

*ICCAT Performance Review Process  
Experience and assessment*

Stefaan Depypere, First Vice Chair of ICCAT

**History**

When meeting jointly for the first time in January 2007 in Kobe, Japan, the tuna Regional Fishery Management Organisations (further t-RFMOs) agreed on common criteria for Performance Reviews (further: PR).

They saw these PR as an important tool for strengthening the efficiency of their organisations.

At its annual meeting of November 2007, the International Commission for the Conservation of Atlantic Tunas (further: ICCAT), agreed to conduct an independent review of its performance against its objectives.

It appointed a team composed of a manager (Mr Glenn Hurry), a lawyer (Professor Moritaka Hayashi) and a scientist (Dr Jean Jacques Maguire).

The PR was carried out in 2008.

The assessment was not favourable. The most salient conclusion was that ICCAT did not meet its objectives for several species under its purview. The focus, however, was on Bluefin Tuna (Further BFT) and the performance of ICCAT was called an international disgrace. The experts argued that the international community would judge ICCAT on the basis of its performance in managing BFT. In their report, the experts made numerous suggestions for improvement, the most important ones probably being the need to modernise the Convention text and to improve its management practices and the compliance record.

With this striding criticism as a background, ICCAT started working on the recommendations. Structural work was launched on modifying the Convention and very practical work was done on improving the management of the fisheries –with a focus on BFT- and on control measures and compliance.

Over the following years, a recovery plan for Eastern BFT<sup>1</sup> was adopted and carried out and an agreement was found on a new Convention text (after long a painful negotiations). The recovery plan was very comprehensive.<sup>2</sup>

At its annual meeting in November 2015, ICCAT decided to conduct a second PR.

Again it contracted a manager (John Spencer), a lawyer (Professor Molenaar) and a scientist (Dr Jean Jacques Maguire, again).

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<sup>1</sup> There are two stocks of Atlantic BFT: eastern and western. The focus has been largely on the larger eastern stock.

<sup>2</sup> Apart from reducing the Total Allowable Catch (further TAC) to a minimum of 12.900 tonnes in 2011 and 2012, it featured capacity reductions, minimum harvest size, a limitation of the fishing season and drastic control and compliance measures.

By 2013, the scientists saw the first evidence of a recovery of the stock. Since then this recovery has continued. The TAC has been slowly increased but the other measures have largely remained.

The PR was presented at the annual meeting in November 2016. This time, the list of positive assessments was far longer than the negative list but most importantly, unlike the first report, the PR did not feature any devastating comment. It did contain **a list of 131 detailed recommendations**.

The Commission decided to set up an **ad hoc working group** with the task to follow up.

This group containing representatives from the contracting parties, a fishing entity and from non-governmental organisations, met in June 2017 in Madrid.

During this meeting it managed to structure the 131 recommendations in terms of time horizon for action and actor concerned. There are 14 actors (or group of actors)<sup>3</sup> and 7 time horizons.<sup>4</sup>

During the next annual meeting in November 2017, this assignment list was discussed and approved and it was agreed that **progress would be reviewed every year** until action had been taken in respect to all recommendations considered necessary. So it happened during the Annual Meetings of 2018 and 2019. For 2020, the meeting cannot take place because of COVID but the item will continue to feature on the agenda. Progress is discussed at the meetings of the subsidiary bodies and then during the plenary.

### **Comment**

ICCAT benefited from the method of selecting three qualified experts to carry out the PR covering three dimensions (management, science, legal aspects). This approach can be **recommended**. In ICCAT it was preferred over other approaches like selecting only one expert or –to the contrary- setting up a large panel of representative stakeholders. The small multidisciplinary panel of three produced timely and balanced work of excellent quality. The experts need to receive enough resources and access to the data and actors to do their work. Their mandate must be to give an honest view, however painful that may be. Then, for the RFMO, receiving the PR is not enough to produce organisational change. There must be an internal drive to act upon the results. The PR needs to be systematically followed up by an **action plan and regular further review**. The three main groups of actors (the contracting parties, the governance board, the executive secretary and his/her staff) must act in concert.

The outcome of the first PR was very negative for ICCAT. It contained two major challenges yet ICCAT managed to find appropriate responses. The outcome in the eastern BFT case shows that dire situations can be reversed when proper timely action is taken.

The second PR was far more positive. Nevertheless it contained a long list of recommendations. By introducing structure in this list, ICCAT managed to reduce the list to manageable proportions and to assign a clear responsibility for progress. The **annual review mechanism** enforces a very useful discipline on the responsible actors. The PR process has introduced a spirit of total quality management in the organisation. It is important to repeat that no result is acquired forever. Working on the performance must be a systematic effort but when it is done properly the efforts pay off.

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<sup>3</sup> The Commission, one of the subsidiary bodies or ad hoc groups, the Secretariat, the Contracting Parties.

<sup>4</sup> “Done already”, 5 horizons from “very short term” to “very long term”, “no action needed”.

The PR process undertaken by the t-RFMOs is rather unique. Many other international organisations refrain from engaging in such an effort. Arguably, by following this practice systematically, the t-RFMO will set a standard of good governance. Ultimately, we expect that all international organisations involved in parts of ocean governance will be called upon to adopt similar good practices.