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THE KOBE PROCESS

**WCPFC15-2018-30
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Paper by the Secretariat

Purpose

1. The purpose of this paper is to present for the consideration of the Commission a Concept Note (*Attachment A*) from the Chair of the Steering Committee of the Kobe Process on options how to organize and manage future work of the joint tuna Regional Fisheries Management Organizations (t-RFMOs).

Background

2. The collaborations amongst the t-RFMOs in terms of their joint meetings and activities started with the first meeting in Kobe, Japan in January 2007 which resulted in the collaboration being labeled the “Kobe Process”. The first meeting identified fourteen key issues and challenges and a process for future work. Two similar meetings followed in San Sebastian, Spain in April 2009 and in La Jolla in July 2011. The San Sebastian meeting resulted in several technical workshops convened in 2010. The La Jolla meeting shifted the focus of the Kobe Process from plenary-type meetings to a steering committee. Until to-date the activities under the auspices of the Kobe Process were managed and coordinated by the Steering Committee that comprised of Chairs and Chief Executive Officers of the five t-RFMOs namely Inter-American Tropical Tuna Commission (IATTC), International Commission for the Conservation of Atlantic Tuna (ICCAT), Indian Ocean Tuna Commission (IOTC), Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and Western and Central Pacific Fisheries Commission (WCPFC).

The Steering Committee

3. The Steering Committee, at its last meeting on 11 July 2018 in Rome, Italy at the margins of the meeting of the FAO Committee on Fisheries, deliberated on the future work of the Kobe Process. The meeting was chaired by Steefan Depypere, Vice Chair of ICCAT and the WCPFC was represented by the Executive Director. A copy of the Report of the Steering Committee meeting is attached as *Attachment B* to this paper.

4. As may be noted from the Report of the meeting, the main issue discussed was how to organize and manage future work of the Kobe Process in order to maintain its continued relevance. There were expressions of reservations as to the continued relevance of the Kobe Process and the need to clearly re-articulate its objectives and purposes and to demonstrate the benefits it can add value to the work of each of the t-RFMO. The Steering Committee agreed to the Chair developing a Concept Note to clearly convey the objectives of the Kobe Process and present options on how future work under the Kobe Process may be managed. The members of the Steering Committee undertook to facilitate the discussion of the Concept Note by their respective Commission at their annual meetings.

The Concept Note

5. The Chair of the Steering Committee has prepared and circulated the Concept Note (*Attachment A*) to all the t-RFMOs for their consideration and decision. The Note provided the backdrop against which the Kobe Process emerged and its work to-date; a description of the basic principles of coordination, collaboration and non-binding decisions that the Kobe Process was founded on; and presented three options on how to organize future work of the Kobe Process. The three options are elaborated in the Note and they include:

- i) Cooperation, exchange of information and coordination within the framework of the steering committee;
- ii) Organization of meetings of existing or new working groups covering particular topics like FAD, MSE etc; and
- iii) Organization of a new large-scale meeting.

6. The CCSBT's governing Commission has deliberated on the Concept Note and its position on the three options as reported to the Steering Committee is as follow:

"With regard to the three categories listed in the Kobe Chair's concept note, the Extended Commission agreed that:

- *It supports the first activity and the Kobe process in general;*
- *It supports some suggestions for themes of small technical meetings as part of the second activity; and*
- *Some Members still have reservations about supporting a large-scale Kobe IV given there is not yet any information available on the proposed main themes for such a meeting. If Kobe IV proceeds, individual Members would make their own decisions on whether to attend depending on the theme. It was noted there were mixed views between the Members as to whether Kobe IV is likely to be useful.*
- *The proposed meeting date of September is not ideal for CCSBT members and that initial discussion indicated July might be a better time."*

7. The other t-RFMOs are yet to consider the Concept Note but ICCAT is expected to consider it before the WCPFC15 meeting and WCPFC15 will be updated of ICCAT's position once known.

Recommendation

8. WCPFC15 is invited to consider the Concept Note from the Chair of the Kobe Process and decide on the three options proposed in the Concept Note on how to organize and manage future work under the Kobe Process.

Attachment A**Coordination and Cooperation between t-RFMO¹**

Adjusting the work under the KOBE process.
A Concept Note
(DRAFT)

Introductory remarks:

In the present Ocean Governance set-up, RFMOs have been entrusted with a critical role to manage highly migratory² stocks properly. The t-RFMOs constitute a sub-set of RFMOs with a particular responsibility in this context.

Generally speaking, the performance of the t-RFMOs can be qualified as rather satisfactory.³ The scientific processes function, decisions about management measures are taken, compliance is monitored and measures are regularly reviewed to take account of changing circumstances. The performance of all the t-RFMO has been assessed at least once.

Yet, occasionally t-RFMOs attract criticism about their performance. Sometimes also other organisations⁴, relying on a separate conservation mandate, venture into their activity domain. At times there are even suggestions that more over-arching global organisations ought to be set-up.⁵

The best reply to such criticism and challenges is for the t-RFMO to continue working on their performance and to continue working jointly on issues of common interest. There has been, for more than a decade, a systematic effort to pursue such cooperation under the “Kobe process”.

During the first meeting in Kobe, Japan in January 2007 fourteen key issues and challenges and a process for future work were defined. After a second meeting in San Sebastian, Spain in April 2009, several technical workshops were set up and at a third meeting in La Jolla, USA in July 2011 the focus of “Kobe process” activities shifted away from plenary-type meetings to a steering committee. The steering committee consists of the chairs and executive secretaries (or directors) of the five t-RFMO.

According to a self-assessment, t-RFMOs report achieving 70-80% of the original Kobe process goals. Other relevant work on FAD management, management strategy evaluation, the ecosystem approach to fisheries, by-catch and other topics has been carried out.

¹ Tuna RFMO

² And other stocks of common interest like straddling stocks

³ See argumentation in: S.DEPYPERE, *Ocean Governance for Sustainable Fisheries, in Nordquist e.a. 372-378* © Koninklijke Brill nv, Leiden, 2017.

⁴ Which arguably, are less performing or less committed to following good practices than t-RFMOs

⁵ E.g. during the BBNJ preparatory discussions.

The continuation of a cross t-RFMO cooperation process in some form is important for conveying key messages regarding progress in fisheries management to all stakeholders, including producers, consumers and civil society. This should be relevant also for the UNFSA review process.

The steering committee has been trying to assess its own performance and to improve the cooperation mechanisms. During its most recent meeting⁶ at the occasion of the COFI meeting at the FAO in Rome, an exchange of views resulted in a broad agreement on a way forward.

Basic principles

The process will continue to work as a lean –virtual- organisation. It will continue to rely on the t-RFMO, on contracting parties and on efforts and contributions by various stakeholders (civil society, fleet operators, processors, retail organisations etc.). The FAO will continue to support the process and will also offer a light secretariat service. Various communication tools will be used but efforts will be made to enhance the website “www.tuna-org.org” which is hosted by ICCAT.

It has been made very clear that the process should not provide oversight of the t-RFMOs and also should not set binding frameworks for t-RFMOs or their members. Rather the Kobe process should provide for a platform for enhanced coordination and collaboration instead of being a decision-making platform. It should avoid prescriptive guidance and make this very clear within the RFMO community.

As many of the previous goals were reached, new and achievable goals need to be defined recognizing that there are inherent differences between the t-RFMOs, both structurally and on specific issues.

There are benefits to a Kobe process associated with improved public perceptions of transparency and progress, particularly given the importance of tuna to a variety of market sectors. While small meetings are more manageable and efficient, it was noted that large meetings are costly but relatively more transparent. In order to be successful, the agenda needs to be well crafted.

Fostering strategic communications is considered to be very important, including communication between t-RFMOs to identify shared priorities, identifying joint actions which would benefit all t-RFMOs, and then having an outward-facing communications strategy aimed at members and all stakeholders, including civil society.

The spirit of the Kobe process is grounded in sharing knowledge and building on commonalities, for example catch documentation schemes, data collection and reporting, as

⁶ 11/07/2018

well as a number of other topics⁷. It can serve as an important focal point for mutually beneficial cooperation.

It is important for the representatives of each t-RFMO at the steering committee to obtain a clear mandate from their membership to participate in cross t-RFMO activities. As already previously agreed, the Kobe process will feature as a point on the agenda of the annual meeting of each t-RFMO.

Practical work

Work would be arranged in three main categories:

Cooperation, exchange of information and coordination within the steering committee. This may involve participation in the annual meeting or other events organised by fellow t-RFMOs.

Organisation of meetings of existing⁸ or new working groups covering particular topics. (MSE, FADs, By-catch, catch documentation, external communication, best practices in science, compliance,..)

Such cooperation will need to rely on the initiatives and on the voluntary contributions (intellectually, financially, logistically) by contracting parties, stakeholders and t-RFMO themselves. Participation would be open to everybody who wishes to cooperate.

All parties are invited to reflect on possible topics and to consider contributing. The steering committee will act as a broker for such information and will facilitate forms of cooperation.

The organisation of a new large-scale meeting⁹ will also be considered. On the one hand, such a large-scale meeting poses quite a challenge. Preparation is a daunting task. On the other hand, it is considered very beneficial in terms of inclusiveness and transparency. It would only make sense, however, if all t-RFMO and enough contracting parties and stakeholders were ready to prepare this content-wise and to attend actively. The FAO is considering whether it can finance and host such a meeting. Tentative timing would be September 2019.

Invitation

All t-RFMO are invited to discuss these ideas at their annual meeting or otherwise.¹⁰

⁷ advanced also under the Common Oceans (ABNJ) Tuna Project.

⁸ The list of existing working groups and their chairs will be communicated separately.

⁹ A “Kobe IV”.

¹⁰ Due to the scheduling of Annual Meetings, fixing suitable calendars and deadlines is very difficult.

Attachment B**Kobe Steering Committee Meeting**

FAO Headquarters

Rome, Italy

11 July 2018

*Meeting Report (DRAFT)***Opening and Introductions**

The Chair of the Kobe Steering Committee, Stefaan Depypere (First Vice-Chair, ICCAT) opened the meeting by explaining that participants represented both the five t-RFMOs as well as others he had invited to contribute to the future direction of the group. The following were in attendance:

- Alejandro Anganuzzi (Global Coordinator, Common Oceans (ABNJ) Tuna Project)
- Guillermo Comepeán (Director, IATTC)
- Kristopher Du Rietz (Chair, CCSBT)
- John Henderschedt (Director International Affairs, NOAA)
- Robert Kennedy (Executive Secretary, CCSBT)
- Camille Jean Pierre Manel (Executive Secretary, ICCAT)
- Carlos Marín (Chair, IATTC)
- Árni Mathiesen (Assistant Director-General, FAO)
- Driss Meski (Chair of the RFB network)
- Chris O'Brien (Executive Secretary, IOTC)
- Feleti Penitala Teo OBE (Executive Director, WCPFC)
- Jean Francois Pulvenis (Senior Policy Advisor, IATTC)
- Sebastian Rodriguez (Executive Secretary, SPRFMO)
- Susan Imende Ungadi (Chair, IOTC)

as well as

- Angela Martini (Assistant to the Chair, EU)
- Shelley Clarke (Assistant to the Chair, FAO)

Background to the Meeting

The Chair provided a brief history of the Joint t-RFMOs (or Kobe) process since the first meeting in Kobe, Japan in January 2007. That meeting identified fourteen key issues and challenges and defined a process for future work. After a second meeting in San Sebastian, Spain in April 2009, several technical workshops, and a third meeting in La Jolla, USA in July 2011 the focus of "Kobe process" activities shifted away from plenary-type meetings to a steering committee. Although the steering committee has not met regularly, work under the Kobe umbrella has progressed.

According to a self-assessment reviewed by the Chair, t-RFMOs report achieving 70-80% of the original Kobe process goals. Other relevant work on FAD management, management strategy evaluation, the ecosystem approach to fisheries, bycatch and other topics has been carried out.

The Chair considered that experience has shown on the one hand that the organization of big meetings has proved challenging and on the other hand that working only in a Steering Committee format was not sufficiently productive. The Steering Committee should encourage medium scope activities. We find that the process has worked better when focusing on technical subjects and small

participation. The FADs joint Working group that took place in Madrid in 2017 was successful and is a model to be repeated.

Kobe Process Re-set: How and Why

The Chair considered that the continuation of a cross t-RFMO body in some form is important for conveying key messages to civil society regarding progress in fisheries management, particularly in the context of ongoing BBNJ discussions and the UNFSA review process.¹¹

It is central to decide in what way to bring forward the process. In this respect the following options should be considered:

- Steering committee to continue its work: continuity should be ensured and the Steering committee should encourage activities and endorse the outcomes
- Continue to identify technical meetings and step up their organization
- Prepare big meeting: this needs to be carefully prepared and every RFMO (as distinct from their Secretariats) needs to be consulted. Subject to be covered and objectives of meeting need to be clear and “appealing” to get support from RFMO members.

FAO noted that the Common Oceans (ABNJ) Tuna Project has supported several of the Kobe-generated working groups which otherwise would have struggled to find funding. However, these groups were left orphaned by the Kobe process in the sense that their recommendations are now reported back to some t-RFMOs individually, but lack a forum for coordinated discussion of a response.

NOAA raised the United States Fishery Management Council system as a potential model for the Kobe process. In that system thematic coordination is proving effective with success attributed to the availability of sufficient resources for meeting preparation and facilitation. In bringing forward the process the following elements need to be taken into account: how (big meetings vs small ones), recognition of the regional dimension, efficiency, communication and spill-over of good results.

WCPFC noted that its membership was not able to support any WCPFC participation in the recent FAD working group meetings. Some of its members have expressed serious reservations regarding the continued relevance and effectiveness of the Kobe process. It would be necessary for any future participation of WCPFC in any Kobe related activities for the Steering Committee to clearly re-articulate and communicate to the WCPFC and other t-RFMOs the key strategic objectives /of strategic goals of the Kobe process. Small island developing States of the WCPFC in particular are concerned that a Kobe or Kobe-like process should not provide oversight of the t-RFMOs and also should not set binding frameworks for t-RFMOs or their members. Rather the Kobe process provided for a platform for enhanced coordination and collaboration instead of being a decision-making platform.

Several participants recalled that the Kobe process had been effective when it defined specific, coordinated actions such as the Kobe plot reporting format and record of fishing vessel harmonization.

FAO identified benefits to a Kobe process associated with improved public perceptions of transparency and progress, particularly given the importance of tuna to a variety of market sectors. While small meetings are more manageable and efficient, it was noted that large meetings are

¹¹ In 2019 the UNFSA review process will focus on the performance of RFMOs

costly but relatively more transparent. In order to be successful, the agenda needs to be well crafted.

IATTC considered that the basis for the previous Kobe cooperation was a common goal of harmonization and that has now largely been achieved. Therefore, new and achievable goals need to be defined recognizing that there are inherent differences between the t-RFMOs, both structurally and on specific issues.

The Chair agreed with this comment, which is in line with the earlier comment by WCPFC. He argued that the Kobe process should avoid prescriptive guidance and make this very clear within the RFMO community.¹²

FAO suggested that the spirit of the Kobe process is grounded in sharing knowledge and building on commonalities, for example catch documentation schemes, data collection and reporting, as well as a number of other topics advanced under the Common Oceans (ABNJ) Tuna Project. The Kobe process can serve as an important focal point for mutually-beneficial cooperation.

Several participants noted the importance of having a clear mandate from their membership to participate in cross t-RFMO activities. There will need to be a well-constructed and skillfully communicated strategy to connect the Kobe coordination activities to the priority agenda items of the membership. The benefits of linking a second generation Kobe process to a second phase of the Common Oceans (ABNJ) Tuna Project were recognized. It was also stressed that ABNJ ends by September 2019 so if it is decided to organize a big meeting, it should take place earlier to benefit from financial support.

The importance of strategic communications was emphasized by several participants, including communicating between t-RFMOs to identify shared priorities, identifying which joint actions would benefit all t-RFMOs, and then having an outward-facing communications strategy aimed at members and civil society. It was noted that the Common Oceans (ABNJ) Tuna Project is working toward this to some extent but a more cohesive narrative is required. Also, as the focus of the Regional Fisheries Bodies Secretariats' Network (RSN) is on coordination between the Secretariats, the distinction of the Kobe process will be its aim to coordinate between t-RFMO members.

There was general agreement that a concept note outlining the key selling points and re-setting the agenda of a revived Kobe process would be a necessary first step.

Sources of Funding

Participants considered that funding from the Common Oceans (ABNJ) Tuna Project would be ideal, but that support from non-governmental organizations or philanthropic organizations may also be possible and should be further explored. The Chair noted he had explored industry contributions but does not consider this to have a high potential. Reaching out to retailers should also be considered. The Chair and FAO committed to further consideration and discussions with potential funding sources.

The EU stated that funding has been specifically earmarked for specific purposes (e.g. FAD management or bycatch) under the Kobe process umbrella. However, in order to benefit from funding, it is essential to commit the money by the end of the year. While a second joint FADs working group should take place in May 2019 in La Jolla (back to back with IATTC Scientific

¹² This is why, e.g., the FAD meeting issued no “recommendations” but limited itself to suggest points of interest.

Committee Meeting), nothing concrete has been identified for work on by-catch. CCSBT volunteered to engage with the EU to determine details of the funding and then to liaise with the Chair of the Kobe bycatch technical working group to explore the possibility of organizing a meeting.

Governance

Discussions on the issue of governance were restricted to the Steering Committee *stricto sensu* members.

Participants agreed that transparency is key to gaining trust and cooperation; however, they also agreed that it was better to keep the Kobe process informal.

The Chair agreed to prepare a concept note to be shared with members of the Steering Committee for feedback. In addition to clearly conveying the objectives of the process, the concept note should re-confirm and provide the contact details of the chairs of each of the Joint t-RFMO working groups.

After some discussion of the appropriate procedure for appointing these chairs it was agreed that chairs will be nominated and if there is no objection the nomination will be confirmed. If there are multiple nominations a consultative process will be required.

S. Depypere confirmed that as the Vice-Chair of ICCAT he was happy to continue to serve as Chair of the Kobe Steering Committee if no alternatives were found. The Steering Committee accepted this offer and he was reconfirmed as Chair of the Kobe Steering Committee.

It was also recognized the need to establish some light Secretariat to support the process.

Support to the Kobe Steering Committee

It was agreed that FAO would continue to provide limited support to the Kobe Steering Committee in the form of document management and communications. Web-based information should be updated and then maintained taking advantage of the existing www.tuna-org.org website.

Next Steps

The Chair agreed to circulate the minutes of this meeting promptly and to begin drafting a concept note for the input of others. The need for this Steering Committee to meet again (perhaps by weblink) will be confirmed after initial feedback on the concept note is received. A subsequent step would be to report the initiative to the t-RFMO members at their regular sessions. A general goal of holding a plenary-type meeting to re-set/re-start the Kobe Process in late 2019 was articulated. CCSBT commented that the suggestion made for a September meeting was not good timing for the CCSBT's participation.