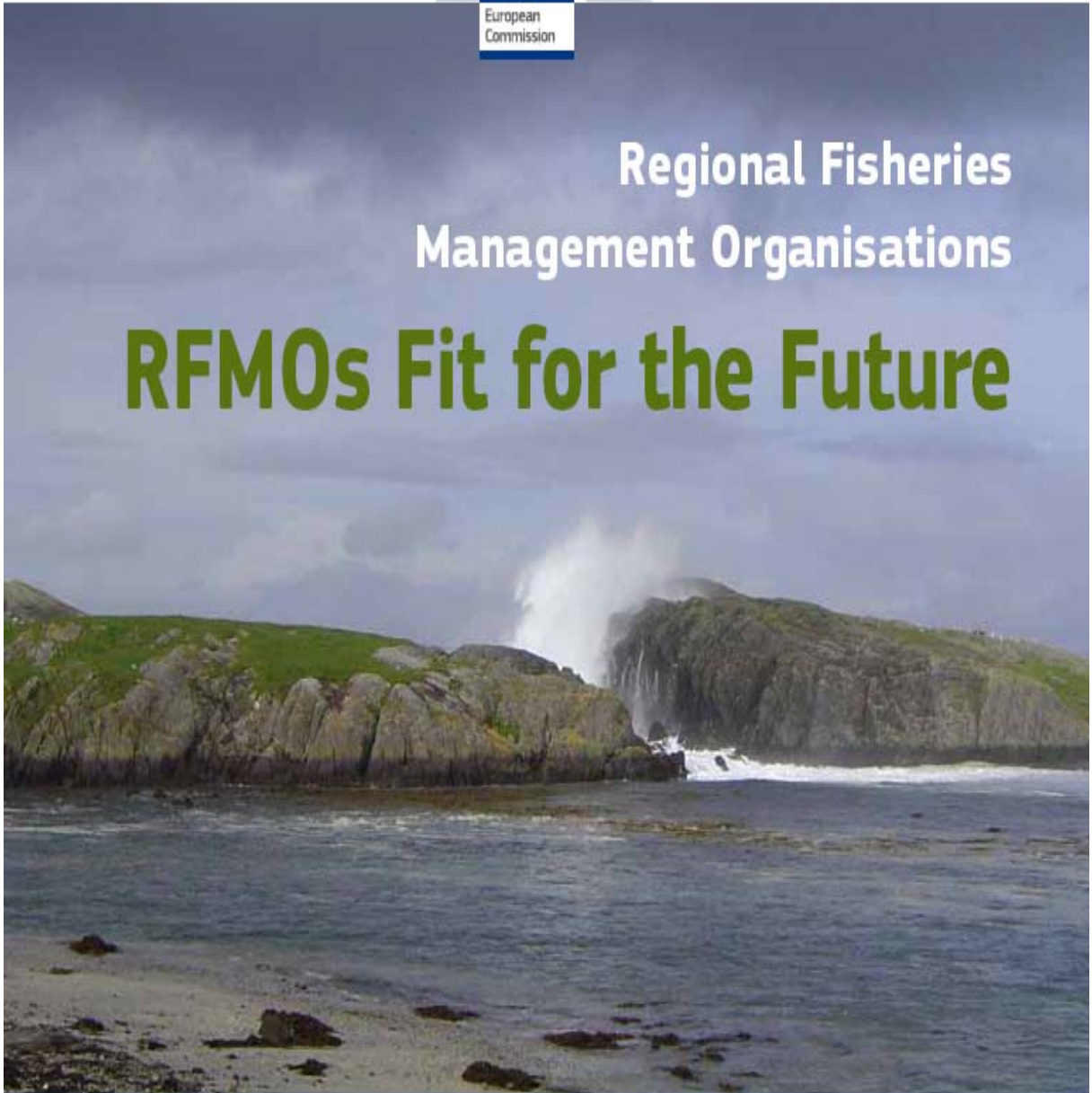




Regional Fisheries Management Organisations

RFMOs Fit for the Future



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Conference on Regional Fisheries Management Organisations RFMOs - Fit for the future

Brussels, 1st June 2012

SUMMARY REPORT

This report reflects the big lines of discussions and represents in no way any binding conclusions for the participants to the conference.

This one-day conference hosted by European Commissioner for Maritime Affairs and Fisheries, Ms. Maria Damanaki, gathered around 100 participants from across the world. Chairs and Executive secretaries from 13 Regional Fisheries Management Organisations met with Members of the European Parliament and top fisheries managers from across the European Union to discuss what Regional Fisheries Management Organisations (RFMOs) need to strengthen their performance. The debate was animated by key note speaker from the United States, Dr Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere, Administrator of National Oceanic and Atmospheric Administration (NOAA), and guest speakers, Mr. Gerard Van Bohement, International Legal Advisor, Ministry of Foreign Affairs and Trade, New Zealand and Mr. Xiaobing Liu, Director of the Division of International Cooperation, Bureau of Fisheries, Ministry of Agriculture, China.

RFMOs have a key role to play for the sound management of the world's shared fisheries resources, in particular on the high seas. It is therefore crucial that all parties work together towards best performance of these bodies so to secure enough fish and healthy marine eco-systems for future generations. This requires first of all political will by all interested parties and leadership. Progress needs to be facilitated by appropriate decision making mechanisms that foster consensus and buy-in whilst not permitting hostage by blockage. Increased transparency is key in that respect and will enhance governance.

Better science and compliance are undoubtedly main prerequisites to allow RFMO's to deliver on their mandate as well as the need to address overcapacity, where necessary. This does not only need commitment by all parties but also more support for capacity building in developing countries and research and technological development.

Best management by RFMOs becomes void if IUU is undermining conservation efforts. Fighting IUU fishing needs cooperation across RFMOs and shared tools and processes. Making fish traceable will push IUU products out of the market.

This one-day conference was the opportunity to enhance dialogue between RFMOs and to identify key areas that determine the performance of RFMOs: political will and commitment by the parties, cooperation across RFMOs, compliance, robustness

of data and science, capacity-building, the fight against IUU fishing, the need for transparency and better communication were recurrent themes during the day.

In her opening statement, **Commissioner Damanaki** underlined the EU's responsibility for sustainable fisheries governance and stressed the commitment to apply the same principles and standards outside EU waters that are foreseen by the Common Fisheries Policy currently being reformed. She identified three major challenges for the future of RFMOs: the need for better science, more compliance and comprehensive management and control measures. She reminded that the fight against IUU fishing remains a major threat to sustainable fisheries and called for the generalization of the use of tools for traceability such as the catch certification system. Finally, she highlighted the need to enhance capacity building for better performance.

Dr Lubchenco welcomed this conference in view of the growing importance of RFMOs. She stressed that RFMOs had already made many improvements. She concurred that the key challenges ahead were science and compliance and outlined possible ways to address them. She encouraged RFMOs to act with unity in the fight against IUU fishing and to put in place all the measures to prevent, deter and sanction such activities.

Mr. Van Bohemen stressed in particular the need for consistency between RFMOs with overlapping geographical scope, and between RFMOs and the EEZ of coastal states. He called also for more legitimacy of RFMO undertakings. Important features would be the primacy of scientific advice for decision making as well as the public availability and readability of that advice or the participation of NGOs in RFMO meetings.

Mr. Xiaobing Liu, underlined the positive role played by RFMOs and proposed a number of specific aspects that need to be strengthened, such as the need to increase the legitimacy of scientific advice by ensuring wide participation of scientists or the extension of the scope of catch certificates.

The key themes that appeared from the lively discussions following the speakers' interventions are summarised below.

Political will -- Legitimacy - Transparency
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Political will is considered a key factor to achieve sustainable fisheries. Main players should be a role model and show leadership and help to push the sustainability agenda. Commitment by Contracting Parties and Cooperating Non Contracting Parties is not only needed to take sound and science-based decisions in RFMO but also to live up to the rules and obligations in force.

Efficient decision making requires sound procedures that allow for voting, where appropriate, and include common mechanisms, such as objections, opt-out rights etc. However, this should not prevent all parties to strive for consensus in order to have full buy-in by all parties as a mean to secure full implementation and compliance. The role of science as cornerstone for decision making needs to be fully recognised and

strengthened, where necessary. In some cases also the scope of RFMOs deserves clarification, e.g the coverage of by-catch and other ecosystems aspects.

Full **transparency** of the decision making process, including the accessibility to non-confidential data and availability of scientific advice that is easy to understand, will help to increase the accountability of parties. The participation of NGOs in RFMOs and stronger dialogue between fisheries managers and stakeholders are important elements that will increase transparency but also legitimacy of decisions taking. For this purpose RFMOs should also strengthen their communication strategies for the general public. This would not only improve the credibility of RFMOs but may also be an opportunity to obtain expertise and new financing sources.

The **legitimacy** of decision making and decisions requires also full participation of all parties, be it in the annual meetings, the scientific process or the compliance assessment. All possibilities that help parties, in particular from developing countries, to attend should be explored. Meeting participation funds are a good example. RFMOs should also encourage Non Contracting Parties with interest in the area to become members.

Finally for broader visibility and participation, it was suggested to include the budget for the annual meeting to the general budget of the RFMOs, instead of the "the host pays" principle.

Co-operation - Consistency - Inclusiveness

Cooperation between RFMOs and with other related fora was considered essential for different reasons. It allows for exchanging views on best practices, to harmonise tools and procedures and to ensure consistency in approaches to fisheries management. The coordination process for Tuna-RFMOs, the Kobe process, was seen as a good example which is already yielding fruit. However, continued effort is needed to deliver on its recommendations, in particular with regard the procedures and criteria for IUU listing, the establishment of a Unique Vessel Identifier, etc. The implementation of these recommendations through binding measures within the RFMOs meeting should become a regular practice. At the same time a one size fits all approach does not always appear appropriate and harmonisation should be considered on a case-by-case basis and taking into account the specific circumstances. Learning from each other but not copying each other should be the guiding line.

Consistency in fisheries management is not only important between RFMOs with overlapping geographical areas but also between RFMOs and Coastal states to make sure conservation objectives for shared stocks are not undermined. Contracted parties should also adopt consistent behaviour across RFMO regardless of their fishing interests.

Cooperation should be enhanced at different levels: between Contracting Parties within RFMOs, notably those with substantial economic disparities across sub-regions, between RFMOs with similar mandates, between RFMOs and Coastal States and between RFMOs and Non-Contracting Parties. High level conferences were seen as a good opportunity to strengthen cooperation and elaborate new ideas.

Participants called also for **inclusiveness** beyond the RFMO boundaries, by cooperating with stakeholders, notably the fishing industry but also with NGOs, and by communicating better with the wider public.

Best science

Best science is what RFMO need for sound and efficient fisheries management. There was no doubt about this. However, many bottlenecks need to be overcome to make best science available in RFMOs. Scientific structures differ across RFMO and they have all their pros and cons. There is no need to have the same structure for all RFMOs but performance reviews are of use to improve them, if and where necessary.

What best science needs, notably for applying an eco-system approach to fisheries management, are first and foremost more and better data. This calls for better specification of data requirements, timely and correct submission of data by parties. But it also calls for more knowledge and research to reflect the complexity of the biology of certain species and of ecosystems in the methods applied.

What is also needed are more and better trained scientists, covering a multi-disciplinary background. Participation of scientists in stock assessments and scientific bodies needs to be encouraged, in particular from developing countries, not only to have a representative assessment but also to ensure acceptance of scientific advice by all parties. Apart from creating special participation funds more innovative funding sources should be explored, including contributions by the fishing industry or private companies.

Best science also needs more money: to help in particular developing countries to collect and process data, to allow scientist participation, to fund important research, such as the tuna tagging programme in IOTC or the ICCAT Atlantic Wide Research Programme.

The understanding of scientific advice can also be enhanced by clearer and harmonised presentation that contains all the elements that need to be taken into account by fisheries managers, including uncertainties. A better dialogue between fisheries managers and scientist would foster both delivery and reading of scientific advice. Joint working groups have proven useful, in particular for more complex assessments and management measures.

Better Compliance

Compliance is equally crucial for RFMO performance as RFMOs are not better than their members. This requires on the one hand a fully-fledged set of operational monitoring and surveillance schemes (observer programmes, port inspection, at-sea inspection, aerial surveillance, traceability systems, data collection and reporting) and on the other hand a culture of compliance by the parties.

Efficient and strong compliance committees are needed to assess the respect of rules by each party. RFMO contracting parties' responsibility should be engaged in case of failure

to respect fair and equitable rules. The enhanced compliance process should be used as a tool to identify challenges and weaknesses in RFMOs Parties' implementation of RFMOs measures, in particular with regard to developing States. At the same time, sanctions mechanisms have to be set up along with the strengthening of capacity building to address the root causes of non-compliance. This would be a balanced system which reflects that parties have rights and obligations, as implied by the "no data, no fish" principle adopted recently in ICCAT. It is considered important that mechanisms for sanctions are actually put in place to have a deterrent effect.

Electronic reporting/traceability were also identified as a key tool to enhance better compliance in the future. Efforts should be made in this sense to allow RFMOs to move toward such electronic systems.

It was also stated that outdated quota allocation mechanism may prevent some parties from implementing measures as they should and that therefore such mechanisms should be revisited, where necessary.

Industry has also a role to play for better compliance and should assume its responsibility in that respect. This applies also to the processing industry which should not undermine the impact of RFMO measures by disregarding control rules, in particular for traceability.

Administrative Capacity Building

Capacity building in contracting parties is essential for the efficiency and effectiveness of RFMOs, particularly in RFMOs whose members are mainly developing countries often with a large artisanal fleet. These countries face a huge challenge in putting in place all the administrative structures, procedures and legal provisions that are needed to fully comply with RFMO rules and all the other international rules applying to fisheries (FAO Code of Conduct, etc).

Financial, technical and administrative support is needed, including for proper enforcement of RFMOs measures and monitoring of compliance by their own fleets, as well as for combatting national and international IUU fishing. Within RFMOs capacity building funds have proven useful and donor countries are called upon to maintain their efforts. Synergies may be created by better coordination of funding between international organisations (e.g. FAO) and main donors.

Some fisheries organisations, in particular small ones, lack financial resources and infrastructure, also due to lack of contributions by their members. This is a major problem and may lead to a situation where the organisation is not able to adopt and enforce management measures.

In this context efficiency gains appear possible by merging RFMOs which share the geographical scope or by extending the scope of some RFMOs. This would also better reflect an eco-system approach than having RFMOs on a species basis.

Fighting IUU fishing and Fleet Capacity Reduction

Fighting Illegal, Unregulated and Unreported fishing (IUU fishing)

Despite good progress made in the past years (adoption of IUU vessel lists, monitoring and control schemes, trade measures, catch certification schemes for certain species, introduction of observers programmes, etc), IUU remain a challenge and is still the second world largest fish producer which threatens food security and marine environment and endangers long-term sustainability of fisheries.

IUU fishing does not have frontiers and has an impact on everybody, be it a flag State, a coastal State, a port State or a market State. IUU fishing is rapidly evolving and changing its modus operandi. Thus we need to permanently adapt the tools to combat it. A global approach is needed, as well as an increased use of new technologies such as electronic tracking devices (VMS), electronic log-books, etc.

RFMOs need to act with unity in the fight against IUU fishing. RFMOs and their CPs should therefore enhance and harmonise management measures such as port entry access, traceability and improved data collection. Flexible mechanisms have to be implemented and traceability from the catch to the consumer should be adopted both at the RFMO and national levels. There are numerous aspects that can be improved through various tools in order to prevent, detect and sanction IUU fishing. The strengthening of international collaboration is essential in order to meet these challenges.

IUU lists of vessels are currently a useful tool against IUU fishing and participants concurred that further effort should be made in this field. In RFMOs dealing with the same species, cross-listing of IUU vessels can be the first step towards a harmonised IUU vessels list. The challenges ahead in creating this common IUU-vessel list rest in harmonising criteria and procedures for listing in these RFMOs, facilitating expeditious exchange of information between RFMOs, as well as in choosing the highest standards for such criteria and procedures so that the list will constitute an efficient tool to combat IUU fishing.

Another potential measure would be to black-list States, where appropriate, and not only vessels. This will give a signal that the actions taken by the State are not sufficient and lead to unfair competition with compliant state and operators.

The participants have stressed the essential role and the primary responsibility of the flag States to efficiently combat the IUU. Here, the role and the responsibilities of the flag State were highlighted as instrumental in achieving the desired level playing field.

Numerous participants argued for the establishment of a positive IUU list (e.g. authorized vessel) and a Global Record of Vessels under FAO auspices. Participants called for a generalization of electronic tools such as CDS and VMS, and for the implementation of market-related measures. IUU fishing is very sophisticated and hides behind it a wide variety of criminal activities, thus a global and all-faceted approach combined with innovative thinking is needed to effectively combat this scourge.

Some gaps were identified in the fight against IUU: a technical gap regarding inspection of frozen fish (a mechanism allowing quick inspection of frozen fish should be adopted) and a legal gap regarding transshipments in high seas (transshipment vessels should also have be submitted to VMS or other traceability mechanisms).

The public in general and NGOs in particular have an important role to play in the fight against IUU and the information provided by them is considered extremely helpful for RFMOs, governments and other international institutions like the FAO.

Reducing fishing capacity was identified as very important to avoid IUU fishing and a step towards sustainable fisheries. An international conference addressing over-capacity and overfishing was perceived as useful to this end. Fishing capacity should be adapted according to fishing opportunities and thus be based on scientific advice. Capacity management measures should be tailor-made to the specific circumstances in RFMOs, including capacity freezing or the adoption of individual quotas per vessel.

A key question for capacity management is how to address the legitimate aspirations of developing states and making sure that developing countries are actually in a position to harvest. Modus operandi need to be found between developing and developed countries (eg joint partnerships) that do not undermine the conservation objectives.

Performance Review

Performance reviews are perceived as useful and sufficient mechanism to check the efficiency and effectiveness of RFMOs. Past reviews have actually shown that RFMOs are not in such a bad shape but there is still a way to go. The follow-up to past reviews led to important improvements and modernisation of RFMOs. Thus, reviews helped in particular to align the bodies to international law, e.g through adjustment to RFMO conventions, and to introduce modern fisheries management concepts. However, in this context convention changes were not always perceived as most effective way for improving performance as they bind lots of resources and may prevent progress via other means.

RFMOs Performance Reviews mechanisms should be enhanced, privileging completely external and independent assessments and reviews. In addition, Performance Reviews' recommendations enforcement by RFMOs should become a regular action, with a follow-up of an almost binding nature.

The idea to supervise RFMO performance by an independent body, such as the UN, based on objective criteria and with the obligation to act upon was subject of an individual suggestion was ventilated in this context.

Group photo
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