



Compliance Processes

What Are RFMO Compliance Processes?

The Regional Fisheries Management Organizations responsible for highly migratory species (“tuna RFMOs”) each have an annual mechanism to monitor and assess implementation by members, and in some cases cooperating non-members (CNMs), of their obligations under the RFMO convention and in-force conservation and management measures (CMMs), data requirements, and other decisions. Such international cooperation in compliance and enforcement is a fundamental tenet of the 1995 UN Fish Stocks Agreement (Article 20).

Benefits of Compliance Processes

Effective RFMO compliance processes promote system legitimacy and contribute to public and market confidence in the sustainable management of global tuna fisheries. These processes can:

- Assess the degree to which RFMO measures are being complied with and implemented
- Recognize Members abiding by the rules
- Provide assistance to nations that need it
- Identify those undermining the effectiveness of RFMO conventions and conservation and management measures, and incentivize them to improve

- Promote clarity regarding RFMO obligations and measures and what must be done to fully implement them
- Improve trust, fairness and transparency in the system
- Enhance RFMO performance in meeting its mandate

How Do They Work?

Compliance processes are broadly composed of three steps:

1. Information gathering
2. Review and assessment
3. Feedback and/or application of corrective remedies, including flag State action and follow up

RFMOs vary in how they review and assess implementation and compliance; what information is publicly available; whether the RFMO has tools to address non-compliance and if it uses those tools; and the degree to which the RFMO follows up on identified non-compliance.

For a comprehensive review of RFMO **Compliance Processes** and suggested best practices and details of other RFMO compliance procedures, please refer to [ISSF Technical Report 2022-05](#).



Assessment of Compliance Processes by RFMO Recommended Best Practices

The following table shows the level of progress in each tuna RFMO in implementing the recommended best practices.

Color Coding Key

	Element(s) are consistent with the suggested best practices.		Some element(s) are present, but amendments or a change in procedure is needed to be consistent with best practices.		Element(s) are missing or inconsistent with best practices.
--	--	--	--	--	---

RFMO	Information used and items assessed*			The assessment process*			Follow-up and outcomes ¹		Institutional and Governance		
	Diversity of sources of information	Verification of national self-reporting	Assessment of data and financial dues requirements	State by State and/or obligation by obligation review	Clarity and fairness in due process	Transparency in the processes, outcomes and follow up	Reporting by members and CNMs on actions taken is required and tracked over time	The availability and use of tools to respond to identified non-compliance, including automatic responses to procedural obligations	Established audit points/ performance metrics	Clear process for information flow to Commission re: needed changes in measures to address lack of clarity, interpretation issues, etc.	Members must report in detail re: how they are implementing RFMO obligations (i.e. specific laws or regulations)
WCPFC ^{1*}											
	✓	✓	✓ For data ✗ For dues	✓	✓	✓ Final CMS report includes details by nation ✗ CMS working group closed to observers ✗ CMS WG documents or member/CNM responses are not public	✓ The Final CMR includes information on the number of years a compliance issue has been found for a CCM on a specific CMM	Scheme of responses to non-compliance part of TCC work plan for the CMS that is to be addressed in 2022.	Audit points to be finalized in 2022 that will also guide the ongoing work to develop responses to compliance statuses; risk-based assessment framework to be finalized in 2022	✓ TCC makes recommendations to the Commission	✓ Specific information to be reported in Annual Part II Reports and in the online case file system; information is non public.
IOTC ¹											
	✓	✗ Only a few independent sources appear to be used (e.g., ROP reports)	✓	✓	✓	✓	✗ Failure to report on actions taken is not considered as a serious type of non-compliance Compliance is not tracked over time, but compliance in the aggregate by Resolution is tracked	✗	✗	✗	✓ The CoC makes recommendations to the Commission Information to be reported in Annual Report of Implementation; detailed information not consistently provided by all CPCs

¹ A voting process could be used, but to date decisions have been taken by consensus. The current WCPFC CMS measures also states that a CCM shall not block its own compliance assessment if all other CCMs present have concurred with the assessment. Also, IOTC and ICCAT both have an "opt out" procedure that allows members to file an objection to a measure, and thus not be bound by it.

* The only RFMO with a closed compliance process, so the information used, and the process in the CMS working group, is only anecdotal.

RFMO	Information used and items assessed*			The assessment process*			Follow-up and outcomes ²		Institutional and Governance		
	Diversity of sources of information	Verification of national self-reporting	Assessment of data and financial dues requirements	State by State and/or obligation by obligation review	Clarity and fairness in due process	Transparency in the processes, outcomes and follow up	Reporting by members and CNMs on actions taken is required and tracked over time	The availability and use of tools to respond to identified non-compliance, including automatic responses to procedural obligations	Established audit points/performance metrics	Clear process for information flow to Commission re: needed changes in measures to address lack of clarity, interpretation issues, etc.	Members must report in detail re: how they are implementing RFMO obligations (i.e. specific laws or regulations)
IATTC	 <p>Independent sources (e.g., observer reports) are used for some fleets (LSPS). Other gears have either 5% observer coverage or none, which limits verification of national reporting for these gear types.</p>					 Observers have no access to documents or reports; they may only attend the committee mtg.  Final Committee Report has no details by nation  No formalized or regular follow-up in subsequent years to id'd infractions	<p>Starting in 2022, the IATTC Secretariat is to start including in the IATTC compliance summary report a review of vessels, by flag, that have repeated infractions. Additionally, the Secretariat is to provide information on compliance with data submissions or reports for previous years so patterns can be identified.</p>	<p>IATTC is to hold a workshop in 2022 to address fully implementing paras 5-9 of C-11-07, which includes development of a scheme of sanctions and incentives and CPC plans of action for improvement.</p>		 <p>The Review Committee makes recs to the Commission; action by Commission is minimal/rare.</p>	 <p>Not explicitly required</p>
ICCAT ²	 Only a few independent sources appear to be used for some fleets & species (e.g., CDS, t/ship ROP, VMS)	 For data  For dues					<p>Failure to report on actions taken is not considered as a serious type of non-compliance. Responses to identified areas of non-compliance are tracked over a two year time-period only</p>	<p>Non-binding schedule of actions, which includes some guidance on automatic responses to certain procedural (reporting) obligations.</p> <p>CoC is developing a severity schedule and actions to be taken.</p>			 <p>Not explicitly required</p>

² A voting process could be used, but to date decisions have been taken by consensus. Also, IOTC and ICCAT both have an "opt out" procedure that allows members to file an objection to a measure, and thus not be bound by it.

* The only RFMO with a closed compliance process, so the information used, and the process in the CMS working group, is only anecdotal.

RFMO	Information used and items assessed*			The assessment process*			Follow-up and outcomes ²		Institutional and Governance		
	Diversity of sources of information	Verification of national self-reporting	Assessment of data and financial dues requirements	State by State and/or obligation by obligation review	Clarity and fairness in due process	Transparency in the processes, outcomes and follow up	Reporting by members and CNMs on actions taken is required and tracked over time	The availability and use of tools to respond to identified non-compliance, including automatic responses to procedural obligations	Established audit points/performance metrics	Clear process for information flow to Commission re: needed changes in measures to address lack of clarity, interpretation issues, etc.	Members must report in detail re: how they are implementing RFMO obligations (i.e. specific laws or regulations)
CCSBT	✓	✓ Appears to use independent sources (e.g., CDS, t/ship ROP, VMS)	✓ For data ✗ For dues	✓	✓	✓	Record of only non-compliance with allocations of the SBT TAC is published	✓ Includes some guidance on automatic responses to certain procedural or administrative obligations	✓	✗ Not clearly mandated as a task of the Compliance Committee	✓



iss-foundation.org

655 15th Street NW, Suite 800
Washington D.C. 20005
United States

Phone: + 1 703 226 8101
E-mail: info@iss-foundation.org

