

**PERFORMANCE REVIEWS BY REGIONAL FISHERY BODIES:
INTRODUCTION, SUMMARIES, SYNTHESIS AND BEST PRACTICES**

Volume I: CCAMLR, CCSBT, ICCAT, IOTC, NAFO, NASCO, NEAFC



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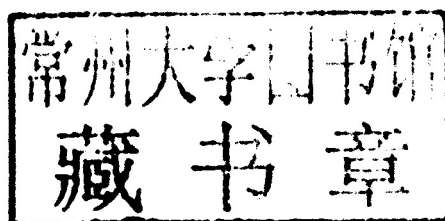
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PREPARATION OF THIS CIRCULAR

This Circular was prepared, with the financial support of the Government of Japan for the project titled “Promotion of sustainable fisheries: support for strengthening functions of and coordination among Regional Fishery Bodies (RFBs)/Regional Fisheries Management Organizations (RFMOs)” quoted as GCP/INT/069/JPN, as part of on-going activities of the Policy, Economics and Institutions Service (FIPI), Food and Agriculture Organization (FAO) Fisheries and Aquaculture Department, aimed at providing information on activities of regional fishery bodies.

This document was prepared collaboratively by Ms Marika Ceo, Ms Sarah Fagnani, Ms Judith Swan, Ms Kumiko Tamada and Mr Hiromoto Watanabe as well as in cooperation with secretaries of relevant RFB/RFMOs through the Regional Fishery Body Secretariats Network (RSN).

ABSTRACT

Ceo, M.; Fagnani, S.; Swan, J.; Tamada, K.; and Watanabe, H.

Performance Reviews by Regional Fishery Bodies: Introduction, summaries, synthesis and best practices, Volume I: CCAMLR, CCSBT, ICCAT, IOTC, NAFO, NASCO, NEAFC. FAO Fisheries and Aquaculture Circular. No.1072. Rome, FAO. 2012. 92 pp.

After introduction and background (Part 1), this publication contains a compendium of the Executive Summaries of performance reviews conducted by the Commission of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC), the Northwest Atlantic Fisheries Organization (NAFO), the North Atlantic Salmon Conservation Organization (NASCO) and the North East Atlantic Fisheries Commission (NEAFC) in Part 2.

It is followed by the synthesis of performance reviews and recommendations, which could be shared as potential best practices for future based on the experience of all performance reviews covered in this volume. While preparing this volume, additional performance reviews have been conducted on several RFBs, which are expected to be covered in the second volume of this document for the same purpose. Those two volumes of documents are expected to serve as at-a-glance reference with regard to performance reviews conducted by RFBs.

ACRONYMS

ATCM	Antarctic Treaty Consultative Meeting
ATS	Antarctic Treaty system
BCD	Bluefin Catch Documentation Program
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CDP	catch documentation programme
CDS	catch documentation scheme
CM	conservation measure
COFI	Committee on Fisheries
1982 Convention	1982 United Nations Convention on the Law of the Sea
Code of Conduct	1995 FAO Code of Conduct for Responsible Fisheries
CP	Contracting Party
CPCs	Contracting Parties, Cooperating non-Contracting Parties, Entities and Fishing Entities
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CPPS	Permanent Commission for the South Pacific
C-VMS	centralized vessel monitoring system
DCD	Dissostichus catch document
E-CDS	Electronic Web-based Catch Documentation Scheme
EEZ	exclusive economic zone
ERS	ecologically related species (CCSBT)
ESC	Extended Scientific Committee (CCSBT)
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FCWC	Fishery Committee of the West Central Gulf of Guinea
FIPI	Policy, Economics and Institutions Service, FAO Fisheries and Aquaculture Department
FMSY	fishing mortality that can produce MSY
GC	General Council (NAFO)
GFCM	General Fisheries Commission for the Mediterranean
HSTF	High Seas Task Force
IATTC	Inter-American Tropical Tuna Commission
IASRB	International Atlantic Salmon Research Board (NASCO)
ICCAT	International Commission for the Conservation of Atlantic Tunas

ICES	International Council for the Exploration of the Sea
ICJ	International Court of Justice
ICP	Informal Consultative Process on Oceans and the Law of the Sea
IGO	intergovernmental organization
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
ITLOS	International Tribunal for the Law of the Sea
IUCN	International Union for Conservation of Nature
IUU fishing	illegal, unreported and unregulated fishing
IWC	International Whaling Commission
MCS	monitoring, control and surveillance
MoU	Memorandum of Understanding
MPA	marine protected area
MSY	maximum sustainable yield
NAFO	Northwest Atlantic Fisheries Organization
NAMMCO	North Atlantic Marine Mammal Commission
NASCO	North Atlantic Salmon Conservation Organization
NCP	non-Contracting Party
NEAFC	North-East Atlantic Fisheries Commission
NGO	non governmental organization
NPAFC	North Pacific Anadromous Fish Commission
OECD	Organization for Economic Cooperation and Development
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic
PRWG	Performance Review Working Group
RFB	regional fishery body
RFMO	regional fisheries management organization
RFO	regional fisheries organization
RP	Review Panel
RSN	Regional Fishery Body Secretariats Network
SBT	Southern Bluefin Tuna
SC	Scientific Council
SCAF	Scientific Committee on Antarctic Fishing
SCIC	CCAMLR Standing Committee on Implementation and Compliance
SCRS	ICCAT Standing Committee on Research and Statistics
SEAFDEC	Southeast Asian Fisheries Development Center

SEAFO	South-east Atlantic Fisheries Organization
SIOFA	Southern Indian Ocean Fisheries Agreement
SPRFMO	South Pacific Regional Fisheries Management Organization
STACFAC	Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (NAFO)
STACTIC	Standing Committee on International Control (NAFO)
SWIOFC	South West Indian Ocean Fisheries Commission
TAC	total allowable catch
TAE	total allowable effort
TIS	trade information scheme
TOR	terms of reference
UNCLOS	United Nations Conference on the Law of the Sea
UN DOALOS	United Nations Office of Legal Affairs/Division for Ocean Affairs and the Law of the Sea
UNEP	United Nations Environment Programme
UNFSA	United Nations Fish Stocks Agreement
UNGA	United Nations General Assembly
VME	vulnerable marine ecosystems
VMS	vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WG	Working Group
WTO	World Trade Organization
WWF	World Wide Fund for Nature

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PART 1

INTRODUCTION AND BACKGROUND

Introduction

The role, obligations and stature of regional fishery bodies (RFBs), including regional fisheries management organizations (RFMOs), in fisheries governance are growing steadily. This is reflected, *inter alia*, in:

- a. The international fisheries instruments;
- b. the expanding number of new RFBs established or under negotiations in recent years;¹
- c. the strengthened cooperative action among RFBs with common interests; and
- d. the innovative policy, legal and institutional reforms that many RFBs are taking, mainly in an effort to rebuild depleted stocks or prevent further decline.

The contribution of RFBs to fisheries governance is further shown by their wide ranging activities to implement the international fisheries instruments and their increasingly harmonized and coordinated approaches to current and emerging issues.²

Although the priorities and activities of RFBs vary, many are focusing their efforts on implementing measures that operationalize key aspects of the 1993 FAO Compliance Agreement,³ the 1995 FAO Code of Conduct for Responsible Fisheries (Code of Conduct) and the 1995 United Nations Fish Stocks Agreement (UNFSA)⁴ as well as other recently concluded international fisheries instruments, such as the International Plans of Action elaborated under the Code of Conduct and the 2009 FAO Agreement on Port State Measures.⁵ Important steps towards the implementation of these instruments have been taken through the review and reform of RFB mandates by their Members.

Many RFBs are taking steps to strengthen fisheries governance through adopting management measures based on the ecosystem approach and/or the precautionary approach. They are also working to strengthen international cooperation, promote transparency, address non-members and enhance monitoring, control and surveillance (MCS) measures. Some key MCS initiatives have included the implementation of mandatory vessel monitoring systems (VMS), the adoption of regional schemes for port State measures and the development of vessel lists for both authorized

¹ These include, since 2000: the Fishery Committee of the West Central Gulf of Guinea (FCWC), the South-East Atlantic Fisheries Organization (SEAFO), the South Indian Ocean Fisheries Agreement (SIOFA), the South Pacific Regional Fisheries Management Organization (SPRFMO), the Southwest Indian Ocean Fisheries Commission (SWIOFC), the Western and Central Pacific Fisheries Commission (WCPFC), the Central Asian and Caucasus Fisheries and Aquaculture Commission and an agreement to regulate bottom fishing on the high seas in the North Western Pacific Ocean.

² See Swan, J. "Summary Information on the Role of International Fishery Organizations or Arrangements and other Bodies Concerned with the Conservation and Management of Living Aquatic Resources", FAO Fisheries Circular No. 985, FIPL/C985, Rome, 2003 and Swan, J. Regional fishery bodies and governance: issues, actions and future directions. *FAO Fisheries Circular* No. 959, Rome, FAO, 2000.

³ The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

⁴ The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks entered into force on 11 December 2001.

⁵ FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal Unreported and Unregulated (IUU) Fishing.

fishing vessels and those reported as engaging illegal, unreported and unregulated fishing activities (IUU).

Although considerable progress has been made at regional level, the international community has identified the need to strengthen the overall performance of RFBs to improve the management of fishery resources as well as the compliance with agreed measures. This can be regarded as the major challenge currently facing fisheries governance.

The 2008 FAO Report on the State of World Fisheries and Aquaculture referred to the concern expressed at recent international fora that some RFMOs were failing to adopt management measures even where these are based on the best scientific advice available.⁶ The report also noted the following.⁷

Regional fisheries management organizations (RFMOs), the cornerstones of international fisheries governance, are struggling to fulfil their mandates despite concerted efforts to improve their performance. This situation results partly from the frameworks within which they operate and from an apparent lack of political will by members to implement decisions in a timely manner. Moreover, the effectiveness of RFMOs is impaired by: the use of consensus decision-making; placing national interests ahead of good fisheries governance; an unwillingness of members to fund research in support of management; time-lagged implementation of management decisions; a focus on crisis management rather than everyday fisheries management; and the lack of a real connection between day-to-day fisheries management requirements and an annual meeting based on diplomatic practice. However, there is a growing consensus that these fundamental issues require resolution if RFMOs are to be reinvigorated and become truly effective vehicles for sustainable fisheries management.

Renewed attention to the importance of the effective performance of these bodies is reflected in numerous international fora including the FAO Committee on Fisheries (COFI) and the biennial meetings of RFBs as well as the reviews by individual RFBs of their performance and mandates and consequent reforms. At the time of writing, five RFBs had completed their performance reviews following the criteria for reviewing the performance of RFMOs described in paragraph 18 and were in the reform phase,⁸ and five others had either begun the reviews or agreed that they should be undertaken.⁹ Furthermore NAFO has finalized a comprehensive reform process and developed a process to review its performance.

⁶ The State of World Fisheries and Aquaculture (SOFIA) Fisheries and Aquaculture Department, Food and Agriculture Organization of the United Nations, Rome, 2008, page 71.

⁷ Page 69.

⁸ RFMOs that have completed performance reviews at the time of writing were the: Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), Commission for the Conservation of Southern Bluefin Tuna (CCSBT), International Commission for the Conservation of Atlantic Tunas (ICCAT), Indian Ocean Tuna Commission (IOTC) and the North East Atlantic Fisheries Commission (NEAFC). The Northwest Atlantic Fisheries Organization (NAFO) and North Atlantic Salmon Conservation Organization (NASCO) have also conducted review processes although not based on criteria similar to those used by other RFMOs, and each is considering further, more comprehensive reviews.

⁹ At the time of writing, the performance reviews of the General Fisheries Commission for the Mediterranean (GFCM) and SEAFO were underway. WCPFC conducted an Independent Review of the Interim Arrangements for Scientific Structure and Function in 2008 and decided to conduct a performance review of the Commission as a whole in 2010. As noted above in footnote 7, NAFO and NASCO are each considering further, more comprehensive reviews.

This document will review and summarize the performance review process already conducted by seven RFBs and present potential best practices based on the performance reviews.

Background

At the Twenty-sixth Session of COFI (COFI 26) in 2005, many FAO Members agreed on the importance of establishing principles to review the performance of RFMOs in meeting their objectives as well as the obligations and principles in relevant international instruments. A cautious approach was favoured, and it was suggested that further discussion was needed on how such reviews should be undertaken and on the concept of independence, in view of RFBs' current assessment activities. Views were expressed that any review of RFMO performance should be in the form of an independent review, even in cases where RFMOs were considering internal assessments. It was thought that the process could be shaped by consultations among RFMOs, and the results fed back to COFI for further actions.¹⁰

Immediately after COFI 26, at the Fourth Meeting of RFBs (RFB 4) in 2005,¹¹ participants addressed in greater depth the role of RFBs and external factors affecting fisheries management. This was partly in response to the proposal made in COFI 26 to review the performance of RFMOs in meeting their objectives and the obligations and principles in international instruments. In this context, COFI had stressed the need to develop a process to assess the performance of RFMOs as well as to promote best practices across RFMOs. There was broad support for the COFI proposal but Members called, as a priority, for further clarification on the nature, process and use of the outcome. It was considered that the proposed performance reviews should be independent and recognize the diversities of RFMOs, but should not be an efficiency assessment of secretariats.

The Conference on the Governance of High Seas Fisheries and the UN Fish Stocks Agreement held in St. John's, Canada, in May 2005, called for the mandates of RFMOs to be broadened and strengthened. Participants also indicated that there was considerable merit in establishing effective performance review mechanisms for RFMOs¹² At the Conference, Ministers adopted a declaration that, *inter alia*, recognized that RFMOs today face new challenges and responsibilities and expressed a need for political will to further strengthen and modernize RFMOs.

The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP), which facilitates the review by the United Nations General Assembly (UNGA) of developments in ocean affairs and the law of the sea, addressed the role of RFMOs at its sixth meeting in 2005.¹³ The important role of RFMOs was underlined, and a strengthening of their role and modernization of their operation was advocated. The meeting indicated that the point was not to focus on deficiencies or performance or gaps in coverage of RFBs, but to support the trend of enhancement of the performance of RFBs.

¹⁰ FAO Report of the Twenty-sixth Session of the Committee on Fisheries Rome, 7–11 March 2005, FAO Fisheries Report No. 780. Rome.FAO 2005. 88 p. paragraph 111.

¹¹ FAO. Report of the Fourth Meeting of Regional Fishery Bodies. Rome, 14–15 March 2005. *FAO Fisheries Report*. No. 778. Rome, FAO. 2005. 29p.

¹² Report of the Conference on the Governance of High Seas Fisheries and the UN Fish Agreement, Moving from Words to Action, hosted by Canada in St. John's from 1–5 May 2005. www.dfo-mpo.gc.ca/fgc-cgp/conf_report_e.htm

¹³ Prior to 2005, the first meeting of the ICP in 2000 addressed the improvement of the environment in which regional fisheries organizations function, and recommended that the biennial conference of regional fisheries organizations should consider measures to strengthen further the role of these organizations.

The ICP outcome was followed by the 2005 UNGA Resolution on Sustainable Fisheries (UNGA 60/31), which encouraged States through their participation in RFMOs to initiate processes for their performance review and welcomed the work of FAO in the development of general objective criteria for such reviews. It called for further efforts by RFMOs, as a matter of priority, to strengthen and modernize their mandates to include an ecosystem approach to fisheries management and biodiversity considerations. The Resolution also emphasized the importance of decision-making processes in RFMOs and encouraged the incorporation of a precautionary approach and the adoption of related measures.

The Review Conference on the UNFSA, held in New York in May 2006, reviewed and assessed the adequacy of the provisions of the Agreement and proposed means of strengthening the substance and methods of their implementation.¹⁴ The review and assessment of key issues included the strengthening of RFMOs' mandates and measures to implement modern approaches to fisheries management reflected in the Agreement. In addition the conference recommended a systematic review and assessment of RFMO performance.¹⁵ As a result, actions were agreed that should be taken by States individually and through RFMOs to strengthen mechanisms for international cooperation, including performance reviews. States were to:

- a. urge RFMOs of which they were members to undergo performance reviews on an urgent basis;
- b. encourage an element of independent evaluation in such reviews; and
- c. ensure that the results are made publicly available.

The reviews should use transparent criteria, including best practices of RFMOs.

A call was made for a process to review the performance of RFMOs. The initiation by RFMOs of periodic performance assessments was supported and annual performance reviews were suggested. It was also suggested that organizations should report the results of their assessments and any actions taken to remedy deficiencies to FAO or resumed sessions of the Review Conference.

The UNGA Resolution on Sustainable Fisheries (UNGA 61/105) considered by the Sixty-first Session in 2006 continued to call on RFMOs to strengthen their mandates and the measures they adopt to implement modern approaches to fisheries management. This reflected the recommendation of the Seventh Meeting of the ICP in 2006, that implementation of an ecosystem approach could be achieved through, *inter alia*, where appropriate, strengthening RFMOs, adapting their mandates and modernizing their operations in accordance with international law. Moreover, the UNGA Resolution urged States through RFMOs to undertake performance reviews. It also addressed the process and the criteria for such reviews. RFMOs were encouraged to include some element of independent evaluation and make the results publicly available.

As supported by COFI 26, Japan hosted a joint meeting of tuna RFMOs, with FAO technical cooperation, in Kobe, Japan, in January 2007. The participants included the Secretariats of the five tuna RFMOs¹⁶ as well as their members, cooperating non-members and observers. The RFMOs

¹⁴ Report of the Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. New York, 22–26 May 2006.

¹⁵ See the recommendations adopted at the Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, New York, 22–26 May 2006. (A/CONF.210/2006/15, Annex), in particular recommendations 32 (a) and 32 (j).

¹⁶ CCSBT, the Inter-American Tropical Tuna Commission (IATTC), ICCAT, IOTC and WCPFC.

agreed to review their performance in accordance with a common methodology and a common set of criteria. Reviews would be undertaken by a team of individuals drawn from the relevant RFMO Secretariat, its Members and outside experts.

It was also agreed in Kobe that the performance reviews should commence as soon as practicable following the development of a framework containing the performance standards (criteria) based on the common elements of the tuna RFMO charters, the best practices of each tuna RFMO and relevant provisions of applicable international instruments. Each tuna RFMO should decide on the timing of its first performance review and on follow-up reviews, which should be undertaken every 3 to 5 years.

The criteria agreed as a result of the Kobe meeting were based on those used by NEAFC in its 2006 performance review. Other RFMOs have also based their reviews on the same or similar criteria, which generally include the following elements:

- a. a legal analysis of the Agreement;
- b. conservation and management (*status of living marine resources; quality and provision of scientific advice; data collection and sharing; adoption of conservation and management measures, including measures adopted at the coastal State level; compatibility of conservation and management measures; fishing allocations*);
- c. compliance and enforcement (*flag State duties; monitoring, control and surveillance activities; port State measures; follow-up on infringements; cooperative mechanisms to detect and deter non-compliance; market-related measures*);
- d. decision-making and dispute settlement;
- e. international cooperation (*transparency; relationship to cooperating non-members; relationship to non-cooperating non-members, cooperation with other RFMOs and special requirements of developing States*); and
- f. financial and administrative issues.

During the Twenty-seventh Session of COFI (COFI 27) in 2007, the issue of strengthening RFMOs and their performance was discussed as a stand-alone agenda item. The Secretariat reported on initiatives in some RFMOs that resulted in reviews or reforms. The Secretariat also noted that a number of FAO RFBs continued to review their roles and responsibilities and were taking appropriate actions to strengthen their effectiveness. Members emphasized the importance of conducting performance reviews of RFMOs and RFBs.

In discussion, several Members stressed the need to develop common criteria for the evaluation of core functions and obligations, while recognizing that flexibility was needed for each RFMO or RFB to decide independently upon the methodology, criteria and frequency of reviews. The Committee also noted that review processes should be transparent with some Members recommending a mixed panel of experts consisting of both external and internal participants.

Immediately after COFI 27, during the First Meeting of the Regional Fishery Body Secretariats Network (RSN),¹⁷ RFB performance enhancement was discussed. The meeting was encouraged to reflect on how RFB members may react to the global call for performance review and how RFB members could be kept informed of developments globally. It was emphasized that it would be up to individual RFBs to decide those matters, and they may or may not agree on the need for a common global standard to underpin any future review process. Nevertheless, it was considered that information sharing and technical cooperation would assist and guide other RFBs to establish

¹⁷ This was also the Fifth Meeting of RFBs, but its designation had been changed to RSN.

performance enhancement processes. It was also noted that the process is not directed towards an assessment of Secretariats, rather it is aimed at assisting and improving institutional efficiency. The meeting noted that some flexibility is paramount in adopting criteria for the performance review process, particularly where many members of an RFMO may not be party to the UNFSA. It also recognized the value of external input into any evaluation as a means of promoting transparency and legitimacy in the process.

Independent initiatives are increasingly supportive of the actions to strengthen RFMOs. One effort that focused attention on IUU fishing on the high seas and the role played by RFMOs in attempts to combat this problem was undertaken by the Ministerially-led Task Force on IUU Fishing on the High Seas (HSTF).¹⁸ The final report of the Task Force, containing nine proposals, addressed improved high seas governance and, similar to calls from within the UN system, advocated promoting a more systematic approach to the review of RFMO performance. The HSTF report proposed that a model be developed for improved RFMO governance, based on an assessment of best practices worldwide in the implementation of international fisheries instruments.

A group of stakeholders which had been part of the HSTF, namely the Governments of Australia, Canada, New Zealand and the United Kingdom and World Wide Fund for Nature (WWF), commissioned an “Independent High-level Panel: Promoting Better High Seas Governance through a Model for Improved Governance by RFMOs”. The Panel consisted of internationally recognized experts on issues relevant to high seas fisheries governance and RFMOs, and was hosted by the Royal Institute of International Affairs (Chatham House), London. The Panel addressed the proposal to develop a model for improved RFMO governance and identified a thematic approach to its work. The Panel’s report recommended, among other things, that the members of RFMOs should ensure that regular performance assessment is undertaken by each RFMO, whether through self-assessment, external review or a combined panel of internal and external reviewers. Each review should be based on widely recognized best practices and agreed indications, and the results should be made publicly available.¹⁹

During the Twenty-eighth Session of COFI (COFI 28) in 2009, many Members referred to the performance reviews being undertaken by RFMOs and urged those organizations that had already undertaken such reviews to implement the recommendations, if they had not done so already, so as to strengthen regional governance, modernize mandates and adopt improved approaches to management. Many Members also encouraged RFMOs that had not undertaken reviews to do so.²⁰

Immediately after COFI 28, the Second Meeting of the RSN (RSN 2) addressed the theme of RFMO/RFB performance enhancement. Six RFBs reported that they had already concluded performance reviews²¹ and several others had begun the process.²² Some were planning to begin a

¹⁸ The work of the Task Force extended over a period of two years with the report published in March 2006. High Seas Task Force (2006). Closing the net: Stopping illegal fishing on the high seas. Summary recommendations. Governments of Australia, Canada, Chile, Namibia, New Zealand, and the United Kingdom, WWF, International Union for Conservation of Nature (IUCN) and the Earth Institute at Columbia University.

¹⁹ Lodge, Michael, 2007. *Recommended Best Practices for Regional Fisheries Management Organizations: Report of an independent panel to develop a model for improved governance by Regional Fisheries Management Organizations*. The Royal Institute of International Affairs, 2007.

²⁰ FAO. Report on the twenty-eighth Session of Committee on Fisheries (COFI), 2–6 March, 2009, The Food and Agriculture Organization FAO Committee on Fisheries COFI. page 3, paragraph 15.

²¹ CCAMLR, CCSBT, ICCAT, IOTC, NASCO and NEAFC.

²² Including GFCM, North Pacific Anadromous Fish Commission (NPAFC), IATTC, and the International Council for the Exploration of the Sea (ICES).

review process at a later time, including the Western and Central Pacific Fisheries Commission. One RFB, The Southeast Asian Fisheries Development Centre (SEAFDEC), reported that it is responsible for scientific advice and technical assistance only and had not yet initiated a performance review since it was not a body responsible for management. All final reports are accessible through the public web pages of the organizations.

The RSN 2 Meeting noted the many similarities of the procedures set up by the different organizations. In all cases the review process focused on similar areas including the status of stocks under management, efficiency and adequacy of conservation and management measures, scientific assessment and advice, compliance and control and finance and administration. In some cases the Review Panel (RP) also assessed the cooperation with other organizations as well as transparency and public relations. Furthermore, all reviews compared the performance of the organization with the requirements formulated by international agreements such as the 1982 United Nations Convention on the Law of the Sea (the 1982 Convention), the UNFSA, Code of Conduct and relevant UNGA Resolutions.

Each review process involved external experts who were either tasked to carry out the assessment or who reviewed the assessment carried out by an internal panel. The results of the reviews differed considerably among organizations – some were found to operate quite satisfactorily, others were faced with substantial recommendations for improvement. Participants at RSN 2 reported that their respective organizations were committed to taking on board the suggestions made by the RPs, including those that involved serious consideration of amending the organization's Convention, as in the case of IOTC.

RSN 2 agreed that the approaches to performance reviews needed to be flexible. Each RFB was in a different position with respect to the Parties involved, the nature of its remit and its interaction with organization, the species managed, the NGO community and other stakeholders. As long as there is a real element of an external independent view of what the organization is achieving or not achieving, participants believed that each performance review should have its own characteristics.

RSN 2 recommended that FAO produce a summary report of all performance reviews carried out by regional fisheries organizations. This would enhance transparency and comparability of the process and could prove very useful for a future assessment of the effect the global review process has had on the efficiency of managing and preserving the fishery resources.

In 2007, the Organization for Economic Co-operation and Development (OECD) Committee for Fisheries conducted a study to review the experiences of a number of RFMOs that had undergone changes in recent years. The objective of the study was to identify the key lessons from these experiences in order to inform efforts to strengthen RFMOs. The study covered in particular the cases of CCSBT, ICCAT, NAFO and NEAFC. In May 2009, the Committee for Fisheries released the report on Strengthening Regional Fisheries Management Organizations ²³ under the responsibility of the Secretary General of the OECD.

From 29 June to 3 July 2009, the Second Joint Meeting of Tuna RFMOs was held in San Sebastian, Spain. The participants of the meeting noted with concern that the independent performance reviews carried out so far had identified fundamental shortcomings in such areas as the failure to adopt measures that reflect scientific advice, lack of complete and accurate data collection, untimely provision of data, non compliance with conservation and management measures, lack of

²³ Organization for Economic Co-operation and development (OECD). 2009. Strengthening Regional Fisheries Management Organizations. OECD Publishing. doi: 10.1787/9789264073329-en.