation is for flag state of fishing vessels or flag state of carrier vessel, as these are often different states.	Duplicate entries due to current text of Recommendation; Unclear when authorization expires for some vessels.	Revise to indicate both catching and carrier vessel flag state responsibility for notification; Include information on operator and date of expiration; Maintain archive list after expiration.	Commission and appropriate panels	No action in 2011, but may be addressed in 2012 with proposal from IMM meeting
10	Transshipment declarations - various	Rec. 06-11	Various	Yes (CP19-TransDec)	Processed by consortium	To document amounts transhipped; To compare amounts at different points (transfer and landing) and with SDPs	Declarations from receiving carrier vessels due within 24 hours of transshipment and 48 hours before landing	N/A	None		- Making information available could be useful in Compliance review - May be addressed in 2012 with proposal from IMM meeting
11	Transshipment reports	Rec. 06-11	At sea: Annual (15 Sept); In Port: Annual (with Annual Report)	No (CP037-TransRep)	Attached to the Secretariat report to the COC	To cross check with transshipment declarations; To list LSTLVs that are transshipping; To review transshipment activity through observer reports	CPCs are responsible for reviewing transshipment declarations from LSTLVs and comparing them with reported catches. Report to Secretariat includes total quantities, vessels involved in transshipment activities and observer reports.	N/A	None		- Making information available could be useful in Compliance review - May be addressed in 2012 with proposal from IMM meeting

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12	Alternative scientific monitoring approach	Rec. 10-10	Annual; in 2011 due before fishing season; from 2012 on due before SCRS meeting)	No specific format	SCRS Report	To ensure adequate monitoring and reporting from fisheries		With annual report requirements	Combine with Annual report	PWG	No action in 2011; Review of implementation expected in 2012
STATISTICAL DATA											
13	Fleet characteristics	Art-IX in ICCAT Convention and Rec. 05-09 and Res. 66-01	31-July-2011 except where otherwise specified in the Request for statistics	ST01-T1FC	SCRS Report	Support stock assessment	Basic reporting requirement	N/A	None	N/A	N/A
14	Estimation of nominal catch Task I			ST02-T1NC	SCRS Report	Support stock assessment	Basic reporting requirement	N/A	None	N/A	N/A
15	Catch and effort (Task II)			ST03-T2CE	SCRS Report	Support stock assessment	Basic reporting requirement	N/A	None	N/A	N/A
16	Size samples (Task II)			ST04-T2SZ/ST06-T2FM	SCRS Report	Support stock assessment	Basic reporting requirement	N/A	None	N/A	N/A

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17	Catch estimation by size			ST05-CAS	SCRS Report	Support stock assessment	Basic reporting requirement	N/A	None	N/A	N/A
18	Tagging declaration			TG01-TG03	SCRS Report	Support stock assessment	Basic reporting requirement	N/A	None	N/A	N/A

AD HOC INFORMATION

19	Vessels involved in IUU fishing	Rec. 09-10; paragraph 2	At time of occurrence (at least 120 days before annual meeting)	No (CP11-IUULst)	ICCAT web site	Identify and address IUU activity within the Convention area	Para 12 of Rec states that Commission shall at its annual meeting in 2011, review and, as appropriate, revise to extend to other IUU activities	Vessel sightings measure (94-09)	Review measure per para. 12 of Recommendation; Consider harmonizing with measures from other RMFOs.	PWG	Replaced by Rec 11-18. Next review in 2013 per para 12.
20	Reports on IUU allegations	Rec. 06-14	At time of occurrence	No	Sent to Secretariat and CPCs concerned	To ensure CPCs take appropriate actions against detected violations	Refers to previous IUU vessel list	With vessel sighting sheets	Update reference to IUU vessel Rec (09-10)	PWG	IUU vessel list reference should be Rec 11-18
21	Vessel sightings	Res.94-09	At time of occurrence	Yes (outdated-CP18-VessSight)	Sent to Secretariat and CPCs concerned	Similar to above. Form outdated as only refers to BFT, also covered by Rec. 08-05.		With Rec 09-10 IUU Vessel List	Update and combine with form in Rec. 09-10	PWG	IUU Vessel List reference should be Rec 11-18; consider updating and consolidating reporting forms

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22	Port inspection reports	Rec. 97-10	At time of occurrence	No specific format	Currently not processed	To ensure CPCs take appropriate actions against detected violations	Some elements may be implemented through other measures (Rec.10-04)	With IUU Vessel List Rec (09-10) and 10-04	Consider consolidation of reporting requirements when considering adoption of PSM Rec	PWG	- IUU Vessel List now Rec 11-18 - No action in 2011, but may be able to address in 2012 with proposal from IMM meeting
23	Trade measures submission of import and landing data	Rec. 06-13	Annual; in a timely manner	CP12-TM0613	Reviewed by Compliance Committee	To provide a basis for identification	Some CPCs have requested clarification on the nature and scope of information that should be reported	Some overlap with basic reporting requirements and reporting under BCD and SDPs??	Clarify nature and scope of information that should be reported	PWG	COC Chair advised CPCs to submit any information which may be viewed as relevant for investigating suspected non-compliance.
24	Data on non-compliance	Rec. 08-09	At least 120 days before annual meeting	No	Reviewed by Compliance Committee	To bring to the attention of the Commission possible non-compliant actions	Recommendation establishes a process for information submitted to be shared and responded to.	With IUU vessel list measure (Rec. 09-10)	None	-	IUU Vessel List reference should be Rec 11-18
24 bis	Vessels not reported as active under Rec. 08-05 and presumed to have fished	Rec. 08-05 and Rec. 10-04	Whenever available	No specific format	To date no submissions have been received	To help ensure that there is no illegal E-BFT fishery		Overlap with existing IUU list and non-compliance information	Include in IUU list or other non-compliance reporting requirements and revoke.	Panel 2	EBFT management measure will be discussed in 2012

SPECIES SPECIFIC											
BCD/SDP (BFT/BET/SWO)											
25	Validation seals and signatures for SDPs	Rec. 01-21 & Rec. 01-22	At time of change	Yes (CP15-SDP_Valid)	ICCAT web site	To allow CPCs to verify authenticity of seals/signatures	Some CPCs & NCPs do not provide timely info on validating authorities and questions have been raised as to implications for importers.	With BCD signatures, but does not currently present difficulty	Clarify issues raised regarding lack of appropriate validating authority info and importation.	PWG	No action in 2011, but may be able to address in 2012 with proposal from IMM meeting
26	Data from ICCAT statistical document programs	Rec. 01-21 & Rec. 01-22	01-Apr-2011 and 01-Oct-2011	Yes (CP16-SDP-REP)	Data base maintained	To assist in the tracking of products and compare with catch data	Conversion factors for some products still unknown. Data often submitted with Ocean or country of origin missing.	Some overlap with trade data submitted under Rec. 06-13	Consider clarifying reporting requirements to provide details on possible IUU activity	PWG	No action in 2011, but may be able to address in 2012 with proposal from IMM meeting
27	Validation seals and signatures for BCDs	Rec. 09-11	At time of change	Yes (CP15-SDP_Valid)	ICCAT web site	To allow CPCs to verify authenticity of seals / signatures		With SDP signatures, but does not currently present difficulty	Consider implementation issues during development of eBCD program.	PWG	eBCD will address validation seals using digital signatures
28	BCD contact points	Rec. 09-11	At time of change	No	ICCAT web site	To allow CPCs to maintain bilateral contacts on issues relating to BCDs		N/A	None		eBCD will address contact points

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29	BCD legislation	Rec. 09-11	At time of change	No	ICCAT web site	To indicate that the Rec. has been transposed into domestic law.		N/A	None		N/A
30	BCD tagging summary, sample tag	Rec. 09-11	At time of change	No	ICCAT web site	To allow importers to familiarize themselves with tagging requirements of exporters.	Not all BCDs are sent by the catching state to the Secretariat. As tagged products are exempt, database totals will never match actual catch.	N/A	None		eBCD may address.
31	Bluefin catch documents	Rec. 09-11	Within 5 days of issue	Yes (See Annex Rec. 09-11)	ICCAT web site	To track BFT products from catch to the market; to allow importing state to verify that catch was authorized, within catch limit and reported to ICCAT.	Not all BCDs are sent by the catching state to the Secretariat. As tagged products are exempt, database totals will never match actual catch.		Consider implementation issues during development of eBCD program.	PWG	eBCD may address.
32	BCD Annual Report	Rec. 09-11	Annual, Oct 1	Yes (CP30-BCD_Rep)	ICCAT web site	To allow CPCs to compare and reconcile import and export statistics	It may be difficult to analyze information in the BCD annual reports as currently submitted	N/A	Consider revising the annual report format to facilitate analysis	PWG	eBCD may address.

SWORDFISH											
33	List of Med-SWO vessels	Rec. 09-04 /09-08	Annual, Aug 31	No reporting form but reference to requirements of Rec. 09-08 (CP01-VessLsts.xls)	ICCAT web site	To ensure that only authorized vessels are fishing for Med-SWO	Text indicates all vessels retaining swordfish are included (directed fishing and bycatch). No limit on vessel size and resubmission by 31 Aug each year are inconsistent with Rec. 09-08.	With other vessel lists	Revise to include Med-SWO authorization in the list maintained under Rec. 09-08, including expiration dates and maintenance of list in real time.	Panel 4	- Replaced by Rec 11-13 - Addressed inconsistency with Authorized Vessel List
34	List of vessels authorized for large pelagics in Mediterranean in previous year	Rec. 09-04 /09-08	Annual, No later than June 30	Rec. 09-04 lists data elements, refers to ICCAT data submission guidelines and also refers to requirements of Rec. 09-08. (CP35-SWOM_PvYr)	In progress	To evaluate fishing capacity/effort for SWO and other large pelagics in the Mediterranean	Reference to large pelagics could include more vessels than Med-SWO list. Form needs to be revised in line with Rec.	With other vessel lists	Revise to include large pelagics authorization in the list maintained under Rec. 09-08, including expiration dates, maintenance of list in real time, and post reporting of fishing effort.	Panel 4	- Replaced by Rec 11-13 - Addressed inconsistency with Authorized Vessel List
35	Compliance with seasonal closure/Med-SWO	Rec. 09-04	Annual, Oct 15	No	No	To ensure compliance with closed seasons.	15 October deadline inconsistent with other reports	Prior year reports; annual report.	Include in Annual Report	Panel 4	Replaced and addressed by Rec 11-13

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36	History of SWO fishery and development/management plan	Rec. 10-02	Once; 15 Sept 2011	No	To be determined	To develop a multi-year conservation and management measure for SWO	To be used at 2011 meeting for development of swordfish measure.	N/A	No action.		N/A
ALBACORE											
37	Annual list of northern albacore vessels	Rec. 98-08	Annual; 1 June	No (CP03-VessALBN)	Currently not processed	Originally needed to support effort limitations in Northern Albacore fisheries. Fishery now managed by catch limits.	This list is of no scientific use as currently structured.	With other vessel lists	Consider eliminating requirement	Panel 2	N-ALB Measures adopted in 2011 with no change to 98-08 vessel list.
TROPICAL SPECIES											
38	Internal procedures for compliance with closed area/season in the Gulf of Guinea	Rec. 04-01	With annual report.	No	May be included in Annual reports, otherwise not published	To ensure compliance with closed seasons.	Unclear whether this measure is applicable beyond 2005.		Revisit requirement when discussing new management measure for bigeye tuna in 2011.	Panel 1	Replaced by Rec 11-01
BLUEFIN TUNA											
39	Bluefin tuna farming facilities	Rec. 06-07	At time of change	No (CP07_FarmLst)	ICCAT web site	To ensure operating farming facilities are authorized by a CPC.		No	None		N/A

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40	Bluefin tuna farming reports	Rec. 06-07	Annual, 31 Aug	No	No	To verify with farming reports/BCDs/transfer declarations	No format has yet been adopted. Format first developed by Secretariat is inadequate. Unless all activities are reported, no verification can be carried out.	No	Need to revise form and change deadline to coincide with report of carryover of caged fish. Total harvest previous year + mortality should = carry over	Panel 2	No action in 2011; may be addressed in eBCD implementation
41	Bluefin tuna caging declaration	Rec. 06-07	Within one week after the completion of the transfer operation	Yes	Yes	To verify with farming reports/BCDs/transfer declarations	Total of all caging declarations should equal total in annual farming report.	Some confusion with transfer declaration.	Consider the need for separate declarations in development of eBCD. Current format should be used to report all farming events, including caging, mortality, inter-farm transfer etc.	PWG / Panel 2	No action in 2011; may be addressed in eBCD implementation
42	Size sampling from farms	Rec. 06-07	Annual; July 31 (for sampling from previous year)	See statistical data	Yes	To assist in the determination of growth rates and conversion factors		With 10-04	Clarify whether this is a continuing requirement	Panel 2	EBFT management measure will be discussed in 2012
43	Carryover of caged fish	Rec. 09-11	Annual; within 15 days after start of PS season (6/1/2011)	No	Yes	To track the full chain of catch/transfer/caging/harvest/market	Some CPCs have requested an allowance for the consolidation of fish from different cages.	N/A	Consider request for consolidation. Need to revise form and change deadline to coincide with report of carryover of caged fish. Total harvest previous year + mortality should = carry over	Panel 2	Rec 11-20 allows grouping by same vessel and by same JFO but only when BFT harvested in same year; Carry-over accounting may be addressed in eBCD implementation

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44	Annual fishing plan (including commercial and sport /recreational quota management)	Rec. 10-04	07-Feb-2011 (before COC inter-sessional)	No	No, except individual quotas published on ICCAT web site	To ensure CPCs stay within quotas and overall TAC	To be reviewed and endorsed by COC	N/A	None		EBFT management measure will be discussed in 2012
45	Report on implementation of annual fishing plan	Rec. 10-04	15-Oct-11	No	No	To ensure full implementation of recovery plan.		Some overlap with report on implementation (see item 46)	Consider combining with report on implementation of Rec 10-04 (see item 46)	Panel 2	EBFT management measure will be discussed in 2012
46	Report on implementation of Rec. 10-04	Rec. 10-04	15-Oct-11	No	No	To ensure full implementation of recovery plan.		Some overlap with item 45	Consider combining with report of implementation of fishing plan	Panel 2	EBFT management measure will be discussed in 2012
47	Fishing, inspection and capacity reduction plans for 2012	Rec. 10-04	9-Oct-11	No	Only the capacity reduction plans are published in the Commission report	To ensure full implementation of recovery plan.	Unclear whether the plans for 2012 should be reviewed by COC or Panel 2	N/A	Consider combining with report on implementation of Rec 10-04 (see item 46) and Clarify if COC or Panel 2 shall review and endorse for 2012	Panel 2	EBFT management measure will be discussed in 2012

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48	Bluefin tuna catching vessels	Rec. 10-04	One month before fishing season	Yes (CP01-VessLsts.xls)	ICCAT web site	To ensure vessels are authorized by a CPC	Some CPCs have raised questions on the period of validity of vessels on list	N/A	Clarify whether list must be updated and revised annually. Specify clearly deadlines for lists as current Rec is confusing.	Panel 2	EBFT management measure will be discussed in 2012
49	Bluefin tuna other vessels	Rec. 10-04	One month before fishing season	Yes (CP01-VessLsts.xls)	ICCAT web site	To ensure vessels are authorized by a CPC		N/A	None		Time of vessel list submission was clarified in Panel 2 report.
50	Bluefin tuna active vessels previous year	Rec. 10-04	15-Oct-11	Yes (CP01-VessLsts.xls)	Included on vessel list on ICCAT Web site	To ensure vessels are authorized by a CPC	This information can be compiled from the weekly catch reports; but some authorized vessels may be active but not catch bluefin	Overlap with BFT authorized catching vessel list	This requirement could be removed if weekly catch reports can be used to determine active vessels	Panel 2	EBFT management measure will be discussed in 2012
51	List of baitboats and trollers	Rec. 10-04	30-Jan-11	Yes (CP01-VessLsts.xls)	Included on vessel list on ICCAT Web site	To ensure vessels are authorized by a CPC		N/A	Stipulate clear deadlines for lists (establish a date certain)	Panel 2	EBFT management measure will be discussed in 2012
52	List of vessels operating in the Adriatic	Rec. 10-04	30-Jan-11	Yes (CP01-VessLsts.xls)	Included on vessel list on ICCAT Web site	To ensure vessels are authorized by a CPC		N/A	Stipulate clear deadlines for lists (establish a date certain)	Panel 2	EBFT management measure will be discussed in 2012
53	List of Artisanal vessels in the Mediterranean	Rec. 10-04	30-Jan-11	Yes (CP01-VessLsts.xls)	Included on vessel list on ICCAT Web site	To ensure vessels are authorized by a CPC		N/A	Stipulate clear deadlines for lists (establish a date certain)	Panel 2	EBFT management measure will be discussed in 2012

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54	Plans for participation in Joint Inspection Scheme, including lists of inspectors and inspection vessels	Rec. 10-04	1-Mar-11	No	Lists of inspectors and vessels published on ICCAT web site	To ensure CPCs participate in join inspection scheme, and facilitate verification of inspectors by fishing vessel masters		N/A	None		EBFT management measure will be discussed in 2012
55	List of inspectors	Rec. 10-04	1-Mar-11	CP33_Inspector	Lists of inspectors and vessels published on ICCAT web site						EBFT management measure will be discussed in 2012
56	Copies of inspection reports	Rec. 10-04	At time of occurrence	Yes (CP28-InspectRP on request from Secretariat)	Copies of reports published on ICCAT web site	To allow parties to follow up alleged infractions and take action as appropriate.	Some CPCs were concerned about the timeliness of the sharing of reports	N/A	Stipulate timeframe for transmitting reports	Panel 2	EBFT management measure will be discussed in 2012
57	Bluefin tuna traps	Rec. 10-04	1-Mar-11	No (CP21-TrapLst)	ICCAT web site	To ensure traps are authorized by a CPC		N/A	None		N/A
58	Bluefin tuna trap declarations	Rec. 10-04	without delay	No (CP22-TrapDec)	Data base maintained (included in catches)	To complement catch reports		N/A	None		N/A
59	Bluefin tuna weekly catch reports	Rec. 10-04	every week	Yes (CP26-BFT_WCRp)	Data base maintained, but data not distributed	To ensure CPCs stay within quotas and overall TAC	According to Rec 10-04, this applies to all gear types, but most reports are received only during PS season. CPCs should report if no catch for other gears	N/A	None		EBFT management measure will be discussed in 2012

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60	Bluefin tuna monthly catch reports	Rec. 10-04	End of the month for data from the prior month	Yes (CP25-BFT_McRp)	Published monthly on ICCAT web site	To ensure CPCs stay within quota and overall TAC	Some discrepancies between weekly and monthly reports	N/A	None		N/A
61	Sport and Recreational fishing data	Rec. 10-04	31-Jul-11	See statistical data	Yes	To ensure all removals from stock are included in catch data		N/A	None		N/A
62	Bluefin tuna transshipment ports	Rec. 10-04	1-Mar-11	No (CP24-PortEBFT)	ICCAT web site	To ensure that all transshipments are monitored/inspected		N/A	None		N/A
63	Bluefin tuna landing ports	Rec. 10-04	1-Mar-11	No (CP24-PortEBFT)	ICCAT web site	To ensure that all transshipments are monitored/inspected		N/A	None		N/A
64	VMS messages	Rec. 07-08 and 10-04	Every 6 hours	Yes (NAF form)	Data base maintained. Information given to CPCs participating in Joint Inspection scheme on request	To monitor areas of activity of vessels involved in BFT fishery and to coordinate joint inspection program		N/A	None		N/A
65	Joint Fishing Operations	Rec. 10-04	10 days before operation	Yes (CP29-BFT_JFO)	ICCAT web site	To alert Commission of such activities and to monitor catches		N/A	Clearer report of JFO catches in weekly reports and BCDs		Rec 11-20 allows grouping by same JFO; Catches must be partitioned on basis of JFO and this may improve weekly reporting and BCDs

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66	List of BFT observers	Rec. 10-04	1-Feb-11	No (CP34-ObsvBFT.doc)	ICCAT web site	To include national observers in pool for ROP	This requirement was in fact removed from 10-04 (was in 08-05) so is no longer in force. CPCs may send lists voluntarily	N/A	None		N/A
67	Data from National Observer programmes	Rec. 10-04	4-Oct-11	No	As yet, nothing to process	To supplement data from ROP and furnish additional information on compliance / scientific data	No format has yet been adopted.	N/A	SCRS should approve a standard format (or formats as necessary) for adoption by the Commission.		No action in 2011; Review of implementation of Rec 10-10 expected in 2012. SCRS could advise on reporting formats.
68	Growth factors and methodology used	Rec. 10-04	For SCRS meeting	No	Yes, summarized in SCRS Report	To determine the growth rates of BFT in cages for comparison with catch / trade data	This is no longer a requirement under the current Recommendation		None		N/A

**Draft [Resolution] [Recommendation] by ICCAT to Establish a
[Working Group] to Develop Amendments to the ICCAT Convention**

RECALLING that, further to the 2005 *Resolution by ICCAT to Strengthen ICCAT* [Res. 05-10], the Commission should review ICCAT's conservation and management program and develop a work plan to address the strengthening of the organization;

RECOGNIZING the results of the Independent Performance Review of ICCAT;

RECALLING the discussions held during the meetings of the Working Group on the Future of ICCAT pursuant to the *Resolution by ICCAT to Strengthen ICCAT* [Res. 06-18];

TAKING INTO ACCOUNT developments in relevant international fisheries governance since the signature of the Convention;

FURTHER TAKING INTO ACCOUNT the outcome of the 2012 meeting of the Working Group on the Future of ICCAT acknowledging that to address certain issues, amendments to the ICCAT Convention are necessary;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF
ATLANTIC TUNAS (ICCAT) [RESOLVES] [RECOMMENDS] AS FOLLOWS:

A [Working Group] to Develop Amendments to the ICCAT Convention ([Working Group]) is established with the following Terms of Reference:

- a) Develop proposed amendments to the Convention with respect to the priorities identified in the Annex in order to further strengthen ICCAT to ensure it can fully meet current and future challenges.
- b) In developing proposed amendments, take into account the proposals which are submitted by ICCAT Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) [regarding these priorities], including proposals considered during the Future of ICCAT Working Group process.
- c) The [Working Group] will carry out its work in accordance with the following work plan:

<i>2013</i>	<i>2014</i>	<i>2015</i>
Meet intersessionally to discuss proposed amendments to the Convention, including draft text.	Meet intersessionally to continue discussion of proposed amendments to the Convention, and develop a consolidated draft of proposed amendments that will serve as a negotiating text for future meeting(s).	Meet intersessionally to finalize, if possible, proposed amendments to the Convention. Present the final proposed Convention amendment text for adoption.

- d) The [Working Group] should seek to advance issues electronically, where possible.
- e) All CPCs should participate in the [Working Group].
- f) A special [Working Group] Meeting Fund financed through voluntary contributions and, if necessary, the ICCAT Working Capital Fund is established to assist with the cost of participation of up to two representatives from each of those ICCAT Contracting Parties which are developing States.

[*Annex*

(not in priority order)

Precautionary Approach

Ecosystem considerations, including bycatch

Convention scope, in particular shark conservation and management

Capacity building and assistance

Decision-making processes and procedures:

- Entry into force provisions for recommendations
- Voting rules/quorum
- Objection procedures
- Dispute resolution

Monitoring, control, and surveillance

Non-party participation

Transparency

Allocation of fishing possibilities

Force majeure

Responsible international trade (as referred to in the FAO Code of Conduct)]

Explanatory Note on the "Draft Recommendation by ICCAT on a Shark Action Plan"

(Proposed by Japan)

1. In response to the growing international concerns on the conservation and management of oceanic sharks (defined below, hereinafter referred to as “sharks”), ICCAT has adopted various kinds of binding conservation and management measures, including the prohibition of retention of several sharks caught in association with ICCAT fisheries.

*Oceanic sharks provided in Annex I of UNCLOS, porbeagle sharks and crocodile sharks.

2. However, two fundamental questions have arisen with regard to the above measures. First, the meaning of “sharks caught in association with ICCAT fisheries” is not necessarily clear. For example, it is clear that a bottom longline fishery targeting demersal fish species is not an ICCAT fishery. However, if fishermen use a pelagic longline targeting sharks, is this an ICCAT fishery? Some people may say that this is not an ICCAT fishery since ICCAT manages tuna and tuna-like species, while some people may say that this is an ICCAT fishery as long as the fishing gear is a pelagic longline, which is highly likely to catch tuna and tuna-like species. A more complicated question would be: What if a fishery targeting pelagic fish species other than tuna and tuna-like species incidentally takes sharks?
3. Second, non-ICCAT fisheries, without being bound by ICCAT measures, also catch the species subject to such measures. Any measures adopted by ICCAT would be ineffective as long as non-ICCAT fisheries continue to catch the shark species simply because ICCAT cannot extend its measures to such fisheries.
4. Japan, in accordance with ecosystem approaches contained in the FAO Code of Conduct for Responsible Fisheries and U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, supports conservation and management of sharks with a view to utilizing shark resources in a sustainable manner as with other fish resources. In this regard, Japan believes that kinds of fisheries to be managed by ICCAT should be interpreted broader as possible to include a pelagic longline fishery which catches sharks regardless of its intention. Also, ICCAT should have a mechanism to cooperate with other RFMOs to enhance management of non-ICCAT fisheries which catches sharks, in accordance with paragraph 2 of Article XI.
5. The concerns mentioned above seem to imply the importance of achieving the effective management of shark species. In this regard, Japan deems it necessary to create a clear common understanding among ICCAT members as to the concerns above, particularly, as to what kinds of fisheries to be covered by ICCAT.
6. From this viewpoint, Japan would like to propose an action plan as a more realistic step to enhance conservation and management of sharks, which consists of short-term and long-term actions since it is still likely to take more time among ICCAT members to share the common understanding on this issue.
7. The short-term actions are basically to enhance data and information collection on kinds of sharks taken, kinds of fisheries in question, and any relevant regulations, if any, being applied by each CPC on sharks. This will set up a good basis for further discussion on establishing effective measures on the conservation and management of sharks under the ICCAT. The long-term action then would be the study of how the current mechanism should be modified, so that sharks will be listed as species to be managed by ICCAT. This means that sharks will be managed as not only bycatch species but also target species.
8. Accordingly, Japan would like to present a draft recommendation on shark action plan which reflect the above ideas. We hope that this paper will deepen the discussion on this issue at the Working Group.

Draft Recommendation by ICCAT on a Shark Action Plan

(Proposed by Japan)

RECALLING that the Commission has adopted many conservation and management measures on sharks in accordance with ecosystem approaches, with reference to the FAO Code of Conduct for Responsible Fisheries and U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks,

FURTHER RECALLING that there is no definition of ICCAT fisheries which has been often used in the ICCAT Recommendations on sharks,

RECOGNIZING that there are several regional fisheries management organizations which have the purview to manage sharks in the Atlantic and the Mediterranean,

RECOGNIZING that all fisheries catching, whether intentionally or not, sharks should be properly managed in order to achieve sustainable utilization of the shark species, taking into account of relevant international instruments such as UNCLOS,

FURTHER RECOGNIZING that in the Article XI (2) of the ICCAT Convention, there should be cooperation between the Commission and other international fisheries commission, and scientific organizations which might contribute to the work of the Commission,

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

I. Short-term action

Information and data collection

1. For the sake of collecting data of kinds of sharks taken and fisheries in question, each CPC shall submit all available data related to sharks (oceanic sharks provided in Annex I of UNCLOS, porbeagle sharks and crocodile sharks (hereinafter referred to as “sharks”)) caught in the ICCAT Convention area by both ICCAT and non-ICCAT fisheries, including but not limited to, fisheries targeting tuna and tuna-like species, fisheries targeting sharks, artisanal fishery, sport and recreational fisheries (hereinafter referred to as “the shark associated fisheries”) to the Secretariat by June 2013. For this submission, latest data shall be considered by CPCs. The data to be provided shall include at least the following information:
 - a) Quantities by species and by fishing gear; and
 - b) Number of fishing vessels by fishing gear

Data obtained as above would be considered by the Commission in order to identify the kinds of fisheries and sharks to be covered by future ICCAT conservation and management measures.

2. If CPCs, in particular coastal developing CPCs, have difficulty to collect the data in paragraph 1, they may submit estimated data based on observer data or port sampling data.
3. Each CPC shall also submit information on national regulations applied to the shark associated fisheries to the Secretariat by June 2013.
4. SCRS shall take into account of the data and information provided from the Secretariat in conducting stock assessments and/or ecological risk assessments of sharks.

Cooperation with other RFMOs

5. The ICCAT Secretariat shall contact relevant RFMOs which cover sharks in their conservation and management measures in order to enhance mutual cooperation, which includes, *inter alia*:
 - a) Holding of a joint scientific meeting on shark species of common interest with a view to conducting jointly stock assessments and/or ecological risk assessments;

- b) Holding of a joint management meeting on shark species of common interest with a view to ensuring compatibility of conservation and management measures between the Commission and the RFMO.
6. The Commission may consider, where necessary, establishing an MOU between the Commission and the other relevant RFMOs to formalize paragraph 5 a) and b) above.

II. Long-term action

Possible Modification of the current framework under the Convention

7. Based on the scientific information collected through the short-term actions, the Commission will study the necessity to modify the current framework under the Convention to enhance conservation and management of sharks. Possible elements to be studied will include, inter alia, (1) introduction of ecosystem approaches; (2) identifying sharks and shark fisheries to be managed by the Commission; and (3) establishment of a mechanism to cooperate with other relevant RFMOs whose mandate also covers sharks to be managed by the Commission.