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OPTIONS PAPER:

REVIEW OF THE FUNCTIONING OF EIFAC AND OPTIONS FOR
LONG-TERM IMPROVEMENT

**REVIEW OF THE FUNCTIONING OF EIFAC AND OPTIONS FOR
LONG-TERM IMPROVEMENT**

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EXECUTIVE SUMMARY

Since 1992, EIFAC has been addressing the restructuring and strengthening of the Commission, culminating in agreement by the Twenty-fifth Session in 2008 to initiate a project to review its functioning. This report forms part of that process and is an “options paper” that sets out possible alternatives that could contribute to an improved efficiency and effectiveness of the Commission. It was prepared for technical consideration by a Workshop for EIFAC National Correspondents to be held in Mainz, Germany on 28 and 29 January 2010, and ultimately for review by the 26th Session of EIFAC to be held in Zagreb, Croatia in May 2010.

This report contains background information on EIFAC and relevant developments at international level with respect to the role of regional fishery bodies (RFBs). It describes the EIFAC reform process to date and existing EIFAC institutional structure, procedures and finance, their strengths and weaknesses and proposes options for reform. In addition, each of the following options is considered in terms of the legal, structural, financial and administrative implications:

- EIFAC should continue as a Regional Fisheries Body under Article VI of the FAO Constitution but with an improved structure and improved “Rules of Procedures” taking into account a “0”-growth budget scenario (compared to present status);
- EIFAC should be converted into a Regional Fisheries Body under Article XIV of the FAO Constitution with a “0”-growth budget scenario (compared to present status);
- EIFAC should be converted into a Regional Fisheries Body under Article XIV of the FAO Constitution with an independent budget provided by the members of EIFAC for the staffing (minimum one full-time Executive Secretary, one Technical Assistant and one person for secretarial support) and for operating;
- EIFAC should be converted into an Independent Intergovernmental Organization with an independent budget;
- EIFAC should be converted into a Regional Fisheries Body under Article XV of the FAO Constitution; and
- EIFAC should be abolished because the countries do not see a need any longer to maintain it because of marginal benefit to the countries.

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ACRONYMS

ACIAR	Australian Center for International Agricultural Research
ADB	Asian Development Bank
AIT	Asian Institute of Technology
APEC	Asia-Pacific Economic Cooperation
APFIC	Asia-Pacific Fishery Commission
ASEAN	Association of South-East Asian Nations
AusAID	Australian Agency for International Development
CACFAC	Central Asian and Caucasus Fisheries and Aquaculture Commission
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CECAF	Fishery Committee for the Eastern Central Atlantic
CIFA	Committee for Inland Fisheries of Africa
COFI	Committee on Fisheries
COPESCAL	Committee for Inland Fisheries of Latin America
DANCED	Danish Cooperation for Environment and Development
DANIDA	Danish International Development Agency
DFID	Department for International Development
EAA	European Anglers Alliance
EFF	European Fisheries Fund
EIFAC	European Inland Fisheries Advisory Commission
EU	European Union
ExCom	Executive Committee
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross Domestic Product
GFCM	General Fisheries Commission for the Mediterranean
HAKI	Research Institute for Fisheries, Aquaculture and Irrigation
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tuna
ICLARM	International Center for Living Aquatic Resources Management
IDRC	International Development Research Centre
IFREMER	French Research Institute for Exploitation of the Sea
IGO	Intergovernmental Organization
IOTC	Indian Ocean Tuna Commission
IUCN	International Union for Conservation of Nature
LOA	Letter of Agreement
LVFO	Lake Victoria Fisheries Organization

MLS	Multilateral System
NACA	Network of Aquaculture Centers in Asia-Pacific
NACEE	Network of Aquaculture Centres in Central-Eastern Europe
NAFO	North-west Atlantic Fisheries Organization
NEAFC	North-east Atlantic Fisheries Commission
NGO	Non Governmental Organization
NORAD	Norwegian Agency for Development Cooperation (Norad)
NPAFC	North Pacific Anadromous Fish Commission
OIE	World Organization for Animal Health
RECOFI	Regional Commission for Fisheries
RFB	Regional Fishery Body
RFMO	Regional fisheries management organization
SEAFDEC	Southeast Asian Fisheries Development Center
SEAFO	South-east Atlantic Fisheries Organization
SIOFA	Southern Indian Ocean Fisheries Agreement
SWIOFC	South-west Indian Ocean Fisheries Commission
TCDC	Technical Cooperation among Developing Countries
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Programme
WCPFC	Western and Central Pacific Fisheries Commission
WECAFC	Western Central Atlantic Fishery Commission
WWF	World Wide Fund for Nature

1. INTRODUCTION

1.1 Inland fisheries

The challenges of managing inland fisheries, particularly those subject to transboundary activities, have long been recognized.¹ Countries must determine the relative type, size, or importance of their inland fisheries, the manner in which they are changing, the state of their environment, the extent of their exploitation and the management methods. There are additional complexities based upon the lack of clear and compatible statistical data and methodologies between countries. For example, the statistics of many inland fishery catches fail to distinguish between the catch from open waters or large artificial reservoirs, whether stocked or unstocked.

Importantly, there are also policy challenges for managing inland fisheries. These include the relative roles of commercial, recreational and subsistence fisheries, the role of aquaculture and integration with management of the environment, habitat, water quality and land-based activities affecting aquatic resources.

1.2 The European Inland Fisheries Advisory Commission (EIFAC): establishment and functioning

These challenges, together with a wide range of factors affecting the fishery,² prompted a number of fishery experts to consider in the early 1950s, the possibility of creating an international organization to encourage collaboration in dealing with the problems of inland fisheries in Europe. There were differences of opinion as to whether the new organization should be independent or associated with an existing body, but it was noted that FAO, which already had a responsibility for assessing the status of fisheries as a source of food for the populations of the world, might be an appropriate parental body for the proposed new organization.

After several years of further discussion among scientists, FAO convened a small meeting of inland fishery experts in 1955 in Rome to discuss the matter.³ The group agreed that:

- there was a need to improve and develop international collaboration in inland fisheries;
- no existing organization provided the necessary range of collaboration; and
- FAO should convene an International Inland Fisheries Meeting in Helsinki in July 1956.

The objectives of the meeting included addressing the kinds of international action that should be undertaken to make such international collaboration possible.

At Helsinki, there was agreement on the need for international collaboration and it was decided to request the Director-General of FAO to establish an advisory body for Europe.⁴ The proposition was

¹ See Holden, A.V., 1981 Historical review of EIFAC activities. EIFAC Occasional Paper (13):35 p. <http://www.fao.org/DOCREP/005/AC875E/AC875E00.htm#TOC>. Dill, W.A. Inland fisheries of Europe EIFAC Technical Paper. No. 52. Rome, FAO. 1990. 471 p. <http://www.fao.org/docrep/009/t0377e/T0377E00.htm#TOC>,

² For example, the nature of inland waters (extent, size, type, variety), species, terrain, climate, growing season, population density, land and water use, pollution, runoff, accessibility to fish, fishing tradition, revenue, fisheries management, aquaculture considerations.

³ The group included Professor F. Ruttner (Austria), Professor H. Jarnefelt (Finland), Professor U. d'Ancona (Italy), Mr B. Havinga (Netherlands) and Mr G. Alm (Sweden).

⁴ The resolution adopted at the Helsinki meeting requested the Director-General of FAO to:

“establish a Standing Advisory Committee on the Inland Fisheries of the interested countries in Europe, Members of FAO, composed of experts on this subject, whose functions would be to advise him and its Member Governments of measures to be taken with reference to:

1. the collection and dissemination of pertinent information
2. the organization of appropriate symposia

accepted by the FAO Council in Resolution No. 2/26 at its 26th Session in June 1957,⁵ which established the European Inland Fisheries Advisory Commission (EIFAC) under Article VI, Paragraph 1 of the FAO Constitution.

The membership is open to all European Members of FAO, and the objectives are to promote improvements in inland fisheries and to advise Member Governments and FAO on inland fishery matters. The functions of the Commission, similar to those recommended at the Helsinki meeting, are to:

1. assist in the collection and dissemination of pertinent information;
2. propose and assist in the organization of appropriate symposia;
3. promote liaison and cooperation among governmental organizations;
4. advise on the evolution of an organized approach among interested governments of this region toward the development of inland fisheries as may seem desirable and feasible; and
5. advise on any other matters appropriate to the promotion of the development and utilization of the inland fisheries within the competence of the Organization.

FAO was responsible for setting up and operating a Secretariat to service the Commission. Member countries in Europe were invited to become members of the new body, and a majority had indicated their acceptance by 1960. The first meeting of the Commission was held in Dublin, Ireland in April 1960. Since then, the Commission's mandate has remained the same and its Rules of Procedure have been modified only slightly.⁶

The mandate assigned a loose, facilitating advisory role for EIFAC focusing on the provision of advice to governments, institutions and individuals, the exchange and publication of information and ideas, liaison and cooperation. This was common for regional organizations established during that era. It was clear that science was a predominant driving force behind the initiative, similar to the basis for cooperation in marine fisheries prior to the declaration of 200 mile zones when the need for compatible fisheries management and policies for transboundary fish stocks had not yet been generally recognized.

Today, there are 34 EIFAC Members,⁷ each of which has nominated a National Correspondent except Bosnia and Herzegovina (since it has become a Member) and the European Union (EU) (in recent years). EIFAC has collaborated with several institutional partners over the years, with current partners shown in Appendix A. Regular cooperation is undertaken with scientists from Belorussia, North America, Russia and the Ukraine. EIFAC serves as the centre of a network, linking policy-

-
3. the establishment of proper liaison in cooperation with governmental and non-governmental organizations
 4. the evolution of such an organized approach amongst interested governments of this region toward the development of inland fisheries as may seem desirable and feasible, and
 5. any other matters appropriate to the promotion of the development and utilization of the inland fisheries within the competence of the Organization.”

⁵ The Council noted that “development of improved management of fisheries in inland waters offered considerable opportunity to increase food supplies in the form of animal protein and that the promotion of the necessary research and the improvement of government services to assist the development of this industry required effective international exchange of information and ideas.”

⁶ See Part 3.11, below.

⁷ Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, European Community, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Turkey, United Kingdom.

makers, managers, scientists and others working on inland fisheries and aquaculture issues,⁸ with most of its work reflecting scientific interest, research and expertise.

The mandate of EIFAC and focus for its work – primarily scientific and technical – has remained the same since its establishment, although there have been major shifts in the focus of international fisheries cooperation. Policy, management, legal, social and economic considerations and public awareness are now more at the forefront of such international cooperation. EIFAC has taken some steps to address this evolution, although its work generally remains focused on scientific and technical issues.⁹ Scientific considerations continue to be vital for supporting decision-making in these areas of cooperation, ideally through cooperative mechanisms or arrangements. This is reflected in the establishment of many regional fisheries bodies, described in section 1.3 below, where scientific, policy and other considerations combine in a process of integrated decision-making that forms the basis of advice or management decisions.

There has also been a significant shift in the European geopolitical situation, with the membership of EIFAC embracing many new Eastern European countries which have joined since 1989. The shift in conditions was underlined in 1992 at the seventeenth Session of EIFAC by the Chairman in his opening address. He stated that, at the previous Session in 1990, “not one of us could foresee the profound changes which were to occur in the political and economic situation throughout Europe.” It had influenced the work of the Commission during the intersessional period, including through a reduction of contributions. He expressed hope that “the importance of inland fisheries and fish culture will again be recognized and will resume its traditional position among the public service and private endeavours everywhere”.¹⁰

The changes experienced by EIFAC also reflected the expanding membership of the EU. While not directly involved in inland fisheries, the EU addresses related fields through its Directives on Water Framework and Habitats and its activities relating to aquaculture development. The 2006 European Fisheries Fund (EFF) Regulation provides that financial support may be granted to meet the economic, environmental and social goals of the Common Fisheries Policy in order to, *inter alia*, promote the sustainable development of inland fisheries.¹¹

The current institutional structure of EIFAC consists of the Commission with four Sub-Commissions¹² (each with a number of Working Parties), its Members, the Secretariat and an Executive Committee. Symposia were held regularly in connection with annual Sessions, until 2008. The organization chart as at December 2009 is shown in Appendix B, and each of the elements of the organization is elaborated below in Part 3.

The institutional *modus operandi* of the Commission focuses on three main areas of activity: Plenary Sessions, meetings of the Executive Committee, Working Parties and Networking. Plenary Sessions and, until 2008, scientific symposia are held every two years.¹³ One meeting of the Executive Committee is normally held in the middle of the intersessional period, and usually another meeting is held immediately prior to each Plenary Session.

⁸ See Presentation on EIFAC to the 4th World Fisheries Congress in Vancouver, Canada, 2004, made by R. Müller, EIFAC Chairperson from 2000 to 2006: “EIFAC: Its role in reconciling fisheries with conservation in times of change in Europe”. <ftp://ftp.fao.org/FI/DOCUMENT/eifac/2007/EIFACpresentation.pdf>.

⁹ For example, establishment in 1994 of Sub-Commission IV on Social and Economic Issues.

¹⁰ FAO. Fisheries Report 472. Report of the Seventeenth Session of the European Inland Fisheries Advisory Commission. Lugano, Switzerland, 19-26 May 1992. 58p.

¹¹ Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund.

¹² Biology and Management, Aquaculture, Protection of the Aquatic Resource and Social and Economic Issues.

¹³ The Report of each Session is available online and symposium proceedings are published as books or special issues of scientific journals.

Between Sessions, most work of the Commission is carried out by the Working Parties in meetings and by correspondence. They are generally self-financing and produce reports, technical and occasional papers and scientific publications. Many of the Working Parties operate on an informal basis, sometimes with just one or two interested people. They work within a Sub-Commission but there is no provision for formal oversight, for example rules of procedure, timelines or processes, to ensure that the work is completed and of a high quality. During the intersessional period, the results of the Working Parties are brought to the attention of the Executive Committee for review at its meetings. At the end of the intersessional period each Session reviews the activities and status of the Working Parties. The Executive Committee, including Sub-Committee Chairpersons, reviews the status of activity by the Working Parties biennially. It is not uncommon for Working Parties to be dormant for a period of years then be abolished. Sometimes a Working Party can also be reactivated if an active Convenor is found. The effectiveness of the outcomes of the Working Parties and Sub-Commissions is uneven.

Networking includes contacts and exchange of information among scientists, managers and administrators. Liaison groups have been established from time to time to facilitate cooperation and collaboration in specific areas,¹⁴ but none currently exists.

It has been recognized¹⁵ that the need to reconcile fisheries with conservation is becoming urgent, given the political and economic changes in Eastern Europe.¹⁶ In this regard, some good examples of EIFAC outcomes include those of the:

- Joint EIFAC/ICES Working Party on Eel, which identifies ways to improve the state of the stocks and assist in formulating and implementing an EU management plan;
- Working Party on the Management of Sturgeon, which works on assessment, protection from illegal capture, reviewing conservation and management measures and advise on sustainable exploitation;
- Working Party on Prevention and Control of Bird Predation, which focuses on the effects of cormorants on inland fisheries and aquaculture and endangered fish stocks on a pan-European scale; and
- Working Party on the Effects of Physical Modification of the Aquatic Habitat on Fish Populations, which produced a manual offering practical advice on river rehabilitation for fish.

EIFAC has also produced a number of useful Guidelines and a forward-looking Code of Practice for Recreational Fisheries. In developing the latter, it was recognized that recreational fishing is the dominant form of exploitation of all freshwater stocks in Europe and its importance in coastal fisheries is increasingly recognized. The Code works from the assumption that recreational fisheries provide a vital source of recreation, employment, food and social and economic well-being for people throughout the world, both for present and future generations, and that recreational and commercial fisheries can and should work side-by-side with a view towards sustainable use.

The examples above indicate the continuing usefulness of a regional body with a mandate to promote and advance fisheries conservation and management for both recreational and professional inland fisheries. However, as described below, the organization is in need of review and modernization to maximize its potential for effectiveness and benefits to its Members.

¹⁴ e.g. the Liaison Group on the EU Water Framework, which was then upgraded to a Working Party.

¹⁵ See note 8.

¹⁶ In particular, uncontrolled industrial development is contributing to the poor state of aquatic habitats, certain fish populations are threatened by overexploitation and for the rapidly developing freshwater aquaculture there is a need for environmentally sound and sustainable development.

1.3 International context: role and review of RFBs

A clear shift in the role of RFBs has occurred over the past half-century, a trend which has intensified since the adoption of key international fisheries instruments after the 1992 United Nations Conference on Environment and Development (UNCED). In the first half of the 20th century, RFBs approached the process of fisheries management in a gradual and evolutionary manner.¹⁷ At a time when a narrow band of up to twelve miles defined coastal States' authority, the major functions of RFBs were cooperative research and database development and analysis.

The first watershed event – initiation of the process leading to the 1982 UN Convention on the Law of the Sea – prompted a focus on the emerging role of RFBs. They would maintain their essential functions as fora for international cooperation and vehicles for research, analysis, data repository and exchange and management advisors in accordance with their mandates. A suite of new activities was envisaged by the 1982 Convention, giving RFBs a greater role than their founders may have generally intended.

Identification of these activities in the 1982 UN Convention prompted RFBs to review and amend their conventions and opened the door to the establishment of new organizations with more modern mandates. Of around 40 regional fishery bodies (RFBs) currently in existence or under development, over half have been established or are in the process of development since the Convention was adopted, and 19 of these have mandates to take fisheries management decisions that are binding on its members. (The RFBs with such management mandates are also known as regional fisheries management organizations (RFMOs)).

There are currently five RFBs or related organizations that have a mandate for inland fisheries, including EIFAC.¹⁸ In addition, important links have been established between inland fisheries RFBs and other RFBs with broader mandates that are connected to inland fisheries, for example scientific advice on inland fisheries is provided by the International Council for the Exploration of the Seas (ICES) and the inland migrations of anadromous species is of interest to the North Atlantic Salmon Conservation Organization (NASCO), which keeps a river database.

More recently, the focus on the role of RFBs as being potentially the strongest vehicles for fisheries governance has intensified with the development of the new international fisheries instruments after UNCED. Concerned that the depleted state of many fish stocks evidenced major weaknesses within RFBs, such as cooperation by members, the FAO Committee on Fisheries (COFI) and many other international fora¹⁹ have called for performance reviews of RFBs in recent years.

This would allow in an in-depth look at the mandate and functioning of each RFB and provide a process where recommendations could be made for strengthening the relevant body to meet the challenges of modern fisheries governance. Importantly, it would also afford an opportunity to identify areas where the members need to strengthen their cooperation with the RFB and each other, and live up to their commitments within the organization.

¹⁷ See Swan, J., Decision-making in Regional Fishery Bodies or Arrangements: the evolving role of RFBs and international agreement on decision-making processes. *FAO Fisheries Circular*. No. 995. Rome, FAO. 2004. 82p.

¹⁸ The others are: Committee for Inland Fisheries and Aquaculture of Africa (CIFAA), Committee for Inland Fisheries of Latin America (COPESCAL), Lake Victoria Fisheries Organization (LVFO) and the Technical Advisory Board on Fisheries Management in the Mekong Basin.

¹⁹ Including the UN General Assembly Resolutions on Sustainable Fisheries, the Regional Fishery Bodies Secretariats Network, the Joint Meetings of Tuna Bodies and the UN Fish Stocks Agreement review and consultative processes.

Five RFBs have already undertaken such reviews since 2006, and another six are planning on doing so.²⁰ They are all based, to a great extent, on a common set of criteria,²¹ and many of the recommendations made by the review panels are being considered by the respective Commissions, which are taking follow-up action. This signals a wide and deep range of global efforts to modernize fisheries governance and cooperation at regional level.

Conclusions of the RFMO performance review panels pointed to depleted stocks and failure to meet objectives for several species, lack of success in management, and inadequate data availability or dependence on an external organization for such data. On the whole, provision of scientific advice was thought to be good across RFMOs, but much needed to be done to improve data collection and sharing. Decision-making generally needed improvement across RFMOs.

Most RFMOs were found to have a good level of transparency for international cooperation, although further improvements were needed in some cases. Progress had generally been made to increase cooperation between RFMOs and cooperating non-members and other non-members, and among RFMOs.

1.4 FAO Context: establishment and mandates of FAO RFBs

There are currently ten FAO RFBs: Of these, four have been established as Article XIV bodies: APFIC, GFCM, IOTC and RECOFI. Of the four, IOTC and GFCM can adopt binding conservation and management measures (subject to an objection procedure in the case of GFCM), while the other two (APFIC and RECOFI) are only mandated to formulate and recommend measures for implementation by its members. The other bodies have been established under Article VI of the FAO Convention and have advisory mandates.²²

In addition, the initiative to establish another FAO Article XIV body for the inland waters of Central Asia and the Caucasus was approved by FAO Council in 2009.²³ Most States involved in its establishment have economies in transition. The process to establish the Central Asian and Caucasus Fisheries and Aquaculture Commission (CACFAC) included a Regional Intergovernmental Meeting to initiate the establishment of a Central Asian Fisheries Organization held in Dushanbe, Tajikistan, 10–12 November 2008,²⁴ and a March, 2009 Steering Committee meeting to prepare for the second Regional Intergovernmental Meeting to establish CACFAC.²⁵ The meeting reviewed options of

²⁰ Performance reviews were completed by NEAFC (2006), CCSBT (2006), IOTC (2007), CCAMLR (2008) and ICCAT (2009). Those planning reviews in 2010 were GFCM, NAFO, NPAFC and SEAFO. In addition, IATTC and WCPFC were considering initiating performance reviews but details have yet to be agreed.

²¹ Criteria are listed under the following headings: Conservation and management, monitoring, control and enforcement, decision-making and dispute settlement procedures, and international cooperation.

²² CEEFAC, CIFA, COPESCAL, EIFAC, SWIOFC and WECAFAC.

²³ Agreement on the Central Asian and Caucasus Fisheries and Aquaculture Commission, It will become active as soon as possible, once three countries accept it formally at the national level. Potential members include Armenia, Azerbaijan, People's Republic China, Georgia, Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, Turkey, Turkmenistan and Uzbekistan.

²⁴ See FAO. Report of the Regional Intergovernmental meeting to initiate the establishment of a Central Asian Fisheries Organization Dushanbe, Tajikistan, 10–12 November 2008. *FAO Fisheries and Aquaculture Report No. 887*. Rome. 2009 161p.

²⁵ Information is taken from the report of the meeting. FAO. Report of the Steering Committee Meeting to prepare for the second Regional Intergovernmental Meeting on the Establishment of a Central Asian and Caucasus Regional Fisheries Arrangement. Ankara, Turkey, 24 - 26 March 2009. *FAO Fisheries and Aquaculture Report*. No. 900. Rome, FAO. 2009. The process was initiated at a workshop convened by FAO in December 2007 for experts from the Central Asian States, where the representatives of Kazakhstan, Kyrgystan, Tajikistan, Turkmenistan, Turkey and Uzbekistan called for the establishment of a regional cooperative mechanism to promote sustainable fisheries and aquaculture in Central Asia. The participants recommended the establishment of a commission, or net-work-type arrangement, to undertake cooperative work in the Central Asian region. This recommendation was reiterated at a workshop for the Central Asian States on the Code of Conduct for Responsible Fisheries in April 2008. An intergovernmental meeting convened by FAO in

establishing an arrangement with a mandate over inland fisheries under Article VI or XIV of the FAO Constitution, or as an Intergovernmental Organization (IGO). Considerations presented to that meeting by FAO are applicable to EIFAC, including reference to relevant experiences of establishing of the FAO Regional Commission for Fisheries (RECOFI) as a model Article XIV body and the Network of Aquaculture Centers in Asia-Pacific (NACA) as a model IGO. Relevant considerations are elaborated respectively in sections 1.4.2 and 1.4.4 below.

EIFAC has been considering an internal strengthening or restructuring for the past eighteen years, as described in Part 2 below, and most recently reviewed the requirements for establishing FAO bodies under Articles VI and XIV of the FAO Constitution, and as an Intergovernmental Organization (IGO), in the Expert Workshop on strengthening the role and functioning of EIFAC held in The Hague, Netherlands in March, 2009 (the Hague Workshop). The requirements and processes considered in that workshop are elaborated in Appendix C.

From time to time, FAO has carried out general in-depth reviews of the need and considerations for strengthening or restructuring its RFBs in general.²⁶

A brief description of the mandate and processes involved in establishing bodies under Articles VI, XIV, or XV of the FAO Convention or as an IGO are described below.

1.4.1 FAO Article VI bodies

FAO Article VI bodies are established by the FAO Director-General on the authority of the Council and/or Conference. They are open to FAO Members, and some members could also be selected by the Director-General. The Secretary is appointed by the Director-General.

They have a wide advisory role, with powers to adopt non-binding recommendations on management issues, but they have no regulatory powers and cannot make binding recommendations.

They may advise on policy formulation, coordination and implementation. They can create subsidiary bodies, subject to the availability of funds in the relevant approved budget. They can also establish rules of procedure for subsidiary bodies but these must conform with the Rules of Procedure of the parent body and the FAO General Rules, and approved by the Director-General on the authority of FAO Council.

Article VI bodies are entirely financed by FAO except for the participation of members in meetings. They may be partly financed by donor-assisted extra budgetary support, if available. They receive a Regular Programme budget, are subject to FAO rules (such as those for meetings and budgetary matters)²⁷ and benefit from FAO technical backstopping and programmes. However, some disadvantages, based on experience of other FAO RFBs, are that Article VI bodies:

Dushanbe, Tajikistan in 2008 of the concerned States of Central Asia, the Caucuses, China and Turkey confirmed a call for the establishment of a regional commission or network arrangement. An assessment of the modalities for the mechanism was then initiated, which focused on choosing between a body to be established under Article VI or Article XIV of the FAO Constitution, or an independent network modelled on the Network of Aquaculture Centres in Asia-Pacific (NACA).

²⁶ See, for example, <http://www.fao.org/docrep/W3123E/W3123E05.htm>, excerpted from Marashi, S.H., The role of FAO regional fishery bodies in the conservation and management of fisheries. *FAO Fisheries Circular*. No. 916. Rome, FAO. 1996. 65p. This circular has been periodically updated, including by 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 C985*. Rome, FAO. 2003. 114p.

²⁷ For example, for notification of meetings the FAO communication manual must be followed. Meetings are also programmed and budgeted according to FAO rules. Session Programming Forms are submitted to the FAO Meeting Programming and Documentation Service (GICM) for each meeting. Observer participation follows FAO guidelines in that the observer will have to apply for that status. It is granted by the Fisheries and

- are not eligible for FAO TCP funding;
- do not normally play a coordinating role for FAO bilateral or subregional projects in the region;
- while they may receive donor funds through FAO, they may have little or no control over their flow; and
- while receiving technical backstopping from FAO, they may not be able to direct the way in which this is carried out.²⁸

1.4.2 FAO Article XIV bodies

FAO Article XIV bodies are established through international agreement concluded under the auspices of FAO. The bodies have a wide advisory role and in addition have a regulatory role and may make binding recommendations relating to fisheries conservation and management.

FAO Article XIV bodies can create subsidiary bodies, subject to the availability of funds in the relevant approved budget. They can establish rules of procedure for such bodies, in conformity with the Rules of Procedure of the parent body and the General Rules of FAO, but amendments to these Rules do not need to be approved by the Director-General.²⁹ The Secretary is appointed by the Director-General but in some cases after consultation with or with the approval or concurrence of members of the body concerned.

Non-members of FAO can be members but must contribute towards the expenses incurred by the Organization with respect to the activities of the body.

Members have contractual obligations for financing, and three possibilities exist: financing as for an Article VI body; the body may undertake cooperative projects financed by members; and they may have an autonomous budget.

FAO Article XIV bodies all have an autonomous budget, an independent Secretariat, and may establish trust funds for its programmes of work. They must be established by a separate agreement among members, approved by Conference, and not entail financial obligations for Members not parties to it additional to their required contributions to FAO. The bodies are functionally autonomous within the framework of FAO.

A decision to establish a FAO Article XIV body will first have to be formally communicated to FAO by one of the concerned States. FAO will internally review the decision in terms of ensuring that the formal internal processes for setting up the new Commission are set in motion.

FAO Article XIV body agreements are normally adopted by the FAO Council on the recommendation of a technical conference or series of technical meetings comprising Member Nations. They enter into force on the deposit of the required number of acceptances in accordance with the agreed provisions.

Once established, an Article XIV body may undertake partnership arrangements and liaison with other organizations, seek additional financial support under an autonomous budget and promote responsible fisheries management in the region and, as appropriate, internationally.

A scale of contributions would need to be agreed for an autonomous budget. For example, some RFMOs assess contributions on the bases of a basic fee, a GDP component and a catch component. For inland fisheries, it may be more appropriate to agree on the basic fee and a GDP component only.

Aquaculture Department based on certain criteria, one of which is that the observer's organization must be involved in fisheries.

²⁸ For example, Medfisis, an information/data programme at FAO HQ designed for GFCM, operates independently of GFCM.

²⁹ Based on the amended Part R of the FAO Basic Texts.

States establishing a regional arrangement for Central Asia and the Caucuses used the Regional Commission for Fisheries (RECOFI) as a model in considering whether to establish an Article XIV organization.³⁰ Relevant institutional, legal, financial and practical considerations using the RECOFI model are in Appendix D. Some positive aspects of an Article XIV body were mentioned in the Steering Committee meeting to establish CACFAC held in March, 2009 as follows:

- It has a well-known structure, is transparent and appears to be functioning relatively well in other regions.
- The process for establishing an Article XIV body was clearly outlined in FAO's regulations and practice and allows for easier establishment provided it is well timed with the schedule of the governing bodies.
- FAO will ensure neutrality of the body, which is considered important in a region with standing conflicts between potential member countries.
- FAO would be inherently involved in administration and in providing technical support to the members as the body is under FAO's framework.
- Some potential donors may be more interested to work through a body which is linked to/under FAO, as FAO will ensure the use of funds following internationally agreed (United Nations) procedures.

Certain concerns about an Article XIV body were raised as follows:

- It would be difficult to explain in the government, and particularly to the ministries of finance, that specific payments should be made to a FAO Article XIV body, while they are already paying their normal membership contribution to FAO.
- The body might be seen as part of FAO or a tool of FAO and not as a body of the members themselves, which may dampen members' commitment to the body and hesitation among some donors to support it.
- The body would be bound by certain administrative regulations and processes of FAO, which could impact on (e.g. cause delays) its operations and restrict independent actions.
- FAO would decide on the level of inputs to the secretariat, which may result in a part-time/inadequate secretarial support.
- A body under FAO could take a longer time to establish if the immediate biennial FAO Conference was missed.
- Part of the members' contributions could be used for FAO secretariat functions; and that the secretariat and other staff should be contracted internationally under FAO procedures and payment schemes, further reducing flexibility of staffing and likely increasing staff costs.
- It will be difficult to ensure visibility and raise the image of the body as its achievements would be likely attributed to FAO.
- FAO is an agency focused on rural development and food security so that research issues may not have much priority from the body.

The FAO Committee on Constitutional and Legal Matters, in considering the initiative, reported to FAO Council that, while it was expected that FAO would be able to support the Commission and facilitate the above-mentioned synergies, prospective Members expressed their awareness of the FAO

³⁰ The report to the March, 2009 meeting noted that if the choice of the concerned governments is that the regional fisheries and aquaculture cooperative arrangement be a body established under Article XIV of the FAO Constitution, (Article XIV Body) with some functional and financial autonomy, the RFBs to be examined as suitable models are APFIC, GFCM, IOTC and RECOFI being the only four Article XIV bodies that have been established. Of the four, IOTC and GFCM can adopt binding conservation and management measures (subject to an objection procedure in the case of GFCM), while the other two (APFIC and RECOFI) are only mandated to formulate and recommend measures for implementation by its members.

Immediate Programme of Action,³¹ which implied expectancy that bodies under Article XIV of the Constitution should achieve a greater degree of self-funding.³²

1.4.3 FAO Article XV bodies

Under Article XV of the FAO Convention, the Conference may authorize the Director-General to enter into agreements between FAO and Member Nations for the establishment of international institutions dealing with questions relating to food and agriculture. Procedures for establishing such an organization are described in Section 4.4 below, and involve consideration of the matter by Conference twice: once before negotiation and once to approve signature by the Director-General of the negotiated instrument. The result would be an organization in which FAO is an equal Member. There are no Article XV bodies established under the FAO Convention, including RFBs, so there is no precedent that can provide the basis for further elaboration of rules and procedures.

1.4.4 Intergovernmental Organizations

Intergovernmental organizations are established by an independent international instrument, such as a treaty or agreement. Although most RFBs of this type have been established independently of FAO, the Organization has facilitated the establishment of two such fisheries bodies: the Network of Aquaculture Centers in Asia-Pacific (NACA) and the South Indian Ocean Fisheries Agreement (SIOFA). Most such RFBs have elaborate agreements that include provisions implementing international fisheries instruments, and catering to the needs of the region.

They have international personality, an autonomous budget from assessed contributions and donor support and are primarily, but not necessarily, oriented towards fisheries management.

NACA is an autonomous and self-reliant intergovernmental organisation that promotes rural development through sustainable aquaculture.³³ It operates under the principle of TCDC (technical cooperation among developing countries). Being owned and operated by member governments gives it, among other strengths, a stronger legal foundation and political traction, and therefore stronger leverage with regional and international development agencies and greater flexibility in development planning. A network organization is well placed to make cost-effective use of resources and acquire collective strength.³⁴

A conference of plenipotentiaries must be convened to adopt an agreement for the establishment of a network arrangement such as NACA.

FAO's participation as a partner in joint activities makes other donor agencies more attracted to participate and contribute resources to the development activities. The core activities of the work programme consist of research, training and education.

³¹ Specifically, action 3.17.

³² Report of the 88th Session of the FAO Committee on Constitutional and Legal Matters, 23–25 September 2009.

³³ Current member governments are Australia, Bangladesh, Cambodia, China, Hong Kong SAR, India, Indonesia, I.R. Iran, Korea (DPR), Lao PDR, Malaysia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Vietnam.

³⁴ In Eastern Europe, an example of a network organization is the Network of Aquaculture Centres in Central-Eastern Europe (NACEE) is a voluntary association of Central and Eastern European aquaculture institutions, in which all members maintain their full independence. It has liaison status with FAO. Its main mandate is to facilitate the integration of research and development with the European Research Area. Activities are coordinated by the Research Institute for Fisheries, Aquaculture and Irrigation (HAKI) of Hungary. It is a much less formal and robust organization than NACA, and of interest because of its importance in Europe and its existing liaison with EIFAC rather than as an institutional model for an IGO.

Some difficulties were experienced in its establishment, as some governments did not join immediately, due largely to internal government procedures and the understandable need to first see clear benefits from membership.

NACA seeks to improve rural income, increase food production and foreign exchange earnings and to diversify farm production. The ultimate beneficiaries of NACA activities are farmers and rural communities.

The core activities of NACA are:

- capacity building through education and training;
- collaborative research and development through networking among centers and people;
- development of information and communication networks;
- policy guidelines and support to policies and institutional capacities;
- aquatic animal health and disease management; and
- genetics and biodiversity.

NACA policy is determined by the Governing Council composed of high officials representing the member governments. The Governing Council regularly meets once a year and formulates NACA's 5-Year Regional Work Programme. The NACA Agreement provides that other international and government assistance agencies may, by invitation, be non-voting members. FAO is a non-voting member.

NACA conducts development assistance projects throughout the region in partnership with governments, donor foundations, development agencies, universities and a range of non-government organisations and farmers.³⁵ NACA supports institutional strengthening, technical exchange and the development of policies for sustainable aquaculture and aquatic resource management.

2. EIFAC REFORM PROCESS

2.1 Background

The EIFAC reform process initiated in 1992 is fully described in Appendix E, where the conclusions and decisions taken in each Session since 1992 regarding the role, functions and structure of EIFAC are summarized. The matter was addressed during that period under varying agenda items:

- review of functions and programme;
- restructuring;
- strengthening;
- assessment of the role and functioning; and
- ongoing functioning.

The depth in which each Session addressed the relevant agenda item varied. The approach in each Session was not based on criteria that would serve to measure the performance of EIFAC such as that used for current performance reviews of RFBs. Instead it was introspective and generally focused on specific shortcomings of the organization and possible means of rectifying them short of broad and deep institutional reform.

³⁵ NACA's partners include organisations such as FAO, United Nations Development Programme, the Asian Development Bank, World Bank, OIE (World Animal Health Organization), the Mekong River Commission, ICLARM, SEAFDEC, APEC, ASEAN, European Union, DANIDA, DFID, ACIAR, AusAID, DANCED, IDRC, IFREMER, NORAD, the Asian Institute of Technology, World Wide Fund for Nature, MacArthur Foundation and the Rockefeller Brothers Fund.

Throughout the sixteen year period, the concerns about EIFAC remained more or less the same and little or no progress was made in effecting significant changes. The EIFAC structure also remained much the same despite several rounds of discussion, but the effectiveness of the organization diminished due, *inter alia*, to:

- the financial and time constraints increasingly and necessarily imposed by FAO and many Members;
- the indifference or inability of some Members to attend meetings or participate in EIFAC work; and
- a transformed political, legal, economic and social situation.

At the same time, it was clear throughout the process that EIFAC does have some unique strengths worth preserving, building upon and carrying forward in the appropriate context. In particular, the outcomes of some of the Working Parties have been highly useful.

Understanding the EIFAC reform process to date is an important foundation for considering the future. Clear knowledge and appreciation of what has been considered, often time and time again, yet with little or no outcome may inform new directions appropriate for present-day circumstances. EIFAC has clearly recognized that there needs to be a break from past patterns.

2.2 Consideration by EIFAC Sessions of restructuring and strengthening: 1992 – 2008

It was clear at the Seventeenth Session in 1992 that recent political and social changes had operated to cut funds and prompt reconsideration of the role and functioning of EIFAC.

In 1994, the Eighteenth Session considered an elaborate and wide-ranging proposal for the restructuring of EIFAC made by a consultation on management strategies for European inland fisheries and aquaculture. *The consultation proposed that EIFAC adopt a ten year medium-term strategy that would be objective-led and adopt a structure aligned with stated aims and objectives.* It was agreed that a proposal for restructuring (which consisted mainly of consideration relating to the existence, funding and structure of the Commission) be presented to the next Session.

In 1996, the Nineteenth Session addressed many of the same concerns that currently exist, including:

- meeting the needs of countries and identification of needs through National Correspondents;
- falling levels of support by FAO and of contributions by Members;
- the need for alternative means of funding; and
- more careful selection of the programmes and activities of the Commission.

No medium-term strategy was adopted, but the Session agreed to add Sub-Committee IV on Social and Economic issues and regroup existing and possible new activities under each Sub-Commission. The four Sub-Commissions remain the same today.

In the 1998 and 2000 Sessions, the issue of strengthening EIFAC was addressed only briefly. In 1998 its continued relevance was reaffirmed and awareness-raising mechanisms were suggested. The original Rules of Procedure were amended only with respect to Rule IX, Subsidiary Bodies, and focused on the procedures for appointment of the Working Parties.³⁶ Similarly, the Twenty-first Session in 2000 only considered issues of communication and extending the duration of subsequent Sessions.

³⁶ Previously, the Commission had authority to “establish working parties for the study of problems of a more specialized nature (than discussed in sub-commissions)” and to recommend to the FAO Director-General “the convening of *ad hoc* meetings to study problems of a specialized nature that could not fruitfully be discussed during the normal sessions of the Commission.” See below, under section 3.11.

The Twenty-second Session in 2002 awoke once again to the issue of strengthening EIFAC. It was noted that the role and functioning had not been evaluated since 1980, and there was now an urgent need for this, and to identify opportunities for the future. A group was established to carry out an assessment.³⁷

At the Twenty-third Session in 2004, an assessment of the role and functioning of EIFAC had been prepared for consideration by the Commission. The conclusions and recommendations by the Commission related to:

- a lack of funds;
- the role of National Correspondents;
- dialogue with the EU;
- including “emerging issues” on the agenda of EIFAC Sessions and ExCom meetings;
- the need to disseminate technical and policy output more widely;
- making full use of the EIFAC list server; and
- continuing to produce publications of high scientific quality in all fields covered by the Commission.

The outcomes of the Session’s recommendations were to be evaluated at the Twenty-fourth Session in 2006. At that Session, the Commission identified the same seven key areas as important in improving the work of the Commission, and reported on the outcomes of some. For others, the need for action was repeated. For example, the Session referred to the need for additional funding and partnerships, and making additional efforts to liaise with the EU. There did not appear to be any major advances in the role and functioning of EIFAC due mainly to the funding and other constraints noted above and reiterated throughout the series of Sessions.

The 2006 Session also expressed the need for national reports and collaboration with partners, and identified emerging issues of scientific interest including reestablishment of a Working Party on crayfish. The emerging issues were to be collated and distributed to National Correspondents for information purposes.

The Twenty-fifth Session in 2008 agreed to initiate a project to review its functioning, and ongoing short-term improvements were agreed in relation to communications. In addition, the delegated power of the Executive Committee was confirmed as being able to make a rapid response to changes of Working Party Conveners and Terms of Reference.

2.3 2009 FAO Fisheries Department Position Statement for EIFAC

The FAO Fisheries Department agreed on a Position Statement for EIFAC in February 2009, shown in Appendix F. It welcomed the decision by the 25th Session of EIFAC to undertake a review of its functioning in the intersessional period 2008-2010, and referred to the first part of the reviewing process, including the Hague Workshop. It was recognized that efforts were being made by EIFAC to possibly propose changes in the mandate and the organizational structure which will strengthen the Commission and improve its efficiency and effectiveness.

The Department expressed great concern that servicing EIFAC was probably drawing more heavily on FAO/FI resources (staff and funding) than it should, especially considering that it is a commission in one of the highest developed regions of the world. Despite this, EIFAC was having increasing difficulties in carrying out its mandate. As a result, substantial support had to be provided from the

³⁷ The Terms of Reference for the Group appear in Appendix E. At the 22nd Session that Mr R. Müller accepted to convene the Group and identify and contact potential members. It was agreed that the Group should work primarily by correspondence and report to the 23rd EIFAC Session.

FAO Secretariat, which had become more and more time-consuming. Conversely, interest in EIFAC by the members seemed to be dwindling.

FAO/FI fully supported this reviewing process and noted that any new structure and mandate would have to clearly reflect the commitment by the members of EIFAC and would need to have appropriate funding available to function in a sustainable way. In principle, FAO/FI was still willing to provide support – mainly as coordinating and catalyzing force, but not as driving force – should the countries wish that the Commission remains under the FAO umbrella.

After reviewing the results of the review process, FAO/FI would make a decision on how much Regular Programme support for EIFAC is needed and appropriate. It is clear that FAO/FI could make available to EIFAC only limited resources (both funding and human resources) – if at all – and that any support would have to be adjusted taking into account the true capacity of the Department. This implied that the Commission has to rely heavily on other funding sources.

This position is consistent with the FAO Immediate Plan of Action, which expects that FAO bodies should achieve a greater degree of self-funding.³⁸

2.4 Expert Workshop on strengthening the role and functioning of EIFAC

The outcomes of the Hague Workshop on strengthening the role and functioning of EIFAC³⁹ are summarized below in the report of the May, 2009 EIFAC Executive Committee Meeting.

In addition, the Workshop elaborated EIFAC weaknesses in a number of areas and proposed some solutions for each weakness, as summarized in Appendix G. They are of limited use for present purposes because the approach generally addressed the ongoing operation of EIFAC in its current structure and did not consider in detail the broader and deeper changes that need to be considered.

After the Workshop, the consultant who advised at and facilitated the workshop, Mr Lambert Van Gils, commented on a number of issues. In relation to strategic orientation, he suggested that Members' involvement be more structural and less dependent on individuals, and in this regard the national correspondents should be involved to co-design the EIFAC planning system, where ideally governments would request EIFAC products. He noted in this context that EIFAC should trust its planning and decision making procedures and not exercise additional control and checks on the final

³⁸ See Report of the 88th Session of the FAO Committee on Constitutional and Legal Matters, 23–25 September 2009. It refers to the following statement in the Immediate Plan of Action (IPA) for FAO Renewal (2009-11), approved by the Conference at its Thirty-fifth (Special) Session under the section entitled “Statutory Bodies, Conventions, etc.”: “28. The statutory bodies and conventions will be strengthened, enjoying more financial and administrative authority within the framework of FAO and a greater degree of self-funding by their Members. They will have a direct line of access to the appropriate FAO Technical Committees. They will be accountable to the FAO Council and Conference for the use of that proportion of their funding which is provided for from FAO assessed contributions.” The relevant Action Matrix reads as follows: “Conferences of parties to treaties, conventions and agreements such as Codex and the IPPC (incorporated under FAO statutes) may bring issues to the attention of the Council and Conference through the relevant Technical Committee (Basic Texts change) (IPA action 2.68) Undertake a review with a view to making any necessary changes to enable those statutory bodies which wish to do so to exercise financial and administrative authority and mobilize additional funding from their members, while remaining within the framework of FAO and maintaining a reporting relationship with it (IPA action 2.69).” 3. The implementation of these actions is related to another action, IPA action 3.17, which reads: “Review treaties, conventions, agreements and similar bodies and instruments established under articles VI, XIV and XV of the FAO Constitution with a view to their developing a greater degree of self-funding from their members (see also 2.69). Present report to Council and reports to the parties to the agreements”.

³⁹ The Workshop participants were the Chairperson of EIFAC, two Sub-Commission chairpersons and the National Correspondents of five member countries as well as the EIFAC Secretary and the Technical Secretary of Sub-Commission IV.

outputs by an individual. He also suggested that the symposium should play a key role.⁴⁰ Other comments relating to strategic orientation encouraged involvement of NGOs and local governments and authorities.

The consultant also made some comments on actions to be taken, including mechanisms to organize the proposed workshop of national correspondents.

2.5 May, 2009 EIFAC Executive Committee Meeting: Assessment of the role and functioning of EIFAC and the future of EIFAC

The Chairperson of EIFAC gave a brief report on the Hague Workshop on strengthening the role and functioning of EIFAC. It was a start to the EIFAC restructuring process to become more efficient. Strategic orientation options, associated objectives and possible action plans were considered.

The main needs considered by the Hague Workshop were to:

- strengthen the EIFAC structure;
- increase stakeholder participation;
- promote EIFAC's capacity to deliver policy advice to its members (including the EU), through a more speedy process;
- organize EIFAC's work in a more efficient way, e.g. through a "project approach";
- make EIFAC more powerful so that Members will actually seek and follow its advice;
- increase commitment by Members (increased/improved in-kind and financial contributions); and
- strengthen the role of National Correspondents and improve their involvement in EIFAC activities.

It was recommended that the National Correspondents be invited to a workshop where the different options for improving the functioning of EIFAC will be presented and discussed, including a stronger involvement of the National Correspondents.

It was agreed that there was still a need for EIFAC as the only intergovernmental structure in Europe to deal with inland water fisheries and aquaculture. It had high scientific potential, reflected in the series of symposia and Guidelines.

It was decided that the Second Vice-Chair would compile a list of good arguments to support the continuation of EIFAC. It would also be good if the countries could provide indicators for "why" EIFAC is still needed.

The need to engage with funding mechanisms was recognized, and it was noted that EIFAC could possibly form a "consortium" to apply for funding.⁴¹ The benefit of changing the structure of the Commission was discussed, i.e. away from the Sub-Commission and Working Party structure, applying instead a "project approach". This would possibly necessitate setting up a "Scientific Committee". It was noted that there would then be a need for modified "Rules and Procedures".

It was agreed that an "options paper" be prepared by a consultant who is a specialist with deep knowledge of the organizational structure and the functioning of Regional Fisheries Bodies and

⁴⁰ Mr Gérard Castlenaud, National Correspondent and member of the Executive Committee, was asked during the workshop to prepare an analysis and assessment of the functioning of the different Working Parties and Sub-Commissions. In commenting on the 2008 symposium, he noted that the subject was very ambitious and too broad, and that the conclusions and recommendations that should have been based on the analysis and results of the material presented during the Symposium remained general and lacked specificity.

⁴¹ In considering this approach, it was recognized that host institutions of Members, especially those from the academic sector, may be unlikely to allow their staff to work towards securing projects where such institutions would see no financial return.

presented at the Workshop to be organized for the EIFAC National Correspondents in Mainz in January 2010 and at the 26th Session in May 2010.

2.6 Summary

Eighteen years ago, in 1992, EIFAC embarked upon a process to identify ways of strengthening its operations and effectiveness. As noted above, it coincided with the climate of change beyond the control of EIFAC including pan-European geopolitical, legal, policy, social, economic and environmental shifts. During the 36 years since its establishment in 1956, there had been very little change in the organization itself until 1992 and, although in many respects a leading organization, it was clear that modernization would be necessary for its continued survival.

Now, in 2010, very little has changed since 1992 and FAO/FI has made it clear that it could continue to provide support, but mainly as a coordinating and catalyzing force, not as a driving force. In addition, FAO encouraged sustainable funding to be sought if EIFAC were to remain under the FAO umbrella.

Identification of sustainable and adequate funding can be regarded as the single most important reform in strengthening EIFAC. Specific financial needs will vary depending on the ultimate structure of EIFAC, but it is clear that they must initially cover a substantial amount of time – preferably full time – for a Secretary and an assistant. Otherwise the two most important tasks of liaison and project development would not be possible, regardless of the ultimate structure.

In addition to funding, some of the major non-structural considerations for strengthening EIFAC over the years related to the need for an increased focus on the management, policy, legal, economic, social and environmental aspects of inland fisheries, as well as a demand-driven process based on projects, strengthened liaison and enhanced involvement of new players.

The impact of geopolitical changes since the establishment of EIFAC, and especially during the past two decades, also needs to be taken into account.

On an institutional level, described in greater depth below, there is a need for an overhaul to the Terms of Reference of the Organization, the Rules of Procedure and operational requirements and timelines for carrying out the business of the organization.

3. EIFAC INSTITUTIONAL STRUCTURE, PROCEDURES AND FINANCE

It is clear from the considerations described in Part 2 above that the current EIFAC mandate, institutional structure, procedures and finances are rooted in the past and not effectively meeting current needs and situations. Many of these shortcomings are addressed in the options below, and their rectification could involve a major overhaul of EIFAC. At a minimum, some basics will need to be carefully considered including the objectives, purposes and functions of EIFAC, as set out in its establishing instrument, FAO Council Resolution 2/26, and the Rules of Procedure.

3.1 The Commission

The objectives and purposes of EIFAC are to promote improvements in inland fisheries and to advise Member Governments and FAO on inland fishery matters. As noted in Part 1, its functions are to:

1. assist in the collection and dissemination of pertinent information;
2. propose and assist in the organization of appropriate symposia;
3. promote liaison and cooperation among governmental organizations;
4. advise on the evolution of an organized approach among interested governments of this region toward the development of inland fisheries as may seem desirable and feasible; and

5. advise on any other matters appropriate to the promotion of the development and utilization of the inland fisheries within the competence of the Organization.

FAO Council Resolution 2/26 required EIFAC to submit at appropriate intervals reports on its activities to the Director-General and empowered it to adopt its own rules of procedure which shall come into force upon approval by the Director-General subject to confirmation by the FAO Council.

Under the Rules of Procedure, Rule IV, the Commission must hold sessions at such periodic intervals as shall be requested by a majority of the Members of the Commission or considered necessary by the FAO Director-General. Twenty-five Sessions have been held since 1960.

The Director-General convenes the Sessions, and decides the venue in consultation with the Chairman and the authorities of the host country. Notice of the Session must be given three months in advance and communicated to all Members.

Each Member has one representative who may be accompanied by an alternate and advisers, and meetings are to be held in public unless the Commission decides otherwise. A majority of the Members constitutes a quorum.

3.1.1. Strengths

The objectives, purposes and functions of EIFAC are flexible. They are directed at “promoting improvements” as an advisory body. They cater for the development and utilization of inland fisheries and foster an organized approach among interested governments towards such development. They are not restrictive in the approach EIFAC is to take – e.g. scientific, management or other. They allow for a range of outputs, such as the codes of practice, manuals, symposia outcomes, advice to institutions and Members and liaison among Members that have been successfully provided by EIFAC over the years.

Further to the request by the EIFAC Executive Committee to compile arguments to support the continuation of EIFAC, described above in section 2.5, the Second Vice-Chair compiled the following list of strengths of the Commission.

- EIFAC is a pan-European organisation, and is also open to non-EU member states;
- prestige – EIFAC enjoys a high reputation as part of UN / FAO;
- an advisory body with high scientific potential, EIFAC is the only technology and management oriented, knowledge based and officially recognised forum for inland fisheries and aquaculture peer reviewed and with benchmarking functions;
- EIFAC is the only officially recognised forum representing consensus;
- organisation of symposia / conferences;
- symposium reports and other publications of high value;
- delivery of guidelines;
- Working Parties – answers to challenging problems;
- pan-European recommendations, e.g. in respect to fishery legislation;
- information flow – even if only distributed by “mail boxes”;
- intergovernmental contacts / activities;
- possibilities for benchmarking processes, e.g. legislative issues.

These strengths point to the wide scope of EIFAC’s mandate and operations, its high official status that serves to enhance consensus, intergovernmental activities and information flow, and its broad-based knowledge that contributes to many aspects of inland fisheries through outputs such as fora, guidelines, symposia/conferences and advice or recommendations.

3.1.2 Weaknesses

The general function of EIFAC to “advise on any other matters appropriate to the promotion of the development and utilization of the inland fisheries within the competence of the Organization” suggests commercial objectives and a plentiful resource. The stated function does not clearly address fisheries management, policy and sustainable use, which have become the current focus of RFB activities on a global scale, or other current approaches. These approaches may be implicit to some extent, but many RFBs have taken steps to clearly amend their establishing instrument to explicitly include them. It provides a clear and firm legal mandate and shared understanding on which to move forward.

The EIFAC mandate does not refer to the following contemporary issues which appear in modernized mandates of RFBs, many of which implicitly apply to initiatives that are currently underway in EIFAC:

- implementation of modern fisheries and environmental principles and approaches, such as sustainability, biodiversity, habitat protection and the precautionary and ecosystem approaches;
- consideration of transboundary issues and the promotion of harmonized approaches among relevant Members;
- relevant legal, social and economic issues;
- research;
- human capacity development;
- programmes for fisheries and aquaculture enhancement;
- liaison with other organizations and civil society;
- gender equity; and
- transfer of technology.

As an Article VI body, EIFAC cannot commit to binding management measures but a major weakness is not having the express mandate to provide advice on inland fisheries management issues. As an advisory body, its mandate extends only to advising on “the evolution of an organized approach toward the *development* of inland fisheries”, and also on the *utilization* of inland fisheries.

Underlying the above concerns is the fact that EIFAC does not currently have a corporate vision, or mission statement. Identification of a vision/mission statement would consolidate the identity of EIFAC for external purposes, and describe its niche in respect of activities relating to inland fisheries. It would also serve as a guide for formulating internal corporate strategies, policies, programmes and/or projects. In these ways, identification of a clear and concise vision/mission statement will be an essential element in the process to strengthen the Commission.

3.1.3 Options for reform

A clear option for reform is to modernize the objectives, purposes and functions of EIFAC, taking into account the areas currently not identified as described in section 3.1.2 above, the needs of the Members and the agreed status of the organization either within or outside the FAO Convention.

Based on the agreed objectives, purposes and functions of EIFAC, a vision/ mission statement should be identified.

3.2 The Members

Membership in the Commission is open to all European Member Nations of the Organization in accordance with Article VI, paragraph 1 of the FAO Constitution. Therefore, the EU is also a Member. However, a few eligible States have not yet become members despite invitations from the Secretariat.

There are 34 Members of EIFAC⁴² but the average attendance by Members at Sessions of the Commission for the four Sessions from 2002 to 2008 has been 19 Members. The record of attendance by each Member at those EIFAC Sessions is shown in Appendix H. However, in 2004 there was no quorum reached because only 15 Members participated.

In addition, the Russian Federation attended the 2002-2006 Sessions as observer and observers from two non-governmental organizations (NGOs) attended the 2002-2004 Sessions and one attended the 2008 Session.

3.2.1 Strengths

The area of competence provides for a broad and inclusive membership.

3.2.2 Weaknesses

Membership criteria are not an issue, but effective participation by Members is a concern. One concern is that most Members often do not have, or do not make available, sufficient resources to participate in EIFAC meetings or related initiatives, organizations or fora. This contributes to an imbalance in Members' participation, compared to a pattern of fuller involvement in the past.

A recurring concern is the apparent low priority given by the EU to active membership in EIFAC. It is recognized that the EU has no competence over inland fisheries but that related concerns, such as the habitat, water and the environment provide integrated platforms for collaboration.

3.2.3 Options for reform

Regarding membership, consideration may be given to withdrawing inactive members from EIFAC. The Rules of Procedure could be amended to address the status of inactive members and the requirements for a quorum in EIFAC decisions.

For the European countries which are not yet member of EIFAC, the Secretariat could continue to invite these countries to consider their membership in EIFAC.

Regarding improved representation, some thought has been given within EIFAC to this issue and an enhanced flow of information between Members and EIFAC, for example through:

- preparation of duty sheets on the function and duties of EIFAC National Correspondents, and use of national summary reports, as described in section 3.9 below;
- improved dialogue with partners through agreement on a list of issues; and
- enhancing the roles of the national correspondents and Working Parties.

However, little progress has been made and the membership/participation concerns may be met by reform and/or restructuring in other areas of EIFAC.

3.3 The Secretariat

The Secretariat is based at FAO which provides a Secretary, three Technical Secretaries, a Meeting Officer and financial support. FAO also provides financial support to operate the Sessions and for publishing Session reports as well as technical publications such as EIFAC Occasional Papers. The Secretariat provides technical backstopping support. The time and budget allocated for the Secretary and other backstopping has been slashed from a high level of around \$300,000 and approximately six

⁴² See note 7, above.

months' time of a Secretary in 2002 to current levels of around USD 12,000⁴³ and two months' time. Some time is also contributed by other FAO staff members to assist with work for EIFAC (e.g. secretarial support, updating the EIFAC website), but they each have many other responsibilities.

3.3.1 Strengths

FAO provides coherent leadership of EIFAC, with long-term involvement of its staff in EIFAC activities. As a Secretariat, it is well positioned to publish reports and provide support and backstopping for meetings and technical issues. It is still willing to provide support – mainly as coordinating and catalyzing force, but not as driving force – should the countries wish that the Commission remains under the FAO umbrella.

3.3.2 Weaknesses

FAO cannot provide full-time staff to EIFAC and will not increase its current level of support to EIFAC, either through the Secretariat or otherwise. The Secretary and others currently do not have adequate time to carry out basic activities including the organization of symposia, liaison, project development or seeking donor support.

A priori the Secretariat does not have the resources to assist the Commission in formulating forward-looking activities such as development of a medium-term strategy or undertake coordination with the Members, for example through consultative workshops.

As noted above, the time and resources allocated by FAO for the Secretary have been dramatically reduced over the past two decades. In addition, there are currently no clear qualifications or criteria for the appointment of a Secretary. In the past the Secretaries have consistently been of a very high calibre, but their skills, knowledge and experience have ranged from a focus on liaison, planning and institutional matters to technical and scientific backgrounds. Given the reduction of resources to EIFAC, the potential process of institutional restructuring and future priorities for EIFAC, it would be useful to designate criteria or qualifications for appointment of the Secretary.

3.3.3 Options for reform

If the Secretariat is to remain within FAO, sustainable funding will need to be identified to enable it to provide reasonable personnel and services to support EIFAC and implement relevant mechanisms for reform. The Secretariat's functions should be clear, and focus on monitoring and facilitating. Criteria and qualifications for appointment of the Secretary could be considered, mindful of the skills, knowledge and experience that would best serve the agreed priorities and structure of the Commission.

3.4 The Executive Committee (ExCom)

The Executive Committee is established by Rule III of the EIFAC Rules of Procedure. It is constituted of the Chairperson and Vice-Chairpersons of the Commission and meets once in the middle of the intersessional period and usually just prior to each Session. The Chairs of each Sub-Commission are usually invited to attend all meetings of the Executive Committee. Its mandate is to “direct and conduct the business and affairs of the Commission between its Sessions”.

It must “periodically inform all Members of the Commission, through the Director-General, of any action taken”, and action is subject to confirmation at the next Session of the Commission.

⁴³ An estimate by the Secretary in a communication dated 14 January 2009. Expenses for operating the Secretariat and holding the Sessions are covered from FI Regular Programme budget. EIFAC itself does not have a budget. Costs of expenses in relation to the Sessions were not included.

The Rules of Procedure envision a small Executive Committee through:

- requiring the Chairperson of the Sub-Commissions to be invited to attend at least one Session of the Executive Committee each year for consultations regarding the coordination of activities; and
- allowing the Chairperson to invite not more than two Commission members to attend in an advisory capacity to address special problems.

There were 7–9 participants at each Session between 2003–2007 as shown in Appendix I. Participation by non-FAO persons in the Executive Committee is not funded by FAO. This may be seen as having consequences for the composition of its members in terms of nationality and at times its general attendance level.

The Executive Committee normally considers the Symposia, Sub-Commissions, initiatives regarding the role and functioning of EIFAC and more recently, emerging issues. Under “other matters”, communications mechanisms have been discussed recently. A summary of the issues addressed in the reports of the Executive Committee meetings from 2003 to 2007 are attached in Appendix J.

The outcomes of the meeting consist mainly of reviewing the work of the Working Parties in each Sub-Commission and of the Liaison Groups. The Committee takes note of the status of any relevant work and publications, agrees on or updating terms of reference, notes where no report has been received or progress has not been made, upgrades Liaison Groups to Working Parties and establishes, suspends or abolishes a Working Party.

The Executive Committee has also considered issues related to the role and functioning of EIFAC and, more recently, emerging issues in inland fisheries and aquaculture. It does not play a pro-active role such as serving as a steering committee, developing medium to long-term strategy, or shaping or reviewing financial or administrative matters. In this regard, a proactive body with a mandate and functions that reflect current best practices could serve to better meet the objectives of EIFAC.

The APFIC Executive Committee could offer some precedent in this regard. At its Seventy-first Session in 2007, its agenda included intersessional activities, international issues of significance, administration issues, budget and finance, the APFIC strategic plan, regional consultative workshops, preparations for the regional consultative forum meeting and arrangements for the next Session.

3.4.1 Strengths

The Executive Committee is a reasonable coordinating mechanism for reviewing the work of the Sub-Commissions, noting the level of activity of the Working Parties.

3.4.2 Weaknesses

The Executive Committee is a reactive body, and does not explicitly have in its Rules of Procedure:

- authority to deal with financial, administrative and strategic issues;
- criteria or procedures to establish and monitor Working Parties and Liaison Groups; or
- authority to initiate and monitor a long-term strategy or policies for review and implementation by members.

The ExCom becomes nearly “dormant” after each Session, and often does not revive until immediately before the next meeting. This is contrary to existing Rules and Procedures, which provide that the ExCom should direct and conduct business between Sessions. The lack of explicit authority, however, should not have been an obstacle in tackling these issues.

In addition, it is weakened through non-attendance by some of its members, including those who have no backing from their home governments.⁴⁴ Due to lack of resources, the Secretariat would be challenged to expand the scope of the meetings.

3.4.3 Options for reform

An option previously considered in the March, 2009 workshop, is to assign a more proactive role to the Executive Committee and transform it into a steering committee in accordance with current best practices of RFBs. It could be given explicit authority to deal with organizational, financial, administrative and strategic issues, and initiate and monitor the implementation of a long-term strategy.

The membership of the Executive Committee should be reconsidered so it is representative both geographically and professionally. The latter is especially important if the objectives of EIFAC are to include a balanced mix of management, policy, science, legal, economic and other disciplines and/or focus on specific subject matter.

Rules of procedure would need to be elaborated to ensure a robust and productive process, taking into account the ultimate structure of EIFAC.

Such reforms would need to be accompanied by a strengthened Secretariat and subsidiary body/bodies with the financial and institutional means (including sufficient time) to coordinate and implement the relevant recommendations and decisions.

3.5 The Sub-Commissions

There are currently four Sub-Commissions, each with Working Parties, shown in Appendix B. The issues addressed by the Sub-Commissions have been subject to change since the establishment of EIFAC,⁴⁵ but the current structure has remained the same since 1996. Each Sub-Commission has a Chairperson, Vice-Chairperson, Rapporteur and Technical Secretary. The Technical Secretary is a FAO staff member.

The Rules of Procedure provide for the mandate, membership, officers and reporting responsibilities of the Sub-Commission and Working Parties.⁴⁶ The establishment of subsidiary bodies is subject to the availability of funding in the Organization's budget, as determined by the FAO Director-General. The Rules of the Commission also apply to its subsidiary bodies and working parties.

There have been recurring discussions on different levels questioning the suitability of the current mandates of the Sub-Commissions and the Working Parties, in terms of their applicability to current needs and the organization of their work. For example, it has been suggested that the Sub-Commission on Aquaculture should be dissolved because aquaculture is a cross-cutting theme that could usefully be considered in all of the other Sub-Commissions.

Interestingly, at the 25th Session of EIFAC, the Commission agreed to task the Secretariat with starting the process of changing the name of the Commission from European Inland Fisheries

⁴⁴ Some attendees personally finance their attendance at EIFAC Sessions because of the value of networking, project identification and nominal backing for activities such as conferences.

⁴⁵ For example, in 1981 there were three Sub-Commissions: Fisheries Biology and Management; Fish Culture and Diseases; and Fish and Polluted Water.

⁴⁶ They empower the Commission to establish Sub-Commissions on problems of major importance and general interest, and designate the members of the subsidiary bodies who should be specialists in the relevant field. The Commission also determines the terms of reference of the Working Parties. The Sub-Commissions must report to the Commission, and Working Parties report to the Commission or Sub-Commission as directed by the Commission. Each subsidiary body and working party is to elect its own officers.

Advisory Commission to European Inland Fisheries and Aquaculture Advisory Commission within FAO. It would be constructive to address the apparently different priorities of lowering the profile of aquaculture by dispersing it throughout the various Sub-Commissions on the one hand and, on the other, raising the profile of aquaculture by including it in the Commission's designation. The process within FAO to change the Commission's name is not yet complete, leaving time for deeper thought in the context of strengthening EIFAC.

On another level, there has been some support for abolishing the various Sub-Commissions in favour of a single subsidiary body that would have project development and oversight as a function, together with clear rules defining procedures, timelines and mechanisms to ensure that high standards were met.

3.5.1 Strengths

EIFAC works through the Sub-Commissions and Working Parties with relevant institutes to attract support for the activities of Working Parties, and there have been some examples of success in this approach over the years. It constitutes a flexible approach towards carrying out the purpose and objectives of EIFAC, and does not create an extra financial burden to FAO but often to the home institutions as the Ministries "delegate" the costs.

3.5.2 Weaknesses

The role of the Sub-Commissions reflects the general reactive nature of EIFAC as first established, with a role focused on information collection and dissemination and provision of certain advice. It does not take into account the fact that EIFAC does not have a niche market: there are many other competent organizations that carry out the same type of work in relevant fields.

The strengths and weaknesses of each Sub-Commission have not been evaluated with a view to reform. In addition, the organization and mandates of the Sub-Commissions have remained the same for many years, and have not been evaluated or adapted to changing needs or perceptions.

Leadership of the Sub-Commissions has traditionally been carried out by senior scientists, but active participation in the proceedings by emerging leaders from appropriate geographical regions and related disciplines has not been effected. Constraints have included the voluntary nature of EIFAC's activities causing participants to first identify their own funding.

Criteria and/or guidelines for the work of the Sub-Commissions do not exist and although the original EIFAC Rules of Procedure are applicable, they may need review in light of any restructuring decisions.

3.5.3 Options for reform

If the Sub-Commission structure is maintained, at the very least it should be evaluated against agreed long-term objectives of EIFAC and reformed accordingly, possibly by restructuring and re-naming the Sub-Commissions to reflect current and future priorities and potentially decrease their number. In this context, for example, management could be emphasized and aquaculture could usefully be collapsed and its activities distributed among other Sub-Commissions.

In the alternative, an option that was addressed at the March, 2009 EIFAC Workshop is to transform the Sub-Commissions into a single subsidiary body that would apply a "project approach". The objective would be to avoid situations where Working Parties are created to address a specified issue, but activities or details for implementation such as objectives, criteria/terms of reference, methodologies, responsibilities, timelines, outcomes and monitoring are not necessarily specified and little or no activity ensues. A project approach would involve project design encompassing specified activities and details for implementation, and:

- would require identification of a framework for implementation, including priorities, partners, objectives, criteria/terms of reference, methodologies, responsibilities, duration and timelines, reporting, outcomes and monitoring; and
- require a full-time Secretariat to support activities relating to project design and implementation.

In either of the above cases, the Rules of Procedure would need to be reviewed, as well as the leadership and membership of the Sub-Commissions to ensure that priorities in disciplines and geography, as well as emerging leadership in the region, are reflected.

3.6 The Working Parties

Working Parties may be established by the Commission upon recommendation of the Session and the Executive Committee taking into account advice from the relevant Sub-Commission. They are standing Working Parties but come together on an *ad hoc* basis. There are currently 18 EIFAC Working Parties, as shown in Appendix B.

The criteria for the establishment of a Working Party are flexible, for example to determine whether it fulfils the goals of EIFAC as an organization or to evaluate of the possibility of its success. There are no strict rules or procedures for administration or monitoring/reporting against comprehensive criteria. The Sub-Commissions and Executive Committee have responsibility for oversight but their considerations normally only relate to establishment, approval or amendment of the terms of reference, review of progress and suspension, reinstatement or abolition.

The outcomes of the Working Parties are uneven; some are very strong and have had successful outcomes as described above in Part 1.2, but a number of others are dormant and drifting. Appendix K demonstrates such unevenness among Working Parties in the terms of reference, activities, recommendations and collaboration. In 2009, five of the 18 Working Parties had no terms of reference; only six reported activities during 2008-2009, seven Working Parties made recommendations to EIFAC Sessions between 2004 and 2008 and among all the Working Parties, there was collaboration/linkages with a total of sixteen other organizations.

Appendix L also sets out the intersessional activity of each Working Party between 2004 and 2009, based on reports of the Executive Committee. In this regard, Sub-Commissions I and IV show the most activity. Similarly, based on available publications lists, Sub-Commission I has produced the most publications, followed by Sub-Commissions III and IV.

During the Hague Workshop, Mr Gérard Castelnaud, National Correspondent and member of the Executive Committee was asked to prepare an analysis and assessment of the functioning of the different Working Parties. He indicated the lack of coordination or bridges among different Working Parties, the need for refocusing some Terms of Reference, the fact that there was no clear information on meetings or specific consultations of the Working Party.

He noted that out of 20 registered Working Parties and Liaison Groups:

- 17 were active
- 3 were in the start-up process
- 5 had terms of reference including at least one point concerning the collection and analysis of data on production of fisheries and aquaculture and stocking and cormorants;
- 4 (all part of Sub-Commission IV) include in the terms of reference the production or survey of methodologies and only one, plans to apply them; and
- many had socio-economic aspects included in their terms of reference.

Of the 17 functioning Working Parties:

- eight, at best, were functioning satisfactorily.⁴⁷
- 10 did not clearly identify membership and/or specific meetings

Mr Castelnaud also stated that definitions were needed of the scope of inland waters and a basic approach to socio-economics.⁴⁸

3.6.1 Strengths

The mechanism of Working Parties enables a range of different issues to be covered and flexibility in forming institutional partnerships.

3.6.2 Weaknesses

Processes to establish and monitor Working Parties are largely non-existent or weak and criteria/rules do not exist. There is often limited interest in joining a Working Party, particularly in the absence of identification by the convenor of a specific activity (e.g. workshop or study).

The performance of Working Parties is uneven, including failure by some to produce reports or show signs of any activity.⁴⁹ Mr Castelnaud repeatedly made proposals for strengthening, including both at Sessions and Executive Committee meetings.

3.6.3 Options for reform

One option already discussed at the Hague workshop is to create a central, subsidiary body that would develop and monitor projects. This could replace the current situation where Working Parties can be established at the request of one person.

The Executive Committee at its meeting in May, 2009 noted that Working Parties in order to be effective, must have active conveners and participants, clear terms of reference, defined outputs, and should be aware of funding issues. It recommended that a standard format be used for the reports of the Working Parties, if they are maintained. This could also serve as format for a Web site.

If the Working Party structure is maintained, criteria would need to be developed for consideration in approving their establishment and monitoring their work. Some elements which could be considered in the development of such criteria are:

- Objective of the Working Party
- Nature of the work
- Proposed terms of reference including output
- Funding and financial arrangements
- Partnerships
- Convener and team
- Methodologies

⁴⁷ They were Eels, Fish monitoring in fresh waters, Introductions and stocking, Management of sturgeon, Fish passage best practices, Crayfish, Prevention and Control of bird predation, EU Water Framework Directive and Recreational fisheries.

⁴⁸ There was a need to explain what falls within an elaborate approach of sociology and economics, and distinguish basic socio-economic indicators (population, production, turnover) from elaborate sociology and economic indicators that require the application of methods geared to these fields. This issue has been raised with the EU and is also being addressed by FAO.

⁴⁹ The underlying causes of weakness include lack of financial incentives in situations where work is undertaken on a voluntary basis in the spare time of the experts. Members should better recognize the role of EIFAC and better integrate EIFAC work into the daily work of the National Correspondent and other experts.

- Duration
- Reporting
- Timelines
- Monitoring

Strict monitoring against specific criteria is seen as crucial.

If Working Parties are not maintained and a “project” approach is taken, the above criteria may be considered, as appropriate, for application to such an approach.

3.7 Liaison Groups

Liaison groups (LGs) have been established from time to time generally to meet certain information needs. Their focus is usually subject areas or institutions. The Sessions decide to establish or dissolve them, or to convert Liaison Groups into Working Parties or vice-versa.

The 25th Session of EIFAC recommended to establish a new Liaison Group on the Ecosystem Approach to Fisheries Management. The 2009 Executive Committee meeting decided to recommend to the 26th Session that this Liaison Group be abolished because there were too many Working Parties and Liaison Groups, and not enough active people to contribute to their work.

Decisions taken in EIFAC Sessions between 2004 and 2008 relating to Liaison Groups are shown in Appendix M. During that period, it was agreed to:

- upgrade three LGs to WPs, including one that was originally a WP;
- convert one WP into a LG, and re-convert it into a WP the following Session;
- merge an LG with a WP;
- discontinue two LGs (one of which had previously been converted from a WP);
- decline to establish one LG.

There are no criteria, rules or guidelines for establishing and monitoring the outcomes of the Liaison Groups.

3.7.1 Strengths

The Liaison Groups have the potential of actively carrying out supportive tasks that advance the objectives of the work of the Commission.

3.7.2 Weaknesses

Processes to establish and monitor Liaison Groups are weak and criteria/rules do not exist. Their performance is uneven, including failure by some to produce reports or show signs of any activity.

3.7.3 Options for reform

Liaison Groups do not appear to have strict deliverables as they are established only to monitor and report developments on certain issues outside the Commission. If they are to continue, their working practices and expected deliverables should be defined.

3.8 Symposia

EIFAC’s mandate specifically includes the convening of symposia. They have been convened regularly until 2008 and focused on topics of scientific interest, as indicated by the list of EIFAC Symposia convened since 1966 shown in Appendix N. They served to highlight important issues for

inland fisheries and their outputs included recommendations and publications. They have been convened in tandem with the EIFAC Sessions and promoted both attendance and networking. Their outcomes also offered the advantage of giving EIFAC some profile and status as a scientific advisory Commission.

The recommendations of the four EIFAC Symposia held from 2002 – 2008 are described in Appendix O. The following topics were considered:

- inland fisheries management and the aquatic environment (2002);
- aquaculture development – partnership between science and producer associations (2004);
- hydropower, flood control and water abstractions: implications for fish and fisheries (2006); and
- interactions between social, economic and ecological objectives of inland commercial and recreational fisheries and aquaculture (2008).

Although a few of the recommendations made by these Symposia were EIFAC-specific, such as the development of guidelines and establishment of Working Parties, most were expressions of best practices or needed general actions and collaboration. Many recommendations suggested activities for other appropriate and responsible bodies including the development of toolboxes, a more structured approach to recreational fisheries, assessment of the future direction of European inland aquaculture, collaboration on country-wide and international compilation and sharing of databases and identify opportunities for artificial fisheries and restoration and enhancement of existing fisheries.

The recommendations were useful in providing the basis for a comprehensive wish list and guidance for future consideration, but, considering that the Symposium topic was different for each occasion, there was little opportunity for any tangible follow up and monitoring.

3.8.1 Strengths

The strengths of the Symposia have included the advancement of scientific knowledge, a positive regional profile for EIFAC and a platform for networking, liaison and identification of issues for the Commission and the Working Parties. They have also encouraged people to become involved in EIFAC and were one of the routes for recruiting many experts for Working Parties. They provide input to Working Parties, which in turn have coordinated independent symposia that have resulted in high quality proceedings.

3.8.2 Weaknesses

The recommendations are of general interest, but do not have a practical, measurable outcome. The Symposia are labour intensive and costly and therefore out of place in the current climate of downsizing and financial constraints. For these reasons FAO has decided not to convene a Symposium in 2010. The option was given, however, that the countries themselves could plan and organize a symposium with their own means.

3.8.3 Options for reform

An option for reform would be to move away from the broad-based symposia in favour of more practical working fora which could be carried out as part of a programme or on a project basis, provided the countries themselves secure funding and carry out all organizational work. For example, workshops could be convened on an in-country or sub-regional basis on the development and harmonization of policy, human capacity, data collection and exchange, training in scientific, management or other field or other similar activity in relation to current and emerging issues. Depending on the ultimate structure of EIFAC, such activities could attract funding from a range of donor organizations and assist with the implementation of related regional laws or policies, for

example water frameworks or environmental arrangements. It could also offer the opportunity of liaising with relevant institutions in the delivery of such programmes.

Other options could include the following:

- continue the symposia on a self-financing basis, including a congress fee for attendees; or
- abolish the symposia and related fora except as they may be convened on an *ad hoc* basis under specific projects.

3.9 National Correspondents

Each Member of EIFAC, except Bosnia and Herzegovina, has appointed a National Correspondent for purposes of liaison. Some difficulties have been experienced by some Members in establishing mechanisms alternative to national correspondents where their administrations had been regionalized. Another concern is whether the National Correspondents have the financial support from their host countries to participate in EIFAC activities.

EIFAC has examined the role of National Correspondents, and in 2004 recommended that they:

- must play a more active role in promoting national and international collaboration;
- should maintain a national database of fisheries institutions and scientists to enable an information flow, particularly regarding EIFAC symposia and Sessions;
- should be briefed by the Chairperson on their function, based on a duty sheet prepared by the Executive Committee; and
- should identify emerging issues in a proactive manner.

The 2006 EIFAC Session reports that National Correspondents were asked to list emerging issues of importance to member countries. The responses were to be collated, sent to the National Correspondents for information, and a synthesis prepared for the following Executive Committee meeting.

The 2008 Session reported that improved communication with EIFAC National Correspondents was being encouraged, although indicating that much still had to be done to promote their activity.

The concerns about the inactivity and lack of effectiveness of National Correspondents were addressed in the Hague Workshop, and it was concluded that they have to play a much stronger role and be better involved in EIFAC activities. In this regard, two suggestions were made:

- Preparation of a draft duty sheet on the function and duties of EIFAC National Correspondents could help to improve the functioning of EIFAC by getting better representation at the Sessions, and to enhance the flow of information between Member States and EIFAC.
- The National Correspondents should be invited to a workshop where the different options for improving the functioning of EIFAC will be presented and discussed, including a stronger involvement of the National Correspondents.

The first suggestion may not be practical because a significant part of the problem appears to be the motivation of the Members themselves to assign EIFAC a high priority by designating a senior official and actively supporting the organization. Members themselves would need to input into and agree on the detailed duties of National Correspondents for maximum effectiveness; otherwise a duty sheet would have the same effect as a wish list.

The workshop to which National Correspondents are invited will be useful, particularly where Members recognize the priority and importance of improving the functioning of EIFAC.

3.9.1 Strengths

National Correspondents provide a recognized point of contact for each Member. Their roles in supporting the organization's work "on ground", and between their countries, EIFAC and other Members are potentially significant.

3.9.2 Weaknesses

It has been recognized for some years that the National Correspondents have not effectively operated, in many cases because they were unable to do so given the lack of interest and commitment to EIFAC by their respective governments.

3.9.3 Options for reform

It is clear that liaison must be carried out with Members whatever final structure is agreed for EIFAC and assuming it will not be abolished. The role of the liaison contact, or National Correspondent, may be more or less important depending on the outcome. For example, if EIFAC were to become a body focused on project development and management, National Correspondents would have a different role/function than if it were mandated to play a more central role such as collection and dissemination of data or providing a basis for harmonized approaches (e.g. management, policy) to inland fisheries and aquaculture.

An option for reform is to formally seek information from the National Correspondents and their countries identifying constraints they may have in effectively performing duties for EIFAC, and requesting suggestions on solutions to overcome the constraints. The information could be based on an indicative role for National Correspondents as defined by the EIFAC Sessions noted above in this section.

Because it is the Members themselves, and not only the National Correspondents who contribute to EIFAC operations, the issue should be elaborated for review and decision by the Members during an EIFAC Session, mindful of recommended options for EIFAC strengthening. As appropriate and based on the information provided by the National Correspondents as described above, Members could be encouraged to revise appointments or commit to specified duties.

3.10 Partners

Current EIFAC Partners are shown in Appendix A. Liaison groups are established from time to time to enhance partnerships, otherwise the partnerships operate mainly in connection with the activities of Working Parties, workshops and symposia.

There does not appear to be a process that accords official partnership status in EIFAC or any formal strategy that encourages partnership with specific partners or classes of partners, such as industry, IGOs, NGOs, and donor agencies.

The issue is instead approached on an *ad hoc* basis as the need arises. For example, the 2005 meeting of the Executive Committee recommended to:

- define terms of reference for a mission to the EU to begin dialogue on enhanced collaboration;
- contact European Anglers Alliance (EAA) on its potential inputs to the drafting process of the EIFAC Code of Conduct for Responsible Recreational Fisheries; and
- compile a list of issues for dialogue with partners dealing with conservation issues, e.g. Ramsar, IUCN, Wetlands International, and the Convention on Biological Diversity with a view to prepare a discussion document for use by the Chairperson on his visit to Gland.

It takes time and effort to develop and maintain partnerships, and although EIFAC has undertaken some good initiatives, *inter alia* through the Liaison Group mechanism, it would be difficult to methodically expand such initiatives under the current structure due to the limited human and financial resources.

3.10.1 Strengths

Partnerships serve to enhance EIFAC's outcomes, impact and profile, and to facilitate a continuation of the work undertaken. In this regard, some of the partnerships have made positive contributions to EIFAC.

3.10.2 Weaknesses

The actual range of partners is relatively narrow, and but, as addressed from time to time in the Executive Committee and plenary Sessions, greater potential exists for partnerships with donor organizations and NGOs. A strengthened EIFAC would likely attract more partners willing to invest human and financial resources into a renewed organization.

3.10.3 Options for reform

Whatever structure is agreed for EIFAC, it would reflect the best practice of RFBs to integrate clear processes for the identification and conclusion of potential partnerships. Many RFBs have entered into formal agreements, such as Memoranda of Understanding, with other organizations and partners that set out respective rights, duties and benefits.

Identification and conclusion of partnerships would be facilitated if EIFAC were to adopt a medium-term strategy identifying key areas and activities of endeavour. Otherwise, the time and resources expended on seeking shorter-term partnerships on an *ad hoc* basis could be counter productive.

Whether EIFAC chooses to operate on the basis of projects or longer term programmes/strategies, consideration should be given to processes or rules that require identification of partners and formation of partnerships in given circumstances. For example, the information could be submitted for project development and approval.

Guidelines for partnerships could be adopted by the Commission.

3.11 Rules of Procedure

The Rules of Procedure adopted in 1960 were slightly amended in 1998, and the current Rules are shown in Appendix P. The 1998 amendments entailed changes only to Rule IX, Subsidiary Bodies, and focused on the procedures for appointment of the Working Parties.⁵⁰ It has been acknowledged that the Rules need to be updated and strengthened.

The Rules of Procedure are described above in this Part under applicable headings and address the following areas:

⁵⁰ Previously, the Commission had authority to "establish working parties for the study of problems of a more specialized nature (than discussed in sub-commissions)" and to recommend to the FAO Director-General "the convening of ad hoc meetings to study problems of a specialized nature that could not fruitfully be discussed during the normal sessions of the Commission." This process seems confusing, because the Commission could establish working parties, but had to recommend to the Director-General that ad hoc meetings be convened to consider problems that could not be addressed in Commission. Although a sub-commission could also request the Commission to establish working parties, there was no clear interface with discussion of problems within the broader sub-commission. The specific changes were made to Rule IX, paragraphs 1 and 4.

- Membership
- Officers
- Executive Committee
- Sessions
- Agenda
- Voting and Procedures
- Observers
- Records and Reports
- Subsidiary Bodies
- Expenses
- Languages
- Amendment and Suspension of Rules

The areas addressed and content are typical of the Rules of other FAO Article VI RFBs, such as those adopted in 2005 for SWIOFC. There are some minor differences in the content, but on the whole the framework and content has not changed since the original EIFAC Rules of Procedure were adopted over forty years ago.

The Rules of Procedure of Article XIV RFBs and NACA as an IGO have some commonalities with the above list and with each other, as shown in Appendix Q. Otherwise they are more comprehensive and refer to additional areas such as definitions, credentials, functions of the Chairperson and Vice-Chairperson, budget and finance, reports and recommendations, recommendations to members, cooperative projects and the Secretariat. There are more extensive rules on voting and procedures and committees. They show current best practices and Rules of some Article XIV bodies and an IGO⁵¹ are detailed in Appendix R. The framework is as follows:

- Definitions
- Session
- Credentials
- Agenda
- Election of Chairperson and other officers
- Functions of the Chairperson and Vice-Chairperson
- Plenary Meetings of the Commission
- Voting Arrangements and Procedures
- Committees, including Subsidiary Committees and Working Groups
- Participation by observers
- Budget and Finance
- Reports and Recommendations
- Recommendations to Members
- Cooperative Projects
- Secretariat

3.11.1 Strengths

The Rules of Procedure as they stand provide an adequate, but not a comprehensive, framework for the functioning of EIFAC.

⁵¹ APFIC, GFCM, NACA.

3.11.2 Weaknesses

As noted under various headings above in this Part, the Rules of Procedure need strengthening in a number of areas, including the Executive Committee and Working Parties, if the latter is to be maintained. Current best practices need to be followed.

Some decisions that are taken at some plenary Sessions (e.g. under “other matters”) would benefit from the opportunity of Members to review their implications in advance of the Session. A review is needed of the rules of procedure to address this and other decision-making procedures to ensure that informed decisions are taken to the greatest extent possible.

3.11.3 Options for reform

The current Rules of Procedure will require review and strengthening whatever structure is agreed for EIFAC. They will ultimately have to reflect the type of organization and activities agreed upon, and can draw upon best practices from other organizations.

Comments made in relation to the Rules of Procedure above, including those made in relation to the Commission, Membership, Executive Committee, Sub-Commissions and Working Parties should be taken into account in reviewing and revising the Rules of Procedure. In particular, decision-making rules and procedures should be reviewed to ensure that informed decisions are taken to the greatest extent possible.

3.12 Financial Regulations and budget

As a FAO Article VI body, EIFAC must apply FAO financial regulations, and does not have a budget. Even if extrabudgetary funds were provided under a trust fund, they would be subject to FAO costs and financial regulations.

Expenses in relation to the Sessions, the Secretariat (including some other human resources such as secretarial support) are covered by the FAO Department of Fisheries and Aquaculture. Other costs that FAO covers include travel of FAO staff, publications and translation. Participation of members in meetings is not covered by FAO. Financing may be partly covered by extra-budgetary support, if available.⁵²

The EIFAC Rules of Procedure⁵³ provide that the expenses of the representatives of Members and observers must be borne by their respective governments or organizations. FAO will be responsible for the expense of experts invited by the Director-General to attend Sessions or meetings in their individual capacity, and any financial operations relating to the Commission and its subsidiary bodies are to be governed by the FAO Financial Regulations. These provisions are standard for FAO Article VI bodies.⁵⁴

⁵² See FAO, Committee on Constitutional and Legal Matters (CCLM) (88th Session) Rome, 23–25 September 2009, *Preliminary Review of Statutory Bodies with a view to allowing them to Exercise Greater Financial and Administrative Authority while remaining within the Framework of FAO*, CCLM 88/3.

⁵³ Rule X. Expenses.

1. Expenses incurred by representatives of Members of the Commission, their alternates and advisers, when attending sessions of the Commission, Executive Committee, sub-commissions, *ad hoc* working parties, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations.
2. Expenses of experts invited by the Director-General of the Organization to attend sessions or meetings in their individual capacity shall be borne by the Organization.
3. Any financial operations relating to the Commission and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Regulations of the Organization.

⁵⁴ They are the same for CIFA and SWIOFC.

In FAO Article XIV bodies, Members have contractual obligations and three financing possibilities exist: as for Article VI body; the body may undertake cooperative projects financed by members; and the body may have an autonomous budget.

FAO Article XIV bodies and IGOs have provisions in their Conventions and financial regulations that provide for expenses, budget and finance. Those for FAO bodies generally provide, in relation to expense, that:

- the expenses of the Secretariat , when performing Commission duties between Sessions, are paid from the Commission's budget;
- research and development projects undertaken by individual Members of the Commission are paid by Members concerned;
- expenses incurred in connection with cooperative research or development projects are paid by Members in the form to which they mutually agree, and contributions for such projects are paid into a FAO trust fund.
- the Commission pays the expenses of experts invited to attend meetings of the Commission, committees or working parties in their individual capacity;
- the Commission may accept voluntary contributions to be paid into a FAO trust fund and administered in accordance with FAO Financial Regulations and Rules.

In relation to the administrative budget, FAO Article XIV bodies take slightly different approaches. Generally, estimates for expenditures are submitted to the Commission for approval and then to the FAO Director-General for approval by Conference. Budgets for the proposed expenses of the Secretariat include publications, communications and travel of specified officers (being FAO staff) of the Commission.

IGOs budgets provide for adoption by the Commission, timelines, expenses (e.g. salaries, stationery, printing and postage, cost of meetings, contributions from Members, auditors fees, other substantial items). A Finance and Administration Committee may review the budget, and adopt it usually by a 2/3 majority of the members present. Approval of unforeseen and extraordinary expenses necessary for the good conduct of the business is provided, and a cap is normally included for such expenses.

3.12.1 Strengths

Funds for EIFAC are provided in accordance with FAO policies, plans and priorities and are administered in accordance with FAO financial regulations.

3.12.2 Weaknesses

The Commission has no control over the level of funding provided by FAO. It currently has no extra-budgetary resources, but there is a potential need for such funds to support future activities given the FAO position that there will be no increase, and possibly a decrease, in its financial support of EIFAC.

3.12.3 Options for reform

As noted above, as a FAO Article VI body EIFAC is subject to FAO financial regulations, and reform is therefore not an issue. However, if it is decided to seek extrabudgetary funding, development of a budget should be considered.

Development of financial regulations along the lines outlined above will be necessary if EIFAC transforms into a FAO Article XIV body, as well as development of a budget.

3.13 Conclusions and potential reforms for consideration

Options for considering potential reforms were provided for each of the institutional and procedural elements of EIFAC governance addressed in this Part. They are synergistic and complementary to the extent possible, and should be reviewed in the context of the broader functioning of EIFAC.

Some hard decisions will have to be considered and relevant actions taken in the reform and strengthening process, such as:

- updating the mandate and functions of the Commission;
- updating membership and improving representation;
- identifying sustainable funding for the Secretariat;
- assigning a more proactive role to the Executive Committee;
- elaborating rules of procedure for relevant subsidiary bodies and activities;
- significantly reforming the sub-commissions and their work, possibly by dissolving or restructuring some or all of them into a single subsidiary body, proactively appointing new representative officers and participants;
- significantly reforming or abolishing the Working Parties, Liaison Groups and National Correspondents and develop criteria for their establishment and rules of procedure for their activities;
- identifying potential funding and financial arrangements;
- abolishing or adjusting the mandate to convene symposia;
- identifying robust and sustainable partnerships; and
- developing relevant rules of procedure and financial regulations as necessary.

Whether or not the Commission changes from its current Article VI status under the FAO Convention, the above reforms will need to be addressed to adapt the Commission to current needs and consequently promote greater impact, effectiveness and visibility of its work.

4. OPTIONS

Options for the long-term improvement of EIFAC are proposed below, including their legal, structural, financial and administrative implications.

4.1 EIFAC should continue as a Regional Fisheries Body under Article VI of the FAO Constitution but with an improved structure and improved “Rules of Procedures” taking into account a “0”-growth budget scenario (compared to present status)

Article VI of the FAO Constitution governs the establishment of commissions, committees, conferences, working parties and consultations. Processes and components for their establishment are described in section 1.4.1 above.

This option would allow EIFAC to continue as a FAO Article VI body, but with an improved structure and Rules of Procedure. It would take into account a “0” growth budget scenario compared to the present status.

EIFAC does not have a budget, so the implication of “0” growth is that the current level of financial support to the Secretariat and for holding the Sessions would be maintained taking account of inflation and the maintenance of existing activities, but without an increase in funding or growth in activities. Given the Position Statement of the Department of Fisheries and Aquaculture described above in section 2.3, it would appear that the present status of EIFAC is in fact a “0” growth budget scenario as far as FAO contributions are concerned.

It is assumed, however, that the seeking of extrabudgetary funding to be administered through a FAO trust fund or otherwise according to FAO Financial Regulations is not ruled out in this option.

Reforms to EIFAC that could be addressed under this option could include

- amending and modernizing the Statutes of EIFAC, including modernization of its mandate and functions;
- restructuring and adopting new Rules of Procedure to govern subsidiary bodies; and
- agreement to seek extrabudgetary funding and establish a trust fund.

Agreed reforms, together with priority programmes, monitoring mechanisms, identification of sustainable funding avenues, budget and timelines, could be included in a medium-term strategy and work programme for consideration and adoption by the Commission.

4.1.1 Legal Implications

If it is agreed to keep EIFAC as an Article VI body but modernize its mandate and functions, this would involve approval through EIFAC, the FAO Process⁵⁵ and Council to amend the current Statutes, including the mandate and functions.

An example of such action by another FAO Article VI body is WECAFC's agreement in 2005 to revise the text of its 1973 Statutes, including updated mandate and functions. The general framework of the 2006 WECAFC Statute approved by Council may serve as precedent, and sets out the following.

1. General Objective of the Commission
2. General Principles
3. Area of Competence
4. Species
5. Membership
6. Functions of the Commission
7. Institutions
8. Reporting
9. Observers
10. Rules of Procedure
11. Cooperation with International Organizations

The current EIFAC mandate should be reviewed, streamlined and modernized. The following functions and responsibilities generally applicable to both inland (including transboundary) and marine fisheries are extracted from a broader list in current WECAFC Statutes, and serve as an example of what may be considered for EIFAC:

- contribute to improved governance through institutional arrangements that encourage cooperation amongst members;
- assist its members in implementing relevant international fisheries instruments, in particular the FAO Code of Conduct for Responsible Fisheries;
- promote, coordinate and, as appropriate, undertake the collection, exchange and dissemination of statistical, biological, environmental and socio-economic data and other marine fishery information as well as its analysis or study;
- promote, coordinate and, as appropriate, strengthen the development of institutional capacity and human resources, particularly through education, training and extension activities in the areas of competence of the Commission;

⁵⁵ This would include the Committee on Constitutional and Legal Matters.

- promote and facilitate harmonizing of relevant national laws and regulations, and compatibility of conservation and management measures
- assist its Members in and facilitate, as appropriate and upon their request, the conservation, management and development of transboundary and straddling stocks under their respective national jurisdictions;
- seek funds and other resources to ensure the long-term operations of the Commission and establish, as appropriate, a trust fund for voluntary contributions to this end;
- serve as a conduit of independent funding to its members for initiatives related to conservation, management and development of the living resources in the area of competence of the Commission.

If restructuring is to be undertaken, new Rules of Procedure will need to be developed for subsidiary bodies. These must be in conformity the Rules of Procedure of EIFAC and the FAO General Rules, and approved by the Director-General on the authority of FAO Council.

Subject to decisions relating to financial matters, provisions regulating these matters may need to be adopted either in a revised Statute or by other means. They would be under the control of FAO

If formal partnerships between EIFAC and other organizations are contemplated, consideration should be given to entering into memoranda of understanding or other agreement with appropriate partners regarding the nature, duties, obligations and benefits involved.

4.1.2 Structural Implications

Subsidiary bodies could be restructured under this option, or new ones created, based on the outcomes of EIFAC decisions relating to components of the existing structure, an agreed aim or mission statement and any new functions that may be identified.

4.1.3 Financial Implications

The Secretariat and meeting costs of Article VI bodies are financed by the regular programme and by extrabudgetary funding when available. This does not include the technical activities of the body. FAO can accept financial contributions under the Regular Programme by setting up a trust fund⁵⁶ or without setting up a trust fund for an amount not exceeding USD200,000.⁵⁷

The FAO Fisheries and Aquaculture Department has made it clear that it will not be providing financial support additional to that currently provided, and has suggested that sustainable sources of funding be identified.

Subject to restructuring decisions, it is highly likely that additional revenue will be required and the means for seeking and regulating such financing will need to be identified. It could be sought by a consortium of experts, by raising seed funding for further project development or other means, and regulation could be through a FAO trust fund or accepting lower contributions without trust funds.

The financial aspects of this type of body would continue to be controlled by FAO rules and procedures. Trust funds could be established along the lines of those referenced in the revised WECAFC Statute.

⁵⁶ FAO charges 13% overhead on monies deposited into trust fund accounts.

⁵⁷ FAO Administrative circular N.2007/14. It applies to extra-budgetary contributions in direct support or in reimbursement of Regular Programme funded normative activities

4.1.4 Administrative Implications

The administrative implications would depend upon whether and how there is a decision to restructure EIFAC as an Article VI body. It is highly likely that substantially more time and human resources would be needed for administration, particularly if it involves oversight of the reforms.

In contrast, the estimated time required for a Secretary during the start-up years of the Central Asian and Caucasus Regional Fisheries and Aquaculture body is 20% of full time. This only involves start-up, a situation much different from a 34-Member body with a web of subsidiary bodies and activities. Until 2002, the recognized time required for the Secretary was six months, equal to 60% of his working time at FAO.

If it is decided to streamline and simplify EIFAC with a few key priority programmes and activities, the administrative burden would be reasonable and, depending on the agreed structure, could be handled by a Secretary that is full time or as close to full time as appropriate, the services of a technical assistant as needed and secretarial support. If it is decided to focus on a project/programme approach, the transaction costs and time for project development and fundraising could be significant.

4.2 EIFAC should be converted into a Regional Fisheries Body under Article XIV of the FAO Constitution with a “0”-growth budget scenario (compared to present status)

Article XIV of the FAO Constitution governs the establishment of Conventions and Agreements. Requirements for their content and the process for their establishment are described in section 1.4.2 above. They must be adopted by Conference, by a two-thirds majority of the votes cast, and are then submitted to Member Nations for their acceptance.⁵⁸ The instrument will provide the number of acceptances required for entry into force, and it may be difficult to estimate how long this may take.

This option would require the conversion of EIFAC into a FAO Article XIV body at a “0” growth budget scenario, compared to present status. By implication, and considering that option 4.3 refers to an autonomous budget, this option would not involve the establishment of an autonomous budget. It could allow EIFAC to receive extra-budgetary funds in the same manner as an Article VI body.

Reforms to EIFAC that could be addressed under this option could include:

- dissolution of EIFAC as an Article VI body⁵⁹ and establishment of EIFAC as an Article XIV body;
- agreement on the objectives, function and mandate of EIFAC;
- restructuring and adopting new Rules of Procedure to govern subsidiary bodies; and
- providing for extra-budgetary funds to be received for administration through a FAO Trust Fund or other manner consistent with FAO Regulations.

Similar to possible actions to be taken as an Article VI body, agreed reforms, together with priority programmes, monitoring mechanisms, identification of sustainable funding avenues, budget and timelines, could be included in a medium-term strategy and work programme for consideration and adoption by the Commission.

This option would require significantly more time and effort than re-structuring as an Article VI body, especially considering the processes required to dissolve one organization and establish another, with little or no apparent financial or administrative advantage.

⁵⁸ This could take the form of signature, ratification, acceptance or other as designated in the relevant instrument.

⁵⁹ These procedures were followed, for example, by the Indian Ocean Fisheries Commission when it was transformed into the Indian Ocean Tuna Commission.

4.2.1 Legal Implications

The transformation of a FAO Article VI body to an Article XIV body is not a simple morphology from one to another but requires a dissolution of the first and establishment of the second. This is what happened to the forerunners of RECOFI, SWIOFC and IOTC. The general rule is that the authority that establishes a body is the one that dissolves the same, so the FAO Council would have to agree to dissolve the Article VI body.

A FAO technical or inter-governmental meeting would need to be held to develop and agree on a draft Convention, which would then be moved through FAO internal processes including the Committee on Constitutional and Legal Matters. Conference or Council would have to approve the Article XIV body, which would then be open for acceptance by Parties. It would enter into force after the required number of acceptances is received from Parties.⁶⁰

In establishing an Article XIV body, the terms of an Agreement could include the following elements.

- The Commission/Membership
- Organization
- Objectives and Functions
- Area
- Recommendations on Development and Management Measures
- Reports
- Committees, Working Groups and Specialists
- Cooperation with International Organizations
- Finances
- Expenses
- Administration
- Amendments
- Acceptance
- Entry into Force
- Withdrawal
- Interpretation and Settlement of Disputes
- Termination
- Certification and Registration

The 2009 Central Asian and Caucasus Regional Fisheries Agreement establishes a regional body with a mandate over inland fisheries and incorporates the above framework. It also provides for termination if the membership falls beneath three parties.⁶¹

New Rules of Procedure, reflecting those used by other FAO Article XIV bodies, would have to be developed as described in section 3.11, above.

Similar to Article VI bodies, if formal partnerships between EIFAC and other organizations are contemplated, consideration should be given to entering into memoranda of understanding or other agreement with appropriate partners regarding the nature, duties, obligations and benefits involved.

⁶⁰ Acceptance would take the form designated in the Agreement, which can be signature and ratification, or acceptance for instruments that have already entered into force.

⁶¹ Article XVII of the Central Asian and Caucasus Agreement provides for automatic termination if membership falls below three.

4.2.2 Structural Implications

Subsidiary bodies could be restructured under this option in the same manner as for Article VI bodies, as described in section 4.1.2 above. The structural implications will depend upon the agreed functions, mandate and budget of the Commission.

The subsidiary bodies of FAO Article XIV RFBs are each structured differently according to their membership, functions and mandates, but they usually have in common a steering or executive committee to, *inter alia*, review and take decisions or make recommendations on matters relating to administration, budget, finance, strategies and other relevant topics.

4.2.3 Financial Implications

FAO Article XIV bodies are functionally autonomous within the framework of FAO and may be financially autonomous. In this option, EIFAC would not be financially autonomous and there would be no contribution by Members. However, a budget would need to be established and administered in accordance with the establishing instrument and financial regulations of FAO.

Similar to Article VI bodies, FAO can accept financial contributions under the Regular Programme by setting up a trust funds for any amount or without setting up a trust fund for an amount not exceeding USD200,000.⁶²

Plans for sourcing extrabudgetary funding could form part of a medium-term strategy and could include, as appropriate, identifying priorities for programmes or projects and potential donors such as entering into the EU aid framework programme to build partnerships within EIFAC. Similar to the situation under an Article VI body described above, it may be useful to consider addressing this issue through a consortium of experts and subsequent exploratory contacts with donors, and depending on the outcomes possibly followed by a forum to which potential donors are invited.

4.2.4 Administrative Implications

Administrative implications would be the same as, or similar to those for an Article VI body. If it is decided to streamline and simplify EIFAC with a few key priority programmes and activities, the administrative burden would be reasonable and, depending on the agreed structure, could be handled by a Secretary that is full time or as close to full time as appropriate, the services of a technical assistant as needed and secretarial support. If it is decided to focus on a project/programme approach, the transaction costs and time for project development and fundraising could be significant.

4.3 EIFAC should be converted into a Regional Fisheries Body under Article XIV of the FAO Constitution with an independent budget provided by the members of EIFAC for the staffing (minimum one full-time Executive Secretary, one Technical Assistant and one person for secretarial support) and for operating

Reforms to EIFAC that could be addressed under this option could include

- dissolution of EIFAC as an Article VI body⁶³ and establishment of EIFAC as an Article XIV body;

⁶² APFIC reports that its Members can contribute to the work of the Commission through *ad hoc* extra budgetary funding. For amounts not exceeding US\$200 000, all that is required is a Letter of Agreement (LOA) with annexed a simplified project document. There are no project support costs involved as these funds are treated as a direct reimbursement of FAO regular activities. This implies also that there will be no financial reporting. For amounts exceeding US\$200 000, funds will be placed under a trust fund and liable to the project servicing costs rate which applies (13 percent) to reimburse additional burden placed on FAO technical and administrative units.

- agreement on the objectives, function and mandate of EIFAC;
- agreement on members' contributions to an autonomous budget;
- restructuring and adopting new Rules of Procedure to govern subsidiary bodies; and
- providing for an autonomous budget and appropriate regulatory provisions.

Similar to possible actions to be taken as an Article VI body, agreed reforms, together with priority programmes, monitoring mechanisms, identification of sustainable funding avenues, budget and timelines, could be included in a medium-term strategy and work programme for consideration and adoption by the Commission.

4.3.1 Legal Implications

The legal implications would be identical to those described in section 4.2.1, except that financial regulations would be needed for the autonomous budget.

4.3.2 Structural Implications

Subsidiary bodies could be restructured under this option in the same manner as for Article VI and other Article XIV bodies, as described in sections 4.1.2 and 4.2.2 above. The structural implications will depend upon the agreed functions, mandate and budget of the Commission.

As noted in section 4.2.2 above, the subsidiary bodies of FAO Article XIV RFBs are each structured differently according to their membership, functions and mandates, but they usually have in common a steering or executive committee to, *inter alia*, review and take decisions or make recommendations on matters relating to administration, budget, finance, strategies and other relevant topics.

4.3.3 Financial Implications

In this option, an autonomous budget would be established. A key issue for Members to determine is the level and components of contributions for an autonomous budget. Examples of formulae for members' contributions is attached in Appendix S; elements consist of wealth, a production component⁶⁴ and membership. A clear financial strategy would need to be developed that identifies the level of funds required, the contributions by members, sources of revenue and expenses.

Similar to the previous options considered, FAO can accept financial contributions under the Regular Programme by setting up a trust funds or without setting up a trust fund for an amount not exceeding USD200,000.

Concerns regarding the establishment of an autonomous budget were raised during the process to establish the Central Asia and Caucasus body, and some approaches were agreed that could be of interest to EIFAC in the context of restructuring and the scarce resources of its Eastern European Members. They included:⁶⁵

- *Autonomous budget.* Recognizing the importance for the future Commission of a proper autonomous budget and a budget for implementation of the work programme, the delegations requested the FAO Secretariat to give its guidance on these matters. In response, an autonomous budget of the Commission of 150 000 USD per year was considered by the FAO Secretariat as the

⁶³ These procedures were followed, for example, by the Indian Ocean Fisheries Commission when it was transformed into the Indian Ocean Tuna Commission.

⁶⁴ This has been agreed by the Steering Committee establishing CACFAC, an inland fisheries body.

⁶⁵ FAO. Report of the Second Intergovernmental Meeting on the Establishment of Central Asian and Caucasus Regional Fisheries Organization, Trabzon, Turkey, 3 - 5 June 2009. *FAO Fisheries and Aquaculture Report*. No. 912. Rome, FAO. 2009. Advance copy.

absolute minimum.⁶⁶ It was agreed that the expenses relating to the attendance of one representative per country at annual Sessions of the commission will be covered by the budget of the Commission.

- *Assessment for financial contributions.* The calculation of the financial contributions of the Parties to the Agreement will be based on the following elements: a Wealth component based on GDP per capita, a production component based on inland fisheries and aquaculture production volumes and a base fee (the latter being equal for every party to the Agreement).
- *Facilitation of participation of the Parties in the Sessions of the Commission by including the expenses of participation of one delegate or his alternate in the annual contributions to the Commission.* Article X (Expenses) of the Agreement, enables the coverage of the expenses of delegates to attend the annual Session of the Commission under the budget of the Commission. This would imply that the absolute minimum autonomous yearly budget of the Commission would increase by some 15 to 20 000 USD.
- *Start-up financial contributions.* Some financial contributions would be made by the recently approved Central Asia Regional Programme for Fisheries and Aquaculture Development (FishDev-Central Asia), which is part of FAO – Turkey Partnership Programme, for the organization of the necessary Steering Committee meetings in support of the establishment process of the Commission.

Plans for sourcing extrabudgetary funding should form part of a medium-term strategy and could include, as appropriate, identifying priorities for programmes or projects and potential donors such as entering into the EU aid framework programme to build partnerships within EIFAC. Similar to other options, it may be useful to consider addressing this issue through a consortium of experts and subsequent exploratory contacts with donors, and depending on the outcomes possibly followed by a forum to which potential donors are invited.

4.3.4 Administrative Implications

An Article XIV body would require the budget holder to discharge its duties under the FAO Financial Regulations, and administrative arrangements would need to be made accordingly.

4.4 EIFAC should be converted into a Regional Fisheries Body under Article XV of the FAO Constitution

Article XV of the FAO Constitution governs the establishment of Agreements between the Organization and Member Nations. FAO is a signatory to such Agreements, on the same basis as its Members.

There is no legal precedent of a fisheries organization being established under this authority. It appears that FAO Article XV bodies should have a mandate and function of a universal nature because they must be considered and voted upon twice by Conference: before negotiation and before the Director-General signs such Agreements.

Before Article XV bodies are negotiated, a policy decision must be taken by the Conference by a two-thirds majority of the votes cast, that the Director-General may negotiate and enter into such

⁶⁶ The Secretariat noted also that this minimum budget would be sufficient only for the time when FAO provides for the (part-time -20 percent of a full-time job) Secretary function through an in-kind contribution from FAO to the Commission. The Secretariat informed the meeting that this would only be a short-term arrangement for a maximum of five years, after which a full-time Secretary should be financed from the autonomous budget of the Commission.

agreements with Member Nations. The signature of such agreements by the Director-General is also subject to the prior approval of the Conference or Council by a two-thirds majority of the votes cast.

On a policy level, it is not expected that FAO would wish to justify why it would want to be a member of EIFAC as an Article XV body in view of the 2009 Position Statement of the FAO Fisheries and Aquaculture Department described in section 2.3 above and the accepted role of FAO with respect to Article VI and XIV RFBs.

In addition, the implementation of this option would be very complex because of the need to dissolve EIFAC as it currently exists and go twice to Conference on the matter, securing the support of two-thirds of the FAO membership each time. EIFAC Members would also need to accept the instrument in accordance with their national constitutional processes. The benefits of this option are unclear, and the FAO Legal Office has indicated that this would not be a viable option.

4.4.1 Legal Implications

As described above, the legal process to establish EIFAC as an Article XV body would be complex and lengthy. FAO would be a member of EIFAC rather than host.

4.4.2 Structural Implications

The structure of EIFAC would need to accommodate FAO as a member, but otherwise the establishing instrument would determine the structure, including subsidiary bodies.

4.4.3 Financial Implications

This option does not appear to offer FAO financial support, otherwise than as a member of the organization, unless the agreed convention specifies otherwise.

4.4.4 Administrative Implications

The administrative implications would depend on the terms negotiated in the instrument.

4.5 EIFAC should be converted into an Independent Intergovernmental Organization with an independent budget

As noted above in section 1.4.4, IGOs are established by an independent international instrument, such as a treaty or agreement. They have international personality, an autonomous budget from assessed contributions and donor support and are primarily, but not necessarily, oriented towards fisheries *management*.

It was also noted that FAO facilitated the establishment of NACA and SIOFA, and NACA was described in greater detail because it serves as a model for a network-based type of IGO that addresses inland aquaculture issues which could be appropriate for EIFAC purposes. SIOFA, which was signed in 2006 and has not yet entered into force, provides a slightly different example of an IGO that has a secretariat and subsidiary bodies but is not a network.

Many RFMOs have also been established without facilitation by FAO, but the establishment process and framework are generally similar. There must first be agreement to hold negotiations on the instrument, based on a perceived need by countries for such an organization and recognition of potential benefits from membership. They would also need to commit financial and human resources to the negotiating process. Such a process can involve several meetings over a few years, although the Central Asia and Caucasus Organization was agreed relatively quickly, within one year.

According to the terms of the instrument, a conference of plenipotentiaries would be convened for signature and ratification by the agreed number of parties must take place before it enters into force. The members would then be responsible for financially sustaining the organization.

4.5.1 Legal Implications

EIFAC would have to be dissolved by FAO Council at an acceptable time, and the elements and substance of a Convention establishing the IGO agreed. Some of the relevant elements in the framework of the 2006 South Indian Ocean Fisheries Agreement that would be applicable to an IGO to succeed EIFAC are shown below. They are standard headings in the Conventions of many independent RFBs.

- Definitions
- Objectives
- Area of application
- General principles
- Meeting of the parties
- Functions of the meeting of the parties
- Subsidiary bodies
- Decision making
- Secretariat
- Contracting party duties
- Special requirements of developing States
- Transparency
- Cooperation with other organizations
- Good faith and abuse of right
- Interpretation and settlement of disputes
- Amendments
- Signature ratification, acceptance and approval
- Accession
- Entry into force
- The Depositary
- Withdrawal
- Termination
- Reservations

They are very similar to the model framework provided for an Article XIV body, above, but have additional provisions on a Secretariat, contracting party duties, transparency, special requirements of developing States and good faith and abuse of right and are not bound by the standard FAO reports, finance and expenses regulations of Article XIV bodies.

A headquarters agreement with the host country would be necessary, including provision of diplomatic status as appropriate. The organization would be responsible for implementing any requirements relating to employment, such as work permits, medical insurance and other staff benefits.

4.5.2 Structural Implications

Subsidiary bodies could be structured as agreed in the convention establishing the IGO.

4.5.3 Financial Implications

The IGO would be financially responsible for its entire operation. The FAO overhead charged for moneys deposited into trust funds would not be applicable.

4.5.4 Administrative Implications

Administration demands would be higher for an IGO than for a body established under the FAO Convention because there would be no accommodation, technical, secretarial or other support.

4.6 EIFAC should be abolished because the countries do not see a need any longer to maintain it because of marginal benefit to the countries

The option to abolish EIFAC could be considered by the EIFAC Commission, taking into account the current benefits to the countries. Criteria for determining whether the benefits are too marginal to justify continued existence such a decision could involve resource, social, economic, environmental and other benefits, as well as benefits on a geographical basis.

The decision should also take into account the potential benefits of a strengthened or restructured EIFAC, as well as the general international climate of fisheries governance through RFBs.

4.6.1 Legal Implications

The FAO Council would legally dissolve EIFAC. EIFAC does not appear to have any other legal obligations, such as separate agreements with other institutions, that would need to be legally terminated.

4.6.2 Structural Implications

There would be no structural implications.

4.6.3 Financial Implications

There would be minimal financial implications, given the existing level of support. FAO would redirect funds used for EIFAC purposes to other uses.

4.6.4 Administrative Implications

There would be no administrative implications except for guiding the process to wind down the organization.

5. CONCLUSIONS

The need for EIFAC reform has been acknowledged continuously since 1992, yet the development and adoption of a medium-term strategy recommended in 1994 has not yet occurred. It may either be too late, or an appropriate time to revisit this recommendation. EIFAC Members have recognized that it cannot continue in its existing form.

It is clear that EIFAC's Members are sensitive to its weaknesses and potential strengths, as well as to the changed circumstances since its establishment 50 years ago. It is now essential to address and resolve key issues at the Workshop to be organized for the EIFAC National Correspondents in Mainz in January 2010 and at the 26th Session in May 2010.

Decisions relating to the existing legal, institutional, financial and administrative arrangements must be taken and options for reform considered, as described in Part 3 of this document and summarized

in section 3.13. This can inform the ultimate nature of the organization as a body within or outside FAO, or whether it should be abolished as described in Part 4.

One line of recent thinking is to transform EIFAC into an organization that operates on a project basis. Other options may be identified at the Workshop and Session. Some key considerations that will need to be taken are set out below.

1. The Members' views of their needs and potential benefits of EIFAC activities in relation to key aspects of inland fisheries and aquaculture, such as:

- management
- policy
- scientific
- legal
- economic
- social
- recreational
- environmental

2. The Members' views of their needs and potential benefits of EIFAC activities in relation to key actions, such as:

- regional, sub-regional or bilateral cooperation
- project/programme development and implementation
- human and institutional capacity development
- forging well defined partnerships
- research
- publications
- awareness raising

3. The extent of the Members' willingness to contribute human and financial resources to EIFAC.

4. Consideration of the options for reform of existing EIFAC structures and rules described in Part 3.

5. Consideration of the options for reform of EIFAC as a body under or outside the FAO Convention described in Part 4.

The process to consider reform and renewal of EIFAC mirrors similar activities in many other RFBs on a global basis. This trend points to the widespread awareness of the need for strengthened fisheries governance by RFBs in a climate of resource depletion, accelerated environmental deterioration and financial constraints. For EIFAC, adaptation to current circumstances and addressing the needs of its members through strengthening and reform would be a positive step towards contributing to fisheries governance and enhancing fisheries sustainability among its Members.

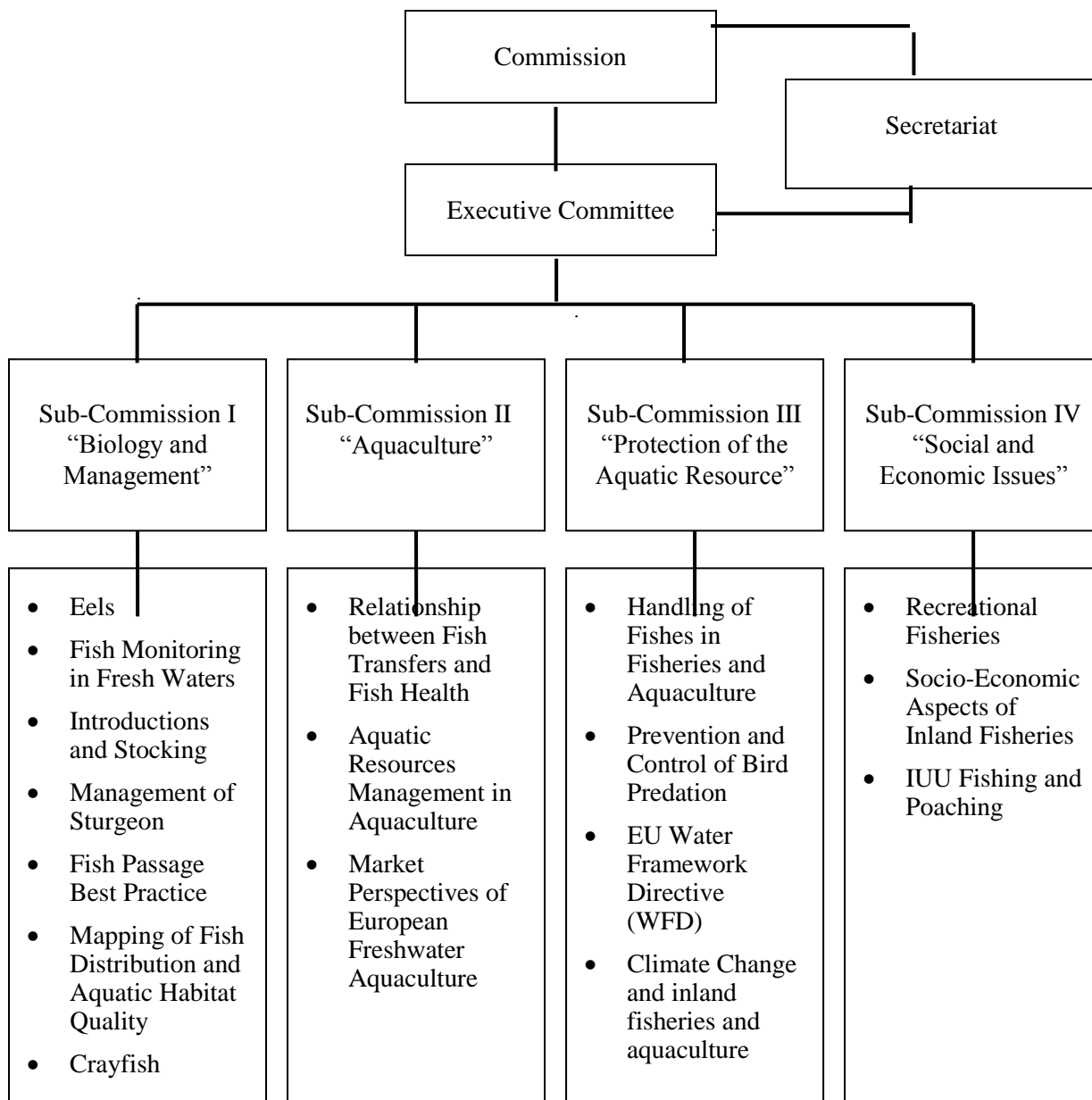
APPENDIXES

APPENDIX A

**EIFAC PARTNERS
2008**

Partners	Type of Activities
CEN- European Committee for Standardization	<ul style="list-style-type: none"> Organizing Joint Workshops (as the EIFAC/CEN fisheries acoustics workshop held in Dorset in March 2006).
CRAYNET	<ul style="list-style-type: none"> Collaboration in the work of the Ad Hoc Working Party on Crayfish (Sub-Commission I).
EAS - The European Aquaculture Society	<ul style="list-style-type: none"> Active Involvement in European Symposia and conferences with initiatives dealing with fish marketing issues (as the EAS Aquaculture Europe Conference held in Poland, 16-18 September 2008).
EFF – European Fisheries Fund	<ul style="list-style-type: none"> Organizing and participating in Joint Workshops (as the EFF, Inland Fishing and Aquaculture Production Methods Enhancing the Environment, held in Bucharest, 27-29 June 2007).
EUROFISH	<ul style="list-style-type: none"> Active Involvement in European Symposia, workshops and conferences with initiatives dealing with fish marketing issues (as the EUROFISH Aquaculture Conference held in Riga, 6-7 May 2008).
IAA – International Association of Astacology	<ul style="list-style-type: none"> Collaboration in the work of the Ad Hoc Working Party on Crayfish (Sub-Commission I).
ICES – International Council for the Exploration of the Sea	<ul style="list-style-type: none"> The Ad Hoc Joint EIFAC/ICES Working Party on Eels (Sub-Commission I).
IUCN - International Union for the Conservation of Nature	<ul style="list-style-type: none"> Links maintained above-all with the Ad Hoc Working Party on Management of Sturgeon.
NACEE – Network of Aquaculture Centres in Central and Eastern Europe	<ul style="list-style-type: none"> EIFAC/NACEE collaboration is a good contribution to the development of collaboration on aquaculture between EU and non-EU countries in Eastern Europe. It includes also the organization of Joint Symposia, conferences and Workshops. The relationship is maintained above-all from Sub-Commission II.
WSCS - World Sturgeon Conservation Society	<ul style="list-style-type: none"> Links maintained with the Ad Hoc Working Party on Management of Sturgeon

**THE STRUCTURE OF EIFAC,
December, 2009**



**THE ESTABLISHMENT AND CHARACTERISTICS OF BODIES UNDER
ARTICLES VI AND XIV OF THE FAO CONVENTION AND
INTERGOVERNMENTAL ORGANIZATIONS**

**FAO ARTICLE VI RFBs
Authority and Basic Characteristics**

Authority to establish

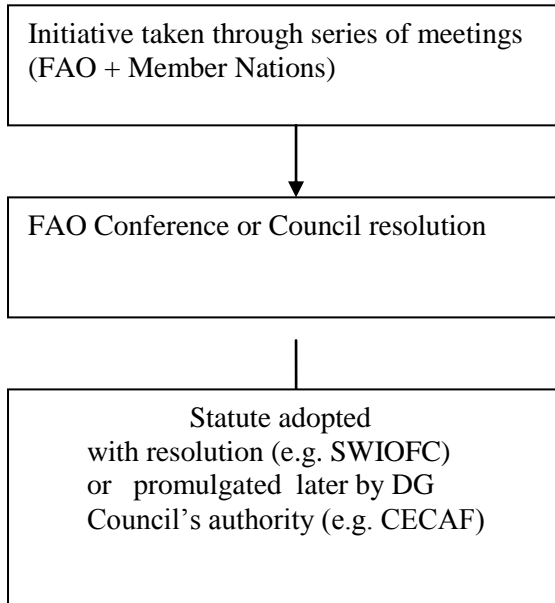
- **Article VI FAO Constitution**
- (1) Conference or Council may establish commissions
e.g. EIFAC
-
- (2) Conference, Council, or Director-General, on authority of Conference or Council, may establish committees and working parties
e.g. CECAF

Basic Characteristics

- **advice on policy formulation, coordination, implementation**
 - not autonomous
 - expenses covered by FAO regular budget
 - secretaries provided by FAO.
-
- **study/report on matters pertaining to purpose of FAO i.e. advisory**
 - not autonomous
 - expenses covered by FAO regular budget
 - secretaries provided by FAO.

FAO ARTICLE VI RFBs
Basic Process and Elements of Statutes

Process to establish



Elements of statutes

- area of competence
- species to be covered
- membership (MNs and Associate Members) (AMs)
 - RFBs open to MNs or AMs with territories in one or more regions
- objectives and functions
- general principles
- institutional structure
- reporting
- observers
- rules of procedure
- cooperation with others or participation by international organizations

**FAO ARTICLE XIV RFBs
Authority to Establish and Basic Characteristics**

Authority to establish

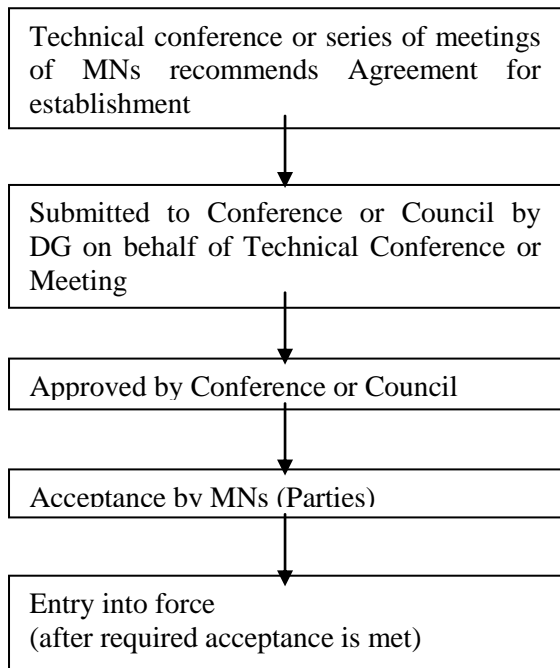
- **Article XIV FAO Constitution**
- (3) Conference, may approve conventions/agreements on food and agriculture (F & A)
- (4) Council, may by 2/3 of its membership, approve and submit:
 - a. agreements on F & A of interest to MNs of specified areas + designed to apply to such areas;
 - b. supplementary conventions or agreements to implement a convention or agreement

Examples and basic characteristics

- agreements are binding on parties
- institutional and administrative structure – not separate legal entity i.e. linked to FAO
- Recommends (e.g. APFIC) or adopts (e.g. IOTC) conservation and management measures
- RFB functionally autonomous within framework of FAO
- RFB may be financially autonomous

**FAO ARTICLE XIV RFBs
Basic Process and Elements of Agreements**

Process to establish



Elements of Agreements

- area of competence
- species to be covered
- membership (Member Nations (MNs) and Associate Members (AMs) -RFBs open to MNs or AMs with territories in one more regions
- objectives and functions
- general principles
- institutional structure
- reporting
- observers
- rules of procedure
- cooperation with others or participation by international organizations

IGOs (RFBs, Networks, Arrangements)

- Established through international agreements (convention, treaty)
- RFBs established with facilitation by FAO e.g. NACA, SIOFA
- RFBs established without FAO input e.g. WCPFC, SEAFO
- Most RFMOs. established thru elaborate Agreements
(Agreement = Constitution, interpreted in accordance with international law)

IGOs (RFBs, Networks, Arrangements) Elements of Agreements

- area of competence or scope
- membership
- institutional structure (governing body, secretariat and subsidiary bodies)
- decision making
- finance, budget
- obligations (parties, others)
- cooperation with other organizations
- non parties
- implementation
- dispute settlement
- final clauses

IGOs (RFBs, Networks, Arrangements)
Main Features

- **International legal entities**
- have interrelations, HQ agreement, sue and be sued, buy, own, sell property
- **Autonomous**
- operationally, functionally and financially autonomous
- **Finance and budget** from
- assessed contributions and others
- **Most RFMOs are management orientated** – that recommendations or binding decisions

ESTABLISHMENT OF AN ARTICLE XIV BODY – THE RECOFI MODEL⁶⁷

1 Institutional, administrative and operational framework of an FAO Article XIV body – the RECOFI experience

The governing or institutional, functional and basic operational framework of RECOFI is set out in the Agreement for the Establishment of the Regional Commission for Fisheries (RECOFI Agreement) adopted by the FAO Council in 1999 and entered into force on 26 February 2001. The purpose of RECOFI is “to promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the area of its competency.”⁶⁸ As of 31 December 2008, eight States have become Members⁶⁹ by depositing their instruments of acceptance.

The Agreement sets up a Commission, which is the governing body of the entity, comprising all Members. The Commission has a Chairperson and two Vice-Chairpersons. The site and date for Sessions of the Commission are determined by the Commission in consultation with the Director General of FAO.

The seat of an Article XIV body is named in the Agreement and is normally located at a Regional or Subregional Office of FAO. In the case of RECOFI, the seat is designated as the FAO Regional Office for the Near East in Cairo. However, the Members can decide, at their own expense, to locate the seat of the Commission elsewhere.

Although the Commission is established as an IGO, it exists within the framework of FAO. It therefore has a special legal relationship with FAO. FAO provides the legal personality of the RFB shouldering the rights and obligations of the RFB and owns assets and has liabilities on behalf of the RFB. The RFB does not have the capacity to sue and be sued in accordance with international law and such national laws as may apply, and would not have other attributes attached to a body with legal personality.⁷⁰

The special relationship through the constituting agreement and the practice followed so far ensures that FAO provides the Secretariat of the RFB i.e. the Secretary and Staff of the Commission, which can be and has been a financial burden for FAO. The Secretary is administratively responsible to the Director-General of FAO and is responsible for implementing the policies and activities of the Commission. He reports on these policies and activities to the Commission. The Secretary is also the secretary to other subsidiary bodies established by the Commission, as required.⁷¹

The Commission adopts recommendations to meet its objectives (i.e. to promote the development, conservation, rational management and best utilization of living marine resources and sustainable aquaculture development). A Member gives effect to recommendations unless such member gives notification within one hundred and twenty days from the date of notification of a recommendation that it object to the recommendation⁷².

⁶⁷ This is excerpted from the Ankara report: FAO. Report of the Steering Committee Meeting to prepare for the second Regional Intergovernmental Meeting on the Establishment of a Central Asian and Caucasus Regional Fisheries Arrangement. Ankara, Turkey, 24 - 26 March 2009. *FAO Fisheries and Aquaculture Report*. No. 900. Rome, FAO, 2009.

⁶⁸ Article III.1, RECOFI Agreement.

⁶⁹ Members are Kingdom of Bahrain, Islamic Republic of Iran, Republic of Iraq, State of Kuwait, Sultanate of Oman, State of Qatar, Kingdom of Saudi Arabia, United Arab Emirates.

⁷⁰ See FAO (2007), Supplementary Observations on the Proposals for a Change in the Status of the Indian Ocean Tuna Commission.

⁷¹ Article III.1, RECOFI Agreement

⁷² Article V.3, RECOFI Agreement

The commission's regular meetings can be held yearly or every other year and hosted in turn by the governments but it can organize special inter-sessional meetings as needed.⁷³

The RECOFI Agreement does not provide for a permanent technical advisory committee as established under the NACA Agreement. However, it provides RECOFI with the ability to "establish temporary, special or standing committees to study and report on matters pertaining to the purposes of the Commission and working groups to study and recommend on specific technical problems."⁷⁴ Bueno has outlined how certain technical and operational aspects of a Commission can work with the involvement of committees or working groups. For example, such committees or working groups can take responsibility for thematic programs which are problem-oriented (i.e. seed quality, spawning habitat rehabilitation, health management, statistics and information) or activity oriented (i.e. breeding, stock enhancement, recreational fishing).⁷⁵ The working groups can set their own working schedules.

The Commission can cooperate closely with other international organizations in matters of mutual interest. On the proposal of the Secretary of the Commission, observers of these organizations may be invited by the Commission to attend Sessions of the Commission or meetings of the committees or working groups.

Government focal points for the Commission's programme are usually the agencies responsible for fisheries. These directorates or bureaus or instituted of fisheries would provide the national coordination for in-country activities. They would also be expected to coordinate the technical inputs of the various relevant national institutions into the Commission's work programs.

2 A typical annual operational and work cycle of RECOFI (the transitional years)

RECOFI is a relatively new FAO Article XIV body. It is therefore going through a transition period. While this means that a study of RECOFI may not yield much in terms of operational experience, it is nonetheless relevant in terms of providing reference that is important for what can be expected in terms of operation in the years soon after establishment of a regional fisheries arrangement.

As a RFB in its early years, much of RECOFI's focus and initial Commission meetings concentrate on administrative, organizational, broad policy and basic operational issues. For example, at its inaugural Session in October 2001, the Commission elected its first Chairperson and Vice Chairpersons, adopted its Rules of Procedure and set up possible working methods and practical operating arrangements including agreeing that technical and scientific matters be dealt with in subsidiary bodies while the Commission focused, among others, on organizational, strategic and policy issues and on reviewing the work of subsidiary bodies. It also established two ad hoc working groups and agreed on a schedule of future meetings, future work and problem areas and addressed basic administrative issues.

At its second Session in May 2003, the Commission began to review catch landings up to 2001 and the aquaculture situation in its area, reviewed inter-sessional activities including results of the preparatory meetings of the ad hoc working groups and reviewed its programme of work and budget for the next biennium.

The third Session of the Commission in May 2005 discussed issues similar to those discussed in the second Session. It was at this Session however that the more articulated decisions and recommendations of the Commission were adopted and which related to capture fishery statistics, aquaculture in the Area, regional issues of concern, programme of work and budget and important initiatives.

⁷³ The Commission currently holds biennial meetings but future meetings may be held annually.

⁷⁴ Article VII, RECOFI Agreement

⁷⁵ FAO (2009).

Additional substantive issues were reviewed at the fourth and most recent Session of RECOFI in May 2007. These included national and regional measures to address illegal, unreported and unregulated (IUU) fishing, guidelines on reporting of stock status, report of workshops and information systems, and strengthening communications in fish marketing and trade. It could be said that the Commission appeared to be catching up with current issues relevant to its mandate by its fourth Session.

Ad hoc activities and contributions supporting the work of the Commission were also reviewed or approved particularly the Regional Aquaculture Information System (RAIS) and the Aquaculture Legal and Policy Framework Project. The latter was developed inter-sessionally by the Working Group on Aquaculture (WGA) and approved by the Commission at its fourth Session.

In terms of its operations and administration, the Commission identified and discussed a number of standing problems constraining the Commission's functions, among which was the need to strengthen the Secretariat. In this respect, in November 2007 FAO designated the Senior Fishery Officer assigned at the Regional Office for the Near East and North Africa in Cairo to act as Secretary of RECOFI. The Senior Fishery Officer took charge of his duties in February 2008.

FAO also nominated the Technical Secretary of the Working Group on Fisheries Management (WGFM) (formerly Working Group on Fishery Statistics). The Technical Secretary will support and assist in the establishment of this new Working Group and in the revision of the former Working Group on Fishery Statistics.

The Commission continues to benefit from the support provided by the Technical Secretary of the WGA and the Information Officer who coordinated the development of the RAIS. The RECOFI fishery statistics database is regularly maintained and updated. The Secretariat further relies on consultancies to address specific issues (e.g. fishery statistics, fishery legislation, information technology applications, animal health).

3 Financing RECOFI's programme of work and administration

RECOFI Member countries contribute US\$ 5,000 each year. The finances for the core budget of RECOFI are placed in a multi-lateral trust-fund project with the FAO symbol MTF/REM/001/MUL and title "Support to the Secretariat of RECOFI". The project started in April 2003 and is renewed on a yearly basis. The Commission's budget is revised regularly through the FAO central accounting system to reflect annual contributions and the cash flow of expenditures.

The Commission budget for the 2007-08 biennium is US\$ 160,000.00. This did not include the estimate of the FAO Regular Programme contribution to RECOFI. As of the 31st of December 2008, the income from contributions for 2008-09⁷⁶ amounted to USD 29, 995.00 (equivalent to 75% of the expected annual total contribution).

The summary of the status of contributions is that four Members⁷⁷ have paid their contribution in full while another four Members⁷⁸ deposited their instruments of acceptance but have not yet fully paid their contribution.

The balance of accumulated pending contributions against the 2007-08 and 2008-09 RECOFI fiscal years, as of the 31st of December 2008 is US\$ 70, 187.83.

Table 2 below provides an overview of the financial statement of the Commission's budget since 2003 and as of December 31, 2008⁷⁹ and the liquidation of total expenses as of December 31, 2008.

⁷⁶ RECOFI fiscal year is from the 1st of May to the 30th of April.

⁷⁷ Iraq, Kuwait, Oman, Saudi Arabia.

⁷⁸ Bahrain, Iran, Qatar, United Arab Emirates.

⁷⁹ Funds deposited for the implementation of RECOFI's Aquaculture Legal and Policy Framework Project are not included.

Table 2: Financial Status in US Dollars (2003- May 2009)

Income (contributions)	303,822
Total Expenses	260,958
Expenses (<i>up to end December 2008</i>)	168,283
Commitments (<i>2009</i>)	60,357
Forecast (<i>2009 5th session</i>)	32,318
Balance	42,864

Total expenses (US\$ 260,958) include expenses settled up to the end of December 2008 (US\$ 168,283), existing commitments (US\$ 60,357) made until the end of April 2009 and a provision of US\$ 32,318 earmarked as a forecast for the cost of the 5th RECOFI Session⁸⁰.

The financial delivery by main activity during the period from 2007 to May 2009 is provided in Table 3. The expenditures are divided in three broad categories: i) expenses related to the functioning of the Secretariat (51% of total expenses, 52% of which are related to the Commission's plenary Sessions in 2007 and 2009); ii) activities in support of the WGA (30%); iii) activities in support of the WGFM (19 %).

Table 3. Financial delivery by activity during the intersessional period (US Dollars)

	2007	2008	2009 (provisional)	Total
Working Group on Aquaculture	18,574	22,234	16,342	57,150
Working Group on Fisheries Management		8,765	26,623	35,388
Secretariat	24,493	23,391	49,710	97,594
Total	43,067	54,390	92,675	190,132

The overall budget adopted by the Commission at its 4th Session included the funds made available as extra budgetary resources (i.e. from voluntary contributions by some Members).

4 Notable features of RECOFI and preliminary observations

The basic features of RECOFI could not really be differentiated from those of other FAO Article XIV bodies. In terms of the process for establishing such a body, it can be said that once the decision has been made by the concerned states to create a FAO Article XIV body, the process to realize this decision will be facilitated by FAO in consultation with the concerned states. This arises from the fact that the Article XIV body is part and partial of FAO as it is set up and operates within FAO's framework.

A notable fact in the establishment and initial stage of operations is the substantial assistance RECOFI received from FAO for coordination and operation. As can be noted from RECOFI's experience during the transitional period, FAO has provided a lot of support to arranging and facilitating the initial Commission meetings.

⁸⁰ This covers costs of interpretation, in-session translation of draft report, travel, printing and miscellaneous.

The support provided by FAO mentioned above has its costs which, in RECOFI's case, has been substantial. Even though the FAO contribution through provision of the Secretary and staff of the Commission is subject to agreement between FAO and the Members of RECOFI which could mean that the support from FAO can be reduced in the future, in the interim period, this support level is being maintained even at great cost to FAO.

There appears to be no remarkable development regarding operational aspects of the Commission. This may be linked to the failure to ensure that all of the Members contributions are received in time to support the Commission's programme of work and budget. It is noted that a substantive amount of the budget remains unsupported due to overdue payment of contributions. The agreed nominal contributions (i.e. US\$5,000) is 50% lower than the lowest contribution expected from NACA members but the RECOFI experience shows that it can be difficult to ensure that Member's nominal contributions are paid up.

5 Legal foundation for a Commission established under Article XIV of the FAO Constitution

A Commission proposed to be established under Article XIV of the FAO constitution will naturally be established in accordance with that article and related documents. These require the formal setting up of the entity through an international agreement between the prospective states. The Agreement must however contain provisions that effectively establish the body as an Article XIV body including provisions which clearly state this and that membership is open to FAO Members and Associate Members.

An Article XIV RFB agreement will include provisions on the establishment of the RFB, area of competence, species covered, membership, objectives, functions and responsibilities, sessions, observers, administration, decision making, implementation, information, subsidiary bodies, finances, cooperation with other organizations and the usual final clauses including acceptance and entry into force.

A FAO Article XIV entity for Central Asia and the Caucuses will require an agreement modeled on the RECOFI Agreement and other Article XIV RFBs which are similar in style and content. A draft of such agreement is attached as Annex C for consideration by the Steering Committee. The other instrument that may require immediate consideration is the Rules of Procedure. A draft rules of procedure is attached as Annex D. However, as the body to be established is within the framework of FAO, the Rules of Procedure need not be adopted immediately as the constituting instrument. Interim operations of the body will be based on FAO rules and regulations and practice.

6 Practical steps in setting up a FAO Article XIV body

A decision to establish a FAO Article XIV body will first have to be formally communicated to FAO by one of the concerned States. FAO will internally review the decision in terms of ensuring that the formal internal processes for setting up the new Commission are set in motion.

FAO Article XIV body agreements are normally adopted by the FAO Council on the recommendation of a technical conference or series of technical meetings comprising Member Nations. They enter into force on the deposit of the required number of acceptances in accordance with the provisions set down in the agreement. The box below illustrates the process for establishing a FAO Article XIV Commission.

**Process for establishing
a FAO Art. XIV RFB**

*Technical conferences or
series of meetings of MNs
recommends
Agreement for establishment*



*Submitted to Conference or Council
by DG on behalf of
Technical Conference or Meeting*



*Approved by Conference
or Council*



*Acceptance by Member Nations
(Parties)*



*Entry into force
(after required acceptances is
met)*

CONSIDERATION BY EIFAC SESSIONS FROM 1992 – 2008 OF THE RESTRUCTURING AND STRENGTHENING OF EIFAC

1992: Seventeenth Session of EIFAC: Review of Functions and Programme of EIFAC

EIFAC Members have consistently addressed the need to reform over the past two decades. In 1992, the Seventeenth Session expressed concern as to the functioning and programme of EIFAC. It noted:

“There have been many changes in political and social conditions in Europe which were affecting national policies for the management of inland waters and their fisheries. In addition, the continued trend towards lessened funds available to support the Commission’s Secretariat and its working parties as well as the expansion of its programme was forcing the Commission to greater degrees of self-financing. It was therefore felt that it was time to carry out an in-depth review of the Commission’s functions and means for action which should take place during the Eighteenth Session.”⁸¹

The delegates were made aware of the rules governing the various types of FAO bodies and were requested to discuss the future role of the Commission, its priorities and objectives as well as mechanisms for achieving its programmes with their governments during the intersessional period.

1994: Eighteenth Session of EIFAC: Restructuring of the Commission

In 1994, the Eighteenth Session of EIFAC agreed on the need for an overall policy, in the context of a consultation on management strategies for European Inland Fisheries and Aquaculture for the 21st Century. It stated that:

“the fisheries and wider environmental interests of EIFAC and member countries would be better served through the adoption of a more forward looking, proactive and integrated approach to their work, complementing the current, more historical and reactive single function approach”⁸².

The consultation proposed that EIFAC adopt a medium-term (10 years) strategy that is objective-led and adopt a structure aligned with stated aims and objectives. The aim included broadening the fisheries/biological approach to include all relevant disciplines, and the objectives were commensurately wide and included the following:

- assess the sustainable fisheries and aquaculture potential;
- anticipate and minimize threats to-
 - fish and fisheries;
 - aquaculture;
 - the aquatic environment;
- improve, develop and restore the aquatic resource, including aquaculture;
- develop frameworks for regulation and administration;
- education and raise awareness of-
 - fish as food
 - fish and fisheries as part of the environment, including the role, value and extent of recreational fisheries.

⁸¹ FAO. Report of the Seventeenth Session of the European Inland Fisheries Advisory Commission. Lugano, Switzerland, 19-26 May 1992. FAO Fisheries Report No. 472. Rome, FAO. 1992. 58p. paragraph 99.

⁸² FAO. Report of the Eighteenth Session of the European Inland Fisheries Advisory Commission. Rome, 17-25 May 1994. FAO Fisheries Report No. 509. Rome, FAO. 1994. 78p. paragraph 100.

At this Session, the restructuring of the Commission was addressed, and the Session strongly recommended the continued existence of EIFAC. Furthermore, it was recommended that FAO increase its support to the EIFAC Secretariat.

It was concluded that EIFAC should revise its structure to correspond to the new objectives and programme activities defined by the Consultation. To this end it was recommended that the structure of the Commission be reviewed during the intersession by the Executive Committee and a proposal for restructuring be presented to the Nineteenth Session of EIFAC.

1996: Nineteenth Session of EIFAC: Restructuring of EIFAC

The report consisted mainly of considerations relating to the existence and funding of the Commission and the structure of the Commission.

Regarding the existence of EIFAC, the meeting addressed many of the issues and had many of the same concerns in 1996 that currently exist, including:

- identification by countries through national correspondents of the continuing need for the Commission and mechanisms for its work;
- agreement that EIFAC continued to be relevant to the needs of the countries and appropriate as a mechanism for securing international cooperation in inland fisheries and aquaculture;
- the contributions made by Members, but their unwillingness to contribute further;
- falling levels of support by FAO;
- the likelihood of falling levels of contributions by Members because of lesser allocations by governments to the inland fisheries sector and the increasing need for most fisheries institutions to fund their own operations;
- the need to seek alternative means of funding for the technical activities of the Commission;
- the programmes and activities of the Commission should be more carefully selected with respect to their financial and social relevance to the sector and with regard to the possibility of attracting funding;
- some Members were experiencing difficulties in establishing mechanisms alternative to national correspondents where their administrations had been regionalized.

Regarding the structure of the Commission a new Sub-Commission IV was added (Social and Economic Issues) and the regrouping of existing and possible new activities under each Sub-Commission was agreed. The four Sub-Commissions remain the same today.

1998: Twentieth Session of EIFAC: Strengthening of EIFAC

The report briefly addressed the relevance of the Commission and communication.⁸³ It was:

- recognized that the Commission continues to be relevant and active with voluntary contributions by its members to the various activities;
- agreed that the interests of inland fisheries were not sufficiently known and taken into account by governments and the public due to shortcomings in communication on the part of the fisheries and aquaculture sectors; and

⁸³ FAO. Report of the twentieth session of the European Inland Fisheries Advisory Commission. Praia do Carvoeiro, Portugal, 23 June - 1 July 1998. *FAO Fisheries Report*. No. 580. Rome, FAO. 1998. 47p.

- suggested that EIFAC could contribute to raising awareness through certain mechanisms, including an EIFAC home page, newsletter, leaflet and press coverage.

EIFAC adopted new Rules of Procedure to comply with decisions made by the Twenty-ninth Session of the FAO Conference, which included a request that all Statutory Bodies examine how their Rules of Procedure and working methods could be streamlined to facilitate positive inter-action among participants at meetings, to promote a task-orientation and to strengthen the involvement of civil-society partners.⁸⁴

The effect of these amended rules was to change the designation of the Working Parties and the Executive Committee. The Commission retained its Sub-Commissions in their existing status, which implied that all former Working Parties would continue as *ad hoc* Working Parties but, together with the Executive Committee, would be deleted from the list of Statutory Bodies.

2000: Twenty-first Session of EIFAC: Strengthening of EIFAC

The Session only considered communications (correspondence, discontinuing the Newsletter in paper form and maximizing use of the EIFAC leaflet) and extending the duration of subsequent Sessions.

2002: Twenty-second Session of EIFAC: Strengthening of EIFAC

It was noted that the role and functioning of EIFAC had not been fully evaluated since 1980, and felt that there was now an urgent need to evaluate the role and functioning of EIFAC and to identify opportunities for its future. A Group was established to carry out an assessment, and was tasked to:

- compile and appraise a list of documents and reports prepared and published by the Commission since its foundation, including a synopsis of related activities (symposia, etc.);
- identify potential obstacles impeding the work of the Commission, to elaborate measures for alleviating these difficulties, and to identify ways and procedures that will help the Commission to improve its performance; and
- work out guidelines that will facilitate the identification of relevant emerging issues, and that will allow their prompt and adequate handling.

2004: Twenty-third Session of EIFAC: Assessment of the role and functioning of EIFAC

An assessment of the role and functioning of EIFAC had been prepared for consideration by the Commission,⁸⁵ and discussion at the Session led to a number of conclusions and decision by the Commission, summarized below.

- EIFAC lacks funds to support its activities.
- The establishment of a special fund within EIFAC would meet with serious administrative obstacles. Dedicated funding would be sought as the need arose, and the establishment of partnerships with other organizations should help to achieve this.⁸⁶
- The National Correspondents:
 - must play a more active role in promoting national and international collaboration;
 - should maintain a national database of fisheries institutions and scientists to enable an information flow, particularly regarding EIFAC symposia and Sessions;
 - should be briefed by the Chairperson on their function, based on a duty sheet prepared by the Executive Committee;
 - should identify emerging issues in a proactive manner.

⁸⁴ Resolution 13/97.

⁸⁵ EIFAC/2004/4.

⁸⁶ IUCN expressed interest and willingness in participating in such a partnership.

- Dialogue with the European Commission should be intensified, *inter alia* through a mission and establishment of communication channels and represented by EIFAC at EU consultations.
- The item “Emerging Issues” should become a standing item on the agenda of EIFAC Sessions and its Executive Committee meetings.
- Disseminate more widely the technical and policy output of EIFAC, including by using the EIFAC list server webpage.
- Efforts should be made to encourage younger people to participate in EIFAC activities.
- Continue to produce publications of high scientific quality in all fields covered by the Commission.

It was agreed that the outcomes of the above recommendations will be evaluated at the Twenty-fourth Session, for which the Chairperson was tasked to prepare a short report.

2006: Twenty-fourth Session of EIFAC: Assessment of the role and functioning of EIFAC

An assessment of the role and functioning of EIFAC had been prepared for consideration by the Commission,⁸⁷ and discussion at the Session led to a number of conclusions and recommendations by the Commission, summarized below.

Seven key areas were identified as important in improving the work of the Commission:

- Additional funding is required and partnerships should be sought;
- The role of national correspondents has been defined;
- Additional efforts should be made to liaise with the EU;
- Emerging issues has been made a standing item on the agenda;
- Technical and policy output and addressing Member’s expectations;
- EIFAC list server has been established at the Secretariat;
- Publication policy will continue and seek to involve junior scientists.

The Secretariat was to help delegates be better prepared for Sessions by improved formatting of documents, and its activities should be strengthened since the work of the Secretariat is essential for the accomplishment of EIFAC’s mission and the functioning of the Sub-Commissions.

It was agreed that the outcomes of the above recommendations will be evaluated at the Twenty-fifth Session, for which the Chairperson was tasked to prepare a short report.

The reestablishment of National Reports was considered.⁸⁸ No consensus was reached on how to proceed, and the issue was returned to the Vice Chairpersons to explore means to assemble information on inland fisheries. As an interim measure, Members were requested to provide links to their national websites so that these links could be placed on the EIFAC website.

Regret was expressed that observers and collaborators did not attend EIFAC Sessions, and it was concluded that efforts should be made to establish better links with partners and give input where appropriate, especially the EU, IUCN and the Ramsar Convention.

Regarding emerging issues, the re-establishment of a Working Party on crayfish was endorsed and relevant procedures agreed, and the Executive Committee identified some emerging issues. National Correspondents were also asked to list emerging issues of importance to member countries. Key

⁸⁷ EIFAC/XXIV/2006/8.

⁸⁸ EIFAC/XXIV/2006/9.

issues identified included fish movements and diseases, non-native species, eutrophication, habitat degradation and pollution. The responses were to be collated, sent to the National Correspondents for information, and a synthesis prepared for the next Executive Committee meeting.

2008: Twenty-fifth Session of EIFAC: Ongoing functioning of EIFAC

The Chairperson stated that there was an urgent need for EIFAC to carefully review its functioning. This should be done by looking into possibilities for long-term as well as immediate improvements. As regards the former, the Chair sought suggestions for guidance on how to manage the process rather than agreement on concrete changes.

The delegation of the Netherlands proposed that EIFAC initiate a project to review its functioning, and to use the assistance of a consultant to be chosen in consultation with the EIFAC Secretariat to formulate a proposal for long-term improvements. The Session confirmed that the project should be initiated. Mr A. Rothuis agreed to coordinate the project.

Ongoing short-term improvements included putting country Government fisheries internet site links onto the EIFAC Web site, up-dating the EIFAC brochure and encouraging opportunistic publicity within member countries. Issues of newsletters, attracting new Member States and encouraging improved communication with EIFAC National Correspondents were to be dealt with by the project mentioned above. Delegated power of the Executive Committee was confirmed as being able to make rapid response to changes of Working Party Conveners and Terms of References.

**FISHERIES AND AQUACULTURE DEPARTMENT (FI)
POSITION STATEMENT ON EIFAC**

The Department welcomes the decision by the 25th Session of the European Inland Fisheries Advisory Commission (EIFAC) that EIFAC undertakes a review of its functioning in the inter-sessional period 2008-2010, and notes that this is being done with the assistance of a consultant. It is seen with satisfaction that five EIFAC member countries (i.e. France, Norway, the Netherlands, Switzerland and United Kingdom) announced their intention to make available funding to have the reviewing process carried out as a project. Funding was already received from Norway and the United Kingdom. This allows at least to carry out the first part of the reviewing process, including holding the Workshop in the Hague, which the Netherlands are organizing on 30-31 March, and for which arrangements have already be made. Money transfer from France is expected to happen very soon, while Switzerland still did not translate their promise into any action despite several reminders from the Secretariat.

The objectives of the Commission are attached as an appendix. FAO/FI notes that EIFAC was the only inter-governmental platform in Europe where the countries could discuss inland capture fisheries matters and come up with management advice. As regards aquaculture, other platforms, bodies and mechanisms (e.g. EAS, EUROFISH, NACEE, etc.) do exist in Europe to discuss and promote aquaculture but they are all non-governmental and EIFAC is the only inter-governmental forum on aquaculture for its members. EIFAC members countries clearly have the view that EIFAC provides a forum that meets a need or needs not met elsewhere. This is *inter alia* reflected in the commission's recent request to the Secretariat to start the process of changing the Commissions name to European Inland Fisheries and Aquaculture Advisory Commission. It is recognized that efforts are being made by EIFAC to possibly propose changes in the mandate and the organizational structure which will strengthen the Commission and improve its efficiency and effectiveness.

The Department sees with great concern that servicing EIFAC was probably drawing more heavily on FAO/FI resources (staff and funding) than it should, especially considering that EIFAC is a commission in one of the highest developed regions of the world. It is noted that, despite this, EIFAC has been having increasing difficulties in carrying out its mandate. As a result, substantial support has had to be provided from the FAO Secretariat, the provision of which has become more and more time-consuming. Interest in EIFAC by the members seems to be dwindling as in the recent past⁸⁹, either no quorum was achieved at the Plenary Session (2004), or the nomination of country delegates to the Session has been so slow and laborious that it was sometimes feared that no quorum would be reached, despite the Secretariat investing high effort.

Regarding the current performance and the future of EIFAC, and in particular the question "Why is EIFAC still needed?", it is recognized that it is time to carefully assess the need and demands for EIFAC's work and advice. In particular, it is necessary to obtain a clear statement from the countries on what they expect from EIFAC in terms of products and services. In this respect, FAO/FI emphasises that the point of "seeking members' views on what their needs and priorities are, and how EIFAC could best address them - both substantively and institutionally" in the TORs of the consultant is crucial to the whole process.

FAO/FI fully supports this reviewing process which eventually could, indeed, lead to a major restructuring of the Commission, with EIFAC getting a modified and adapted mandate that is more relevant to the countries current needs. The new structure and mandate, however, have to clearly reflect the commitment by the members of EIFAC and will need to have appropriate funding available to function in a sustainable way. In principle, FAO/FI is still willing to provide support – mainly as coordinating and catalyzing force, but not as driving force – to EIFAC, should the countries wish that the Commission remains under the FAO umbrella. However, it is the FI view that the countries need to show an increased and sustained commitment for EIFAC, which also pertains to funding. After

⁸⁹ as regards the EIFAC Plenary sessions in the years 2004, 2006 and 2008

reviewing the results of the review process, FAO/FI will make a decision on how much Regular Programme support for EIFAC is needed and appropriate. It is clear that FAO/FI – if at all – can make available to EIFAC only limited resources (both funding and human resources) and that any support will have to be adjusted taking into account the true capacity of the Department. This implies that the Commission has to rely heavily on other funding sources.

Appendix

Objectives of the Commission

The objectives of the Commission are:

- to assist in the collection and dissemination of pertinent information on inland fisheries and aquaculture;
- to assist in the analysis of such information;
- to assist with the identification of emerging issues and opportunities regarding inland fisheries and aquaculture;
- to propose and assist in the organization of appropriate symposia;
- to promote liaison and cooperation among and within governmental organizations;
- to advise on any other matters appropriate to the promotion of the development and utilization of inland fisheries and aquaculture within the competence of the Organization;
- to advise on the development of an organized approach among interested governments of this region toward the development of inland fisheries and aquaculture as may seem desirable and feasible.

EIFAC WEAKNESSES AND PROPOSED SOLUTIONS

Draft Review Report and Technical Workshop Report, “Review of the Functioning of EIFAC and its Organizational Strengthening”, Ede, March- April 2009 –Lambert van Gils

WEAKNESSES	PROPOSED SOLUTIONS
1. Procedure	
<ul style="list-style-type: none"> Rules of Procedure adopted in 1998, since then many external factors have changed. The statute is so “antique”. 	<ul style="list-style-type: none"> Adapt the Rules of Procedure to the actual circumstances, with more ownership among the members and more flexibility.
2. Actors	
<ul style="list-style-type: none"> Low participation of the actors in the plenary sessions, so it is often difficult to reach the quorum required. EIFAC is not facilitating NGO’s participation (in general but also in the plenary sessions). EU has not an active role, EU officers can participate only “scientifically” but they are not scientists. National correspondents and the composition of the delegations in the biannual sessions change too often and the commitment is low. 	<ul style="list-style-type: none"> Often this is strictly linked to the fact that there is dispersed general policy attention in the field of inland fisheries, it is so necessary to renew this attention stressing the importance. EIFAC policies should be more explored by leaders in order to be more pro-active for NGO’s (which can be strategic partners). EU should be an important member, participating more also in plenary sessions. Membership is to be taken serious and the agenda of the biannual session should become more challenging for the policy makers in the delegations.
3. Legal matters (Mandate)	
<ul style="list-style-type: none"> Weak mandate: <ul style="list-style-type: none"> lack of member country’s involvement and energy in EIFAC, weak ownership at member country level, weak ownership at FAO Level. 	<ul style="list-style-type: none"> EIFAC has to prove its value. This proof should come from the member countries. It needs a drastic reform of its Statute and to start with pro-active and more user-oriented working processes.
4. Strategy	
<ul style="list-style-type: none"> Concerns about EIFAC’s strategy are focussed on the national level. The demand from local authorities and NGO’s (who are the managers of inland fisheries) is not directly addressed. 	<ul style="list-style-type: none"> EIFAC has to define more clearly its strategy towards local authorities and NGO’s.
5. Financial and Time Inputs	
<ul style="list-style-type: none"> Weaknesses at Member country level: EIFAC has no good agreement on its co-financing. Weaknesses at FAO level: EIFAC is depending on the budget of FAO, but this is going down. Furthermore: <ul style="list-style-type: none"> There is no aggregated overview of FAO’s EIFAC expenditures available. FAO decreased staff for EIFAC. Procedures don’t facilitate external funding. Some people estimate that 1/3 of the actual FAO expenditures for EIFAC goes to official translations and this is considered a waste of money. For the organization of symposia and biannual meetings is not allowed to ask for money from the participants. FAO offers not enough time and money for the EIFAC secretariat as such. In the Sub commissions and WP’s EIFAC works with other institutes to get funding for activities of WP participants but EIFAC leadership is not promoting this type of funding, as if all the money should go through 	<ul style="list-style-type: none"> It needs an agreement with the member countries and others (NGOs etc.) on the way it will earn contributions from members, partners and ultimate clients. Within FAO EIFAC has ways to flexibilise its income and expenditures. It needs to find ways to stop wasting precious money and to abandon rules that prohibit EIFAC to earn money, which is both possible (under art. XIV). The FAO Secretariat has to be co funded by the member countries and this may be a sensitive issue, unless costs that are not considered necessary for EIFAC can be cut or publications financed in other ways. EIFAC should not try to control the funding of activities and productions but rather facilitate the collection of funding, not under ex –ante FAO control but under member’s control and where useful with ex-post control by ExCom. Furthermore WP’s could exploit more EU financing possibilities.

EIFAC's control.	
6. Structure	
<ul style="list-style-type: none"> • The structure is a little bit rigid, in particular the division in 4 sub-commissions (there seems to be overlapping between sub commissions and between WP's). Furthermore the structure of elected bodies is not so projectized. • ExCom has not ToRs to manage any financial aspects. It is not a steering committee, but just a meeting presidency. 	<ul style="list-style-type: none"> • A more dynamic and flexible structure would be needed because this effects the working procedures and attitudes. In particular the WP's should be more flexibly created and abandoned, by projectizing them; this would allow EIFAC to be more responsive to actuality: <ul style="list-style-type: none"> ○ Reviewing and re-planning WP's on a biannual basis would be good, by ExCom and Sub.COM chairs themselves. • The structure of elected bodies needs to be more professionalized and projectized in their management functions: <ul style="list-style-type: none"> ○ Planning, monitoring and information sharing could be enhanced. ○ The symposium should be more professionally exploited. ○ To enhance ownership at national correspondents level, stronger roles of those should be agreed upon in their ToRs's (e.g. in the field of corresponding with local authorities). • ExCom should rather be a steering committee.
7. Culture	
<ul style="list-style-type: none"> • EIFAC has a good touch of FAO culture but should be more a member country culture. Culture is not enough output driven. 	<ul style="list-style-type: none"> • The open-friendly culture deserves to be cherished but needs to be and can be combined with a more outcome oriented attitude. This must be possible because most people, in their home institutes, have already made the shift towards more outcome oriented working, project financing etc.
8. People	
<ul style="list-style-type: none"> • There are complaints about motivation, the profile of correspondents and delegations being too low and the elected members of the commission and sub-commissions having a honourable profile, but a low mandate that does not allow them to manage their affairs properly. 	<ul style="list-style-type: none"> • This is rather a structural point than a people's point (due to a lack of mandate).
9. Style of EIFAC management	
<ul style="list-style-type: none"> • The leadership style of ExCom is a laisser faire style, as they don't plan, don't know about finance, don't control, and don't really decide anything but the FAO standardized agenda of the meetings. Furthermore this is combined with the style of a struggling secretary without sufficient time and money and with antique procedures. 	<ul style="list-style-type: none"> • A more pro-active style is needed.
10. Systems	
<ul style="list-style-type: none"> • The EIFAC site is not as useful as it could be, it is not selling the EIFAC products at all: <ul style="list-style-type: none"> ○ It can not be kept really up to date, ○ there is lack of materials from WP's ○ it does not function for the WP's as a tool for exchange of ideas, ○ it has not discussion forum and so on. • The procedures are too rigid and old fashioned. 	<ul style="list-style-type: none"> • If discussion forum tools and uploading authorizations could be upgraded within the FAO site, it is preferable to remain there (also because it is a widely known and generally respected one). If enough flexibility within the FAO site is not possible, EIFAC needs its own domain. • A review of a wide range of procedures is necessary making EIFAC more outcome focussed and projectized in its processes.

**ATTENDANCE AT EIFAC SESSIONS
2002- 2008**

MEMBERS	SESSIONS			
	22nd Session, 2002 Lake Windermere, UK	23rd Session, 2004 Wierzba, Poland	24 th Session, 2006 Mondsee, Austria	25 th Session, 2008 Antalya, Turkey
Albania				
Austria	X	X	X	X
Belgium	X		X	X
Bosnia and Herzegovina				
Bulgaria			X	X
Croatia			X	X
Cyprus				
Czech Republic				
Denmark	X		X	X
Estonia	X		X	X
European Community			X	
Finland	X	X	X	X
France	X	X	X	X
Germany	X	X	X	X
Greece	X			
Hungary	X	X	X	X
Iceland	X			
Ireland	X	X	X	X
Israel				
Italy		X	X	X
Latvia			X	X
Lithuania				
Luxembourg	X			
Netherlands	X	X	X	X
Norway	X	X	X	X
Poland	X	X		X
Portugal		X	X	X
Romania	X		X	
Slovakia				
Spain				
Sweden	X	X	X	X
Switzerland	X	X	X	X
Turkey	X	X		X
United Kingdom	X	X	X	X
Total	20	15	21	21
OBSERVERS FROM UN MEMBER STATES NOT MEMBERS OF FAO				
Russian Federation	X	X	X	
OBSERVERS FROM NON-GOVERNMENTAL ORGANIZATIONS				
European Aquaculture Society	X	X		
Federation of European Aquaculture Producers	X			
The World Conservation Union		X		
Confédération internationale de la pêche sportive				X

ATTENDANCE AT EXECUTIVE COMMITTEE SESSIONS, 2003 -2007

APPENDIX I

MEETINGS OF THE EXECUTIVE COMMITTEE

	4 th Session-Rome, 19-21 May 2003	5 th Session - Rome, 30 May–1 June 2005	6 th Session - Rome, 21–22 May 2007	7 th Session - Rome, 18-20 May 2009
Chairperson	<u>Rudolf Müller</u> EAWAG, Fisheries Section Switzerland	<u>Rudolf Müller</u> EAWAG, Fisheries Section Switzerland	<u>Phil Hickley</u> The Environment Agency United Kingdom	<u>Phil Hickley</u> The Environment Agency United Kingdom
Vice-Chairperson	<u>Phil Hickley</u> National Fisheries Technical Team The Environment Agency United Kingdom	<u>Phil Hickley</u> National Fisheries Technical Team The Environment Agency United Kingdom		
2 nd Vice-Chairperson	<u>Karoly Pintér</u> Ministry of Agriculture and Regional Development Hungary	<u>Karoly Pintér</u> Ministry of Agriculture and Regional Development Hungary	<u>Albert JAGSCH</u> Institutsleiter Bundesamt für Wasserwirtschaft Institut für Gewässerökologie, Fischereibiologie und Seenkunde - Austria	<u>Albert JAGSCH</u> , Federal Agency for Water Management Institute for Water Ecology, Fisheries and Lake Research- Austria
Sub-Commission I	<u>Tomás Brenner</u> Ministerium für Umwelt und Forsten Kaiser-Friedrich- Germany	<u>Tomás Brenner</u> Ministerium für Umwelt und Forsten Kaiser-Friedrich- Germany	<u>Tomás Brenner</u> Ministerium für Umwelt und Forsten Kaiser-Friedrich- Germany	<u>Tomás Brenner</u> Ministerium für Umwelt und Forsten Kaiser-Friedrich- Germany
Sub-Commission II	<u>László Váradi</u> Fisheries Research Institute (HAKI) Hungary	<u>László Váradi</u> Fisheries Research Institute (HAKI) Hungary	<u>László Váradi</u> Fisheries Research Institute (HAKI) Hungary	
Sub-Commission III	<u>A.J.P. Raat</u> Organization for the Improvement of Inland Fisheries (OVb) The Netherlands	<u>Lex Raat</u> Organization for the Improvement of Inland Fisheries (OVb) The Netherlands	<u>Gérard CASTELNAUD</u> CEMAGREF, Groupement de Bordeaux - Unité Ecosystème estuariens et poissons migrateurs amphihalins – France	<u>Gérard CASTELNAUD</u> , Centre national du machinisme agricole du génie rural des eaux et des forêts (CEMAGREF)- Aquatic Living Resources Research Unit
Sub-Commission IV		<u>Ian Cowx</u> University of Hull International Fisheries Institute United Kingdom	<u>Ian Cowx</u> University of Hull International Fisheries Institute United Kingdom	<u>Ian Cowx</u> University of Hull International Fisheries Institute United Kingdom
Liaison Officer	<u>Arkadiusz Wołos</u> -Liaison Officer 23rd Session Inland Fisheries Institute Poland	<u>Albert Jagsch</u> - Liaison Officer 24th Session Bundesamt für Wasserwirtschaft Institut für Gewässerökologie, Fischereibiologie und Seenkunde Scharfling Austria		
Others		<u>Robin Welcomme</u> Convener, Symposium 2006 Long Barn Stoke by Clare United Kingdom	<u>Ramazan CELEBI</u> Department of Aquaculture Ministry of Agriculture and Rural Affairs (MARA) Turkey	<u>Josip SUIĆ</u> , Head of Freshwater Fishing Unit Fisheries Directorate Ministry of Agriculture, Fisheries and Rural Development -Croatia

**KEY OUTCOMES OF THE SESSIONS OF THE EXECUTIVE COMMITTEE
2003 - 2009**

The EIFAC General Session generally adopted the reports and recommendations of the Sub-Commissions as well as the reports of the Executive Committee meetings, except for **minor exceptions** (written in bold).

2003	2005	2007	2009
<ul style="list-style-type: none"> • The ExCom discussed the 2004 EIFAC Symposium on Aquaculture Development – Partnership between Science and Producer Associations <ul style="list-style-type: none"> ○ The ExCom discussed the composition of an <i>ad hoc</i> committee for the preparation of the symposium. 	<ul style="list-style-type: none"> • The ExCom recommended that a list of official observers be established for the Twenty-fourth Session of EIFAC. • The ExCom discussed the 2006 EIFAC Symposium on Hydropower, Flood Control and Water Abstraction, and decided to produce the proceeding in the form of a book and to explore several different avenues for publication. • The ExCom suggested that alternative structures, including evening sessions, special events, and break out groups, for future symposia and other meetings be considered. It was recommended not to have parallel sessions. • The ExCom recommended that the issue of IUU fishing be brought up at the next Session of EIFAC. 	<ul style="list-style-type: none"> • The ExCom recommended that a list of official observers be established for the Twenty-fifth Session of EIFAC. • The ExCom discussed the 2008 Symposium on Interactions between social, economic and ecological objectives of inland commercial and recreational fisheries and aquaculture. It suggested that the Convener and Technical Secretary prepare a one-page promotional message about the symposium for various e-mail distribution lists and websites of partner organizations. 	<ul style="list-style-type: none"> • It was noted that there is no monitoring of the implementation of the symposium (Symposium on Interactions between Social, Economic and Ecological Objectives of Inland Commercial and Recreational Fisheries and Aquaculture, Antalya, Turkey, 21–24 May 2008) recommendations in EIFAC: the Technical Secretary of the Symposium, was asked to draft a letter for the Chairperson to send to the EIFAC National Correspondents to draw their attention to the recommendations and to the need to follow up.
REPORT ON SUB-COMMISSION I			
<ul style="list-style-type: none"> • The ExCom noted the decline of the European eel stock and recognized the need for action. • It was agreed that the Chairperson of EIFAC sends a letter to the EU, to reiterate EIFAC's concern about the status of European eel stocks, welcome any action to improve the stock and draw EU's attention to the potential role of EIFAC and its joint EIFAC/ICES WP in formulating a management plan. 	<ul style="list-style-type: none"> • The ExCom meeting took note that the problem of declining eel stock in Europe still remains unsolved but that the EU made a proposal for an eel conservation programme based <i>inter alia</i> on the recommendations of the Joint <i>ad-hoc</i> EIFAC/ICES WP on Eels. • The ExCom recognized the importance of the Joint EIFAC/ICES WP for further technical advice in this matter. Furthermore recommended that the WP takes note of initiatives by other players and seeks 	<ul style="list-style-type: none"> • The Ad Hoc WP on Fish Monitoring in Fresh Waters continued to provide its regularly updated list of fisheries related conferences and The ExCom appreciated the list as a valuable contribution for the dissemination of knowledge. • The ExCom realized that in course of the conversion of the Water Framework Directive (WFD) there is no further necessity to proceed with the Ad Hoc WP on Mapping of Fish Distribution and Aquatic Habitat Quality. Therefore, the ExCom recommended that the WP be abolished at the twenty-fifth Session. 	<ul style="list-style-type: none"> • The ExCom meeting thanked the WPs and the Conveners, for being so active and encouraged continuation. • Upon request by the ExCom the link http://www.linkedin.com is given. Through this link a group of experts on the theme fish migration can be contacted (within the Ad Hoc Working Party on Fish Passage Best Practices). The ExCom noted that no report from the Convener of the Ad Hoc Working Party on Mapping of Fish Distribution

2003	2005	2007	2009
<ul style="list-style-type: none"> Experts of the following countries, i.e. Austria, Bulgaria, France, Georgia, Germany, Greece, Hungary, Italy, Poland, Romania, Russia, Turkey and Ukraine, were chosen to take part as members of the <i>Ad hoc</i> EIFAC/GFCM Working Group on Management of Sturgeon. 	<p>collaboration.</p> <ul style="list-style-type: none"> The ExCom meeting took note that progress of the preparation of a pan-European fish atlas within the <i>Ad-hoc</i> WP on Mapping of Fish Distribution and Aquatic Habitat Quality, and invited the results to be presented at the 24th Session of EIFAC. 	<p>(At the twenty-fifth Session was then agreed that the WP should continue its deliberations)</p>	<p>and Aquatic Habitat Quality had been received for the inter-sessional period from May 2008 – April 2009. As this WP has been inactive for a couple of years, it was decided that it will be recommended to the 2^{6th} Session to discontinue it in the absence of an active convener.</p> <ul style="list-style-type: none"> The ExCom decided not to get involved in certifying and recommending fish names (nomenclature). It was suggested that reference be made to Fishbase (http://www.fishbase.org).
REPORT ON SUB-COMMISSION II			
<ul style="list-style-type: none"> The ExCom discussed the future of the <i>Ad hoc</i> WP on Fish Diseases and their Control: a new Convenor would need to be identified and the TORs should be revised. <p>(In 2004, during the twenty-third Session, was decided to discontinue this WP).</p> <ul style="list-style-type: none"> It was agreed that a new Convenor and new experts should be identified for the <i>Ad hoc</i> WP on Aquatic Resources Management in Aquaculture. It was agreed that the scope of work of the <i>Ad hoc</i> WP on Market Perspectives of European Freshwater Aquaculture also be reviewed and that a map with major events and dates be developed for this WP. 	<ul style="list-style-type: none"> The ExCom noted the new TORs for this WP on Relationship between Fish Transfer and Fish Health. The ExCom supported the efforts made in the WP on Aquatic Resources Management in Aquaculture and is looking forward to the organization of an expert workshop and its outcomes in the near future. The ExCom noted the contributions made to the international conference on the Production and Marketing of Organic Aquaculture Products of 2004, as well as contribution on Organic Carp Farming at the recent Conference of the World Aquaculture Society (within the Ad Hoc WP on Organic Fish Farming). 	<ul style="list-style-type: none"> The ExCom reviewed activities and achievements of this Sub-Commission during the intersessional period. Based on the comments and advice of the ExCom Mr Proteau would continue efforts for the reactivation of the WP on Relationship between fish transfer and fish health. The ExCom decided that the WP on Relationship between fish transfer and fish health should collect, facilitate and transfer technical and policy information on emerging issues, as these may emerge from EU, OIE and other initiatives. In particular the ExCom agreed that : <ul style="list-style-type: none"> The field covered by the WP should be extended to the exchanges of pathogens between fish of the natural environment and farmed fish and to the issues raised by animal welfare. The TORs of this WP should be more related to the content of the Directive 2006/88/CE. 	<ul style="list-style-type: none"> The ExCom noted that no report from the Convenor of the <i>Ad hoc</i> Working Party on the Relationship between Fish Transfer and Fish Health had been received for the inter-sessional period from May 2008–April 2009. It decided it will recommend the closure of it to the 2010 Session of EIFAC. The ExCom noted that no report from the Convenor of the <i>Ad Hoc</i> Working Party on Aquatic Resources Management in Aquaculture had been received for the inter-sessional period from May 2008–April 2009. However, was confirmed continued interest in and efforts on this WP and the ExCom stressed that it would welcome regular information on progress made by it. The ExCom recalled that the Antalya Session requested the name of EIFAC be changed to include aquaculture, i.e. European Inland Fisheries and Aquaculture Advisory Commission

2003	2005	2007	2009
		<ul style="list-style-type: none"> • The ExCom agreed to the proposed modified TOR for the WP on Aquatic Resources Management in Aquaculture. • The ExCom recognized that marketing of the products from inland capture fisheries practices are important and should be considered in the activity of the WP on Market Perspectives of European Freshwater Aquaculture. • The ExCom recognized that FAO's DG has granted NACEE a formal International NGO liaison status with FAO, which allowed NACEE to participate in a COFI Sub-Committee on Aquaculture meeting in New Delhi of 2006.. EIFAC Sub-Commission II can benefit from the involvement of NACEE in these activities. 	<p>(EIFAAC), confirming that the Commission recognizes the growing importance of aquaculture in Europe.</p> <ul style="list-style-type: none"> • The ExCom agreed that the restructuring of EIFAC's Sub-Commissions be dealt with in the context of the ongoing Review of EIFAC's Functioning; however it decided that Sub-Commission II should continue its business (despite the suggestions of the Chair of Sub-Commission II) until the Review has been finalized. • The ExCom discussed aspects associated with the Organization of the EIFAC Symposium on Multi-functional Inland Aquaculture in Croatia in 2010; It was concluded that there is not sufficient time available for adequate preparation of the symposium, and decided to cancel it. • In view of the strategic importance of the 26th Session for the discussions on the review and institutional reform of EIFAC, the ExCom decided to hold a special meeting of the EIFAC Executive Committee on 16 May before the Session in 2010.
REPORT ON SUB-COMMISSION III			
<ul style="list-style-type: none"> • The ExCom considered the activities of the <i>Ad Hoc</i> WP on Influence of Management Practices on the Environment to be in line with the 1990 TORs with the exception of the topics dealing with stocking. This activity must be integrated in the programme of the WP on Introductions 	<ul style="list-style-type: none"> • The ExCom considered the need to continue the activities of the <i>Ad hoc</i> WP on the Handling of Fishes in Fisheries and Aquaculture in view of the discussion on the welfare aspects of handling of fishes in many EIFAC member states. • The ExCom decided to discuss the status 	<ul style="list-style-type: none"> • The ExCom confirmed that the Ad Hoc WP on the Methodologies for Rehabilitation of Lakes and Reservoirs will be discontinued. • The ExCom recognized that the EIFAC Secretariat does not have a budget for development of a cormorant management plan (within the Ad Hoc WP on Prevention and 	<ul style="list-style-type: none"> • The ExCom confirmed EIFAC's continued interest in the issues of the <i>Ad hoc</i> Working Party on the Handling of Fishes in Fisheries and Aquaculture and reiterated the need for a related EIFAC Position Statement on animal welfare issues in inland fisheries and aquaculture. It requested the Convener

2003	2005	2007	2009
<p>and Stocking.</p> <p>(During the twenty-third Session of 2004 was decided that the WP should continue as a strategic EIFAC liaison group).</p> <ul style="list-style-type: none"> It was decided that during the 23rd Session of EIFAC it will be proposed to discontinue the <i>Ad hoc</i> WP on Aquatic Environmental Hazard Assessment Criteria and Methods. 	<p>and output from liaison groups during the 24th Session of EIFAC.</p> <ul style="list-style-type: none"> The ExCom considered information on the effects of bird predation on fisheries and aquaculture of great relevance to EIFAC and agreed to contact the Convener of the liaison group on Prevention and Control of Bird Predation in order to explore scope for future activities. The ExCom decided to propose to the 24th Session of EIFAC to discontinue the activities of this liaison group on Influence of Management Practices on the Environment. The ExCom felt the need for EIFAC to be kept informed of developments relevant to fisheries associated with the implementation of the Water Framework Directive. A proposal will be submitted to the 24th Session to discontinue the liaison group on EU Water Framework Directive (WFD) and to include this information through a new information structure proposed for EIFAC. <p>(During the twenty-fourth Session of 2006 was agreed that the TOR of this WP would need to be developed and that close consultation with the Liaison Group be ensured).</p> <ul style="list-style-type: none"> The ExCom considered the topic of the Liaison Group on Ecological and Human Health Effects from Endocrine Disrupting Substances, of interest to EIFAC, but decided to propose to the 24th Session to abolish this group and include this topic under “Emerging Issues”. 	<p>Control of Bird Predation).</p> <ul style="list-style-type: none"> The ExCom recognized the efforts by the Liaison Group on EU Water Framework Directive and future WP. The ExCom welcomed the initiative and appreciated the efforts in launching the new WP on EU Water Framework Directive (WFD). 	<p>to prepare such a position statement, in close cooperation with WP members, for presentation, discussion and possible adoption at the next Session of EIFAC.</p> <ul style="list-style-type: none"> The ExCom recognized with disappointment that the European Commission does not consider a European cormorant management plan as a useful tool to manage the cormorant populations. The ExCom discussed the TORs of the Working Party on Prevention and Control of Bird Predation and suggested replacing the first TOR point with a modified task. It felt this WP could usefully contribute to the improved management of cormorant/fisheries interactions and so it would continue to coordinate the regional and country cooperation and activities of experts concerned. The ExCom noted the <i>Ad hoc</i> Working Party on Prevention and Control of Bird Predation’s Convener continuous efforts of information dissemination, in particular, the preparation of a newsletter-type information leaflet and WP web-pages, as well as contributions to closer co-operation between the countries around the Baltic Sea. The ExCom appreciated the good work and progress made by the <i>Ad hoc</i> Working Party on EU Water Framework Directive. The meeting discussed the importance of focusing also on factors which do influence or affect both (i) the ecological assessment

2003	2005	2007	2009
			<p>which is based on fish communities as well as (ii) the assessment of ecological status of fish communities.</p> <ul style="list-style-type: none"> The ExCom decided that the <i>Ad hoc</i> Working Party on Climate Change and inland fisheries and aquaculture should be placed under Sub-Com III.
REPORT ON SUB-COMMISSION IV			
<ul style="list-style-type: none"> The ExCom encouraged the <i>Ad hoc</i> WP on Recreational Fisheries to pursue its effort and to draft a consolidated code of good practice on this basis. The ExCom discussed issues and obstacles impeding the work of the Commission, and possible ways to overcome them, in order to strengthen EIFAC (inside the WP on Assessment of the Role and Functioning of EIFAC). <p>(Starting from the twenty-third Session of 2004, the “Assessment of the Role and Functioning of EIFAC” was no more a WP, but a specific part and issue discussed during the Session and it was furthermore added the part concerning “Emerging issues”)</p>	<ul style="list-style-type: none"> Concern was expressed about the lack of output from the <i>Ad hoc</i> WP on Recreational Fisheries. The ExCom requested that the chairperson of the Sub-Commission take steps to resolve the issue. 	<ul style="list-style-type: none"> The ExCom endorsed the updated ToRs for Ad Hoc WP on Recreational Fisheries, modified in order to reduce the overlap between the WP on Recreational Fisheries and the WP on Socio-Economic Aspects of Inland Fisheries. The ExCom suggested the Ad Hoc WP on Recreational Fisheries to draft a project proposal in support of the wider dissemination and implementation of the CoP (Code of Practice) for discussion at the same Session. The ExCom endorsed new TORs for Ad Hoc WP on Socio-Economic Aspects of Inland Fisheries. The ExCom requested the Chairman of Sub-Commission IV to prepare a ToRs for the future WP on the impact of climate change on inland fisheries for endorsement by the twenty-fifth Session. It was noted that the issue was very important and great interest. The ExCom agreed that a TORs for the future WP ecosystem approach to inland fisheries (including aquaculture), should be developed for endorsement by the twenty-fifth Session and recommended the development of an EIFAC project proposal on this subject for submission to the EU for funding under the EFF. 	<ul style="list-style-type: none"> The ExCom thanked the Covener of the Ad Hoc Working Party on Recreational Fisheries for the excellent work carried out by leading the preparation process of the EIFAC Code of Practice for Recreational Fisheries. The ExCom congratulated the WP for having received many expressions of interest in the Code and looked forward to receiving some copies of the leaflet. It was suggested that the Ad Hoc Working Party on Recreational Fisheries revises the TORs before the 26th Session of EIFAC and the new TORs include the issue of fish welfare in relation to recreational fisheries. The ExCom underlined the increasing efforts of the Ad Hoc Working Party on Socio-Economic Aspects of Inland Fisheries towards finalizing guidelines. It was recognized serious progress on this subject. Furthermore, Recognizing some overlap between the work of this WP and the WP working on the country reports in terms of data and information collection on commercial inland fisheries, it was argued that closer collaboration should take place between the two.

2003	2005	2007	2009
			<ul style="list-style-type: none"> The ExCom decided that <i>Ad hoc</i> Working Party on IUU Fishing and Poaching should be placed under Sub-Com IV.
ASSESSMENT OF THE ROLE AND FUNCTIONING OF EIFAC			
	<ul style="list-style-type: none"> A draft duty sheet on the function and duties of EIFAC National Correspondents was discussed. It should promote better representation at the Sessions and enhance the flow of information between Member States and EIFAC. The need and use of National summary reports was discussed. The ExCom recognized that a lot of European countries are not yet member of EIFAC and recommended to invite these countries to consider their membership in EIFAC. The ExCom noted that, in collaborative work of EIFAC and the ExCom with partners, the Rules and Procedures of EIFAC should be consulted and followed. The ExCom decided to define TORs for a mission to the EU to begin dialogue on enhanced collaboration. The ExCom will contact European Anglers Alliance (EAA) on its inputs to the drafting process of the EIFAC Code of Conduct for Responsible Recreational Fisheries. The ExCom invited to compile a list of issues for dialogue with partners dealing with conservation issues, e.g. Ramsar, IUCN, Wetlands International and the Convention on Biological Diversity with a view to prepare a discussion document for 	<ul style="list-style-type: none"> The ExCom noted the importance of National Correspondents and WPs in the functioning of EIFAC: <ul style="list-style-type: none"> WPs must have active convenors and participants, clear TORs, defined outputs, and should be aware of funding issues. The ExCom recommended that a standard format be used for the reports of the WPs. This could also serve as format for a Web site. The ExCom took note of the problem of finding financial resources to support EIFAC activities. The ExCom expressed its appreciation for the support given by the Fisheries and Aquaculture Department. The ExCom considered updating information on inland fisheries and aquaculture and creating a WP on National Reporting. The ExCom appreciated the work of FAO in upgrading the EIFAC Web site. The ExCom requested that WPs should post relevant documents under their section of the EIFAC Web site. The ExCom noted that EIFAC should promote its activities and create an electronic newsletter. The ExCom recommended better advertising of EIFAC activities, a more active role of National 	<ul style="list-style-type: none"> The ExCom discussed the question whether or not there was still a need for EIFAC and underlined that there was as it is the only intergovernmental structure in Europe to deal with inland water fisheries and aquaculture. The ExCom recognized again that EIFAC did not have financial capacity for carrying out activities, and that it needed to engage with funding mechanisms. It was, however, also noted that EIFAC could possibly form a “consortium” to apply for funding. The Executive Committee agreed that it was necessary to review the structure of EIFAC to improve its efficiency and effectiveness: <ul style="list-style-type: none"> Away from the Sub-Commission and Working Party structure, applying instead a “project approach”. Discussed the possibility to set up a “Scientific committee”. Modified “Rules and procedures”. The Executive Committee finally agreed to have an “Option paper” prepared by a consultant who is an expert in international and regional fishery governance to prepare a paper proposing alternatives for improving the efficiency and effectiveness of the

2003	2005	2007	2009
	use by the Chairperson on his visit to Gland.	Correspondents, the use of both official and unofficial list-servers and ensuring that information is sent to all stakeholders. There should be an active search to identify new partners.	Commission.
EMERGING ISSUES			
	<ul style="list-style-type: none"> • The ExCom identified the following emerging issues: <ul style="list-style-type: none"> ○ Land use and management. ○ Problems of undertaking integrated water-basin management. ○ Climate change. ○ Crayfish. ○ IUU Fishing. ○ Fish conservation. ○ Baseline information. • The ExCom recommended that National Correspondents be contacted and asked to identify emerging issues with a view to produce overview papers at the 24th Session of EIFAC. 		<ul style="list-style-type: none"> • As there were already too many WPs and LGs, and not enough active people to contribute to their work, the ExCom decided to recommend to the 26th Session that the Liaison Group on the Ecosystem Approach to Fisheries Management be discontinued and the issue monitored and reported by the Vice-Chairs under “Emerging issues”.
ANY OTHER MATTERS			
	<ul style="list-style-type: none"> • The ExCom discussed the need for an updated EIFAC brochure to be produced before the 24th Session and be placed on the EIFAC website. • Improved communication among all EIFAC officers was proposed, and an e-mail list server containing all email addresses of EIFAC officers. 	<ul style="list-style-type: none"> • The ExCom discussed the need for an updated brochure on EIFAC. The updated brochure would be used for increasing visibility and awareness on EIFAC and its activities. It was decided that the current brochure be updated, circulated to ExCom members for comments, finalized, prepared in PDF file format and published in English language. 	<ul style="list-style-type: none"> • It was reported that some delay was experienced with the preparation of the country reports but work was in progress as requested.

EIFAC WORKING PARTIES (WP)
TERMS OF REFERENCE, ACTIVITY, RECOMMENDATIONS, COLLABORATION
2004 – 2009

Sub-Commission	Number of WPs 2009	WPs with NO ToRs 2009	Activities reported in WPs 2008-2009	Number of WPs that made recommendations to the biennial Sessions 2004-2008	Collaboration, Linkages
I Biology and Management	7	2 ⁹⁰	1 ⁹¹	5 ⁹²	9 international organizations ⁹³
II Aquaculture	3	1 ⁹⁴	1 ⁹⁵	0	7 ⁹⁶

⁹⁰ Ad hoc Joint EIFAC/ICES Working Party on Eels; Ad hoc EIFAC Working Party on Management of Sturgeon.

⁹¹ Ad Hoc Working Party on Crayfish.

⁹² In the Report of the twenty-third session of EIFAC held in 2004, the EIFAC/ICES Working Party on Eels recommended that:

- “A recovery plan for the European eel stock be compiled and implemented as a matter of urgency and that fishing and other anthropogenic impacts on production/escapement of silver eels be reduced to the lowest possible level until such a plan can be agreed and implemented.”
- “Monitoring of recruitment, stocks, fisheries and escapement be sustained at recent levels, whilst a stock recovery plan - including a comprehensive monitoring and research programme - be agreed and implemented.”

At the same Session in 1994, the Joint EIFAC/GFCM Ad Hoc Working Party on Management of Sturgeon recommended that the following steps be taken:

(i) Gather the missing information.

(ii) Evaluate the existing results for the River Danube and compile a report for distribution.

(iii) Formulate an action plan on sturgeon management as a proposal for EU funding with the assistance of Hungary.

⁹³ European Committee for Standardization (CEN): “Water Quality Guidance on the scope and selection of fish sampling methods”; Fish-based Assessment Method for the Ecological Status of European Rivers project (FAME); ICES Working Group on Introductions and Transfers of Marine Organisms; Black Sea Sturgeon Management Group (BSSMG); International Union for the Conservation of Nature (IUCN); Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); World Sturgeon Conservation Society

⁹⁴ Ad Hoc Working Party on market Perspectives of European Freshwater aquaculture.

⁹⁵ Ad Hoc Working Party on market Perspectives of European Freshwater aquaculture.

⁹⁶ Network of Aquaculture Centers in Central and Eastern Europe (NACEE); International Union for the Conservation of Nature (IUCN); collaboration could be sought with experts of the World Organization for Animal Health (OIE), and the established network Disease Interactions and Pathogen Exchange between Farm and Wild Aquatic Animal populations (DIPNET); explore collaboration between FAO and DG Fish and also a possible collaboration with EUROFISH.

III Protection of Aquatic Resources	3	2 ⁹⁷	2 ⁹⁸	1 ⁹⁹	1 ¹⁰⁰
IV Social and Economic Issues	2		2 ¹⁰¹	1 ¹⁰²	2 ¹⁰³

⁹⁷ Ad Hoc Working Party on Methodologies for Rehabilitation of Lakes and Reservoirs; ad Hoc Working Party on Handling of Fishes in Fisheries and Aquaculture.

⁹⁸ Ad Hoc Working Party on Handling of Fishes in Fisheries and Aquaculture; ad hoc Working Party on Prevention and Control of Bird Predation.

⁹⁹ In the Report of the twenty-fifth session held in 2008, the Ad hoc Working Party on Prevention and Control of Bird Predation recognized the need for the following actions:

- Coordinate the isolated national efforts by promoting the preparation and the implementation of an effective European Cormorant Management Plan (ECMP), involving all relevant stakeholders.

- Establish a central mechanism for coordinating, monitoring and evaluating actions on cormorants.

- Reduce the reproductive success of the Great Cormorant population to achieve a reduced population size and distribution, still compatible with a favourable conservation status for the cormorants.

- Explore the consequences of moving the cormorant to the status of Annex II, 2 of the EU Birds Directive (not protected species).

¹⁰⁰ Cooperation with the UNESCO IHP programme;

¹⁰¹ Ad Hoc Working Party on Recreational Fisheries; ad Hoc Working Party on Socio-Economic Aspects of Inland Fisheries.

¹⁰² In the Report of the twenty-fourth session held in 2006, the Ad Hoc Working Party on Recreational Fisheries recommended that:

- EIFAC member countries should use random household samples (instead of surveying licensed anglers), and
- Irrespective of spatial dimensions of evaluation studies, standardization of methods is essential in the pursuit of compatible results.

¹⁰³ Collaboration with the European Anglers Alliance (EAA); a potential collaboration from IUCN.

EIFAC WORKING PARTIES INTERSESSIONAL ACTIVITY, OUTPUTS - 2004-2009

Working Party	Intersessional Activity			Publications: Guidelines and Technical Papers			
	2004	2006	2008	2004	2006	2008	2009
I Biology and Management							
Crayfish							
Eels		X ¹⁰⁴	X ¹⁰⁵		X ¹⁰⁶	X ¹⁰⁷	
Fish Monitoring in Fresh Waters	X ¹⁰⁸				X ¹⁰⁹	X ¹¹⁰	X ¹¹¹
Fish Passage Best Practice						X ¹¹²	
Introductions and Stocking	X ¹¹³	X ¹¹⁴		X ¹¹⁵	X ¹¹⁶		
Management of Sturgeon	X ¹¹⁷	X ¹¹⁸	X ¹¹⁹		X ¹²⁰		X ¹²¹

¹⁰⁴ This Working Party has remained active during the 2006–2008 intersessional period, providing scientific advice on eel stocks and support to eel management. It further provided advice in respect of the new European Union (EU) Regulation (EU No. 1100/2007), which was adopted in September 2007. The Working Party met at CEMAGREF, Bordeaux, in September 2007 and provided advice on a wide range of pertinent data and issues.

¹⁰⁵ See note 93.

¹⁰⁶ The report of the Rome 2006 meeting has been finalized in an agreed joint EIFAC/ICES publication format.

¹⁰⁷ The Working Party published a report in late 2007, including the Country Reports. This is available on the ICES Web site and from FAO (limited number of hard copies).

¹⁰⁸ During the Inter-Session, links were maintained with the Fish-based Assessment Method for the Ecological Status of European Rivers project (FAME).

¹⁰⁹ The Working Party made progress with an Information Note on Electric Fishing Best Practice.

¹¹⁰ The draft standard “Water Quality – Guidance on the Estimation of Fish Abundance with Mobile Hydro-acoustic Methods” was presented by Mr Hateley (United Kingdom) at the CEN TG4 Fish Task Group in Vienna on 14 June 2007.

¹¹¹ Fisheries Research Volume 96, February 2009.

¹¹² The Ad Hoc WP on Fish Passage Best Practices is developing guidelines on design criteria for nature-like fish passes.

¹¹³ During the intersession the WP worked on a review of stocking and introductions in EIFAC countries and impacts and issues relating to current practice.

¹¹⁴ The Convener of the WP reported that, during the intersessional period, a review of stocking and introductions in EIFAC countries was being redrafted but could not be finalized. The review updates and expands that produced for the European Commission in 1999. A key output of this study is a framework to update the EIFAC Guidelines on Stocking and Introductions. This work has been used as a major contribution to the EU Council regulation "concerning use of alien and locally absent species in aquaculture".

¹¹⁵ The Convener has been requested by FAO to produce technical guidelines on stocking to complement the Code of Conduct for Responsible Fisheries and these will be available to EIFAC.

¹¹⁶ The EIFAC work will form the basis of several initiatives, including an England and Wales Environment Agency Project on guidelines for stocking and introduction of fish and a proposed intervention by FAO to produce guidelines on stock enhancement to implement the Code of Conduct for Responsible Fisheries; The Working Party has been in contact with the ICES working group on Introductions and Transfers of Marine Organisms to formulate a joint set of guidelines for aquatic organisms.

¹¹⁷ During the intersession the WP has maintained appropriate linkages with relevant organizations. The WP continues to co-operate with the World Conservation Union (IUCN) and CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora). Members of the WP have been involved in the establishment of the new World Sturgeon Conservation Society (WSCS).

¹¹⁸ During the intersessional period, members of the WP contributed towards the preparation of an Action Plan for Danube Sturgeons. The WP linked its activities with the Black Sea Sturgeon Management Group (BSSMG).

¹¹⁹ During the inter-sessional period links have been actively maintained with IUCN, World Sturgeon Conservation Society (WSCS) and other organizations involved in sturgeon related activity. . Two long-term technical cooperation projects have received support from Turkish, Italian and Russian members of the WP, i.e. TCP/ INT/3101 “Capacity building for the recovery and management of the sturgeon fisheries of the Caspian Sea” and TCP/TUR/3202 “Recovery of Sturgeon Population in Turkey: Habitat Assessment and Restocking”. During the inter-sessional period the WP has also been engaged in preparation activities of the 6th International Symposium on Sturgeon.

Working Party	Intersessional Activity			Publications: Guidelines and Technical Papers			
Mapping of Fish Distribution and Aquatic Habitat Quality							
II Aquaculture							
Aquatic Resources Management in Aquaculture						X ¹²²	
Market Perspectives of European Freshwater Aquaculture							
Relationship between Fish Transfers and Fish Health							
III Protection of Aquatic Resources							
Ad Hoc Working Party on Handling of Fishes in Fisheries and Aquaculture					X ¹²³		
Ad Hoc Working Party on Methodology for Rehabilitation of Lakes and Reservoirs						X ¹²⁴	
Ad Hoc Working Party on Prevention and Control of Bird Predation	X ¹²⁵			X ¹²⁶		X ¹²⁷	
IV Social and Economic Issues							
Ad Hoc Working Party on Recreational Fisheries					X ¹²⁸	X ¹²⁹	
Ad Hoc Working Party on Socio-Economic Aspects of Inland Fisheries		X ¹³⁰				X ¹³¹	X ¹³²

¹²⁰ WP has compiled the publications “Sturgeon Breeding and Rearing Handbook” (in Russian) and “A field guide: Early Sexing and Staging Maturity in Live Sturgeons by Using Ultrasound Technique”.

¹²¹ The first draft of the “Technical guidelines on sturgeon hatchery practices and hatchery management” (English and Russian version) has been completed by the WP Convener with assistance of sturgeon experts from World Bank and Iran and was presented during the UNDP/FAO/World Bank, Ministry of Agriculture of Kazakhstan organized “Regional training workshop on sturgeon hatchery practices and management”, held in Atyrau, Kazakhstan, in April 2009, with the participation of four of the five Caspian littoral states.

¹²² The WP finalized a comprehensive review on “Use and re-use of water in aquaculture”.

¹²³ Report of the EIFAC WP on Handling of Fishes in Fisheries and Aquaculture was published as EIFAC Occasional Paper No.40.

¹²⁴ The WP worked on a final draft of the manual on Rehabilitation of Lakes and Reservoirs for Fish.

¹²⁵ The proceedings of the 2001 Hull International Fisheries Institute/EIFAC Conference on Interactions between Fish and Birds, Implications for Management, were published during the intersession, edited by Mr. I.G. Cowx.

¹²⁶ See footnote below ; The EU funded project REDCAFE (Reducing the Conflict between Cormorants and Fisheries on a Pan-European Scale) published its final report “Reducing the conflict between cormorants and fisheries on a pan-European scale, REDCAFE, Final Report of a Concerted Action funded by the European Union”.

¹²⁷ EIFAC Occasional Paper No.41 on an European Cormorant management plan (ECMP).

¹²⁸ The WP developed a strategy to finalize the Code of Practice for Recreational Fisheries.

¹²⁹ the Working Party developed in 2007 the EIFAC Code of Practice for Recreational Fisheries, which was presented to the Commission for discussion and endorsement under a separate agenda item (EIFAC/XXV/2008/7 refers); a number of papers and book chapters on recreational fisheries have been published by Working Party members including a substantive paper on fish welfare.

¹³⁰ Progress made in the inter-sessional period Outlined results from a survey about the social and economic benefits of recreational fishing that highlighted the importance of recreational fisheries in economic terms, participation in recreational fishing, and disparity in definitions of recreational fisheries between countries, survey methods used and sample representation.

¹³¹ Produce methodological guidelines for the undertaking of social and economic surveys on recreational and inland commercial fisheries in collaboration with the Working Party on Recreational Fisheries. Considerable progress has been made towards completion of the first task and a draft of the methodological guidelines has been prepared.

¹³² This draft was the subject of a “Workshop on Guidelines for assessing socio-economic benefits of inland recreational and commercial fisheries” held in Helsinki, Finland 12-15th January 2009.

**LIAISON GROUPS
CONSIDERATION BY 2004-2008 EIFAC SESSIONS**

The following information on Liaison Groupss (LGs) and Working Parties (WPs) was sourced from reports of EIFAC Sessions between 2004 – 2008. It describes actions taken to:

- upgrade three LGs to WPs, including one that was originally a WP;
- convert one WP into a LG, and re-convert it into a WP the following Session;
- merge an LG with a WP; and
- discontinue two LGs (one of which had previously been converted from a WP)
- decline to establish one LG.

1. Ad Hoc WP on Prevention and Control of Bird Predation

2004. It was recognised that other groups were carrying this work forward and decided to convert the *ad hoc* WP into a LG.

2006. It was reiterated the importance of EIFAC's work on bird predation issues in fisheries and aquaculture, and decided to re-establish the WP status for this activity.

2. Ad Hoc WP on Influence of Management Practices on the Environment

2004. It was decided that the WP should continue as a strategic EIFAC LG, reporting to the Commission on priority issues for the working programme of the Commission.

2006. It was decided to discontinue the activities of the LG.

3. LG on Ecological and Human Health Effects from Endocrine Disrupting Substances

2006. It was decided to discontinue the activities of the LG.

4. LG on EU Water Framework Directive (WFD)

2006. It was recognized the Symposium recommendation for EIFAC to establish a new WP to provide guidance on the implementation of the WFD.

5. LG with Council of Europe

2006. It was decided that this LG should join the WP on Handling of Fish in Fisheries and Aquaculture.

6. LG on Illegal, Unreported and Unregulated (IUU) Fishing

2008. It was recommended to upgrade the LG to a WP on IUU Fishing and Poaching because of the recognized complexity of the problem.

7. LG on the Ecosystem Approach to Fisheries Management

2008. This LG was proposed but not established as there are too many Working Parties and LGs, and not enough active people to contribute to their work.

**EIFAC SYMPOSIA
1966 – 2008**

2008	Interactions between Social, Economic and Ecological Objectives of Inland Commercial and Recreational Fisheries and Aquaculture
2006	Hydropower, Flood Control and Water Abstraction: Implications for Fish and Fisheries
2004	Aquaculture Development – Partnership between Science and Producer Associations
2002	Inland Fisheries Management and the Aquatic Environment
2000	Fisheries and Society Social, Economic and Cultural Perspectives of Inland Fisheries
1998	Water for Sustainable Inland Fisheries and Aquaculture
1996	Social, Economic and Management Aspects of Recreational Fisheries
1994	No Symposium was held
1992	Sublethal and Chronic Toxic Effects of Pollutants on Freshwater Fish
1990	Production Enhancement in Still-water Pond Fish Culture
1988	Management Schemes for Inland Fisheries
1986	Selection, Hybridization and Genetic Engineering in Aquaculture of Fish and Shellfish for Consumption and Stocking
1984	Habitat Modification and Fresh-water Fisheries
1982	Stock Enhancement in the Management of Freshwater Fisheries
1980	Aquaculture in heated effluents environment. I-Measurement of pollution effect on and recirculation systems.
1978	Finfish Nutrition and Feed Technology
1976	Eel research and management (Joint ICES/EIFAC Symposium)
1974	Methodology for the Survey, monitoring and appraisal of fishery resources in lakes and large rivers
1972	Major Communicable Fish Diseases in Europe and their Control
1970	Nature and Extent of Water Pollution Problems Affecting Inland Fisheries in Europe
1968	New developments in Carp and Trout Nutrition
1966	Feeding in Trout and Salmon Culture

**RECOMMENDATIONS OF EIFAC SYMPOSIA,
2002-2008**

Symposia	Recommendations
<p>Symposium on Inland Fisheries Management and the Aquatic Environment</p> <p>Lake Windermere, UK 12 - 15 June 2002</p>	<p>It was therefore recommended that:</p> <ul style="list-style-type: none"> • Improved communication and education programmes on protection and conservation be developed for inland waters. • New guidelines be developed for biomanipulation and that existing guidelines for stocking and introductions be updated and incorporated into national and local level policy. • All stakeholders be included in the consultative and decision making processes for management and conservation of inland fisheries resources. • The catchment basin be fully evaluated to see what other factors may affect the project and what problems may still persist. • Opportunities for artificial fisheries as well as restoration and enhancement of existing fisheries be identified. • Goals for restoration projects should be fully evaluated and realistic targets set that project managers and the public find acceptable. • A risk assessment based approach be adopted for all fisheries management activities. • Mechanisms be established for the common management of international water bodies where these do not already exist; and reinforced where they already exist. • Mechanisms be developed for the <i>in vivo</i> conservation of endangered fish species; sturgeons are priority.
<p>Symposium on Aquaculture Development - partnership between science and producer associations</p> <p>Wierzba, Poland, 26–29 May 2004</p>	<p>It was recommended that:</p> <ul style="list-style-type: none"> • Durable partnerships be promoted at the local, national and international levels. • Awareness of the European Union RTD programmes applicable to SMEs and associative grouping be promoted and their potential application be implemented. • International and intergovernmental organizations continue work together to demonstrate the benefits and contributions of partnerships in the promotion of sustainable freshwater aquaculture. • Core funding be sought to promote networking and to overcome language barriers that limit effective dissemination of results and communication among inland fisheries and aquaculture stakeholders. • Organizations such as EIFAC address the social and economic influences on the sustainability of inland fisheries and aquaculture. • EIFAC consider new ways to stimulate active interaction between the diverse interests represented at the symposium,
<p>Symposium on Hydropower, Flood Control and Water Abstraction: Implications for Fish and Fisheries</p> <p>Mondsee, Austria, 14– 21 June 2006</p>	<p>It was recommended that:</p> <ul style="list-style-type: none"> • EIFAC establish a working group to assist member countries in conforming to the requirements of the European Water Framework Directive (WFD). • Member countries collaborate in country-wide and international compilation and sharing of databases on the relationships between anthropogenic pressures and fish responses. • Monitoring and assessment of restoration projects should be mandatory to evaluate their effectiveness and cost effectiveness. • Guidelines on fish pass operation be prepared as joint publications that are made widely available. • A Working Group on Fish Passage Best Practice be set up under the auspices of EIFAC in Sub-Commission I. • Scientists and research institutions carry out appropriate investigations (cause research

	<p>and development are required).</p> <ul style="list-style-type: none"> • EIFAC member countries exchange approaches to establishing environmental flows and promote fish as a key quality element and adopt a risk assessment based approach for flow regulation and abstraction activities. • EIFAC promotes the preparation of guidelines for establishing environmental flow criteria for fish and fisheries. • Agencies responsible for formulating proposals for setting environmental flows include key stakeholders in the consultative and decision-making processes, fully evaluate catchment wide activities, fully evaluate and set realistic targets. • Post-project monitoring of flow regulation and abstraction projects is a component of the evaluation procedures and the effectiveness thereof, and the results should receive wide dissemination. • EIFAC assist EIFAC Members that don't belong to the EU, to participate in the WFD through exchange of information on regulations and on compilation and dissemination of associated material.
<p>Symposium on Interactions between Social, Economic and Ecological Objectives of Inland Commercial and Recreational Fisheries and Aquaculture.</p> <p>Antalya, Turkey, 21–24 May 2008</p>	<p>It was recommended that the appropriate responsible bodies take the following actions:</p> <ul style="list-style-type: none"> • Develop toolboxes, quantitative models and indicators for high quality socio-economic assessment of inland fisheries and aquaculture in data-poor situations. • Promote development of interdisciplinary fisheries research and management methods, approaches and decision-making.. • Improve communication, information transfer and public outreach of inland fisheries and aquaculture issues to non-fishery stakeholders and to those charged with taking decisions. • Develop and promote a more structured approach to recreational fisheries management to take due account of the importance of the activity to local and regional economies. • Develop and promote alternative employment opportunities for those currently engaged in commercial fisheries. Also, due consideration should be given to gender equity. • Examine the ecological and socio-economic implications for inland fisheries/aquaculture of attaining the 2015 targets from the EU WFD, at the national and local level. • Assess the future direction of European inland aquaculture • Generate and communicate research on the economic value of recreational fishing. • Ascertain the nature of the interaction between commercial and recreational fishing in terms of participation in governance, management of the fisheries resource, and IUU fishing. • Assess the demand on aquaculture for fish for stocking and adjust the range of products, species and sizes. • Establish a European-wide mechanism for examining, preventing and mitigating of transboundary water resource access and availability issues and problem • Address emerging issues via a project management type approach • Develop (technical) guidelines on recreational fisheries and inland capture fisheries related sectors. • Translate key EIFAC documents into the Russian language in support of the inland fisheries sectors in Eastern Europe, the Caucasus and Central Asia. • Strengthen contacts and collaboration between EIFAC and the Technical Advisory Body on Fisheries Management in the Mekong Basin (TAB) and other Regional Fishery Bodies (RFBs).

**RULES OF PROCEDURE OF THE EUROPEAN INLAND FISHERIES ADVISORY
COMMISSION (as amended on 1 July 1998)**

Rule I Membership

1. Membership in the European Inland Fisheries Advisory Commission is open to European Member Nations of the Food and Agriculture Organization in accordance with the provisions of Article VI, paragraph 1 of the Constitution of the Organization. Membership shall comprise such eligible Nations as have notified the Director-General of the Organization of their desire to be considered as members.
2. Each Member Nation of the Commission shall, before the opening of each session of the Commission, communicate to the Director-General of the Organization the name of its representative who should, as far as possible, have responsibilities related to inland fisheries.

Rule II Officers

1. The Commission shall elect a Chairman, a first Vice-Chairman and a second Vice-Chairman from among the representatives to the Commission at the end of each session, who shall remain in office until the election of the new Chairman and new Vice-Chairmen at the next session. The outgoing Chairman and Vice-Chairmen shall be eligible for re-election.
2. The Chairman, or in his absence a Vice-Chairman, shall preside at meetings of the Commission and exercise such other functions as may be required to facilitate the work of the Commission. The Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.
3. In the event that both the Chairman and the Vice-Chairmen are unable to serve, the Director-General of the Organization or his representative shall act as Chairman, until new officers have been elected.
4. The Director-General of the Organization shall appoint from among the staff of the Organization a Secretary of the Commission who shall be responsible to him.
5. The Commission may appoint one or more rapporteurs.

Rule III Executive Committee

1. The Chairman and Vice-Chairmen of the Commission shall constitute the Executive Committee whose duty shall be to direct and conduct the business and affairs of the Commission between its sessions.
2. The Chairman of the Commission shall be Chairman of the Executive Committee.
3. The Executive Committee shall periodically inform all Members of the Commission, through the Director-General, of any action taken. Such action shall be subject to confirmation at the next session of the Commission.
4. The Chairman of the sub-commissions established by the Commission shall be invited to attend at least one session of the Executive Committee each year for consultations regarding the coordination of activities.
5. When the Executive Committee deals with special problems, the Chairman of the Executive Committee may, in consultation with the Vice-Chairmen, invite not more than two additional members of the Commission to attend in an advisory capacity the meetings of the Executive Committee at which such problems are considered.

Rule IV Sessions

1. The Commission shall hold sessions at such periodic intervals as shall be requested by a majority of the Members of the Commission or considered necessary by the Director-General of the Organization.
2. The sessions of the Commission shall be convened by the Director-General of the Organization, who shall decide on the place where they are to be held, in consultation with the Chairman and the competent authorities of the host country.

3. Notice of the date and place of each session of the Commission shall, at least three months before the session, be communicated to all the Members of the Commission.
4. Each Member of the Commission shall have one representative who may be accompanied by an alternate and advisers. An alternate or adviser shall not have the right to vote except when substituting for the representative.
5. Meetings of the Commission shall be held in public unless the Commission decides otherwise.
6. A majority of the Members of the Commission shall constitute a quorum.

Rule V Agenda

1. The Director-General of the Organization, in consultation with the Chairman of the Commission, shall prepare a provisional agenda for each session of the Commission.
2. The first item on the provisional agenda shall be the adoption of the agenda.
3. Any member of the Commission may request the Director-General of the Organization to include specific items in the provisional agenda.
4. The provisional agenda shall be circulated by the Director-General of the Organization to all the members of the Commission at least three months before the opening of the session.
5. Any Member of the Commission and the Director-General of the Organization may, after the despatch of the provisional agenda, propose the inclusion of specific items in the agenda with respect to matters of an urgent nature. These items shall be placed on a supplementary list, which, if time permits before the opening of the session, shall be despatched by the Director-General of the Organization to all Members of the Commission, failing which the items shall be communicated to the Chairman of the Commission, for submission to the Commission.
6. After the Agenda has been adopted, the Commission may, by a two-thirds majority of the votes cast, amend the agenda by the deletion, addition or modification of any item. No matter referred to the Commission by the Conference or Council of the Organization may be omitted from the Agenda.
7. Documents to be submitted to the Commission at any session shall be furnished by the Director-General of the Organization to the Members of the Commission, the other Member Nations of the Organization attending the session and to the non-member nations and international organizations invited to the session, at the time the agenda is despatched or as soon as possible thereafter.

Rule VI Voting and Procedures

1. Each Member of the Commission shall have one vote.
2. Decisions of the Commission shall be taken by a majority of the votes cast, unless otherwise provided in these Rules.
3. Upon the request of any Member of the Commission, voting shall be by roll-call, in which case the vote of each Member shall be recorded.
4. When the Commission so decides, voting shall be by secret ballot.
5. In addition to the above Rules, the provisions of Rule XII of the General Rules of the Organization shall apply *mutatis mutandis*.

Rule VII Observers

1. Any Member Nation of the Organization that is not a Member of the Commission and any Associate Member, that has a special interest in the work of the Commission may, upon request communicated to the Director-General of the Organization, attend as observer sessions of the Commission, its sub-commissions or *ad hoc* working parties. It may submit memoranda and participate without vote in the discussions.
2. Nations which, while not Member Nations of the Organization, are Members of the United Nations, may, upon their request and subject to the provisions adopted by the Conference of the Organization relating to the granting of observer status to nations, be invited to attend in an observer capacity sessions of the Commission, its sub-commissions and *ad hoc* working parties. The status of nations

invited to such sessions or meetings shall be governed by the relevant provisions adopted by the Conference of the Organization.

3. Subject to the provisions of Rule VI, paragraph 4, of these Rules, the Director-General of the Organization may invite international organizations to attend sessions of the Commission in an observer capacity.

4. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution of the Organization and the General Rules of the Organization as well as by the general regulations of the Organization in relations with international organizations. All such relations shall be dealt with by the Director-General of the Organization.

Rule VIII Records and Reports

1. At each session, the Commission shall approve a report embodying its views, recommendations and decisions, including when requested a statement of minority views. Such other records for its own use as the Commission may on occasion decide, shall also be maintained.

2. The conclusions and recommendations of the Commission shall be transmitted to the Director-General of the Organization at the close of each session, who shall circulate them to Members of the Commission and to nations and international organizations that were represented at the session and, upon request, to other Member Nations of the Organization for their information.

3. Recommendations having policy, program or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference or Council of the Organization for action.

4. Subject to the provisions of the preceding paragraph, the Director-General of the Organization may request Members of the Commission to supply information in order to keep the Commission informed on action taken on the basis of recommendations made by the Commission.

Rule IX Subsidiary Bodies

1. The Commission may establish such sub-commissions on problems of major importance and general interest.

2. Membership in these subsidiary bodies shall consist of selected Members of the Commission or of individuals appointed in their personal capacity. The designation of the members of the subsidiary bodies shall be made by the Commission.

3. The representative of the Members of the subsidiary bodies shall, insofar as possible, be specialists in the fields of activity of the respective subsidiary bodies.

4. The Commission may decide the convening of *ad hoc* working parties, either of representatives of Members of the Commission or of experts serving in an individual capacity, in order to study problems that because of their specialized nature could not fruitfully be discussed during the normal sessions of the Commission. Experts attending such *ad hoc* working parties in an individual capacity shall be designated by the Commission.

5. The terms of reference of sub-commissions, and *ad hoc* working parties shall be determined by the Commission.

6. The establishment of subsidiary bodies and the convening of *ad hoc* working parties shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization. The determination of such availability shall be made by the Director-General of the Organization.

7. Sub-commissions shall report their conclusions and recommendations to the Commission. *Ad hoc* working parties shall report to the Commission or a sub-commission as directed by the Commission.

8. Each subsidiary body and *ad hoc* working party shall elect its own officers who shall be eligible for re-election.

9. The Rules of the Commission shall apply *mutatis mutandis* to its subsidiary bodies and *ad hoc* working parties.

10. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Commission shall have before it a report from the Director-General of the Organization on the administrative and financial implications thereof.

Rule X Expenses

1. Expenses incurred by representatives of Members of the Commission, their alternates and advisers, when attending sessions of the Commission, Executive Committee, sub-commissions, *ad hoc* working parties, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations.
2. Expenses of experts invited by the Director-General of the Organization to attend sessions or meetings in their individual capacity shall be borne by the Organization.
3. Any financial operations relating to the Commission and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Regulations of the Organization.

Rule XI Languages

1. English and French shall be the official languages of the Commission.
2. The Commission shall at the beginning of each session decide which of the official languages shall be used as working language or languages. Any representative using another language than one of the working languages shall provide for interpretation into one of the working languages.

Rule XII Amendment and Suspension of Rules

1. Amendment of, or additions to these Rules may be adopted by a two-thirds majority of the membership of the Commission provided that 24 hours' notice of the proposal for the amendment or addition has been given. Amendments or additions to these Rules shall come into force upon approval by the Director-General of the Organization, subject to confirmation by the Council of the Organization, as appropriate.
2. Any of the above Rules of the Commission, other than Rule I-1, Rule II-4, Rule IV-2 and 6, Rule V-6, Rule VI-2, Rule VII, Rule VIII-3 and 4, Rule IX-5, 6 and 10, Rule X and Rule XII-1, may be suspended by the Commission by a two-thirds majority of the votes cast, provided that 24 hours' notice of the proposal for the suspension has been given. Such notice may be waived if no representative of the Members of the Commission objects.

ELEMENTS OF RULES OF PROCEDURE OF CERTAIN RFBs

	APFIC	GFCM	IOTC	NACA	RECOFI
RULE I			Definitions	Representation	Definitions
RULE II	Sessions of the Commission	Sessions of the Commission	Sessions of the Commission	Regular Sessions of the Governing Council	Sessions of the Commission
RULE III	Agenda	Credentials	Credentials	Special Sessions of the Governing Council	Credentials
RULE IV	The Secretariat	Agenda	Agenda	Representative of the Food and Agriculture Organization of the United Nations	Agenda
RULE V	Plenary Meetings of the Commission	The Secretariat	The Secretariat	Observers	The Secretariat
RULE VI	Election of Chairman and Vice-Chairman and of other members of the Executive Committee	Plenary Meetings of the Commission	Plenary Meetings of the Commission	Election of the Chairman and Other Officers	Plenary Meetings of the Commission
RULE VII	Functions of the Chairman and Vice-Chairman	Election of Chairperson and Vice-Chairpersons	Election of Chairperson and Vice-Chairpersons	Functions of the Chairman	Election of Chairperson and Vice-Chairpersons
RULE VIII	Voting Arrangements and Procedures	Functions of the Chairman and Vice-Chairmen	Functions of the Chairperson and Vice-Chairperson	Agenda	Functions of the Chairperson and Vice-Chairperson
RULE IX	Committees	Voting Arrangements and Procedures	Voting Arrangements and Procedures	Quorum	Voting Arrangements and Procedures
RULE X	Budget and Finance	Committees	Subsidiary Committees and Working Groups	Voting	Subsidiary Committees and Working Groups
RULE XI	Participation by observers	Budget and Finance	Budget and Finance	Public and Private Meetings	Budget and Finance
RULE XII	Reports and Recommendations	Participation by Observers	Participation by Observers	Languages	Participation by Observers
RULE XIII	Recommendations to Members	Cooperative Projects	Cooperative Projects	Secretariat	Cooperative Projects
RULE XIV	Amendments and Agreement	Records, Reports and Recommendations	Records, Reports and Recommendations	Reports	Records, Reports and Recommendations
RULE XV	Suspension and Amendment of Rules	Recommendations to Members	Recommendations to Members	External Auditor	Recommendations to Members
RULE XVI	Official Languages	Amendments to the Agreement	Amendments to the Agreement	Subsidiary Bodies	Amendments to the Agreement
RULE XVII		Suspension and Amendment of Rules	Suspension and Amendment of Rules	Application	Suspension and Amendment of Rules
RULE XVIII		Official Languages	Languages		Languages

RULES OF PROCEDURE OF SOME FAO ARTICLE XIV RFBs and an IGO: A COMPARATIVE TABLEAPPENDIX R

APFIC	GFCM
DEFINITIONS	
<p>For the purpose of these Rules, the following definitions apply:</p> <p>Agreement: The Agreement for the Establishment of the Asia-Pacific Fishery Commission formulated at Baguio, Philippines, 26th February 1948 as amended in conformity with Article IX thereof</p> <p>Commission: The Asia-Pacific Fishery Commission</p> <p>Chairman: The Chairman of the Commission</p> <p>Delegate: The representative of a Member as specified in Article II-1 of the Agreement</p> <p>Delegation: The delegate and his alternate, experts and advisers</p> <p>Member: Member Nations and Associate Members of the Organization and non-member states of the Organization that are Members of the United Nations, or any of its Specialized Agencies or the International Atomic Energy Agency</p> <p>Secretary: The Secretary of the Commission</p> <p>Organization: The Food and Agriculture Organization</p> <p>Conference: The Conference of the Organization</p> <p>Director-General: The Director-General of the Organization</p> <p>Observer Nation, Associate Member or organization: A non-member of the Organization or international organization invited to attend a session of the Commission or a Member Nation or Associate Member of the Organization attending a session of the Commission while not a Member of the Commission</p> <p>Observer: The representative of an Observer Nation, Associate Member or organization</p> <p>Session: A properly convened continuing assemblage of delegates which may be adjourned from day to day</p> <p>Meeting: A period of a session during which delegates do not separate except for a short recess</p>	<p>For the purpose of these Rules, the following definitions apply:</p> <p>Agreement: The Agreement for the establishment of the General Fisheries Commission for the Mediterranean formulated at Rome (Italy), 24 September 1949 as amended in conformity with Article XII thereof.</p> <p>Commission: The General Fisheries Commission for the Mediterranean.</p> <p>Chairman: The Chairman of the Commission.</p> <p>Vice-Chairman: The Vice-Chairman of the Commission.</p> <p>Delegate: The representative of a Member as specified in Article II, paragraph 1, of the Agreement.</p> <p>Delegation: The delegate and his alternate, experts, and advisers.</p> <p>Member: Members and Associate Members of the Organization, and non-members of the Organization, as may be Members of the Commission.</p> <p>Secretary: The Secretary of the Commission.</p> <p>Organization: The Food and Agriculture Organization of the United Nations.</p> <p>Conference: The Conference of the Organization.</p> <p>Observer Nation, Associate Member, or Organization: A nation that is not a Member of the Commission or of the Organization, or an international organization invited to attend a session of the Commission, or a Member or Associate Member of the Organization attending a session of the Commission while not a Member of the Commission.</p> <p>Observer: The representative of an observer nation or organization.</p>

APFIC	GFCM	NACA
SESSION		
Session of the Commission	Session of the Commission	Regular Session of the Governing Council
<p>1. In pursuance of, and in accordance with, Article II-4 of the Agreement, the Commission, in consultation with the Director-General, shall at each session consider whether a session should be held in the second year following and shall decide the time and place for the next session in accordance with the requirements of the Commission's programmes and the terms of the invitation of the country in which the session is to be held. The Chairman, accordingly, shall issue the announcement of the session, provided that, if the Commission at a regular session is unable to fix a time and place for the next session, it shall, in consultation with the Director-General, take a decision</p>	<p>1. In pursuance of, and in accordance with, Article II, paragraph 10 of the Agreement, the Commission, in consultation with the Director-General, shall at each regular session decide the time and place for the next session in accordance with the requirements of the Commission's programmes and the terms of the invitation of the country in which the session is to be held. The Chairman, accordingly, shall issue the announcement of the session.</p>	<p>1. The Governing Council shall hold a regular Meeting annually at such time and place as it may determine.</p>

APFIC	GFCM	NACA
<p>as to the calendar year in which the next session is to be held, and the Chairman, in consultation with the Director-General, is then authorized to fix the time and place of the session, provided that the approval of the majority of the Members of the Commission has been secured.</p> <p>2. The Chairman, in consultation with the Director-General, may call a special session of the Commission at:</p> <p>(a) the direction of the Commission;</p> <p>(b) the direction of the Executive Committee with the approval of a majority of the Members; or</p> <p>(c) the request of a majority of the Members.</p> <p>The Executive Committee, in consultation with the Director-General, shall decide the time and place of such a session.</p> <p>3. Invitations to a regular session of the Commission shall be issued not less than sixty days in advance of the date fixed for the opening of the session. Invitations to special sessions shall be issued not less than forty days in advance of the date fixed for opening of the session.</p>	<p>2. The Chairman may convene a special session of the Commission at the request or with the approval of the majority of the Members.</p> <p>3. Invitations to a regular session of the Commission shall be issued by the Secretary on behalf of the Chairman not less than sixty days in advance of the date fixed for the opening of the session. Invitations to special sessions shall be issued not less than forty days in advance of the date fixed for the opening of the session.</p> <p>4. In order that a proposal to hold a session of the Commission or any of its organs, in a given country, may be considered, such country must have (a) ratified without reservation the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, or (b) given the assurance that all delegates, representatives, experts, observers, or other persons entitled to attend such session in accordance with the terms of the Agreement or these Rules, will enjoy the privileges and immunities necessary for the independent exercise of their function in connection with the session.</p>	<p>2. Notice of the convening of a regular Meeting shall be despatched by the Coordinator to all Members, to the Food and Agriculture Organization of the United Nations (FAO) and to any non-member State, international fisheries commission or other organization invited by the Governing Council to send observers to the Meeting. Such notice shall be despatched not less than ninety days before the date fixed for the opening of the Meeting.</p> <p>Special Session of the Governing Council</p> <p>1. The Governing Council may hold special sessions if it so decides or at the request of two-thirds of the members. Requests by Members for the convening of a special session in accordance with Article 8.4 of the Agreement shall be addressed to the Chairman of the Governing Council.</p> <p>2. The time and place of special sessions shall be determined by the Governing Council or by the Chairman, as the case may be.</p> <p>3. Notice of the convening of a special session shall be despatched by the Coordinator to the same addresses as prescribed in Rule 2.2 not less than thirty days before the date fixed for the opening of the session.</p>

GFCM

CREDENTIALS

At each session, the Secretary shall receive the credentials of delegations and observers. Such credentials shall conform to the standard form set by the Secretariat. Upon examination thereof the Secretariat shall report to the Commission for the necessary action.

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AGENDA		
<p>1. The Agenda of each regular session shall include:</p> <p>a) Adoption of the Agenda;</p> <p>b) The election of the Chairman and Vice-Chairman as provided for under Article II-3 of the Agreement and the election of two members of the Executive Committee as provided for in Article III-1 of the Agreement;</p> <p>c) A report of the Executive Committee on its activities during the intersessional period, including a report of the work performed on behalf of the Commission by the Secretariat;</p> <p>d) A report by the Secretary on the financial affairs of the Commission;</p> <p>e) Consideration of the proposed budget for the ensuing two years;</p> <p>f) Proposals for amendments, if any, to the Agreement, in accordance with Article IX of the Agreement and the provisions of Rule XIV of these Rules;</p> <p>g) Applications for membership, if any, in accordance with Article X-2 of the Agreement from States which are not members of the Organization;</p> <p>h) Reports of Committees;</p> <p>i) Consideration of the time and place of the next session;</p> <p>j) Items, if any, referred to the Asia - Pacific Fishery Commission by the Conference, Council or the Director-General of the Organization.</p> <p>2. The agenda shall also include, upon approval by the Commission:</p> <p>a) Items approved at the previous session;</p> <p>b) Items proposed by the Executive Committee;</p> <p>c) Items proposed by a Member.</p> <p>3. A provisional agenda, consisting of items (a) to (j) of paragraph 1 of this Rule and such other items as may have been proposed shall be sent by the Secretary to Members and observer nations, Associate Members and organizations not less than sixty days before the date fixed for the opening of the session, together with reports and documents available in connection therewith.</p> <p>4. The agenda of a special session shall consist only of</p>	<p>1. The agenda of each regular session shall include:</p> <p>a) as appropriate, election of the Chairman and of two Vice-Chairmen as provided under Article II, paragraph 9 of the Agreement;</p> <p>b) adoption of the agenda;</p> <p>c) a report by the Secretary on the financial affairs and activities of the Commission;</p> <p>d) consideration of the proposed budget;</p> <p>e) reports of committees;</p> <p>f) consideration of the time and place of the next session;</p> <p>g) proposals for amendments to the Agreement and the present Rules of Procedure;</p> <p>h) applications for membership, in accordance with Article XIII, paragraph 2 of the Agreement, from States which, while not Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency;</p> <p>i) items referred to the General Fisheries Commission for the Mediterranean by the Conference, the Council or the Director-General of the Organization.</p> <p>2. The agenda shall also include, upon approval by the Commission:</p> <p>a) items approved at the previous session;</p> <p>b) items proposed by a Member.</p> <p>3. The provisional agenda shall be sent by the Secretary to members and observer nations and organizations not less than sixty days before the date of the session, together with reports and documents available in connection therewith.</p> <p>4. The agenda of a special session shall consist only of items</p>	<p>1. A provisional agenda for each regular or special session shall be drawn up by the Coordinator in consultation with the Chairman and shall be despatched together with the notice specified in Rule 2.2 or Rule 3.3 as the case may be.</p> <p>2. Proposals for the addition or deletion of items in respect of the Provisional Agenda shall be addressed by Members to the Coordinator who shall, if time permits, despatch them to Member States and observers before the opening of the Session.</p> <p>3. In accordance with Article 17.1 of the Agreement any proposal for amendment must reach the Director-General of FAO at least 120 days before the opening day of the session at which it is to be considered. Any proposal concerning amendments to the Agreement must be despatched to members at least 90 days before the Regular Meeting or 30 days before the Special Meeting at which the proposal is to be considered.</p>

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items relating to the purpose for which the session was called.	relating to the purpose for which the session was called.	
ELECTION (of Chairman and other Officers)		
<p>1. The Commission shall, during each regular session, elect the Chairman and Vice- Chairman of the Commission who shall serve until the end of the next regular session.</p> <p>2. The Chairman and Vice-Chairman shall assume office at the end of the regular session in which they are elected. They shall be eligible for re-election.</p> <p>3. The Commission shall, during each regular session, also elect the two members of the Executive Committee referred to in Article III-1 of the Agreement.</p>	<p>1. The Commission shall elect the Chairman and first and second Vice-chairman of the Commission, who shall assume office immediately following the regular session at which they were elected and who shall be elected for two regular sessions.</p> <p>2. Nominees must be delegates or alternates present at the regular session at which they are to be elected. They shall be eligible for re-election for a further two regular sessions.</p>	<p>1. At each Regular Session the Governing Council shall elect a Chairman and one or more Vice-Chairman, who shall hold office for the period beginning at the time of the adjournment of the Regular Session of the Governing Council and ending at the time of the adjournment of the subsequent Regular Session.</p> <p>2. The Chairman and Vice-Chairman may not be elected for more than two consecutive terms.</p> <p>3. In the absence of the Chairman, one of the Vice Chairmen shall exercise the functions of the Chairman.</p>
FUNCTIONS OF THE CHAIRMAN AND VICE-CHAIRMAN		
<p>1. The Chairman shall exercise the functions conferred on him elsewhere in these Rules, and in particular shall:</p> <p>a) Declare the opening and closing of each plenary meeting of the Commission;</p> <p>b) Direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;</p> <p>c) Rule on points of order;</p> <p>d) Subject to these Rules, have complete control over the proceedings of plenary meetings;</p> <p>e) Appoint such <i>ad hoc</i> committees of the session as the Commission may direct.</p> <p>2. The Vice-Chairman shall exercise the functions of the Chairman in the Chairman's absence or at the Chairman's request.</p>	<p>1. The Chairman shall exercise the functions conferred on him elsewhere in these Rules and, in particular, shall:</p> <p>a) declare the opening and closing of each plenary meeting of the Commission;</p> <p>b) direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;</p> <p>c) rule on points of order;</p> <p>d) subject to these Rules, have complete control over the proceedings of the session;</p> <p>e) appoint such committees of the session as the Commission may direct.</p> <p>2. In the absence of the Chairman, or at his request, his functions shall be exercised by the first Vice-Chairman or, in the absence of the latter, by the second Vice-Chairman.</p> <p>3. The Chairman or Vice-Chairmen, when acting as Chairman shall not vote and another member of their delegations shall represent their governments.</p> <p>4. The Secretary shall temporarily exercise the functions of the</p>	<p>1. The powers and duties of the Chairman shall be:</p> <p>a) to declare the opening and closing of each Session of the Governing Council</p> <p>b) To direct discussions at meetings and to ensure observance of these rules.</p> <p>c) To accord the right to speak and to limit the time allowed to speakers.</p> <p>d) To rule on points of order, subject to the right of any Representative to request that any ruling by the Chairman be submitted to the Governing Council for decision</p> <p>e) To call for votes and to announce results.</p> <p>f) To sign on behalf of the Governing Council a report of the proceedings of each session of the Governing Council for transmission to Members.</p> <p>g) Generally to perform any function assigned to him by the Governing Council</p>

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	Chairman in the event the Chairman and Vice-Chairmen are unable to serve,	

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PLENARY MEETINGS OF THE COMMISSION	
Plenary meetings of the Commission shall be held in public unless otherwise decided by the Commission. When the Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.	Plenary meetings of the Commission shall be held in public unless otherwise decided by the Commission. When the Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.

APFIC	GFCM	NACA
VOTING ARRANGEMENTS AND PROCEDURES		
<p>1. Except as provided in paragraph 4 of this Rule, voting in plenary meetings shall be oral or by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement of these Rules, or if a request of a vote by roll call is made by any delegation.</p> <p>2. A vote by roll call shall be conducted by calling upon delegations in the English alphabetical order of the respective Members.</p> <p>3. The record of any roll call vote shall show the votes cast by each delegation and by abstentions.</p> <p>4. Voting on matters relating to individuals, except the election of officers, shall be by secret ballot.</p> <p>5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.</p> <p>6. If the Commission is equally divided when a vote is taken on a question other than an election, a second vote shall be taken at the next meeting of the current session. If the Commission is then again equally divided, the proposal shall be regarded as rejected.</p> <p>7. If the quorum of a two-thirds majority of all the</p>	<p>1. Except as provided in paragraph 4 of this Rule, voting in plenary meetings shall be oral or by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement of these Rules, or if a request of a vote by roll call is made by any delegation.</p> <p>2. A vote by roll call shall be conducted by calling upon delegations in the English alphabetical order of the respective Members.</p> <p>3. The record of any roll call vote shall show the votes cast by each delegation and by abstentions.</p> <p>4. Voting on matters relating to individuals, except the election of officers, shall be by secret ballot.</p> <p>5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.</p> <p>6. If the Commission is equally divided when a vote is taken on a question other than an election, a second vote shall be taken at the next meeting of the current session. If the Commission is then again equally divided, the proposal shall be regarded as rejected.</p> <p>7. If the quorum of a two-thirds majority of all the Members of</p>	<p>1. Except as provided in paragraph 4 of this Rule, voting in plenary meetings shall be oral or by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement of these Rules, or if a request of a vote by roll call is made by any delegation.</p> <p>2. A vote by roll call shall be conducted by calling upon delegations in the English alphabetical order of the respective Members.</p> <p>3. The record of any roll call vote shall show the votes cast by each delegation and by abstentions.</p> <p>4. Voting on matters relating to individuals, except the election of officers, shall be by secret ballot.</p> <p>5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.</p> <p>6. If the Commission is equally divided when a vote is taken on a question other than an election, a second vote shall be taken at the next meeting of the current session. If the Commission is then again equally divided, the proposal shall be regarded as rejected.</p> <p>7. If the quorum of a two-thirds majority of all the Members of</p>

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<p>Members of the Commission is not present at the time of the vote on a proposed amendment to the Agreement, as provided for in Article IX of the Agreement, the Commission may decide that absent Members be informed thereof and requested to vote by a written communication addressed to the Director-General of FAO within ninety days of the closing of the Session at which the proposal was put to vote, provided, however, that the vote must be either affirmative or negative and will not be valid if it were conditional. Such amendments will be considered as adopted only when the required majority has been obtained.</p> <p>8. Voting arrangements and other related matters not specifically provided for by the Agreement or by these Rules shall be governed "<i>mutatis mutandis</i>", by the provisions of the General Rules of the Organization.</p>	<p>the Commission is not present at the time of the vote on a proposed amendment to the Agreement, as provided for in Article IX of the Agreement, the Commission may decide that absent Members be informed thereof and requested to vote by a written communication addressed to the Director-General of FAO within ninety days of the closing of the Session at which the proposal was put to vote, provided, however, that the vote must be either affirmative or negative and will not be valid if it were conditional. Such amendments will be considered as adopted only when the required majority has been obtained.</p> <p>8. Voting arrangements and other related matters not specifically provided for by the Agreement or by these Rules shall be governed "<i>mutatis mutandis</i>", by the provisions of the General Rules of the Organization.</p>	<p>the Commission is not present at the time of the vote on a proposed amendment to the Agreement, as provided for in Article IX of the Agreement, the Commission may decide that absent Members be informed thereof and requested to vote by a written communication addressed to the Director-General of FAO within ninety days of the closing of the Session at which the proposal was put to vote, provided, however, that the vote must be either affirmative or negative and will not be valid if it were conditional. Such amendments will be considered as adopted only when the required majority has been obtained.</p> <p>8. Voting arrangements and other related matters not specifically provided for by the Agreement or by these Rules shall be governed "<i>mutatis mutandis</i>", by the provisions of the General Rules of the Organization.</p>

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COMMITTEES	
<p>1. The Executive Committee shall consist of the Chairman, the Vice-Chairman and the immediately retired Chairman and two members elected by the Commission. The Secretary shall be an ex-officio member without vote. The Chairman shall be the Chairman of the Executive Committee. The Executive Committee shall:</p> <p>(a) Meet at least once a year between regular sessions;</p> <p>(b) In addition to the duties prescribed elsewhere under these Rules, direct the conduct of the business and affairs of the Commission between its sessions, except that issues of policy, unless previously decided by the Commission shall be formulated by the Executive Committee as a motion and referred to the Members. Upon receipt by the Secretary of affirmative replies from a majority of the Members, the motion shall be considered adopted;</p> <p>(c) Prepare estimates of expenses for the next succeeding two years for presentation to the Commission for submission to the Organization, in accordance with the provisions of Article VIII-2 of the Agreement;</p> <p>(d) Co-ordinate the work of the committees and working parties;</p> <p>(e) Function as an editorial and publications committee.</p> <p>2. The Commission may establish such committees or working parties as it deems necessary for the accomplishment of its tasks.</p> <p>(a) The terms of reference of such committees and working parties shall be laid down by the Commission at the time of their establishment.</p>	<p>1. There shall be established a Committee on Aquaculture which shall be open to all members of the Commission and which shall:</p> <p>(a) monitor developments and trends of aquaculture practices in the region;</p> <p>(b) monitor the interaction between aquaculture development and the environment;</p> <p>(c) oversee and guide work of the four networks created as a result of the activities of MEDRAP II and in particular by monitoring the progress, evaluating the proposed programmes of the various networks, and directing the work of the SIPAM network through the FAO Secretariat;</p> <p>(d) seek additional support to complement the contribution of the institutions, which support the established networks, namely, CIHEAM, MAP-PAP/RAC and FAO, and to enhance the work of the four networks;</p> <p>(e) carry out other duties related to aquaculture promotion and development that may be referred to it by the Commission.</p> <p>2.</p> <p>(a) There shall be established a Scientific Advisory Committee which shall provide scientific, social and economic information, data, or advice relating to the work of the Commission.</p> <p>(b) The Committee shall be open to all members of the Commission. Each Member of the Commission may designate a member of the Committee, and a member may be accompanied by</p>

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<p>(b) Each committee or working party shall select a chairman from among its members, who shall act as rapporteur.</p> <p>(c) The committees and working parties shall report to the Commission through the Executive Committee either at the session at which they were appointed or at the next regular session, according to their terms of reference, and the Commission shall then decide whether or not they shall continue to operate during the ensuing period.</p> <p>(d) The committees and working parties may from time to time set up such sub-committees as may be required to comply effectively with their terms of reference as laid down by the Commission.</p> <p>3. The establishment of committees and working parties referred to in paragraph 2 above shall be subject to the provisions of Article III-3 of the Agreement. 4. Each committee or working party may adopt and amend its own rules of procedure, which shall be consistent with the Rules of Procedure of the Asia-Pacific Fishery Commission and the General Rules of the Organization. Such rules of procedure shall come into force upon approval by the Commission. In the absence of rules of procedure, the Rules of Procedure of the Asia - Pacific Fishery Commission shall apply "<i>mutatis mutandis</i>" to its committees and working parties.</p>	<p>experts.</p> <p>(c) The Committee may establish working groups to analyze data and to advise the Committee on the state of shared and straddling resources.</p> <p>(d) The Committee shall provide independent advice on the technical and scientific bases for decisions concerning fisheries conservation and management, including biological, social and economic aspects, and in particular, it shall:</p> <p>(1) assess information provided by members and relevant fisheries organizations or programmes on catches, fishing effort, and other data relevant to the conservation and management of fisheries;</p> <p>(2) formulate advice to the Commission on the conservation and management of fisheries;</p> <p>(3) identify cooperative research programmes and coordinate their implementation;</p> <p>(4) undertake such other functions or responsibilities as may be conferred on it by the Commission.</p> <p>(e) Members have an obligation to provide information on catches and other data relevant to the functions of the Committee in such a way as to enable the Committee to fulfil its responsibilities under this paragraph.</p> <p>4. The Commission may establish such other committees and working parties as it considers desirable.</p> <p>5. The establishment of committees and working parties under this Rule shall be subject to the provisions of Article VII, paragraph 3 of the Agreement.</p> <p>6. The procedures of such committees and working parties shall be governed "mutatis mutandis" by the Rules of Procedure of the Commission.</p>
PARTICIPATION BY OBSERVERS	
<p>1. Members and Associate Members of the Organization that are not Members of the Commission may, upon their request, be represented by an observer at sessions of the Commission and its subsidiary bodies in an observer capacity, in accordance with the Statement of Principles adopted by the Conference relating to the granting of observer status to nations.</p> <p>2. States that are not Members of the Commission nor Members or Associate Members of the Organization, but are Members of the United Nations, of any of its Specialized Agencies or the International Atomic Energy Agency may, upon request, and with the approval of the Council of the Organization and of the Commission, attend sessions of the Commission and its subsidiary bodies in an observer capacity, in accordance with the Statement of Principles adopted by the Conference relating to the granting of observer status to nations.</p> <p>3. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization as well</p>	<p>1. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Organization, as well as by the rules on relations with international organizations adopted by the Conference or Council of the Organization.</p> <p>2. Members and Associate Members of the Organization that are not members of the Commission may, upon their request, be represented by an observer at sessions of the Commission and its subsidiary bodies.</p> <p>3. States that are not Members of the Commission, nor Members or Associate Members of the Organization, but are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request, and with the approval of the Council of the Organization and of the General Fisheries Commission for the Mediterranean, attend sessions</p>

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<p>as by the rules and relations with international organizations adopted by the Conference or Council of the Organization.</p> <p>4. Notwithstanding the provisions of paragraphs 1 and 2 above, the Commission and its subsidiary bodies may elect to hold meetings in private, without the attendance of observers. Except in these circumstances, observers may participate fully in the discussions of the Commission and its subsidiary bodies.</p> <p>5. In the furtherance of the activities provided for in Article IV (e) and (f) of the Agreement, arrangements may be made with governments that are not Members of the Commission.</p>	<p>of the Commission and its subsidiary bodies in an observer capacity, in accordance with the Statement of Principles adopted by the Conference relating to the granting of observer status to nations.</p> <p>4. Unless the Commission expressly determines otherwise, observers may attend the plenary meetings of the Commission and participate in the discussions at any technical committee sessions which they may be invited to attend. In no case will they be entitled to vote.</p>

BUDGET AND FINANCE

<p>1. Except as otherwise provided in these Rules, the Financial Regulations of the Organization, as implemented by the financial rules, Manual and memoranda and the procedures based thereon, shall apply to the Commission.</p> <p>2. A proposed budget of the Commission for the next two succeeding financial years consisting of proposed expenses of the Secretariat, including publications and communications, and of the proposed travelling expenses of the Chairman, Vice-Chairman, the immediately retired Chairman and the two other members of the Executive Committee when engaged in the work of the Commission between its sessions shall, after approval by the Commission, be submitted to the Director-General for consideration in the preparation of the general budget estimates of the Organization.</p> <p>3. When adopted by the Conference in its biennial session as part of the general budget of the Organization, the budget of the Commission shall constitute the limits within which funds may be committed for purposes approved by the Conference.</p>	<p>1. Except as otherwise provided in these Rules, the Financial Regulations of the Organization, as amplified by the Administrative Manual and memoranda and the procedures based thereon, shall apply to the Commission.</p> <p>2. A proposed budget of the Commission for the next succeeding financial period consisting of proposed expenses of the Secretariat, including publications and communications, the proposed travelling expenses of the Chairman and Vice-Chairmen, when engaged in the work of the Commission between its sessions, and the expense, if any, of the committees, shall after approval by the Commission be submitted to the Director-General for consideration in the preparation of the general budget estimates of the Organization.</p> <p>3. When adopted by the Conference as part of the general budget of the Organization, the budget of the Commission shall constitute the limits within which funds may be committed for purposes approved by the Conference.</p> <p>4. All cooperative projects shall be submitted to the Council or the Conference of the Organization prior to implementation.</p>
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REPORTS AND RECOMMENDATIONS		
	Records, Reports and Recommendations	Reports
<p>1. At each session, the Commission shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested, a statement of minority views.</p>	<p>1. Summary records shall be made of each plenary meeting of the Commission and each committee meeting, and shall be distributed as soon as possible to the participants.</p>	<p>1. A report of each session of the Governing Council shall be approved by the Council.</p>

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<p>2. The conclusions and recommendations of the Commission shall be transmitted to the Director-General of the Organization at the close of each session, who shall as soon as possible after the session circulate them through the Secretary to Members of the Commission, nations, Associate Members and international organizations that were represented at the session and make them available to other Member Nations and Associate Members of the Organization for their information.</p> <p>3. Recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council of the Organization for appropriate action.</p> <p>4. The Director-General may request Members of the Commission to supply the Commission or the Director-General with information on action taken on the basis of recommendations made by the Commission.</p> <p>5. Pending the formal transmission of the reports of the committees and working parties, as provided for in Article V of the Agreement, the Director-General may, at the request of the Executive Committee, transmit informally these reports to the Members of the Commission.</p> <p>6. Reports of committees, technical papers and other documents shall be published as the Executive Committee may consider practicable.</p>	<p>2. A summary shall be prepared of the proceedings of each session of the Commission and shall be published together with such reports of committees, technical papers and other documents as the Commission may consider advisable.</p> <p>3. At each session the Commission shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested a statement of minority views.</p> <p>4. Subject to the provisions of Article V of the Agreement, the conclusions and recommendations of the Commission shall be transmitted to the Director General of the Organization at the close of each session, who shall circulate them to Members of the Commission, nations and international organizations that were represented at the session and make them available to other Members and Associate Members of the Organization for their information.</p> <p>5. Recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council of the Organization for action.</p> <p>6. Subject to the provisions of the preceding paragraph, the Chairman may request Members of the Commission to supply the Commission or the Director-General with information on action taken on the basis of recommendations made by the Commission.</p>	<p>2. Reports shall, at the request of the Member of members concerned, also reflect minority views.</p> <p>3. Reports of the Governing Council shall be despatched by the Coordinator to all Members, or to the other countries listed in the Annex to the Agreement and to any observers represented at the relevant session.</p>

GFCM
COOPERATIVE PROJECTS
<p>In the furtherance of cooperative projects provided for in Article III, 1e) of the Agreement, and of studies undertaken outside the region referred to in the Preamble of the Agreement,</p>

arrangements may be made with governments that are not members of the Commission. All such arrangements shall be made by the Director-General of the Organization.

APFIC	GFCM	NACA
SECRETARIAT		
<p>1. The Secretariat shall consist of the Secretary and such staff responsible to him as may be determined by the Director-General and shall provide secretarial services for the Commission.</p> <p>2. The duties of the Secretary shall include the receipt, collation and circulation of documents, reports and resolutions of the sessions of the Commission and its committees, the preparation of the records of their proceedings, the certification of expenditures and financial commitments and the performance of such other duties as the Commission or the Executive Committee may direct.</p> <p>3. The originator shall send to the Secretary, for information and record, copies of correspondence concerning the affairs of the Commission.</p>	<p>1. The Secretariat shall consist of the Secretary and such staff responsible to him as may be determined by the Director-General.</p> <p>2. The duties of the Secretary shall include the receipt, collation, and circulation of documents, reports, and resolutions of the sessions of the Commission and its committees, the record of their proceedings, the certification of expenditures and financial commitments, and the performance of such other duties as the Commission may direct.</p> <p>3. Copies of all communications concerning the affairs of the Commission shall be sent to the Secretary for purposes of information and record.</p>	<p>1. The Coordinator shall prepare and organize the sessions of the Governing Council and any subsidiary bodies which it may establish. He shall provide the Secretariat for such Meetings and shall attend all sessions of the Governing Council.</p> <p>2. The Coordinator and any staff member designated by him shall participate, without the right to vote, in the discussions of the Governing Council and of any subsidiary body established by it.</p>

REPRESENTATION	
NACA	<p>Each Member of NACA shall appoint one representative to the Governing Council in accordance with Article 8.1 of the Agreement.</p> <p>Each Member shall inform the Coordinator prior to the opening of a Session of the Governing Council of the name of its representative and of any experts and advisers.</p> <p>Each Member shall designate a Liaison Officer who shall have primary responsibility for correspondence between the Member and NACA. The Liaison Officer shall normally be the Member's Representative on the Governing Council or may be any other person so designated. The name of the Liaison Officer shall be communicated to the Coordinator, as shall any change in that designation.</p>
REPRESENTATIVE OF THE FAO	
NACA	<p>The Governing Council shall invite a representative from the Food and Agriculture Organization of the United Nations to participate in all its sessions but without the right to vote, in accordance with Article 8.8 of the Agreement. Such representative may be accompanied by experts and advisers.</p>
QUORUM	
NACA	<p>A majority of the members of the Governing Council shall constitute a quorum.</p>
PUBLIC AND PRIVATE MEETINGS	
NACA	<p>Plenary meetings of the Governing Council shall be open to the public unless the Governing Council otherwise decides.</p>

RFB CONTRIBUTION SCHEMES

Central Asia and Caucasus Regional Fisheries and Aquaculture Organization ¹³³		GFCM ¹³⁴		IOTC ¹³⁵	
Membership	Not yet agreed	Membership All Members equally	10 percent	Membership All Members equally	10 percent
				Membership All members fishing in the area targeting Commission species	10 percent
Wealth component GDP per capita	Not yet agreed	Wealth component per caput GDP ¹³⁶	35 percent	Wealth component per caput GNP ¹³⁷	40 percent
Production component	Not yet agreed	Catch component a three-year average ¹³⁸	55 percent	Catch component three calendar years ¹³⁹	40 percent

¹³³ The modalities for determining the scale of contribution are calculated in accordance with the following formula:

membership: a base fee (equal for every party to the Agreement);

wealth component: GDP per capita;

production component: based on inland fisheries and aquaculture production volumes.

¹³⁴ The modalities for determining the scale of contribution are calculated in accordance with the following formula:

membership: a fixed proportion of the budget; equally shared amongst members;

wealth component: the wealth of the Member; and,

catch component: the total capture fishery and (marine) aquaculture production of the Member.

¹³⁵ The modalities for determining the scale of contribution are calculated in accordance with the following formula:

membership: an equal basic fee for all Members;

wealth component: GNP per capita;

catch component: Members average catch.

¹³⁶ Measured in US \$ as published by the World Bank); members falling into four categories: below US\$ 1 000; between US\$ 1 000 and US\$ 9 999; between US\$ 10 000 and US\$ 29 999 and US\$ 30 000 and above. The first category is exempt from the wealth component. The second pays one share; the third pays 10 shares, and the fourth category pays 20 shares. Exceptions are made for countries with a total GDP below US\$ 5 thousand million (1997) to which a GDP category one step below is applied. Some countries are brought down to the first category and, as a result, are exempt from the wealth component (as long as their annual GDP remains below US\$ 5 thousand million).

¹³⁷ Forty percent of the total budget shall be allocated among the Members on the basis of *per caput* GNP for the calendar year three years before the year to which the contributions relate, weighted according to the economic status of the Members in accordance with the World Bank classification as follows and subject to change in the classification thresholds: high income Members shall be weighted by the factor of 8 middle income Members by the factor of 2; low-income Members by the factor of 0.

¹³⁸ It is calculated using the period ending two years prior to that for which the budget will apply.

¹³⁹ It begins with the year five years before the year to which the contributions relate, weighted by a coefficient reflecting their development status.

