

出國報告（出國類別：其他）

參加「大西洋鮭類資源保育委員會未來工作小組會議」報告

服務機關：行政院農業委員會漁業署
姓名職稱：黃鴻燕組長、龔禾欣技佐
派赴國家：日本札幌
出國期間：98年8月31日至9月3日
報告日期：98年11月24日

摘要

一、本次 ICCAT 未來工作小組會議於本年 8 月 31 日至 9 月 3 日在日本札幌市舉行，共計有我國、巴西、加拿大、象牙海岸、歐盟、埃及、法國屬地、日本、韓國、土耳其、英國屬地及美國等 12 國與會，我國由本署黃鴻燕組長率本署同仁及對外漁協參加。

二、本次會議與會各方依據 ICCAT 績效評估報告建議、第 2 屆區域性漁業管理組織 (RFMO) 聯合會議報告及國際法發展檢視 ICCAT 現有公約，經討論後分兩區塊，一為長期目標，涉及修約工作；另一為短期目標，與修約無關可立即推動者。會議討論重點摘述如次：

(一) 公約修訂優先考量事項：

1. 納入預警措施及生態系統考量。
2. 將鯊漁業之管理明確納入權限。
3. 更新捐獻機制。
4. 加強非締約方參與條款。
5. 決策過程。
6. 開發中國家之能力建構與協助。

(二) 加強 ICCAT 短期功能所需採取行動：

1. 研究暨統計常設委員會(SCRS)應採用生態系統管理概念。
2. 提供額外的經費支持會員履行監控及研究事項。
3. 採取臨時性措施，使合作非締約方參與 ICCAT 之方式更有意義。
4. 創設第 5 魚種小組專責鯊魚業。
5. 協調開發中國家之能力建構。

三、其他事項：由於摩納哥提案將黑鮪納入 CITES 附錄 I (禁止交易)，CITES 並預定於 2010 年 3 月假卡達召開第 15 屆締約國大會，該提案引起與會者關切，並於會期間諸多討論，會中除美國及歐盟外未明確表態，其他與會者普遍不支持摩納哥提案，並認為可能嚴重影響 ICCAT 未來運作，會中建議 ICCAT 主席於年會中討論此議題。

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壹、目的

一、ICCAT於2006年通過編號第06-18號決議，成立一未來工作小組，期透過 ICCAT 現有機制溝通，以有效地處理其功能強化之議題及區域性漁業管理組織（RFMOs）關切之優先處理事項，俾作為一有長久聲望的RFMO。

二、ICCAT 未來工作小組權限包括：

1. 審查秘書處依「加強 ICCAT 功能之決議」【文件編號第 05-10 號】所準備之文件、鮪類區域性漁業管理組織聯合會議結果及國際法之其他進展，包括其他區域性漁業管理組織之公約、建議及決議。
2. 評估 ICCAT 公約及其他 ICCAT 文書（包括建議及決議），提出加強 ICCAT 功能之建議，特別考量 ICCAT 決策過程、現有架構及公約任一條款等事項，並作出建議。

三、06-18決議規定ICCAT 應於2008年年會考量該工作小組之工作，並決定其工作計畫。2008年11月ICCAT召開第16屆特別會議(ICCAT 16S)，決議於今(2009)年召開未來工作小組會議。

貳、過程

雙邊會談

I. 台美雙邊會談：

台美雙邊會談於 8 月 30 日晚間 8 時於美團會議室舉行，美方由團長 Rebecca Lent、國務院 Deirdre Warner-Kramer 等參加。雙方簡單點出關切議題略以：

一、修約議題：

1. 我方首說明我長期參與ICCAT，並致力配合大會決議之建決議案，然我國目前參與身分仍係合作非締約方，未能以ICCAT正式會員身分與會，亦無決策權，使我無法及時參與重大決策。考量ICCAT公約係1966年簽訂之條文，已不足以真實反映當前漁業管理重要理念，在考量ICCAT公約已不合時宜之前提下，盼此次會議能達成修約共識，在討論公約應修訂之內容時，能納入我方關切的參與問題。
2. 美方認為此次會議應以ICCAT績效評估報告作為討論基礎，優先針對會員紀律問題、考量建立與其他RFMOs相仿之懲處制度(penalty system)及檢查制度(inspection system)，以提升紀律委員會效能等議題進行逐項且詳細的討論。有關修約議題部分，渠表示認同我國看法，ICCAT公約缺乏當代漁業管理重要概念，例如預警措施(precautionary approach)等，有必要檢討公約增修的部分。

二、本屆主席選舉：

1. 美方主動向我方徵求支持美國務院Deirdre Warner-Kramer作為本次會議之會議主席，渠等認為依以往地主國主持會議之模式，可能僅討論大的政策性議題，但美國希望本次會議能逐項討論ICCAT應改進的問題。惟美國私下與其他會員國接觸，大部分認為本次會議應由ICCAT主席Fabio Hazin擔任較為妥適。我方未正面給與答覆，但美方承諾若由美團代表出任主席，將在會議中給予我發言機會，表達我團之訴求。

三、黑鮪列入CITES議題：

1. 我方表示近來黑鮪議題仍受高度注目，然我方對摩納哥提議將黑鮪列入CITES附錄之提案持反對立場，我方認為黑鮪資源狀況固然不佳，惟黑鮪

已由漁業管理組織進行管理，全面禁捕對許多國家之社經衝擊嚴重，不是一種合適的作法。

2. 美方對此表示，該國政府確實受到黑鮪是否列入CITES之壓力，一方面要顧及業者之生存需求，另一方面則是國內環保團體之輿情，目前公開徵求評論中，美方努力在兩者間取得平衡，尚未對此議題表態。

四、美國代表Kim提及曾向我國科學家提及與該國合作進行圓形鉤試驗性研究計畫，僅曾獲得短暫的回應，美方希望未來就該計畫與我加強合作關係。另美國表示將於明年一月或二月在美國邁阿密召開圓形鉤研討會，希我方於會中提出相關研究報告。

II. 台歐雙邊會談：

參與本次會議之歐盟團長 Vincent Grimaud 係第一次參與 ICCAT 會議，雙方於會前禮貌性致意時，並約定於空檔時雙邊交換意見。台歐雙邊會談於今日會後在 ICCAT 未來工作小組會議室進行，鑑於 G 團長係首次參與 ICCAT 會議，對我方之處境不甚了解。我方說明我國在 ICCAT 面臨之困境及解決之策，尋求歐盟協助。G 團長表示認同我方今日之發言，期未來雙方能持續合作。

8 月 31 日

I. 議程 1&2&3(開幕、選舉主席及記錄員)

本次會議除我國之外，計有巴西、加拿大、象牙海岸、歐盟、埃及、法國屬地、日本、韓國、土耳其、英國屬地、美國等11國會員代表參加。首日會議於本日上午9時30分舉行，ICCAT主席 Fabio Hazin致開幕詞後，由地主國(日本)代表致歡迎詞，簡述札幌怡人之處，但警示颱風即將來襲，請與會者注意自身安全後開議。由加拿大提名美國代表Deirdre擔任主席，歐盟發言表支持後，全體鼓掌由Deirdre主持會議。由美國推舉該團成員擔任記錄，關於議程安排無異議通過。

II. 議程 4(工作小組工作計畫)

- 一、主席簡述本次會議之宗旨，期能訂定短期需達成的項目及長程預定的目標。許多國家發言點出ICCAT應優先重視的議題，包括會員之紀律、公約

水域內之漁撈能力、公約缺乏預警措施及生態系統管理等概念。

- 二、多國表達公約需進行修改，另討論ICCAT的新政策，包括績效評估、紀律審核過程等項。日本表達公約不足之處，希以草擬新約取代修訂公約較佳，要求主席應檢視哪些是必須納入的要項，同時也表示除績效評估報告之建議外，與公約修訂無關的事項也要立即推動進行。巴西認為ICCAT公約甚早通過，未符合現代漁業管理原則，建議以ICCAT績效評估報告為指導原則，優先進行修約。歐盟發言支持日本及巴西對修約的看法。我團也發言點出績效評估報告中指出要求ICCAT改進之處，闡明ICCAT公約必須進行修正，納入新的管理概念，亦應考量我國之參與地位，就長期而言，我方認為應修約以符合國際現況，但考量修約期程，可在修約完成前採取臨時過渡性的安排，包括決策權限的安排。加拿大則強調正視ICCAT建決議案是否依據科學建議及會員是否遵從執行相關建決議等項。土耳其亦表示公約不合時宜需進行修改，但憂心ICCAT會員數眾多，達成共識需耗費多年。法國屬地及象牙海岸等國則點出出席本會議之會員數有限，即使在本會期獲得共識，未來年會是否又要重新討論一次。且在一週內無法對眾多議題獲得因應之道，建議表列優先討論事項逐一檢視討論。
- 三、主席總結三點，1)本次會期先檢視兩年前討論之組織架構問題，並草擬建議提報委員會，未來繼續完成本工作小組之任務；2)關於修約，基本上分短、中、長期進行，完成階段性任務，避免急迫性議題延宕過久；3)關於預警措施及生態系統管理概念，初步建議通過提案送大會討論。

III. 議程 5(檢視公約包括決策過程及組織架構)

- 一、主席提出討論文件FUT-008/2009，將績效評估報告之70項建議分類，表列與Kobe II行動關連處，及解決問題之可行途徑(包括修約、修改程序法規、建決議案、由委員會或秘書處處理)，關於我國之合作議題列於第9頁(共10頁)，因應作法為修約、交由PWG/COC處理及由委員會或秘書處執行。
- 二、主席擬逐一討論，但巴西、日本及歐盟均發言表示修約勢在必行，惟修約耗時費日，建議挑出短期內可完成的項目，立即對績效評估報告作出回應，至於涉及修約部分亦可討論後納入規劃，本節討論結果摘要如次：
 - (一) 主題A：保育與管理，包括基於科學建議之決策

1. 生態系統議題：日本表示現有公約係以MSY做為基準，未植入任何生態系統管理概念，為回應績效報告應進行檢討，倘認為生態系統管理應納入公約修訂，可參考WCPFC公約。歐盟及美國則關切混獲及鯊魚建議之執行情況不佳及統計資料嚴重欠缺，建議應納入修約考量，惟日本及巴西等則認為詳細的管理規定不應納入公約修訂，否則會有實際執行的困難。
2. 一般系群管理議題：除第2項預警措施建議外，主席所提文件建議交由魚種小組討論，惟巴西質疑魚種小組如何對渠等建議作出回應，美國建議由魚種小組短期內依績效評估報告建議作出因應對策。
3. 系群特定管理措施：主席所提文件建議由各魚種小組考量特定魚種之管理措施，包括第一魚種小組之正鰹管理措施、人工集魚器之使用；第二魚種小組之黑鮪及北長鰭鮪管理措施；第四魚種小組之旗魚管理問題等，分由各魚種小組討論因應之道。日本發言強調需加強大西洋黑鮪養殖漁撈能力管理及實踐的重要性。歐盟則認為ICCAT應加強鯊魚魚種管理。
4. 配額分配議題：主席所提文件顯示本議題不涉及修約，僅交由魚種小組及紀律次委員會（COC）討論。美國表示研擬漁獲配額分配方程式有其困難性。日本提及ICCAT已有配額分配標準，大致為三年一期，可思索是否修改此標準，但必須堅守禁止配額轉移。巴西則認為該標準係多年前討論議定，若要修改勢必再經過一番爭論。日本另指出配額分配與漁撈能力有關連，在處理配額分配議題應一併考量漁撈能力管理。對此，巴西表示ICCAT已有專責工作小組處理漁撈能力議題，但歐盟認為漁撈能力管控仍是ICCAT未來應面對的問題。
5. 資料及科學性議題：主席所提文件大部分建議由魚種小組、COC及SCRS處理。日本發言強調各國提報正確資料的重要性，申明此部分有大幅改善的必要。
6. 能力建置議題：加強開發中國家漁業管理及蒐集資料能力部分，與會發言大都支持應列入未來優先議題。英國屬地代表認為此節應與公約連結，以提升成效。此外，日本分享其近幾年協助沿岸國提升資料統計能

力之經驗。歐盟亦表示每年均舉辦MCS管理能力提升研討會。

(二) 主題B：履行、遵從及負責任，包括解決IUU問題

1. 懲處議題：主席表示績效報告建議ICCAT考量建立與其他RFMOs相仿之懲處制度及檢查制度，以提升紀律委員會效能制。歐盟認為應建立懲處制度，如不遵從者減少其配額。
2. 紀律審核議題：主席表示對東大西洋及地中海黑鮪執行一套完整的審核與檢查制度。日本表示ICCAT應建立審核紀律程序，並鼓勵歐盟做好管理，未來不會發生以往超捕情事。
3. MCS措施議題：主席討論文件建議，除加強MCS及執法措施列入修約考量外，其餘各項由COC及永久工作小組考量。巴西指出FAO之港口國措施協定剛通過，今年ICCAT年會應考量跟進採取必要措施，法國發言附和。日本說明前兩年該國力促實施大西洋黑鮪漁獲文件制度，未來希望比照CCSBT採行逐尾標識制度，歐盟發言肯定CDS追蹤漁獲的功效。我團發言表示公海登臨亦是MCS措施之一，惟對捕魚實體執行登檢必須符合國際法，建議ICCAT以長程為目標將捕魚實體成為會員乙案納入修約。

(三) 主題C：委員會決策過程之效力

績效報告第12項建議應考量我國參與ICCAT之決策權。我團發言建議ICCAT參酌其他RFMOs之發展修訂公約，如WCPFC或IATTC Antigua 公約中，已提供我國成為委員會會員，並取得完整決策權力之機制。但我方亦了解到，修約可能曠日費時，因此在修約完成前之過渡期有必要以通過建決議之方式處理與我國之進一步合作方式，並賦予我國決策權。我方並舉CCSBT通過決議建立延伸委員會以使我國取得延伸委員會會員資格為例，說明雖然ICCAT與CCSBT有許多方面不同，但以通過建決議之方式使我方取得有意義之參與管道，在法律技術面上，並無無法克服的窒礙難行之處。至於此一建決議之實質內容，我方願與其他締約方一同探討研究。日本對此表示依據公約我國無法成為會員，僅是合作非會員，無決策權也無反對權，若以建議案特別給予其權力，應十分注意其程序，修約似乎為較佳的途徑。美國則認為修約可能耗時過長，因此短期內可考量其他作為，給予我國較多的參與機會。另土耳其、歐盟及美

國亦對ICCAT其他附屬單位之決策過程提出一般性看法，強調決策透明之重要性。

- IV. 主席總結今日已檢視績效報告之 70 項建議，擬召開非正式會議起草 ICCAT 未來優先處理事項，供明日進一步討論，包括我國關切的議題。惟巴西表示部分會員國僅 1 人與會，且有語言翻譯問題，建議主席在會議室內討論，土耳其與日本發言表支持，希望明確指出公約需修改處，甚至通過建決議提報委員會作進一步考量。
- V. 巴西及日本等國提出會員遵從問題，日本表示礙於資料不足，以往 COC 無法作出不遵從認定，但今年三月紀律委員會依據回收之黑鮪問卷，逐項對會員進行審查，是一種不錯的審核方式，建議 ICCAT 將此紀律評估程序系統化，建議成立一獨立單位並建立機制，要求會員提供相關資料，俾提升 COC 效能。但包括巴西、英國、歐盟、美國、韓國、土耳其等國認為獨立機制需進一步討論其適切性。

9 月 1 日

- I. 上午一開始主席依昨日各國發言意見，綜合整理後提出討論文件（FUT-010/2009），討論 ICCAT 未來應優先處理事項，各方意見摘要如次：
- 一、交付ICCAT附屬機構討論事項：主席簡述討論文件所列之各項，可交付 ICCAT附屬機構討論解決，包括：
- 紀律委員會（COC）：1)建立獨立機構，收集相關資訊及認定遵從問題；2)確保資料提報及檢視過程之透明度；及3)COC會議是否與年會接連召開。
 - 魚種工作小組：進一步檢視建議納入混獲考量，優先通過建議處理人工集魚器（FADs）問題及鯊魚業管理。
 - 漁撈能力工作小組：持續運作並延伸觸角至其他ICCAT漁業，而非僅聚焦於黑鮪，明年會議可與Kobe II漁業管理研討會作連結。
 - 整合監控工作小組：履行FAO議定之港口國措施協定。
- (一) 與會者原則同意主席所列各項為未來應積極辦理之項目，惟各國亦分別提出列入優先辦理項目之看法。日本依據績效評估報告之建議，說明小型鮪類之保育管理措施在其他RFMOs均是極小的議題，建議第一魚種小組著手討論此議題。美國、巴西、歐盟及日本等國表達對MCS措施的關切，內容

含括CDS、VMS、觀察員制度、公海登臨檢查、港口國措施等項，要求MCS工作小組會議應討論因應。此外，巴西建議整合監控工作小組優先討論港口國措施，歐盟要求永久工作小組（PWG）審視CDS之執行狀況與資料，惟各國對公海登臨檢查是否優先納入考量見解不一，歐盟建議優先討論解決，但有些國家認為公海登臨檢查可藉由整合現行其他措施取代，巴西特別兩次強調公海登臨有爭議性的問題，不宜列為最優先項目。我團則發言表示執行MCS措施之必要性，但認同巴西等國表達公海登臨檢查並非優先考量議題之看法。美國認為除依循績效評估報告之建議外，亦需跟隨Kobe II之腳步，考量相關議題，如全球漁船白名單。

(二) 此外，美國重提前幾年討論過之COC及PWG整併議題，我團亦發言在ICCAT架構下，會員及非會員之紀律由ICCAT不同附屬機構審核，標準是否一致值得思考。鑑於各界日益重視遵從問題，建議ICCAT重新考量COC及PWG整併議題，有助於由單一窗口公平處理會員及非會員遵從議題。

(三) 關於紀律審核過程之獨立運作機制問題，美國提出討論文件

（FUT-013/2009），建議秘書處聘請2或3位專家，依COC主席之指示檢視不同來源之資訊，審查各方遵從狀況，並於COC會前提供審查資訊予相關CPC，給予其回應或澄清的機會，並建議COC會議於年會前一週召開，俾完成會議紀錄提報年會。巴西表支持，象牙海岸認為該等專家之國籍應避免是ICCAT任一締約方，才能落實獨立審查。日本不贊同由外部專家進行紀律審查，認為應由COC建立一有系統的的紀律審查過程，倘COC主席需要協助，相信CPCs成員願意為之，日本並表示願意就進口資料之提供予以協助。歐盟表示可以理解美國提案之動機，但認同日本的想法由CPCs提供COC主席必要的協助。ICCAT秘書長於會中反應美國之提案在執行上有困難，該等專家是否視為秘書處職員，以及如係秘書處之職員，依據何基準可認定不遵從的締約方等，在執行上有困難性。至於COC會議是否與年會接連召開，因各方意見分歧，主席表示希與會者私下溝通，俾達成共識送大會定奪。

二、委員會短期應採取措施之議題

(一) 主席討論文件列出以下8項為優先辦理項目，包括1)持續運作CDS及其他貿易措施；2)整併經濟分析至科學建議與決策過程；3)指定1至2種系群進行Kobe II Strategy matrix之試驗計畫；4) 分析ICCAT現行對開發中國家能力建構與協助之成效；5)透過建議案採取暫時性措施，加強與我國之合作；6)改善ICCAT措施之法典編纂；7)改善決策之生效期程；及8)魚種小組架構之重組。

- (二) 除第(2)項較有爭議外，其他均支持納入，大部分國家認為整併經濟分析至科學建議與決策過程有其困難，因SCRS不易取得相關資料，是否納入優先項目須進一步討論，但要求SCRS盡力取得相關資料，在擬定科學建議時納入考量。加拿大建議SCRS成立一機構，討論經濟分析所需之資料，再進一步研析後續行動。
- (三) 關於第(3)項指定1至2種系群進行Kobe II Strategy Matrix之試驗計畫部分，美國說明其提出的討論文件（FUT-012/2009），建議力促ICCAT於今年年會通過本案，由相關魚種小組進行資源評估標準化，並於明年年會中利用Matrix提出評估管理替代方案。ICCAT再依照此試驗性結果，考量擴大應用Matrix於其他系群，日本、巴西及歐盟發言支持本案。本案SCRS主席建議先針對大目鮪及東大西洋黑鮪進行試驗性應用Kobe II Strategy Matrix。
- (四) 對於第(4)項分析ICCAT現行對開發中國家能力建構與協助之成效部分，象牙海岸表示許多國家有意出席國際相關研討會議，提升自身的管理能力，惟受限於該國財務無法參與，期瞭解ICCAT支助開發中國家的基金運用情形，及ICCAT能提供之協助項目。巴西建議ICCAT應在開發中國家能力建構上提供完整的訓練及協助。美國認為可參考WCPFC公約對開發中國家的協助。鑑於FAO已通過港口國措施協定，日本表示許多沿岸國尚無能力執行港口國措施，如象牙海岸的阿必尚港，建議ICCAT應加速提升渠等之管理能力，避免造成管理缺口。
- (五) 有關第(5)項「透過建議案採取暫時性措施，加強與我國之合作」案，主席徵詢各方意見。我團發言感謝各界支持我方立場，提出在修約前的可行作法：第一，包括昨天我方提及的CCSBT模式，或第二，修改有關合作非締約方之建議案，賦予那些長期與ICCAT合作，且有良好遵從記錄的合作非締約方，得申請取得較穩定合作地位，並同時取得參與決策之權。第三，通過一建議案專門處理中華台北之合作地位，將近來國際文件與其他RFMO實踐納入建議案。第四，採取漸進的模式，逐步改善我國之參與決策權。比如參酌去年ICCAT年會中通過賦予合作非締約方與其他締約方依照舉排順序發言之同等權利之前例，似可考慮進一步給予合作非締約方平等的其他程序權利，例如提案權等。最後，我方提及以上想法皆為修約完成之前的暫行措施，性質上不能取代以修約進行長程的改革。日本認同通過建議案以變更ICCAT程序法規並進一步賦予我國更多的程序權利是一可行的方法，但需考量對特定合作方的審核程序及賦予的權力，期未來有所進展。美國讚賞我方多年來與ICCAT之合作，建議我方能於適當時機主動提出草案供討論，歐盟附和美方建言。

- (六) 第(6)項ICCAT措施之法典編纂巴西重提「ICCAT措施法典」的法律效力，秘書處表示前幾年討論過這個問題，惟各界對此法典之法律基礎見解不一，目前僅是一參考文件。日本及美國建議此問題轉交年會討論，另提出今年將討論大目鮪、劍旗魚管理措施，未來甚至可考量將單一系群之所有管理措施整併在單一建議內，方便各方執行相關措施及避免有所遺漏。歐盟及加拿大發言支持日本之建議。
- (七) 有關第(7)項因涉及修約，決定留至修約議題再討論。
- (八) 關於第(8)項魚種小組架構之重組，巴西表示兩年前有會員建議將整併南北長鰭鮪在同一小組(即Panel 2之北長鰭鮪納入Panel 3，Panel 2專門討論黑鮪)，此項建議可重新思考，另一選項為新增第五魚種小組(專責管理鯊魚)。日本發言贊成將此長鰭鮪納入第三魚種小組，第二魚種小組則專責黑鮪，惟塞內加爾及象牙海岸等國不支持此作法，希維持現狀。致於新增第五魚種小組之建議，日本表示可能涉及公約修訂，但加拿大及歐盟支持新增第五魚種小組專責管理鯊魚。主席建議由秘書處提供資訊，徵詢所有會員之意見，提送ICCAT年會討論。
- (九) 此外，巴西指出績效評估報告建議，ICCAT短期內應處理配額轉讓制度。日本表示此議題ICCAT已討論多年，惟尚無定論，建議ICCAT在鮪類資源不佳時，禁止CPC使用以往未使用之配額，倘CPC出現超額捕撈，可能是其管控有所瑕疵。但巴西認為ICCAT目前已對若干系群設定使用以往未使用配額的比例限制，無須絕對禁止，儘管其認同配額轉讓可能對資源不利。美國則表示將會依據績效評估報告之建議，自律不使用以往未使用之配額。

三、修改公約部分條文

- (一) 主席表示大部分會員認同ICCAT公約應立即著手修訂，惟修約工作冗長，依昨日討論結果主席建議短期內應修訂之重要項目，包括1)公約目標不再以最大可持續生產量(MSY)作為指標或限制；2)納入生態系統關切；3)混獲物種管理之權責；4)管理以鯊魚為主要漁獲物種之漁業權責；5)採取預警措施；6)捐獻體制；7)我國之參與；8)決策規則，尤其是縮短生效時程；9)公海登臨檢查；及10)開發中國家之能力建構與協助。
- (二) 本節討論大致聚焦於新約是否應納入鯊魚及混獲物種之管理。與會者均支持ICCAT應加強鯊魚之管理，但對是否納入公約之修定看法分歧。日本表示鯊魚為延繩釣之混獲，有些漁船專捕鯊魚，由於鯊魚與鮪魚互相影響(interaction)，支持鯊魚之管理納入修約項目。惟巴西表示，專業捕鯊大部分在沿岸國之經濟海域內，反對鯊魚納入公約修定項目，倘必須納入，則

只限於公海，因公海為鮪釣船隻混獲，屬大西洋之迴游魚種，由於鯊魚種類繁多，鯊魚業管理措施無法一體適用。

- (三) 至於以生態系統為基礎之管理概念，應囊括所有漁業相關物種，包括海龜、海鳥等。歐盟則認為鯊魚及混獲物種之管理措施應交由魚種小組討論。美國及日本認為討論修約時，亦應考量Kobe II關切的問題，加拿大則強調許多管理作為皆需考量科學建議，如預警措施、生態系統管理等。鑑於各節與會者意見不一，礙於時間限制其他事項明日再議。

II. 會後非正式會議(討論摩納哥提案將大西洋黑鮪列入 CITES 附錄案)

本日會議於下午六時結束後，ICCAT巴西籍主席Fabio主持召開非正式會議，討論摩納哥擬提案將大西洋黑鮪列入CITES附錄一案，計有11國參加。日本率先表示摩納哥於提案前徵詢日本意見時即表態反對將黑鮪納入CITES附錄一，認為黑鮪之管理應由ICCAT自行負責。美國則表示有保留，尚未決定支持與否，強調摩納哥在CITES之提案，可迫使ICCAT認真思考對黑鮪之管理。我團於會中表示，ICCAT為大西洋管理鮪類資源之組織，成立已40餘年，歷史悠久，倘大西洋黑鮪列入CITES附錄一，形同ICCAT無管理能力未來勘慮，ICCAT應全力挽救此劣勢。強調我國雖擁有配額，但為對黑鮪資源保育盡最大心力，自去年至今甚至全面禁止捕撈大西洋黑鮪，我國目前雖無捕撈黑鮪，但仍不希望黑鮪列CITES附錄一。塞內加爾、象牙海岸、韓國、巴西等亦紛表示反對。由於美國表示本案須由各國自行做決定，ICCAT無法代表各會員國意見，因此主席表示本次會議僅為非正式會議交換意見，非ICCAT會議，因此建議秘書處整理本案發展之相關背景資料，送給各CPC參考。此外亦呼應會中部分國家發言建議，請秘書處提供必要的資料予摩納哥及CITES，證明ICCAT已採取如CDS、月報等之管理措施。

9月2日

I. 本日續討論有關修改公約部分，會議進行情形摘要如次：

- 一、關於第(2)項納入生態系統，昨日討論時各方要求SCRS主席應提出書面文件俾便於討論。本日SCRS主席提出討論文件(FUT-016/2009)，建議未來工作小組得建議委員會，加強科學性觀察員計畫，蒐集生態系統相關資料，並進一步建議委員會在生態系統關切尚未明朗前，採取臨時性措施，進行預警措施管理。多國支持SCRS主席所提建議，並詢問SCRS主席生態系統管理相關問題。日本詢問標識放流是否為有效途徑，SCRS主席則回

應其他RFMOs進行標識放流可取得及時的資料。最後，日本建議日後提出的生態保育管理提案，應先提送SCRS取得科學性建議。

二、第(6)項捐獻機制：巴西表示現行的捐獻機制甚為不公平，締約方之捐獻數額與其獲取之利益未達平衡，建議計算各方捐獻時，不應僅是考量單一因子，例如有些CPC配額雖少，但市場價值極高，而有些配額雖多，但多屬於加工原料或市場價值低。美國認為捐獻計算方式有兩種基準，一為以過去漁業實績計算，另一為未來獲得多少捕魚機會。日本則提出捐獻機制應特別考量開發中國家的財政問題，現行捐獻計算方式確有其不公平之處，但也承認任何一種formula都會有人覺得不公平。歐盟及英國等發言期未來有可行的提案提出討論。土耳其提及小鮪類漁獲量亦應納入捐獻計算，惟SCRS對此部分尚未有充分的數據。韓國表達不滿意現行計算方式，並稱倘ICCAT可給予該國所有魚種配額，該國樂於繳交應有之捐獻。象牙海岸則認為沒有一個計算基準是完美的，但確有必要納入其他需考量的因子。ICCAT秘書長對此表示，現行計算方式係源自1992年之馬德里修正議定書，並於2002年生效後採用，若再變更也非立即可採用，可能也要幾年，必須小心操作，以免影響秘書處之運作。巴西(團長係ICCAT主席)表示會注意秘書長所提事項。

三、第(7)項我國之參與：主席表示Chinese Taipei長期以來為ICCAT管轄水域之參與方，如何加強與Chinese Taipei合作過去多有討論，修改公約為加強與我國合作之一選項。日本首先發言表示支持修約讓我方參與，但因此次會議，中國不在會場，質疑是否繼續討論。歐盟建議將此案提送委員會討論。我團表示，現行ICCAT公約係於1966年通過，已經無法反映近年來的發展，包括國際社會於1990年代所創新的「捕魚實體」概念，此點突顯了修改ICCAT公約的必要性。我國在WCPFC公約及安地瓜公約中均已以此概念為基礎，取得會員資格。此乃為確保區域性漁業管理機制之有效性，符合我國及ICCAT會員國之共同利益。關於中國無代表出席參與此次討論之問題，我方未來將嘗試在ICCAT或其他場合與其交換意見。美國感謝我方於會中提出此理念。

四、第(8)項決策規則：美國、巴西等國支持修改公約內之反對機制、投票運作

及決議生效時程等節，並認為未來決議生效時程應縮短在6個月。日本、歐盟、加拿大等認為應有機制避免締約方反對任一保育管理措施，減損實施保育管理措施的成效。大部分發言對縮短決議生效時程均有共識，但歐盟表示由於歐盟體制關係，國際決議事件轉換成歐盟內部法律文件，低於6個月運作上有困難。

五、第(9)項公海登臨檢查：巴西重申公海登臨檢查雖是一重要的MCS措施，但考量開發中國家執行的能力，建議在修約後期再討論此部分。無其他國家再表示意見。

六、第(10)項開發中國家之能力建構與協助：主席認為昨日已有深入討論，與會者均支持此一概念，建議修訂公約時參考WCPFC公約內容，無異議通過。

II. 此次會議期間，美國多次提出 ICCAT 應訂定保育管理措施之決策原則，主席要求美國提出書面文件俾進一步討論。本日美國以 Kobe II Strategy Matrix 理念提出討論文件（FUT-014/2009），說明 ICCAT 應建立每一系群之最大持續生產量、保育參考點及管理參考點，保育管理措施需依據科學建議，且至少有 50% 的可能性達成保育管理目標，另植入預警概念，特別是在資料出現不確定性時。日本認為應進一步考量文件內容，特別是針對已過漁系群，要求 SCRS 找出適當的參考點，建議設定低於 MSY，俾增加復育的成功率。巴西、加拿大及法國等支持美國提案，但因時間太短，對美國所提理念，需進一步消化，希未來進一步瞭解文件內涵後再議。

III. 此次會議依議程，至此大部分已討論完畢，主席詢及下一步應如何進行。會場各方對公約修訂方式有諸多討論，大部分與會者支持修訂舊約，儘管修約時程也許長達十年，建議對未來擬定時程表，完成未來工作小組的任務。惟日本表示目前其國內尚未有指示，需就此次會議結果帶回研議，並表示傾向訂定新約取代現有公約，認為效率應較修訂公約為佳。關於草擬修約內容部分，日本認為並非未來工作小組之權限，但巴西解讀 06-18 建議條文，認為工作小組之權限包括提出修約條文內容，但也承認此次會議 CPC 出席者少，很難一次就完全有共識，但期望此項工作不能停。美國對於推動方式未特別表示意見，要求可立即做的要儘快。至於加拿大、歐盟等與日本有類似看法，表示目前未被授權，宜先就討論結果帶回研究。由於各方對此意見眾多，主席建議提送委員會裁定，選項包括由：1)委由未來工作小組草擬；2)另成立一工作小組專責修約；或 3)聘請外部專家為之。

IV. 其他事項：

- 一、 象牙海岸提及昨日之非正式會議，建議未來工作小組對摩納哥擬將大西洋黑鮪列入CITES附錄一案提出因應之道，因為此舉關係到ICCAT之未來。日本同意討論象牙海岸的發言，認為ICCAT應立即對本案回應CITES，建議將昨日討論結果列入本會期之其他事項，提報委員會考量。惟美國再度表示其國內對本案立場尚未作決定，認為不宜列入報告作為一致立場，並重申美國確有考慮希藉本案，促使ICCAT改善，不僅在黑鮪上，在其他管理措施上有同樣的期望。日本再度發言回應，了解美國有國內程序問題，但認為ICCAT如對本案回應過慢，ICCAT未來將陷入困境。巴西再度重申，昨日討論黑鮪係非正式會議，本小組無權限作決定，惟因本案事態嚴重，認為在年會前之SCRS可以因了解本案主動於SCRS會議討論本案後，再提交年會討論。此外巴西團長Fabio以ICCAT主席身分表示將規劃此案列入議程討論，相信SCRS能提出解決之道供大會考量。經討論同意將本案記錄在其他事項內。
- 二、 主席表示能根據過去三天會期間的討論作成會議報告，並於明早討論進一步確認。

9月3日

I. 本日討論尚有爭議部分及會議報告，摘要如次：

- 一、 改善紀律次委員會（COC）審核紀律過程之建議
 - （一） 美國依據前一日討論各方所提意見，於本日提出新修正文件（FUT-013A/2009）說明為協助COC主席完成紀律審查任務，由CPC推選1~2位熟悉紀律規則者，受聘於ICCAT秘書處，擔任主席之友（Friend of Chair）或副主席，形成一小組，整合ICCAT資料庫及其他資料，審查各國紀律。至於主席之友產生方式及所需預算交由本年年會決定。另建議一懲處制度，一旦經委員會確認為不遵從，將視違規情節輕重施以減配額、貿易措施、船隊限制、特定回報需求、個別監控或其他罰則。
 - （二） 各方一致認同ICCAT有必要改善紀律審核過程，但對美國提案大致有三類看法，1)日本及加拿大認為小組應有一名稱並設定權限；2)歐盟及英國屬地等則不贊同一經認定後自動施予懲處，應給予個案解釋或改善機會；3)歐盟及法國屬地等關切資料提報格式及審核標準。各方對秘書處如何彙

整紀律相關資料過程有不同見解，歐盟認為秘書處可進行初步審查，但秘書長發言表示秘書處無權限認定締約方之遵從情況，技術上有困難。

- (三) 經討論後，美國再提更新文件（FUT-013B/2009），建議ICCAT組成一紀律任務小組(Compliance Task Force)以協助紀律委員會主席推動前述任務，倘今年大會同意本案，將自2010年開始運作，秘書處仍應持續提供必要協助予COC主席。至於審核之資料則寫明包括貿易資訊、觀察員資料、漁獲資料等。該任務小組將依不遵從程度建立懲處規則，作為ICCAT採取行動之指標。各方原則同意美方之修正提案。

二、 討論會議報告：本次會議報告大致將討論結果分為三節，包括：

(一) 公約修訂優先考量事項

1. 本次會議各方依據績效評估報告建議、Kobe II會議報告及國際法發展檢視ICCAT現有公約，大致認為多項建議牽涉公約修訂。各方亦認同委員會應考量公約修訂內容之優先項目，包括1) 正式併入預警措施；2)正式納入生態系統考量；3)拓展權責以管理鯊漁業；4)更新捐獻機制；5)加強非締約方參與條款；6)決策過程；及7) 開發中國家之能力建構與協助。
2. 本節僅少數提出修正4)更新捐獻機制及6)決策過程之文字建議。關於5)加強非締約方參與條款部分，文字強調ICCAT公約需修訂，以納入捕魚實體參與部分（僅使用entities and fishing entities，未指明Chinese Taipei），因渠等長期參與ICCAT公約水域漁業，並承諾採取ICCAT保育管理措施，為穩定維持與委員會之合作，應與其他RFMOs並進，修訂ICCAT公約。

(二) 加強ICCAT短期所需之行動

1. 為加強ICCAT之功能，建議委員會及其附屬機構應對上節討論結果採取行動，俾有立即回應，包括1)SCRS應更著手或有系統採用生態系統管理概念；2)提供額外的經費支持CPCs履行監控及研究事項；3)採取臨時性措施，使合作非締約方參與ICCAT之方式更有意義；4)利用Kobe II Strategy matrix建立試驗性計畫；5)強力建議漁撈能力工作小組及整合監控工作小組持續運作；及6) 協調開發中國家之能力建構。
2. 各方對2)履行監控及研究事項及6) 協調開發中國家之能力建構部分有諸多討論，前者除科學觀察員計畫外，日本、巴西等國強調應配合採樣計

畫及標識計畫，後者，象牙海岸多次發言要求此部分僅限於開發中國家，強調對開發中國家之能力建構應與管理措施連結，並提供完整的訓練才有意義。

3. 關於整併經濟分析部分，歐盟建議修正為社會經濟分析，獲得各方認同，然仍待未來澄清資料需求項目，及如何應用至科學建議。另魚種小組架構重整部分，歐盟仍要求加註第五魚種小組專責鯊魚種或其他相關物種。在ICCAT魚種小組應處理特定魚種議題乙節，各方又重新討論配額轉讓原則，鑑於意見紛歧，最終報告僅真實呈現各方意見，部分建議設定較有彈性的準則，但部分認為應依各系群設定原則。

(三) 其他事項：報告闡明倘ICCAT管理魚種列入CITES附錄中，嚴重影響ICCAT之未來，有必要全面加強ICCAT與CITES之聯繫，支持ICCAT主席於年會中討論此議題。

II. 為使本會議建議項目更為明確，報告後另有三附件，包括：

- (一) 公約修訂應優先考量事項：包括前揭 7 項，日本及巴西建議僅顯示大原則，如預警措施、捐獻機制，避免侷限未來討論空間；
- (二) 加強 ICCAT 所需之其他建議：主席逐條徵求各方建議，大致上僅作文字修改，在基於生態系統管理部分，除要求委員會加強及改善科學觀察員計畫及採樣計畫外，日本要求增列標識計畫。對於委員會功能，新增檢視配額轉讓制度。有關紀律委員會（COC），歐盟建議比照今年巴塞隆納模式，嚴格審視 CPC 之紀律。美國等則表示 COC 會議與年會分別召開乙案，加註應考量許多國家的財政問題。
- (三) 績效報告建議各魚種小組應考量事項：本附錄僅列出績效評估報告對 ICCAT 魚種小組之 25 項建議。

III. 有關未來工作小組召開第 2 次會議時程，經各國討論未達共識，主席裁示，第 2 屆未來工作小組會議召開時程，將提送本年委員會會議討論。ICCAT 首屆未來工作小組會議，在各方對美籍主席 Deirdre 及地主國日本致謝詞後，於本日下午結束全部會議。

參、心得與建議

一、鑑於本次會議各參與方皆認同現行公約未切合時宜，且應與時俱進，乃建議

以階段性方式進行修約，此次會議報告將於本年年會進一步討論，我國宜密切關注後續發展以掌握該修約內容之發展，並適時表達相關意見，以維護我方權益。

- 二、 本次會中各國尤對加強鯊魚魚種之管理表達關切，我國雖無以鯊魚為主漁獲之漁業，惟未來鯊魚管理仍恐影響我延繩釣漁船作業，本署將持續關注該議題發展，並積極加強教育漁民填寫捕獲資料以供資源評估使用。
- 三、 有關黑鮪是否應列入華盛頓公約（CITES）附錄 I 之議題，應考量三大洋黑鮪資源普遍處於不佳狀況，為確保黑鮪資源永續利用，我國宜持續輔導漁船遵守 RFMOs 所通過之保育管理措施，並參與國際鮪類資源評估研究工作外，同時發揮影響力，協助及要求其他國家共同養護黑鮪資源，以確保黑鮪在 RFMOs 之妥善管理下，達到永續利用目標。

肆、附件

附件一：會議報告

附錄一：議程

附錄二：參與人員名單

附錄三：公約修訂應優先考量事項

附錄四：加強ICCAT所需之其他建議

附錄五：生態系統漁業管理

附錄六：根據ICCAT保育管理措施目標

附錄七：改善紀律委員會程序建議

附錄八：績效報告建議各魚種小組應考量事項

附錄九：績效報告建議統計暨研究常設委員會應考量事項

附 件

REPORT OF THE WORKING GROUP ON THE FUTURE OF ICCAT
(Sapporo, Japan – August 31 to September 3, 2009)

1. Opening of the meeting

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

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

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

2. Election of Chair

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

3. Appointment of Rapporteur

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

4. Working Group workplan

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

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

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

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

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

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

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

Mandate for the management of shark fisheries. The Working Group noted that Article VIII.1. of the Convention may need to be revised or amended to allow adoption of conservation and management measures for targeted shark fisheries. The Working Group also noted that there would need to be additional work to identify which shark fisheries should appropriately fall under ICCAT's purview.

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

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

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

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

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

6. Other actions needed for the strengthening of ICCAT

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

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

In light of the need to ensure that all major fleets involved in ICCAT fisheries cooperate in their management, the Working Group recommended that the Commission take interim measures to enhance the ability of Cooperating non-Contracting Parties, Entities, and Fishing Entities to participate meaningfully in ICCAT.

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

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

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

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

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

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

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

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

The Working Group recognizes that ICCAT Panels have a responsibility to review species specific issues and develop appropriate Recommendations for the consideration of the Commission. As such, the Working Group feels that the appropriate Panels must consider, during the 21st Regular Meeting of the Commission, relevant recommendations and conclusions from the Performance Review, as specified in **Appendix 8**, for possible development of corresponding ICCAT Recommendations for each of the stocks referenced. In the event that a Panel decides not to act on a referred Recommendation from the Performance Review, the Panel should provide an explicit rationale for its decision, for the consideration of the Commission.

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

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

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

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

7. Other matters

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

No other matters were discussed.

8. Adoption of the Report

The Report was adopted pending changes suggested by the Working Group members.

9. Adjournment

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

Appendix 1

AGENDA

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

Appendix 2

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Appendix 3

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

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

RECOMMENDATIONS FOR OTHER ACTIONS NEEDED TO STRENGTHEN ICCAT

Ecosystem-based management

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

Commission Functioning

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

Capacity-Building and Assistance to Developing States

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

Compliance Committee

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

Panels

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

SCRS

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

Appendix 5

ECOSYSTEM-BASED FISHERY MANAGEMENT

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

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

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

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

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

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

Appendix 6

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

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

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

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

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

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

2. Best available scientific information and precautionary approach

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

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

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

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

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

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

3. Decision making on conservation and management measures

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

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

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

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

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

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

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

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

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

Appendix 7

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

Compliance Task Force

Due to the level of work required to analyze information and prepare reports for the annual meeting, CPCs should consider providing assistance to the Chair of the Compliance Committee through a Compliance Task

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

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

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

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

Penalty schedule and Incentives

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

Separate COC meeting

Due to the amount of time needed for a systematic review of each CPC, the COC meeting should be held during a period of time separate from and prior to the annual Commission meeting. The selection of the meeting dates should consider the time needed for data compilation and analyses, in particular data submitted by July 31st as required under ICCAT procedures. In addition, the scheduling of the meeting should consider minimizing travel costs so as to ensure participation by all CPCs. As deemed necessary by the Commission, special intersessional meetings of the COC could be scheduled to address particular concerns about management of a certain species or about implementation of specific monitoring programs.

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

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

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

Panel 1

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

Panel 2

19. For albacore tuna, the Panel recommends that catches for the northern stock be decreased such that fishing mortality is consistent with F_{MSY} . The Panel also recommends that more information be collected for Mediterranean albacore and that an assessment be conducted at the earliest possible date.
20. For bluefin tuna, the Panel concludes that the Commission objectives are not being met, and by far.
38. The Panel recommends that all fishing for East Atlantic and Mediterranean bluefin tuna be immediately suspended until the CPCs involved in those fisheries, their nationals and companies operating in their waters, agree to fully abide by the rules and recommendations of ICCAT and international fisheries law. The Panel considers that this decision is the only way to stop the continuation of what is seen by observers and by other CPCs as a travesty in fisheries management.
39. The Panel further recommends that the suspension only be lifted when ICCAT CPCs adopt measures consistent with ICCAT decisions and individual CPCs can demonstrate that they can control and report on their catch. Alternatively the Panel recommends that ICCAT implements a full Secretariat based auditing and inspection regime for bluefin tuna fishing in the eastern Atlantic and Mediterranean.
40. In addition the Panel recommends that the extent and consequences of mixing of the East and West Atlantic stocks be fully evaluated as a matter of priority, including, if necessary through further field studies and research program to better understand migratory and spawning patterns. The basis for management should be made consistent with the results of those investigations as soon as the results are available. This recommendation is not to be used in any way as an excuse for inaction on the first recommendation; it is supplementary research.

41. The Panel further recommends that ICCAT consider an immediate closure of all known bluefin tuna spawning grounds at least during known spawning periods.
46. Consistent with the recommendations for bluefin tuna fisheries in the east Atlantic and Mediterranean, the Panel recommends that in respect of bluefin tuna farming all fishing for eastern and Mediterranean bluefin be suspended immediately until all CPCs involved in farming activities develop and implement controls necessary to effectively control, monitor and report the catch, transfer and grow-out of bluefin tuna in the farming operations in the Mediterranean. The new measures to be taken should include: the adoption of the recommendations on farming outlined in 06-07; the development of consistent auditable systems to monitor the number and weight of fish transferred into the grow-out cages; the use of independent auditors to randomly check farming operations with CPC representatives; full catch and market documentation; and the development of a strict penalty regime to be applied to member nationals or companies found in violation of the farming provisions.

Panel 4

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

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

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

Appendix 9

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

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

19. For albacore tuna, the Panel recommends that catches for the northern stock be decreased such that fishing mortality is consistent with FMSY. The Panel also recommends that more information be collected for Mediterranean albacore and that an assessment be conducted at the earliest possible date.
26. Given the steady decline in catches of yellowfin tuna, the Panel is surprised that stock assessments are not conducted more frequently.
28. The Panel urges CPCs to make data and scientific expertise available to the SCRS so that progress can be achieved in short order on evaluating the effect the fisheries under the purview of ICCAT have on seabirds and turtles.

29. The Panel recommends that CPCs ensure that scientists participating in SCRS activities have a good balance between quantitative skills and knowledge of the fisheries and of tuna biology.
30. The Panel recommends that CPCs send trained and knowledgeable scientists to the SCRS meetings for all fisheries in which they have substantial involvement.
31. The Panel recommends that CPCs collect accurate Task I and Task II data from all their fisheries according to ICCAT protocols and report them in a timely fashion to the ICCAT Secretariat. The Panel further recommends that consideration be given to modify the ICCAT observer program to collect such data.
32. The Panel recommends that the provision of Rec. 07-08 preventing access to VMS data less than 3 years old by SCRS scientists be removed at the next Commission meeting and that SCRS scientists be immediately given access to current VMS data.
33. The Panel recommends that ICCAT identifies three or four priority knowledge gaps that need to be resolved and that scientific programs be developed to resolve those issues in a timely manner.
34. The Panel recommends that for stocks where fishing mortality is estimated to be close to FMSY or biomass is expected to be less than or close to BMSY, comprehensive conventional tagging programs be developed and carried out to estimate fishing mortality and biomass more reliably.
40. In addition the Panel recommends that the extent and consequences of mixing of the East and West Atlantic stocks be fully evaluated as a matter of priority, including, if necessary through further field studies and research program to better understand migratory and spawning patterns. The basis for management should be made consistent with the results of those investigations as soon as the results are available. This recommendation is not to be used in any way as an excuse for inaction on the first recommendation; it is supplementary research.
49. Given the numerous references and recommendations and resolutions in the ICCAT Compendium relating to improvements in data collection, the Panel finds it difficult to formulate a recommendation that might make a difference. The Panel strongly believes that: misreporting must stop immediately; CPCs must collect and report Task I and Task II data in a timely manner within the agreed time limits; effort should be continued to build capacity in developing CPCs and improve reporting by developed CPCs and CPCs who continually fail to comply should be subject to an appropriate penalties regime. Such a regime should be severe and be enforceable.
51. The Panel recommends that the SCRS endeavour to provide simple, succinct and user-friendly advice to fisheries managers and Commissioners on the status of ICCAT stocks and the expected effects of potential management measures; that ICCAT Contracting Parties review their current management recommendations to ensure that they align with the current scientific assessment of the status of the stocks; and that ICCAT consider seriously the structure and basis of its decision making framework particularly in relation to fisheries management. A decision making framework should be adopted that guides the outcome of decisions and forces discipline consistent with the objectives of ICCAT on CPCs.