

COMISION INTERAMERICANA DEL ATUN TROPICAL INTER-AMERICAN TROPICAL TUNA COMMISSION

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31 august 2011

Ref.: 0456-410

To: Commissioners

Cc: Cook Island

From: Guillermo Compeán



Re: Draft report from the Third Joint Meeting of the Tuna RFMOs (Kobe III)

I have attached a letter from the chair of Kobe III, Mr. Russell Smith, related to the Third Joint Meeting of the Tuna RFMOs (Kobe III).

The draft report is attached and can also be found on the following link <http://www.tuna-org.org/Documents/TRFMO3/REP-KOBE3-ENG.pdf>

Please let me know if you have any comments.

To: All Tuna RFMO Commissioners and Delegates to Kobe III

On behalf of the United States, I would like to thank you for your participation in the Third Joint Meeting of Tuna RFMOs (Kobe III). The participation of the Tuna RFMO Commissioners and Members was essential to continuing the process of coordination between Tuna RFMOs on areas of mutual concern.

A draft version of the Chair's report on the proceedings at Kobe III is currently posted on the tuna-org.org website. The report will be posted for one month, during which we welcome any comments on this document from participants at Kobe III.

Please submit all comments to Rebecca Lent at rebecca.lent@noaa.gov and Melanie King at melanie.king@noaa.gov by **September 30, 2011**.

Thank you,

Russell F. Smith III
Deputy Assistant Secretary for International Fisheries
Chair, Kobe III

**DRAFT CHAIR'S REPORT OF THE THIRD JOINT MEETING OF THE
TUNA REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS (Kobe III)**

(La Jolla, California, USA, July 12-14, 2011)

1. Opening of Meeting

Mr. Stefaan Depypere (EU) opened the meeting for the current Kobe Chair, Mr. Ernesto Penas Lado. Mr. Depypere welcomed participants and introduced Dr. Jane Lubchenco (USA), Undersecretary of Commerce for Oceans and Atmosphere and National Oceanic and Atmospheric Administration (NOAA) Administrator.

Dr. Lubchenco welcomed the Kobe III participants to La Jolla and noted that global cooperation is essential for the effective management of tunas, swordfish and other highly migratory species. Dr. Lubchenco highlighted that a billion people worldwide depend on seafood as their primary source of protein, making sustainable fisheries and aquaculture key to the world's future food security. Healthy oceans are also essential to those who rely on them for employment. She urged the participants to commit to science-based, sustainable management of highly migratory species and to adopt the proposal on decision-making principles. She called on participants to acknowledge that, when uncertainty exists, the precautionary approach should be applied and urged the participants to make further progress in addressing illegal, unreported and unregulated (IUU) fishing by agreeing to measures that would reduce the mobility of IUU vessels and help keep their illegal products from entering the market. Finally, Dr. Lubchenco noted tuna RFMOs' important role in ecosystem management, because they are responsible for managing the top predators in our ocean ecosystems and urged participants to continue to work to address big picture ecological considerations needed for ecosystem management.

A List of Participants is attached as **Annex 2**.

2. Election of Chair

Mr. Russell Smith (USA) was elected Chair.

3. Appointment of Rapporteur

Ms. Melanie King (USA) was appointed Rapporteur.

4. Adoption of Agenda

The Chair noted that the Agenda was developed by an international Steering Committee and open for public comment prior to Kobe III in order to obtain as much input as possible from Kobe participants about the topics on the Agenda. The Chair noted to the Steering Committee that it was important for the Agenda to be as focused and streamlined as possible, in order to achieve concrete outcomes on key issues. The Agenda was adopted without change and is attached as **Annex 1**.

5. Science

The science session was moderated by Dr. Francis Marsac, Chair of the IOTC Scientific Committee. The Rapporteur for this session was Dr. John Hampton, Manager of the Oceanic Fisheries Programme for the Secretariat of the South Pacific Commission.

a) Review of past Kobe science recommendations

Dr. Naozumi Miyabe (Chair of the WCPFC Scientific Committee) briefly reviewed the science-related recommendations from the Kobe II meeting in 2009 and Kobe II workshops in 2010. The recommendations cover the areas of data sharing and provision of scientific advice, data reporting, and data gathering and analysis. Almost all these items have now been considered and adopted where appropriate by most tRFMOs.

b) Report of relevant recommendations from Joint Technical By-catch Working Group

Mr. Glenn Hurry (Executive Director of the WCPFC) presented an overview of the key issues discussed and the recommendations from the meeting of the Joint Technical By-catch Working Group (JTBWG) held prior to Kobe III.

Kobe III participants recognized the progress made by the JTBWG and welcomed its work plan. The work of the JTBWG will be chaired by Dr. Simon Nicol of the South Pacific Commission. It will meet quarterly, at least initially, by electronic means. Other points raised in discussion included the following:

- a) There needs to be information collected by observers on discards, both of by-catch and target species;
- b) Some participants expressed the importance of monitoring interactions of tuna fisheries with species such as whale sharks and cetaceans and called for measures to mitigate the impacts of tuna fishing on these species, including the preparation of best-practice guidelines for the safe handling and release of captured whale sharks and cetaceans;
- c) Food security considerations should be included in the work on by-catch in the Kobe process, recognizing the desires of some developing states to retain by-catch species that can provide a socio-economic benefit;
- d) More comprehensive data are required to monitor and manage the impacts of tuna fisheries on sharks; and
- e) The rate of and species take of by-catch in recreational fisheries should be considered as part of by-catch research and assessments.

Kobe III participants noted that data collection and reporting of information concerning by-catch are essential for the estimation of by-catch and the implementation of an ecosystem-based approach to fisheries management. The responsibility of the members and cooperating non-members of the tRFMOs to improve by-catch data collection and reporting was emphasized. Some participants also called for a study conducted by an appropriate organization, such as the FAO, to quantify the amount of food fish discarded in industrial fisheries.

Kobe III **recommended** that the Joint Technical By-catch Working Group be continued and the report be sent to the tRFMOs for consideration according to their objectives and procedures.

c) Focus issues for Kobe III

i) Data confidentiality and data sharing

Dr. Victor Restrepo (ISSF) presented the background information contained in K3-005 (**Annex 3**) on data confidentiality and data sharing. Data submitted to or collected by tRFMOs can be used for compliance and/or science purposes. The sharing of certain types of data could assist tRFMOs in carrying out their functions, including:

- a) Sharing of relevant data in order to carry out joint stock assessments (such as for Pacific bigeye tuna) or conduct global meta-analyses; and
- b) Sharing of transshipment and vessel activity data to validate catch estimates and detect IUU fishing.

Currently there is no formal mechanism to facilitate routine data sharing among all tRFMOs (although a data exchange agreement has been concluded recently by WCPFC and IATTC). Dr. Restrepo suggested that Kobe III provided an opportunity to begin to address this issue.

The meeting participants expressed general support for the development of a broad data sharing protocol, including operational level data, in order to advance scientific understanding of tuna stocks and associated species and to improve compliance and combat IUU fishing. Various participants noted that confidentiality of data, especially operational level data, would need to be ensured, for example, by having appropriate time delays between the fishing activity and data release.

Kobe III participants recognized that the five tRFMOs have different data confidentiality rules and **recommended** that tRFMOs Secretariats cooperate to develop common data confidentiality rules and a draft protocol for data sharing. The protocol will specify the types of data to be shared, how it can be used, and who can have access to it. It was suggested that the WCPFC-IATTC Data Exchange Agreement might be used as a starting point for the development of the draft protocol.

ii) Addressing common issues in RFMO's scientific bodies

Dr. Josú Santiago (Chair of the ICCAT Standing Committee on Research and Statistics) presented the background information contained in K3-006 (**Annex 3**) on addressing common issues in tRFMO's scientific bodies. Four specific issues were discussed:

- a) Developing a checklist of minimum standards for stock assessments;
- b) Developing a template for the Executive Summaries of Scientific Committee reports;
- c) Establishing an annotated list of common issues in two priority lists; and
- d) Creating a new Joint Management Strategy Evaluation (MSE) Technical Working Group.

The Kobe III participants generally supported the development of a checklist of minimum standards for stock assessments and the Executive Summary template. Some participants suggested the following components for inclusion in executive summaries, if not already included:

- a) Catch and effort summaries;
- b) Key model parameters;
- c) Assessment results in relation to specified reference points and levels of uncertainty (perhaps using the Kobe II Strategy Matrix (K2SM) when uncertainties in assessment results are quantified);
- d) Fishery specific impact curves in multi-gear fisheries;
- e) Regional specific impact curves in fisheries with extended geographic ranges; and
- f) Clear management advice.

The participants supported the list of cross-cutting issues and their prioritization as identified in K3-006.

Kobe III participants agreed that the K2SM is a useful tool for evaluating management strategies or options, provided that the uncertainties in assessments can be adequately quantified. Participants acknowledged that considerable work remains to be done both to reduce uncertainty in stock assessments, and to develop common standards or guidelines for how uncertainty is reflected. It was also noted that the definition of science-based limit reference points and target reference points linked to management objectives are important elements underpinning the K2SM. Kobe III participants **recommended** that the scientific committees and bodies of the tRFMOs jointly develop methods to better quantify the uncertainty and understand how this uncertainty is reflected in the risk assessment inherent in the K2SM. The participants further noted that decisions on these issues by tRFMOs could improve the Commissions' capacity for implementing precautionary management measures.

Some participants suggested that both the impact of fish aggregating devices (FADs) in oceanic ecosystems and the study of movements of highly migratory species might be elevated from the second priority to the first priority list. It was also noted that standardized catch per unit effort (CPUE), being the basis of most tuna assessments, is a priority area for further study. In particular, further work is required to better utilize purse seine CPUE in stock assessments. This is a particular issue for yellowfin and bigeye tuna assessments, where the size of historically major longline fleets are declining.

Recognizing that a Management Strategy Evaluation (MSE) process needs to be widely implemented in the tRFMOs in the line with implementing a precautionary approach for tuna fisheries management, Kobe III participants **recommended** that a Joint MSE Technical Working Group be created and that this joint working group work electronically, in the first instance, in order to minimize the cost of its work. The terms of reference for that joint working group should include:

- a) Review the literature and experiences of tRFMOs in relation to MSE in order to investigate the feasibility of its application to different tunas;
- b) Provide guidance for developing MSE and operational models (OM) for tuna biology/ecology/fisheries in relation to the main sources of uncertainty arising from tuna assessments; and
- c) To the extent possible, provide and develop the modeling framework to apply the OM/MSE to tuna assessments by tRFMOs.

It was stressed that appropriate attention be given to building the capacity of tRFMO participants in the use of the MSE approach. Also, it was stressed that necessary management action should not be delayed while MSE systems are developed.

6. Management

The management session was moderated by Ms. Anna Willock (Australia) and rapporteured by Mr. Vladimir Puentes (Colombia).

a) Review of Past Kobe Management Recommendations

Mr. Matt Hooper (New Zealand) presented the past Kobe III management recommendations relevant to the management of tuna fisheries and potential areas for improvement.

There was agreement by participants that recommendations related to capacity building for developing members and cooperating non-members are particularly important, including ensuring funds are available to allow participation of developing members in tRFMO scientific and commission meetings. It was noted that efforts to fund the travel of developing members have allowed some small island developing States (SIDS) to hold chairmanships in WCPFC. Participants noted that other sources of funding should be explored to facilitate participation of developing members in international meetings and that Global Environment Facility funds in particular have allowed participation of developing States in various fora. Some participants stated that capacity building should support more than attending meetings, but also fully accessing the fisheries under each tRFMO's jurisdiction. Kobe III participants took note that several tRFMOs have funds to assist developing Nation participation in meetings, and that most recently, IATTC agreed to develop a mechanism in this regard. Several participants also suggested that while most funds available for training focus on training by experts from developing members, more consideration should be given to funding horizontal training programs among developing members to allow them to share experiences and learn from other members in similar economic circumstances. Several participants also highlighted the importance of funding to study artisanal fisheries.

b) Summary report of Joint IATTC-WCPFC Workshop

Mr. Fabio Hazin (Chairman of ICCAT) presented the results of the Joint IATTC-WCPFC Workshop that took place on July 11, 2011 in La Jolla, California, USA. Participants were pleased by the results of the workshop and agreed to consider the results at the IATTC and WCPFC annual meetings.

c) Relevant Recommendations from Joint Technical By-catch Working Group

Mr. Glenn Hurry presented the outcomes of the Joint Technical By-catch Working Group (JTBWG) related to management. The Chair noted that it was not up to the Kobe III participants to endorse the work of the JTBWG, given that body's terms of reference, which includes referring recommendations to RFMOs and their science bodies as appropriate.

Participants discussed the value of species specific management measures versus management measures that apply across all species of a taxa. Participants agreed that for taxa such as seabirds, effective management measures can be effective across the taxa. Some participants expressed concern that shark measures need to be species specific due to the nature of the fishery. The distinction between the incidental catch of sharks and targeted shark fisheries was highlighted.

Several participants requested that the JTBWG consider the utility of circle hooks in reducing by-catch. Participants also recommended that the JTBWG consider the issues of juvenile finfish catches and discards in its future meetings. Several participants also highlighted the importance of by-catch to food security and local economies in developing members.

In accordance with the Terms of Reference for the JTBWG, which were adopted at the Kobe II By-catch Workshop, the Kobe III participants welcomed the report of the first meeting of the By-catch Joint Technical Working Group and **recommended** that it be transmitted to each tRFMO for its consideration

d) Focus Issues for Kobe III

i) Capacity and Allocation

Mr. Toufik El Ktiri (Morocco) presented the background information contained in K3-007 (**Annex 3**) on capacity.

Many participants noted that addressing overcapacity of the global tuna fleet is an important issue that needs to be addressed in the Kobe process, taking into account the rights of developing members. Other participants expressed that they did not believe Kobe is an appropriate forum to address this difficult issue. Participants noted that the global vessel register currently under development will be an important tool to address over capacity and IUU fishing activities.

The Kobe III participants **recommended** that each tRFMO Secretariat annually measure existing capacity in tuna fisheries under its jurisdiction and monitor where that capacity is used and by whom. The results of this work should be referred to the respective Commission for its consideration.

In order to assist in the analysis and appropriate management decision-making to reduce overfishing and overcapacity, Kobe III participants **recommend** that by 2013 each tRFMO establish a record of vessels, by gear type, actively fishing for stocks under its jurisdiction, and that all tRFMO Secretariats coordinate the establishment of a common vessel database linked, to the extent possible, to the existing consolidated list of active vessels (CLAV), taking into account the requirements of each tRFMO for vessel registration.

Many participants noted that there is an important difference between the transfer of capacity among ocean basins and the transfer of capacity within a tRFMO area of competence from developed to developing members. Regarding the former, members must ensure the transfer is in accordance with relevant tRFMO measures and appropriate given the status of the stocks. Regarding the later, such transfer can be beneficial in allowing developing coastal members to realize their development aspirations without increasing the overall capacity of the fleet.

Participants discussed the following considerations, based on a list provided by Mexico, when determining whether a transfer of capacity among participants is appropriate:

- a) Legal framework for the capacity transfer;
- b) Current status of the fisheries resources;
- c) Fishing method used of the vessel to be transferred and effect of this method in the area where the capacity was transferred;
- d) If capacity is transferred within one RFMO, or from one RFMO to another, particular situations to be handled according to each one;
- e) If the capacity to be transferred is going to a place where the capacity is at its limit or there is overcapacity;
- f) The impact of the transfer in coastal States, particularly in developing States;
- g) If the transfer is made by a developing country and doesn't contribute to overcapacity;
- h) Effects of the transfer on the conservation measures of the tRFMO receiving that capacity;
- i) Reasons for the capacity transfer; and
- j) Beneficial owner of the capacity.

Participants suggested that these considerations should apply to capacity transfers but not to the increase in capacity. Participants noted that tRFMOs should examine whether it is appropriate to transfer capacity from one tRFMO to another, taking into account the fact that Kobe II participants recommended that tuna fishing capacity should not be transferred between tRFMO areas and, as appropriate within tRFMO areas, unless in accordance with the measures of the tRFMOs concerned.

The importance of tuna fisheries for the economies of coastal states, particularly for SIDS, was emphasized by many participants, and there was agreement that this consideration should be taken into account in any capacity reduction or transfer scheme. Participants recommended that each tRFMO draw up a strategy to enhance the participation of developing coastal members in sustainable tuna development and trade, including ensuring that conservation and management measures promote and do not undermine the sustainable development of tuna fisheries and industries of developing coastal states.

In view of these discussions, Kobe III participants **recommended** that developed fishing members freeze large scale purse seine capacity under their flag. Based on the status of the stocks, each tRFMO should consider a scheme for:

- Reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal states, in particular small island developing States, territories, and States with small and vulnerable economies; and

- Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate.

ii) Decision-making principles

Ms. Sylvie Lapointe (Canada) presented the background information contained in K3-008 (**Annex 3**). Kobe III participants welcomed these guidelines for decision-making on conservation and management measures, especially in view of adopting precautionary management approaches for tuna fisheries, and **recommended** that the decision-making framework guidelines outlined in K3-008 be referred to the respective tRFMOs for consideration.

7. Compliance and Enforcement

The compliance and enforcement discussion was moderated by Mr. Matar Sambou (Senegal) and rapporteured by Dr. Hamady Diop (CSRP).

a) Review of past Kobe Compliance and Enforcement Recommendations

The session began with an overview of the past recommendations of the Kobe process regarding compliance and enforcement presented by Mr. Roberto Cesari (EU). The Kobe III participants noted their appreciation of the progress made by the tRFMOs since the adoption of these recommendations.

b) Summary of Pre-Kobe III Preparatory Workshop on Port State Measures and Catch Documentation Schemes

Ms. Hyunwook Kwon (Korea) presented the report from the pre-Kobe III workshop on port state measures (PSM), underlining the importance of ensuring adequate and appropriate capacity building for developing countries for PSM as well as the various documentation systems for tuna and tuna-like species.

c) Focus Issues for Kobe III

i) Unique Vessel Identifiers and Harmonized IUU list

Mr. Miguel Herrera (IOTC) presented an update on the Secretariats' progress in developing a CLAV and other background information contained in K3-009 (**Annex 3**). Mr. Herrera noted that while the CLAV included a process for assigning a unique vessel identifier, most tRFMOs were not yet including these numbers in their published authorized vessel lists. Kobe III participants **recommended** that the tRFMO Secretariats continue this work and that it be coordinated with the ongoing Food and Agriculture Organization of the United Nations (FAO) effort to develop a global record of fishing vessels.

Kobe III participants noted their appreciation for the work already conducted by the tRFMO Secretariats on the development of a consolidated list of authorized vessels, including the implementation of UVIs and **recommended** that they continue these efforts. Furthermore, the delegates **recommended** that these efforts be coordinated with the FAO effort to develop and implement a global record of fishing vessels, refrigerated transport vessels, and supply vessels.

Ms. Deirdre Warner-Kramer (USA) presented the background information contained in K3-010 (**Annex 3**) on harmonized IUU vessel lists. A paper on basic principles for RFMO procedures on cross-listing vessels that have been listed on other RFMO IUU Vessel Lists was presented by the United States. These principles are included in **Annex 5**. Participants **recommended** that the principles be referred to the tRFMOs for consideration as each moves towards developing criteria and procedures for cross-listing IUU vessels, and recommended that the development of compatible IUU vessel listing criteria and procedures, to the maximum extent possible, should be given priority.

ii) Standardized Report Cards on Data Submission

Ms. Julia Hsiang-Wen Huang (Chinese Taipei) presented the background information contained in K3-011 (**Annex 3**) on data submission in tRFMOs and the idea of creating a standardized data report card to compare data submission of members across tRFMOs. Participants recommended the development of harmonized data report

card formats to compare data submission across tRFMOs, but cautioned that it should not be used to compare tRFMO performance, but rather members' performance.

Kobe III participants **recommended** that the tRFMOs establish a common format for assessing compliance with data reporting requirements. Furthermore, to facilitate compliance, delegates recommended that all tuna RFMOs streamline and harmonize the reporting formats, procedures, and timing.

iii) Port State Measures

Ms. Michele Kuruc (FAO) presented the background information contained in K3-012 (**Annex 3**) on port state measures (PSM). Norway presented a white paper on the FAO Agreement on PSM, included in **Annex 6**. The participants of Kobe III discussed the important role of port state measures to combat IUU fishing and reaffirmed that tRFMOs should adopt port state measures as recommended in the report of the Kobe II MCS workshop. Kobe III participants agreed on the need to provide capacity building support for developing countries in implementing port state measures.

iv) Market Measures/CDS/Trade Tracking

Mr. Shingo Ota (Japan) presented the background information contained in K3-013 (**Annex 3**) on market measures, catch document schemes (CDS) and trade tracking. Kobe III participants noted that electronic CDS programs would lower costs of implementation and emphasized the need to provide support for developing countries for such programs.

The Kobe III participants, reaffirming the recommendations regarding port state measures and CDS, **recommended** that tRFMOs, developed States, and NGOs accelerate efforts to provide capacity building assistance through various means, including workshops, to implement CDS, port state measures, and data collection and to participate in the scientific work.

8. Future of Kobe Process

Participants agreed that the Kobe process has been helpful in advancing many common issues among tRFMOs, but some participants cautioned that contentious issues such as capacity can be more effectively addressed in the tRFMOs themselves. It was recommended that the Kobe process continue but allow some time for implementation of agreed recommendations before convening another joint tRFMO meeting. In light of the financial and scheduling burden, particularly for developing members, participants considered several possible intervals until the next joint tRFMO meetings and the issue was left undecided.

Participants **recommended** that a Steering Committee be formed to review and report to the tRFMOs regarding progress made in implementing all of the recommendations agreed to in the Kobe process, pursuant to the terms of reference included in **Annex 4**.

9. Other Matters

Ms. Kuruc made an intervention to inform Kobe III participants of the Global Environment Facility (GEF) sustainable fisheries initiative that can provide funding for a variety of projects. Several participants noted that efforts under GEF have benefited WCPFC members and emphasized its potential to improve tuna management. No other matters were discussed.

10. Adoption of meeting report and intersessional work plan

The recommendations agreed by the participants under each agenda items are included in **Annex 4**. The meeting report was adopted by correspondence.

11. Adjournment

The Chair thanked the participants for their contributions and adjourned the meeting.

ANNEXES

Annex 1: Agenda

Annex 2: List of Kobe III Participants

Annex 3: Background documents for Kobe III

K3-005 – Data Confidentiality and Data Sharing

K3-006 – Addressing Common Issues in Tuna RFMOs Scientific Bodies

K3-007 – Capacity

K3-008 – Kobe III Guidelines: Addressing overfishing and/or stocks that are overfished

K3-009 – Global Consolidated List of Authorized Vessels (CLAV)

K3-010 – Harmonized IUU Vessel Lists across tRFMOs

K3-011 – Statistical Data Report Card

K3-012 – Port State Measures

K3-013 – Market Measures/CDS/Trade Tracking

Annex 4: Kobe III Recommendations

Annex 5: Basic principles for adopting measures for cross-listing vessels listed as IUU by other RFMOs

Annex 6: Norwegian White Paper on the FAO Agreement on Port State Measures to Prevent, Deter
And Eliminate Illegal, Unreported and Unregulated Fishing