



FOURTH REGULAR SESSION

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Tumon, Guam, USA

PROPOSED RFMO PERFORMANCE REVIEW

WCPFC4-2007/20

5th November 2007

Paper prepared by the Secretariat

1. Members, Cooperating Non-members and Participating Territories (CCMs) will recall work relating to performance reviews as a means to strengthen regional fisheries management organisations (RFMOs) and arrangements (RFAs) has progressed in various fora during the last three years. In addition to discussion in other tuna-RFMOs, CCMs will be aware of initiatives supported through the UN General Assembly Sustainable Fisheries resolution, the UN Straddling and Highly Migratory Fish Stocks Review Conference, FAO Committee on Fisheries (COFI), the Joint Meeting of Tuna RFMOs in Kobe, Japan in January 2007 and, with the support of several CCMs, through the report “Recommended Best Practices for Regional Fisheries Management Organizations” published by the Royal Institute of International Affairs (Chatham House) in the United Kingdom.

2. The Kobe meeting adopted a Course of Actions for tuna RFMOs that included as an annex areas on which the participating States shared broad agreement regarding the methodology for conducting performance reviews of each of the five tuna RFMOs. In particular, the annex identifies that such reviews should be carried out in accordance with a common methodology and based on common criteria to the extent possible (Appendix A). The report of the Joint Meeting of tuna RFMOs, including the full text of the Course of Actions, is available at www.tuna-org.org.

3. Subsequent to the Kobe meeting, Ambassador David A. Balton¹ (United States) continued in his role as a Kobe panel facilitator and developed, in consultation with a wide range of interested States, a set of suggested common criteria for RFMO’s consideration in undertaking performance reviews. Following these broad consultations and discussions, including those that took place on the margins of the Twenty-seventh Meeting of COFI (March 2007) and the Sixth Informal Consultation of States Parties to the 1995 UN Fish Stocks Agreement (April 2007), Ambassador Balton subsequently prepared a communication for consideration by each RFMO (Appendix B).

¹ Ambassador Balton facilitated the session during the Kobe Meeting on “Responsible Actions to Address the Concerns Raised by the International Community”.

Recommendation

4. The Commission is invited to discuss:
 - the need for a performance review of the WCPFC;
 - if there is agreement a performance review of WCPFC is warranted, the timeframe or schedule for such a review;
 - the criteria and scope of a performance review of WCPFC;
 - the process for undertaking such a review; and
 - logistical and administrative arrangements to support the review.

Attachment A

Report of the Joint Meeting of Tuna RFMOs, Kobe, Japan, 22-26 January 2007 (Annex 1 of Appendix 15)

The five tuna RFMOs should have reviews of their performance conducted in accordance with a common methodology and a common set of criteria. The goal of the performance reviews shall be to assist the RFMOs, through these evaluations, in improving their effectiveness and efficiency in fulfilling their mandates.

As decided by each tuna RFMO, the reviews should be conducted by a team of individuals drawn from the RFMO secretariat, members of that RFMO and outside experts, with a view to ensuring objectivity and credibility. The results of the performance reviews should be presented in the first instance to the tuna RFMO in question for consideration and possible action. The results of the reviews should also be made public on the respective RFMO website, and may be considered as well at future meetings of the five tuna RFMOs, COFI, and other relevant bodies.

The first performance reviews should commence as soon as practicable, following the development of a performance review framework through electronic means which is subject to the approval of the tuna RFMOs. The performance standards (criteria) contained in the framework should be based on the common elements of the tuna RFMO charters, best practices of each tuna RFMO and relevant provisions of applicable international instruments.

Each tuna RFMO should decide on the precise timing of its first performance review and on follow-up performance reviews, with a view to having performance reviews undertaken every 3-5 years.

30 April 2007

Indian Ocean Tuna Commission
Chair: Mr. John Spencer
Secretary: Alejandro Anganuzzi

Western and Central Pacific Fisheries Commission
Chair: Mr. Glenn Hurry
Executive Director: Mr. Drew Wright

International Commission for the Conservation of Atlantic Tunas
Chair: Dr. William Hogarth
Executive Secretary: Mr. Driss Meski

Inter-American Tropical Tuna Commission
Director: Dr. Robin Allen

Commission for the Conservation of Southern Bluefin Tuna
Chair: Mr. Daryl Quinlivan
Executive Secretary: Mr. Neil Hermes

Dear Chairs and Heads of Secretariats,

Enclosed for the consideration of your respective Regional Fisheries Management Organizations (RFMOs) is a set of suggested criteria for use in reviewing the performance of those RFMOs.

As you are aware, the international community has called for the performance of RFMOs to be reviewed. For example, the Review Conference for the 1995 United Nations Fish Stocks Agreement urged RFMOs to “undergo performance reviews on an urgent basis, whether initiated by the organizations themselves or with external partners; encourage the inclusion of some element of independent evaluation in such reviews; and ensure that the results are made publicly available. The reviews should use transparent criteria based on the Agreement and other relevant instruments, including best practices of regional fisheries management organizations.” Similarly, United Nations General Assembly Resolution 61/105 urged States, through their participation in RFMOs, to undertake performance reviews of those organizations.

The Joint Meeting of the five Tuna RFMOs that took place in Kobe, Japan, in January 2007 agreed, *inter alia*, that:

- those RFMOs should have reviews of their performance conducted in accordance with a common methodology and a common set of criteria;

- as decided by each RFMO, the reviews should be conducted by a team of individuals drawn from the RFMO secretariat, members of that RFMO and outside experts, with a view to ensuring objectivity and credibility;
- the results of the performance reviews should be presented in the first instance to the RFMO in question for consideration and possible action and could be discussed in other relevant fora as well;
- the results of the reviews should also be made public on the respective RFMO website;
- the first performance reviews should commence as soon as practicable; and
- each RFMO should decide on the precise timing of its first performance review and on follow-up performance reviews, with a view to having performance reviews undertaken every 3-5 years.

As envisioned at the Kobe Meeting, I have led an informal process over the past few months to develop a common set of criteria that the five Tuna RFMOs could consider in undertaking performance reviews. This process included a discussion on the margins of the 27th Committee on Fisheries of the Food and Agriculture Organization and an extended side meeting held in conjunction with the 6th Informal Consultations of States Parties to the 1995 UN Fish Stocks Agreement. Between these two meetings, I also received and incorporated a significant number of comments and suggestions from representatives of governments, international organizations and civil society.

I commend the enclosed criteria for your consideration. I also note that at least one RFMO, the North East Atlantic Fisheries Commission (NEAFC), has completed an initial performance review. You may find the Report of the NEAFC Performance Review Panel at: <http://www.neafc.org/news/docs/performance-review-final-edited.pdf>.

Sincerely,



Ambassador David A. Balton

Facilitator, Kobe Meeting of Five Tuna RFMOs
President, Review Conference for the 1995 UN Fish Stocks Agreement

cc:

Commission for the Conservation of Antarctic Marine Living Resources
General Fisheries Commission for the Mediterranean
North Atlantic Salmon Conservation Organization
North East Atlantic Fisheries Commission
North Pacific Anadromous Fish Commission
Northwest Atlantic Fisheries Organization
South East Atlantic Fisheries Organization
Food and Agriculture Organization Fisheries and Aquaculture Department

Suggested Criteria for Reviewing the Performance of Regional Fisheries Management Organizations (RFMOs)

	AREA	General Criteria	Detailed Criteria
1	<i>Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> • Status of major fish stocks under the purview of the RFMO in relation to maximum sustainable yield or other relevant biological standards. • Trends in the status of those stocks. • Status of species that belong to the same ecosystems as, or are associated with or dependent upon, the major target stocks (hereinafter “non-target species”). • Trends in the status of those species.
		Data collection and sharing	<ul style="list-style-type: none"> • Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I. • Extent to which RFMO members and cooperating non-members, individually or through the RFMO, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner. • Extent to which fishing data and fishing vessel data are gathered by the RFMO and shared among members and other RFMOs. • Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required.
		Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which the RFMO receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.
		Adoption of conservation and management measures	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available. • Extent to which the RFMO has applied the precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points. • Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. • Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries. • Extent to which the RFMO has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems. • Extent to which the RFMO has adopted measures to minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.
		Capacity management	<ul style="list-style-type: none"> • Extent to which the RFMO has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries. • Extent to which the RFMO has taken actions to prevent or eliminate excess fishing capacity and effort.
		Compatibility of management measures	<ul style="list-style-type: none"> • Extent to which measures have been adopted as reflected in UNFSA Article 7.
		Fishing allocations and opportunities	<ul style="list-style-type: none"> • Extent to which the RFMO agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants as reflected in UNFSA Article 11.

2	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> • Extent to which RFMO members are fulfilling their duties as flag States under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other international instruments, including, inter alia, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable.
		Port State measures	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3. • Extent to which these measures are effectively implemented.
		Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted integrated MCS measures (e.g., required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes). • Extent to which these measures are effectively implemented.
		Follow-up on infringements	<ul style="list-style-type: none"> • Extent to which the RFMO, its members and cooperating non-members follow up on infringements to management measures.
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> • Extent to which the RFMO has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance). • Extent to which these mechanisms are being effectively utilized.
		Market-related measures	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States. • Extent to which these market-related measures are effectively implemented.
3	<i>Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> • Extent to which RFMO has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner.
		Dispute settlement	<ul style="list-style-type: none"> • Extent to which the RFMO has established adequate mechanisms for resolving disputes.
4	<i>International cooperation</i>	Transparency	<ul style="list-style-type: none"> • Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9. • Extent to which RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.
		Relationship to cooperating non-members	<ul style="list-style-type: none"> • Extent to which the RFMO facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status.
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> • Extent of fishing activity by vessels of non-members that are not cooperating with the RFMO, as well as measures to deter such activities.
		Cooperation with other RFMOs	<ul style="list-style-type: none"> • Extent to which the RFMO cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.
		Special requirements of developing States	<ul style="list-style-type: none"> • Extent to which the RFMO recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5. • Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26.
5	<i>Financial and administrative issues</i>	Availability of resources for RFMO activities	<ul style="list-style-type: none"> • Extent to which financial and other resources are made available to achieve the aims of the RFMO and to implement the RFMO's decisions.
		Efficiency and cost-effectiveness	<ul style="list-style-type: none"> • Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat.