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**Proposal for the Commission's implementation of the
RFMO performance review**

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Prepared by the Secretariat

1. At the first joint meeting of tuna RFMOs, held in Kobe, Japan from 22-26 January 2007, a commitment was made to review the performance of the five tuna RFMOs using common criteria and methodology. The Second meeting of the tuna RFMOs, at San Sebastian, Spain 29 June to 3 July 2009 revised the Kobe Course of Actions (KCoA) for the period 2011 to 2013. In relation to performance reviews, the revised KCoA, *inter alia*:

Welcome the independent performance reviews carried out and ongoing by CCSBT, ICCAT and IOTC, and urging those RFMOs to consider implementation, as appropriate, of the recommendations of those reviews. Emphasize the need for IATTC and WCPFC to conduct performance reviews without delay, as agreed in the Kobe Action Plan and called on those tuna RFMOs that had yet to do so to complete a performance review.

2. At WCPFC4 in December 2007, Australia proposed that the Western and Central Pacific Fisheries Commission commit to undertake a review of the Commission's performance as a key priority of the Commission's work (WCPFC4-2007/DP05). Australia proposed the following text for the Commission's consideration for an agreement on the implementation of the review.

3. It was Australia's view that the review must be conducted in a transparent manner and with a degree of independence that will give the results the necessary credibility.

Composition of the Review Panel:

1. One scientific expert with expertise on tuna, and not directly affiliated with any WCPFC Member;
2. One non-government expert with thorough knowledge of tuna RFMO management and governance issues, not directly affiliated with any WCPFC Member; and
3. Representatives of the WCPFC Members as follows: *[to be nominated during the Commission meeting considering the Review process]*

4. Australia proposed that the Secretariat not be part of the Review Panel but it will act as a facilitator of its activities, providing access to the information and facilities that the Review Panel will require to conduct its work. Panel meetings were proposed to take place in Pohnpei, Federated States of Micronesia. It was further proposed that Member countries cover the costs associated with the participation of their representatives.

Scope of the review:

5. The review will focus on the effectiveness of the Commission to fulfil its mandate, in accordance to the criteria set forth below. The review will not include an audit of the finances of the Commission, which are routinely undertaken on an annual basis.

Work schedule:

6. The report of the Review Panel will be completed and be made available 60 days prior to the next Regular Session of the Commission and published on the WCPFC website.

Criteria for Reviewing the Performance of Regional Fisheries Management Organizations (RFMOs)

AREA	General Criteria	Detailed Criteria
1 <i>Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> • Status of major fish stocks under the purview of the RFMO in relation to maximum sustainable yield or other relevant biological standards. • Trends in the status of those stocks. • Status of species that belong to the same ecosystems as, or are associated with or dependent upon, the major target stocks (hereinafter “non-target species”). • Trends in the status of those species.
	Data collection and sharing	<ul style="list-style-type: none"> • Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I. • Extent to which RFMO members and cooperating non-members, individually or through the RFMO, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner. • Extent to which fishing data and fishing vessel data are gathered by the RFMO and shared among members and other RFMOs. • Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required.
	Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which the RFMO receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.
	Adoption of conservation and management measures	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted conservation and management measures for both target stocks and non-target species that ensures the longterm sustainability of such stocks and species and are based on the best scientific evidence available. • Extent to which the RFMO has applied the precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points. • Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. • Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries. • Extent to which the RFMO has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems. • Extent to which the RFMO has adopted measures to minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.
	Capacity management	<ul style="list-style-type: none"> • Extent to which the RFMO has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries. • Extent to which the RFMO has taken actions to prevent or eliminate excess fishing capacity and effort.
	Compatibility of management measures	<ul style="list-style-type: none"> • Extent to which measures have been adopted as reflected in UNFSA Article 7.
	Fishing allocations and opportunities	<ul style="list-style-type: none"> • Extent to which the RFMO agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants as reflected in UNFSA Article 11.
2 <i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> • Extent to which RFMO members are fulfilling their duties as flag States under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other international instruments, including, inter alia, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable.
	Port State measures	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3. • Extent to which these measures are effectively implemented.

	Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted integrated MCS measures (e.g., required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes). • Extent to which these measures are effectively implemented.
	Follow-up on infringements	<ul style="list-style-type: none"> • Extent to which the RFMO, its members and cooperating non-members follow up on infringements to management measures.
	Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> • Extent to which the RFMO has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance). • Extent to which these mechanisms are being effectively utilized.
	Market-related measures	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States. • Extent to which these market-related measures are effectively implemented.
3	<i>Decision-making and dispute settlement</i>	Decision-making <ul style="list-style-type: none"> • Extent to which RFMO has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner.
		Dispute settlement <ul style="list-style-type: none"> • Extent to which the RFMO has established adequate mechanisms for resolving disputes.
4	<i>International cooperation</i>	Transparency <ul style="list-style-type: none"> • Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9. • Extent to which RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.
		Relationship to cooperating nonmembers <ul style="list-style-type: none"> • Extent to which the RFMO facilitates cooperation between members and nonmembers, including through the adoption and implementation of procedures for granting cooperating status.
		Relationship to non-cooperating non-members <ul style="list-style-type: none"> • Extent of fishing activity by vessels of non-members that are not cooperating with the RFMO, as well as measures to deter such activities.
		Cooperation with other RFMOs <ul style="list-style-type: none"> • Extent to which the RFMO cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.
		Special requirements of developing States <ul style="list-style-type: none"> • Extent to which the RFMO recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5. • Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26.
		Participation <ul style="list-style-type: none"> • Number of member coastal states / total number of coastal states • Number of member countries / total number of countries
5	<i>Financial and administrative issues</i>	Availability of resources for RFMO activities <ul style="list-style-type: none"> • Extent to which financial and other resources are made available to achieve the aims of the RFMO and to implement the RFMO's decisions.
		Efficiency and cost-effectiveness <ul style="list-style-type: none"> • Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat.