

February 2014



منظمة الأغذية  
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联合国  
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Food  
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Agriculture  
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Organisation  
des  
Nations  
Unies  
pour  
l'alimentation  
et  
l'agriculture

Продовольственная и  
сельскохозяйственная  
организация  
Объединенных  
Наций

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

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## WESTERN CENTRAL ATLANTIC FISHERY COMMISSION (WECAFC)

### FIFTEENTH SESSION

Port of Spain, Trinidad and Tobago, 26-28 March 2014

### Background, guidance and strategic options for the strategic re-orientation of WECAFC: Options paper

#### EXECUTIVE SUMMARY

This document provides background, guidance and strategic options for the strategic re-orientation of the Western Central Atlantic Fishery Commission (WECAFC). It introduces the re-orientation process taking place within WECAFC pursuant to its 2011-2013 Work Plan, including relevant outcomes of the recent WECAFC Survey on its performance evaluation and reorientation options. The objective is to consider the Members' responses to the Survey together with other relevant matters, and propose options for the way forward in the WECAFC reorientation process.

Institutional and financial aspects of WECAFC are provided, and relevant FAO developments described. Legal, financial and administrative implications are elaborated for continuing as a FAO Article VI body, or transforming into a FAO Article XIV body or an independent RFB.

Recommendations are made in key areas for consideration by Members.

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## ACRONYMS

APFIC	FAO Asia-Pacific Fisheries Commission
CEP	UNEP Caribbean Environment Programme
COFI	FAO Committee on Fisheries
CFMC	Caribbean Fishery Management Council (USA)
CLME	Caribbean and North Brazil Shelf Large Marine Ecosystems
CRFM	Caribbean Regional Fisheries Mechanism
DSA	Daily Subsistence Allowance
EIFAAC	European Inland Fisheries and Aquaculture Advisory Commission
FAO	Food and Agriculture Organization of the United Nations
GFCM	General Fisheries Commission for the Mediterranean and Black Sea
ICCAT	International Commission for the Conservation of Atlantic Tuna
IGFA	International game Fish Association
IGOs	Intergovernmental organizations
LVFO	Lake Victoria Fisheries Organization
NACA	Network of Aquaculture Centers in Asia-Pacific
OECS	Organization of Eastern Caribbean States
OLDEPESCA	Latin American Organization for Fisheries Development
OSPESCA	Central American Fisheries and Aquaculture Organization
SAG	WECAFC Scientific Advisory Group
SAP	Strategic Action Programme
SLC	FAO Subregional Office for the Caribbean
SLM	FAO Subregional Office for Meso America
SPAW	Specially Protected Areas and Wildlife
SWIOFC	South West Indian Ocean Fisheries Commission
TBF	The Billfish Foundation
TCP	FAO Technical Cooperation Program
UNEP	United Nations Environment Program
WECAFC	Western Central Atlantic Fishery Commission

## **1. INTRODUCTION**

### **1.1 Objective and background**

The approved 2011-2013 WECAFC Work Programme includes, in Component 4, managing the work programme and carrying out a strategic reorientation of the functions and mandate of the Commission. The goal is improved functioning of WECAFC in terms of addressing its mandate and promises to its Members, through professional daily management of the work programme and strategic reorientation to fill gaps in regional fisheries management and strengthen the role of the Commission in the area under its mandate.

The purpose of this component is increased management capacity of the Commission to address pertinent needs of its Members and specific gaps in regional fisheries management in a competent and effective manner.

This document is the agreed output for the strategic reorientation of WECAFC. It describes options for the way forward and incorporates the views of Members, given in response to the survey on WECAFC performance evaluation, strengthening and reorientation.

The objective of this document is to consider the Members' responses to the survey together with other relevant matters, and propose options for the way forward in the WECAFC reorientation process. Roles that may be played by WECAFC under its current mandate in accordance with priorities expressed by Members will be identified, and options for transforming its legal mandate are described.

### **1.2 WECAFC Survey – Priorities, performance evaluation and reorientation**

The WECAFC Performance Review was conducted in October 2013-January 2014, and included the responses to a survey based on a questionnaire distributed to over 300 members and other stakeholders in the region in English, French and Spanish. A total of 71 responses were received, considered to be a significant number. Of those, 21 were submitted by WECAFC Members, which represents 64% of the 33 Members.

The following areas were represented in the survey, among others:

- Priorities of Members for cooperation through WECAFC
- Evaluation of WECAFC performance (mandate, activities, institutional and financial roles)
- Reorientation of WECAFC

This allowed the assessment of the Commission's performance in relation to its institutional and financial roles and activities, the identification of Members' priorities for WECAFC functions and activities and the preferred legal status of the Commission to meet the needs and priorities of the Members and sustainable fisheries management and development in the region. Members were asked to rate, *inter alia*, the functions, activities and working groups of WECAFC.

In essence, the Performance Review was presented as a useful "scorecard" to serve as a first step in a process for the reorientation of WECAFC. The results of the survey are reported in Working document WECAFC/XV/2014/11 and responses relating to some of the institutional, legal and financial aspects of WECAFC are noted below.

### *Decision-making*

Concerning the decisionmaking aspects of WECAFC, the survey responses indicated that a review was needed regarding the level of authority of the Commission for decisionmaking – i.e. restricting it to advisory decisions only. There was a similar result for procedures for intersessional decision-making.<sup>1</sup>

### *Priorities in the strategic reorientation process of WECAFC*

Respondents were requested to indicate on a scale of 1-5, with 5 being the highest, their priorities in the strategic reorientation process of WECAFC.

Which subjects should get highest priority in the ongoing strategic re-orientation process of WECAFC? ( 5 = most important, 1 = least important)		
	Members	Others
Development and management of responsible small-scale, artisanal and subsistence fisheries and aquaculture	4.6	4.2
Provision of technical advice (through its working groups)	4.5	4.4
Development and adoption of regional guidelines and best practices	4.5	4.0
Collaborative development and management projects	4.4	4.1
Cooperation in monitoring, control and surveillance (MCS) at regional level	4.4	4.2
Information exchange	4.4	4.5
Data collection and analysis	4.3	4.2
Collaboration in fisheries research	4.3	4.2
Support regional implementation of international fisheries instruments and guidelines	4.2	4.1
Provision of legal and policy advice and harmonization of legislation in the region	4.0	4.1
Strengthening of human and institutional capacity for fisheries conservation and management	4.0	4.1
Preparation of voluntary advice on fisheries management to Members	3.8	3.7
Preparation of binding recommendations on fisheries management and conservation to Members	3.7	4.1
Become a fisheries conservation and management authority for transboundary and straddling stocks, high seas and deep sea fisheries	3.5	4.3

The overall response indicating priorities for the activities proposed for the re-orientation of WECAFC future work received relatively high scores across the board; in a scale where 5 shows the highest priorities, it is significant that, for Members, the lowest rating, 3.5, was still well above the midpoint option (2.5). In fact, the range for Members is quite narrow, from 3.5 to 4.6, and for other stakeholders the range was 3.7 to 4.5.

Interestingly, priorities for preparation of voluntary management advice and binding recommendations on management measures ranked almost equally. Although transformation into a regional fisheries management organization was shown as the last priority for responding Members (but ranked significantly higher for non-Members), the priority was rated significantly higher than the midpoint option, so should be regarded as a clear option for further consideration by WECAFC Members.

### *Improving the functioning of WECAFC through Rules of Procedure*

When asked whether they would favour certain proposals for improving the functioning of WECAFC through new Rules of Procedure, respondents overwhelmingly supported the following by responding “yes” or “maybe”.

Percentage of positive replies (“yes” or “maybe”) with regard to improving the functioning of WECAFC		
	Members	Others
Add to the WECAFC Bureau functions: "to develop and review project proposals for submission (by FAO and/or WECAFC chairperson) on behalf of the Commission to potential donors".	93%	88%
Insert an obligation for WECAFC Members to report to every session on the follow-up of WECAFC advice and recommendations at national level.	88%	85%
Enable WECAFC Members to vote through electronic means on important inter-sessional decisions.	88%	82%
Incorporation of options in the Rules of Procedure for sanctioning Members if they don't follow-up regionally agreed advice.	69%	78%
Removal of non-participating /non-attending Members from the membership similar to procedures of COFL.	50%	49%

Provisions such as the above form part of best practices and are included in Rules of Procedure for other organizations.

### *Legal status of WECAFC*

The survey included a question on the legal status of WECAFC. It explained that the Strategic Action Programme (SAP) for the sustainable management of the shared living marine resources of the Caribbean and North Brazil Shelf Large Marine Ecosystems (CLME + SAP) assigned a lead coordinating role to WECAFC under its Strategy No. 2, “Enhance the regional governance arrangements for sustainable fisheries”.

The actions proposed within the SAP for the short term include among others:

- “Review and reform WECAFC as needed to clarify and strengthen its mandate and relationship with regional fishery bodies such as CRFM, OSPESCA and ICCAT”(action 2.2); and
- “Evaluate the needs and the options, agree on the mandate and operationalise a RFMO or alternative arrangement for the management of shared living marine resources” (Action 2.3).

In view of this regionally endorsed CLME + SAP the respondents were asked to indicate their preference for the legal status of WECAFC, among four options: an advisory body that continues to coordinate joint work with other subregional bodies; an advisory body that continues work with partners, a management body with a mandate to take legally binding decisions or abolish WECAFC.

The responses from responding Members and by other stakeholders diverged significantly in terms of the highest percentage of responses: the Members favoured WECAFC as a FAO Article VI RFB which continues to work in partnership with other regional bodies (45%); other stakeholders favoured WECAFC as a FAO Article XIV RFMO (42%). Only 20% of responding Members indicated that WECAFC should become a FAO Article XIV body.<sup>2</sup>

None of the respondents favoured abolishing WECAFC.

Preference for one of the four roles that WECAFC should play in regional level fisheries governance.		
	Members	Others
(a) WECAFC should remain a regional level fisheries advisory commission as a FAO Article VI body and continue to coordinate joint work with the sub-regional advisory/management bodies (CRFM, OECS, OLDEPESCA and OSPESCA)	35%	26%
(b) WECAFC should remain a regional fisheries advisory commission as a FAO Article VI body, continue current work with partners, and establish a firm partnership with the Caribbean Environment Programme of the United Nations Environment Programme to ensure integrated regional governance arrangements for the protection of the marine environment and sustainable fisheries.	45%	32%
(c) WECAFC should become a regional fisheries management organization (RFMO) as a FAO Article XIV body, with a mandate to make legally binding decisions.	20%	42%
(d) WECAFC should have no role in regional fisheries governance and should be abolished.	0%	0%

### *Financial implications*

The final question in the survey explained that the choices made in the previous question would have financial implications for the Commission. Respondents were requested to indicate how they thought the necessary budget should be obtained.

Four options were given, asking whether countries would be willing to cover certain costs, including services, WECAFC products, contributions to the WECAFC Trust Fund and membership. The responding Members<sup>3</sup> were understandably to indicate “yes” for two apparent reasons: many of the Members are developing countries and there is no indication of the level of costs. It is significant that well under 50% of the members indicated “no”, and for all questions between 57% - 85% indicated “yes” or “maybe”.

Significantly, the highest percentage indicating “yes” or “maybe” – 85% - were responding to the question whether their country would be willing to pay for membership to WECAFC. In descending order, they expressed willingness to pay for contributions to the Trust Fund, WECAFC products and costs of services.

A total of 63% of responding members indicated “yes” or “maybe” to whether their countries felt ownership of the WECAFC.

<sup>2</sup> Calculated using numbers rather than percentages, of the 21 responses from members only 4 favoured the transformation of WECAFC into a FAO Article XIV body, the other 16 favoured Art. VI, (7 in favour of (a) and 9 in favour of (b)). For other stakeholders, it is 10 favoured (a), 12 favoured (b), and 16 favoured (c), the Article XIV option.

<sup>3</sup> Note that other respondents cannot commit to financing so their responses, shown in the Performance Evaluation, have not been included in this report.



Financial Issues			
	Members		
	Yes	Maybe	No
(a) Would your country be willing to cover the costs of certain services (management advice, technical advice, information, MCS, stock assessment) provided by WECAFC?	7%	50%	43%
(b) Would your country be willing to cover the costs of certain of products (regional reviews, national studies, regional database) provided by WECAFC?	7%	60%	33%
(c) Would your country be willing to contribute to the WECAFC Trust Fund that supports the Commission to carry out its Programme of Work?	9%	55%	36%
(d) Would your country be willing to pay for the membership to WECAFC?	14%	71%	14%
(e) Do you/your country feel ownership of the WECAFC?	18%	45%	27%

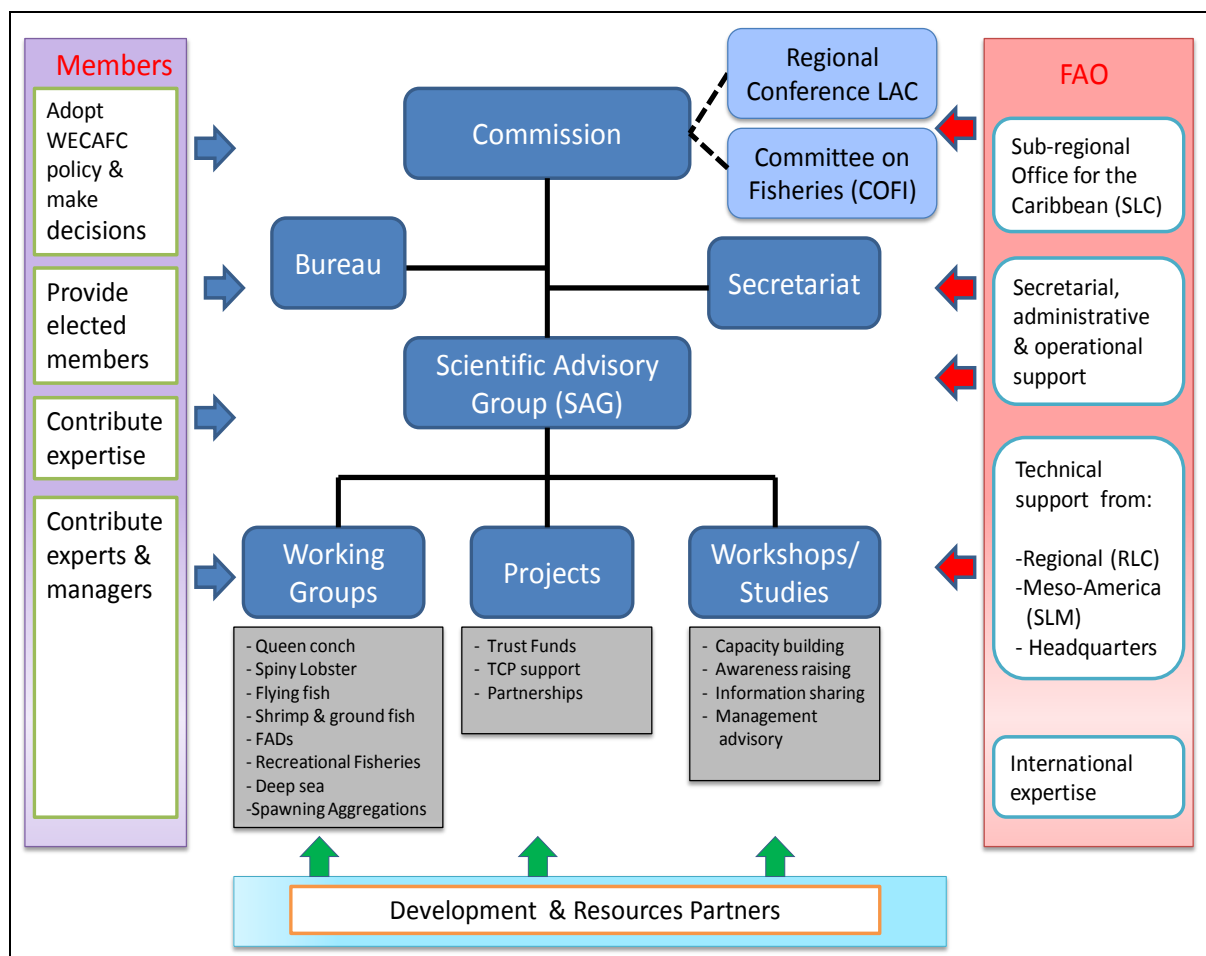
## 2. INSTITUTIONAL STRUCTURE OF WECAFC

The Institutional structure of WECAFC is based on its Statutes and Rules of Procedure. The Statutes provide for a general objective, principles and functions of the Commission (Articles 1, 2 and 6, in Annex 1) and the Rules of Procedure (Rule X, in Annex 2) set out the terms of reference of the Scientific Advisory Group. The terms of reference of the Working Groups, as adopted by the 14th Session, are in Annex 3.

The institutional structure of WECAFC is shown in Figure 1, below. It consists of the Commission, Bureau, Scientific Advisory Group and Secretariat, with working groups, projects and workshops/studies, and roles of WECAFC Members, FAO and development and resources partners are shown.

Each of these components is considered below in a review of the WECAFC management and operational structure, procedures and systems. The review contains recommendations for consideration by Members in addressing proposed amendments to the Statutes and Rules of Procedure of WECAFC in these areas.

Figure 1  
WECAFC Organigram



The Statutes of WECAFC were revised in 2006, and provide a strong basis for WECAFC work as a FAO Article VI body. The Rules of Procedure, on the other hand, are relatively weak because they do not provide an adequate framework for conducting WECAFC activities during intersessional periods, as described in the document prepared for the 14th Session, "Proposal for amendment of the Rules of Procedure of WECAFC"<sup>4</sup>. The objective was to revitalize the Commission through adopting improved procedures and decision-making to achieve clearer and more effective administration.

Mindful that the required two-thirds of WECAFC members for amending the existing Rules of Procedure were not present at the Session, the Commission agreed in principle to the draft Rules of Procedure, but expressed concerns about the wording of some rules and recommended that they be considered for adoption at a meeting where the required number of members is present. The Commission considered that the draft revised procedures shown in Appendix E of the report of the session would contribute significantly to the strengthened operation of the Commission and agreed that they should be implemented on a *de facto* basis.

## 2.1 Commission

<sup>4</sup> WECAFC/XIV/2012/8. Available at <http://www.fao.org/docrep/meeting/024/an122e.pdf>.

### **2.1.1 Objective, principles and functions of the Commission**

The general objective and principles, and functions of the Commission are set out in Articles 1, 2 and 6 of the Statute. As noted above, they are robust and wide-ranging, and were modernized in 2006.

The Performance Review concluded that the objectives, principles and functions of WECAFC are still adequate. The evaluation of the work carried out by the Secretariat showed that Members highly valued the role of WECAFC in the promotion of the Code of Conduct for Responsible Fisheries, the Port State Measures Agreement and the management of main commercial species of the area. The activities relating to post harvest issues and the assistance in preventing and resolving fisheries disputes received lower scores.

Overall the evaluation by representatives of members of the performance of WECAFC is very positive. There is a general appreciation of the present work of the WECAFC Secretariat. The responses show that the present Secretary is considered a very dedicated, competent and highly motivated. He is considered a, very responsive and active person, who managed to revive the activities of WECAFC, after a period of stasis.

The main shortcoming of WECAFC are its very limited financial basis, which leads to a more than lean Secretariat. There is a mismatch between the budget available to the Secretariat and the potential need to carry out all the activities agreed in the programme of work. There is a need to increase the number of people working in the Secretariat.

The present restructuring of FAO and the consequent reduction of FAO funding for WECAFC will have a negative impact on the performance of the organization in coming years.

### **2.1.2 Membership**

There is a discrepancy between Membership requirements in the 2006 WECAFC Statutes and the 2008 WECAFC Rules of Procedure (relevant provisions of each are in Annex 4). Article 5 of the Statutes opens membership to coastal States whose territories are situated wholly or partly within the area of the Commission *or* States whose vessels engage in fishing in the area of competence of the Commission and that notify in writing to the Director-General of the Organization of their desire to be considered as members of the Commission.

The Rules of Procedure restrict membership to coastal States only, and do not refer to fishing States.

WECAFC membership includes several non-coastal fishing States, including Japan, Republic of Korea and the UK, which neither attend sessions on a regular basis nor actively participate in, or support, the work and activities of the Commission. Failure to attend sessions constrains voting procedures on issues where agreement by 2/3 of the members is necessary, such as the adoption or amendment of Rules of Procedure.

Other advisory RFBs comprised of coastal States only (e.g. SWIOFC, Pacific Islands Forum Fisheries Agency) value the opportunity to use the organization as a platform for developing common regional standards and minimum terms and conditions of fisheries access for foreign fishing fleets.

### **Recommendations**

1. Membership provisions in the Statutes and Rules of Procedure should be reviewed and harmonized.
2. Automatic resignation should be considered where Members do not attend WECAFC sessions for a specified time period (e.g. three consecutive sessions) without good reason accepted by the other Members.

#### **2.1.3 Observers**

Observer requirements are important for purposes of transparency, cooperation and collaboration.

There is duplication or overlap of relevant requirements in Article 9 of the WECAFC Statutes and Rule VII of the Rules of Procedure,<sup>5</sup> and this has the potential of causing some confusion and lack of transparency.

For example, the Statutes provide that Any Member Nation or Associate Member of the Organization that is not a member of the Commission may, upon its request, “be represented” in an observer capacity “at *meetings* of the Commission and of its subsidiary bodies as appropriate.” The Rules provide that they may “attend *sessions* of the Commission, its subsidiary bodies and *ad hoc meetings*, in an observer capacity”.

It would be useful to ensure consistency, but of greater importance is inclusion in the Rules provisions which strengthen transparency, as recommended for proposed Rule X at the 14<sup>th</sup> Session. This would include rules permitting submission of memoranda and inviting consultants or experts in their individual capacity to attend meetings.

#### **2.1.4 Non-members**

Neither the WECAFC Statute nor the Rules of Procedure provides for the entering into arrangements with non-members through the FAO-Director-General, should the members decide to do so. This could be in the form of agreements, MOUs or other arrangements. In future, it may be useful to consider such arrangements if they are beneficial to WECAFC Members.

If this is found desirable, a specific provision should be incorporated in the Statute indicating the scope of such authority and specifying that all such arrangements shall be made by the Director-General.<sup>6</sup> Non-members cooperating under an arrangement would be invited to Sessions and other meetings as observers.

### **Recommendations**

3. The Rules of Procedure relating to Members and observers should be reviewed and revised as part of a general strengthening of WECAFC, as an Article VI, Article XIV or

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<sup>5</sup> Article 9 of the Statutes and Rule VII of the Rules of Procedure are very similar and somewhat repetitive. The Rules should not repeat requirements in the Statute.

<sup>6</sup> FAO Principles and Procedures paragraph 29.

independent body. As appropriate, the relevant provisions in the Statute should be considered as part of a broader review. In particular it is recommended that:

- a) Article 9 of the WECAFC Statute and Rule VII of the Rules of Procedure, which address observers, should be aligned to allow observers to attend sessions of the Commission, its subsidiary bodies and ad hoc meetings in an observer capacity as currently provided in the Rules;
  - b) the Rules of Procedure should be expanded to include strengthened transparency, including permission for observers to submit memoranda and inviting consultants or experts in their individual capacity to attend meetings or sessions;
  - c) consideration should be given to the need to include requirements for non-members in the Rules of Procedure where it may benefit the Commission.
4. The review should include authority for WECAFC to enter into Memoranda of Understanding (MoUs) with other organizations or institutions.

## 2.2 Scientific Advisory Group (SAG)

The Scientific Advisory Group has only general functions, as shown in Annex 2, with a focus on scientific advice, the status of stocks and the situation, trends and prospects of fisheries.

This is a very general mandate, and there is no mandate for SAG to provide advice for individual Members or groups of Members. The advice of SAG must be purely scientific according to its current ToRs. There is no scope for technical advice such as that on socio-economic issues, aquaculture and other matters covered under the FAO Code of Conduct for Responsible Fisheries.

However, the 14th Session of WECAFC noted and supported the beneficial effects of inviting subregional frameworks, research institutions, non-governmental organizations (NGOs) and relevant projects to the SAG session. This practice started at the 5<sup>th</sup> session of SAG (2011) and continued at the 6<sup>th</sup> session (2013). Moreover, the 6<sup>th</sup> SAG session assumed additional roles in relation to the proposed participation of WECAFC in the FIRMS partnership, which will require the SAG to assess marine resources status and review and clear fisheries inventories for dissemination on-line.

It was recommended at the 14th Session<sup>7</sup> to transform the SAG into a Technical Advisory Committee with an expanded mandate that will embrace both technical and scientific matters and extend to consideration of institutional matters<sup>8</sup> and formulating recommendations for the Commission or its Members on conservation and management measures. This is consistent with the functions of the Commission, however this action would only become relevant if a transformation of WECAFC to an Article XIV body is agreed.

Currently, the work plans are formulated for two years only. As a consequence the SAG at its 6<sup>th</sup> session (November 2013) reviewed a draft work plan for 2014 -2015. The WECAFC Secretary has suggested developing with the members in a participatory way in 2013 -2014 a Strategic Plan for the period 2014 -2020, to be discussed and agreed at the 15th session of the

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<sup>7</sup> WECAFC/XIV/2012/8, new Rule XII. Available at <http://www.fao.org/docrep/meeting/024/an122e.pdf>

<sup>8</sup> e.g., advising on the WECAFC work programme and proposing establishment of subsidiary bodies, ad hoc working groups and cooperation with specified institutions.

Commission. The medium term Strategic plan should contain guidance and be accompanied by a medium term work plan with clear and comprehensive activities and outputs, key performance indicators, timeframe, partners involved, budget required and budget secured.

### **Recommendations**

5. If the Commission decides to transform WECAFC into an Article XIV body, then it would be recommended that the SAG should be replaced by a Technical Advisory Committee with a broader mandate that includes both technical and scientific matters and extends to consideration of relevant institutional matters and formulating recommendations for the Commission or its Members on conservation and management measures, as recommended at the 14<sup>th</sup> Session.
6. A medium-term work plan should be developed by the Bureau to strengthen the effectiveness of the SAG and ensure continuity, planning and prioritization. It should contain *inter alia* clear and comprehensive activities and outputs, key performance indicators, timeframe, partners involved, budget required and budget secured.

## **2.3 Working Groups**

There are currently seven active Working Groups of WECAFC, as shown in Figure 1, and as noted above their Terms of Reference are in Annex 3.

Responses to the survey indicated that most respondents have participated in at least 1 working group and that some participated in more than one working group. Overall, the participation in the working groups is high in terms of number of relevant countries involved. In general those countries for which a certain fisheries is important participate in the relevant working group on this fisheries. Interestingly, also respondents that did not attend certain working groups confirm that they always/sometimes use the working group advice.

When asked whether they used or implemented the advice and recommendations from Working Groups and Committees, the highest percentage of respondents indicated that they always or frequently implement those of the Working Group on Queen Conch (45%) and after that the Working Group on Caribbean Spiny Lobster (38%). For the Working Group on flying Fish, 22% of the respondents indicated implementation took place always or frequently.

For the other Groups, implementation always or frequently was indicated by 16% or less of the respondents. However, a significant proportion of respondents (20-30% in each case) did not know about implementation. The latter is logical as some working groups (Spawning Aggregations, Recreational Fisheries and Deep Sea fisheries) were recently established and had only one or two meetings in recent years or did not meet as yet.

The structure/composition of the Working Groups was considered appropriate, while some respondents in the survey regretted the impossibility of WECAFC to cover their participation in some Working Group activities and meetings.

## **2.4 Secretariat and national focal points**

Support to the WECAFC Secretariat is becoming seriously downsized in the overall FAO framework – even in the face of agreement at the Thirtieth Session of COFI of the need to reform RFBs.

The establishment of the Secretariat and duties and functions of the Secretary are not provided in the WECAFC Statute or Rules of Procedure. This is a serious omission which is being addressed by other FAO RFBs. In addition, there are no rules relating to the appointment or duties of national focal points, which would support the Secretariat from their respective countries, as elaborated below. Proposed amendments to the WECAFC Rules of Procedure, described below, would address these issues.

It is fundamental for WECAFC's effectiveness that the Secretariat is strengthened in terms of human capacity, and institutional rules and processes. This applies for all options – WECAFC as an Article VI, XIV or independent body.

Concerning **human capacity**, the Secretary devotes 50% of his time to the Commission work. FAO headquarters (FIP, FIR) staff and the fisheries and aquaculture officer for Meso America (SLM -Panama) assisted the work of the Commission with approximately 30 working weeks.

There are some different options that can be considered to strengthen human capacity, both within FAO programmes and projects and independently.

FAO programmes, used successfully by other FAO RFBs,<sup>9</sup> are available to furnish human capacity to WECAFC at minimal cost: those for volunteers, interns and visiting experts. They would play a supportive role to the Secretary and/or the work of the Commission.

The FAO volunteer programme does not offer pay or costs and organization of travel, accommodation or living expenses. The FAO Intern Programme offers a monthly stipend from FAO up to the amount of US\$700. In some cases, the terms of sponsored internships may vary depending upon the agreement between FAO and the institution sponsoring the intern.

The FAO Visiting Experts Programme,<sup>10</sup> based on institutional arrangements with academic and scientific organizations, provides a framework for distinguished scholars and researchers who contribute their energies to issues related to hunger and food security. The programme taps the expertise of these highly qualified professionals to meet critical intellectual and analytical needs in FAO's priority programmes.

- Visiting experts can be assigned either at FAO headquarters or in the field.
- The maximum duration of the assignment will be one year.<sup>11</sup>
- FAO will be responsible for all approved travel costs incurred in connection with the assignment and a lump-sum allowance of 75% of the DSA (over 60 days rate) to help meet local living expenses at the duty station during the period of assignment.

Concerning **institutional rules and processes**, the revised Rules of Procedure presented to the 14th Session proposed two new Rules: Rule V on National Focal Points and Rule VI on the Secretariat.

Regarding National Focal Points, proposed Rule V concerns their designation, qualification, national level responsibilities, functions and duties. They would support the work of the Secretariat, and their functions and duties would relate to information, communications and

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<sup>9</sup> e.g. GFCM, as shown in the 2011 GFCM Performance Review.

<sup>10</sup> <http://intranet.fao.org/IntranetStatic/root/17847/11868/49447/49727/>

<sup>11</sup> The approval of the Department ADGs should be obtained for proposals to exceptionally extend the collaboration beyond this maximum. Although there is no minimum period prescribed, the programme envisages a reasonable period of work time to allow an impact in a priority field of FAO, as distinct from short-term consultancies.

promoting national implementation of the Commission's advice, work programme and activities.

Proposed Rule VI on the Secretariat addresses the composition of the Secretariat, the term and responsibilities of the Secretary and communications.

### **Recommendation**

7. The WECAFC Rules of Procedure should be amended to include provisions setting out:
  - (a) the establishment of the Secretariat and appointment, duties and functions of the Secretary; and
  - (b) the functions and responsibilities of National Focal Points.
8. Human capacity of the Secretariat should be strengthened. Some options include:
  - (a) Use of FAO programmes, including volunteer, internships and visiting experts, supported by donor assistance as appropriate;
  - (b) Creating FAO project posts, supported by donor assistance;
  - (c) Members' human capacity contribution for mutual benefit;
  - (d) In-kind contribution;
  - (e) Designating the role and responsibilities of national focal points.

## **2.5 Bureau**

The WECAFC Rules of Procedure designate the "Chairperson and Vice-Chairpersons of the Commission" as the Bureau,<sup>12</sup> and they must "act as a steering committee during Sessions of the Commission and in the intersessional period". The duties of a steering committee are not defined.

The Bureau has carried out its duties with positive outcomes. However, if WECAFC is to be strengthened, the relatively small size of the Bureau should be reconsidered. In addition, it does not have authority to take on intersessional tasks that may be essential for providing support, vision and transparency to WECAFC.

A new Rule IV was proposed at the 14th Session which addressed these issues, and amended the name of the Bureau to Executive Committee, to better describe its role. The proposed Rule designated an expanded membership including the Chairperson, the Vice-Chairpersons, the Chairperson of the Technical Advisory Committee and three members elected by the Commission for a term of two years.

The functions of the Executive Committee were elaborated and included responsibilities to implement the decisions of the Commission between its sessions, propose a strategy and work plan, prepare estimated expenses, and ensure the operationalization of policies and decisions of the Commission.

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<sup>12</sup> WECAFC Rules of Procedure, Rule III.



The frequency of meetings and quorum were addressed, as well as inviting Commission members or observers to attend as advisors for special issues. Communications and reporting duties were set out.

In a complementary proposal, the functions of the Chairperson and Vice-Chairpersons were also elaborated in proposed Rule III.

The above would apply to WECAFC as an Article VI or XIV body, or independent body.

#### **Recommendation**

9. The Bureau should be expanded in membership and its functions elaborated in the Rules of Procedure, in order to ensure that the Commission's business, strategic planning and monitoring of implementation of the Commission's decisions, inter alia, are conducted on an ongoing basis in the two year intersessional period to promote greater transparency in and support of the work of the Secretariat.
10. Its title should be the Executive Committee to reflect the functions.
11. The Rules of Procedure should reflect this accordingly, and this would apply to WECAFC as an Article VI, XIV or independent body.

## **2.6 WECAFC Sessions**

The Rules of Procedure cater satisfactorily for WECAFC Sessions (Rule V), except for the provision that meetings of the Commission shall be held in private unless the Commission decides otherwise. It is recommended that "private" be amended to "public".

#### **Recommendation**

12. It is recommended that the Rules of Procedure provide that meetings of the Commission be held in public unless the Commission decides otherwise.

The results of the performance evaluation survey indicate that attendance at sessions of the Commission is generally not strong. When asked about attendance at sessions, only 40% of members responded "always" or "frequently".

Respondents were asked how they rated the WECAFC sessions and members follow-up, but for the most part they had no opinion. Of the ten questions asked, there were only three where over 30% of the respondents indicated "excellent or "good":

- general advice and recommendations generated by the 14<sup>th</sup> Session (2012);<sup>13</sup>
- communication of WECAFC decisions to stakeholders at national level/maintaining a national network related to the work of the Commission;<sup>14</sup>
- assignment of WECAFC national focal points and members/experts to participate in working groups;<sup>15</sup>

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<sup>13</sup> 36%.

<sup>14</sup> 32%

<sup>15</sup> 36%.

In general, there seemed to be a need for more follow-up work in-country by members to implement the advice, work programme and resolutions of WECAFC.

### **3. FINANCIAL ASPECTS OF WECAFC**

WECAFC activities are funded from the FAO Regular Programme, FAO Technical Cooperation Program (TCP) and in-kind by other organizations, as described below. The total estimated budget required under the approved WECAFC Work Programme for the period 2012–2013 was some USD 2.6 million.

Some 80% of the activities under the work programme were actually implemented to a greater or lesser extent, but real funding obtained was too limited (insufficient) to fully achieve what the members agreed needed to be done. Much of the funding provided under TCP went to activities that have only limited linkage with WECAFC and substantial in-kind support was needed.

The FAO subregional office has an annual budget under the Regular Programme which is distributed to the various technical disciplines. Until 2007 - 2008 it was allocated directly from the technical department and the Commission received around USD 300 000 per biennium in support of its work. However the funds received are now confounded with other SLC costs.

A budget prepared for the last biennium – 2012-2013 – requested nearly USD 255 000 but the allocation was made at the level of USD 120 000 (Figure 2). Approximately 62% (USD 74 000) of the allocated budget has been used for interpretation and translation services (English, Spanish, French) as well as publication of the session and SAG reports.

Approximately USD 10 000 was used for the 6<sup>th</sup> SAG session (travel, organization) and USD 13 000 was spent on supporting the organization of Working Group meetings and covering travel for some SIDS experts. Moreover, some USD 9 000 was spent on supporting travel for Cuban experts to enable them to join in specific Working Group activities.

Finally, some USD 6 000 was used for General office support (mainly administrative/liason assistant support) and 8 000 USD on legal assistance.

Travel and participation costs of Headquarters and SLM staff in WECAFC activities added up to some 25 000 USD.

Moreover, the FAO Regular Programme provides for (in-kind) contribution to the Secretariat in terms of 50% of the SLC Fishery and Aquaculture Officer (P4 level) staff time, which should be valued at USD 50 000 per year and the office, furniture and administrative support infrastructure, which can be valued at USD 10 -20 000 per year. FAO Headquarters technical assistance to the Commission can be valued at an average of USD 40 000 per year, although some fluctuation could be noticed in the support provided in recent years.

In total, the FAO contribution to the WECAF Commission can be valued between 160 and 170 000 USD per year.

**Figure 2**  
**Some estimated expenses of WECAFC activities under the FAO Regular Programme, 2012-2013**

(Figures are approximate in USD)

	Previous until 2008	Request 2012-13	Allocation 2012-13	Expenses in 2012-2013
FAO Regular Programme (per biennium)	300 000	255 000	120 000	
Interpretation and translation, publication of reports of WECAFC session, SAG (approximately 62%)				74 000
6 <sup>th</sup> SAG Session (Travel, organization)				10 000
Working Group meetings, travel for experts				13 000
Travel for Cuban experts for Working Groups				9 000
General office support (mainly administrative/liaison assistant support)				6 000
Legal assistance				8 000
Travel and participation costs of Headquarters and SLM staff in WECAFC activities				25 000

Although (at the request of the 14<sup>th</sup> session) a dedicated WECAFC Trust Fund was established, in support of the WECAFC Work Programme, the contributions received were generally in-kind (e.g. hosting and funding the organization of Working Group meetings). FAO Trust Fund and regular programme assistance in fisheries and aquaculture to WECAFC countries is estimated for 2012-13 at some 600 000 USD. These funds were however not provided through the WECAFC Trust Fund.

In-kind contributions, with an estimated combined total of around USD 400 000, were received from:

- CFMC– Queen Conch Working Group & Spawning Aggregations Working Group
- TBF/IGFA/World Bank – Recreational Fisheries Working Group (2 meetings)
- CRFM/CLME – Flying Fish Working Group (2 meetings)
- IFREMER/EU/JICA/CRFM – FAD Working Group (various meetings)
- NOAA – Spiny Lobster Working Group (requested to contribute through the WECAFC Trust Fund)

Support for WECAFC member countries in fisheries and aquaculture under the FAO TCP programme in the 2012 -2013 biennium added up to some USD 1.5 million. However, much of this funding went to activities that have only limited linkage with WECAFC; it should be noted that many of the TCP and Trust Fund activities were not carried out under the WECAFC umbrella.

## **4. RELEVANT FAO DEVELOPMENTS**

### **4.1 FAO Strategic Objectives**

As FAO has undergone a reform process in recent years, the priorities at global level have changed. Currently the 5 Strategic Objectives of FAO are the following:

- 1. Contribute to the eradication of hunger, food insecurity and malnutrition.*
- 2. Increase and improve provision of goods and services from agriculture, forestry and fisheries in a sustainable manner.*
- 3. Reduce rural poverty.*
- 4. Enable more inclusive and efficient agricultural and food systems at local, national and international levels.*
- 5. Increase the resilience of livelihoods to threats and crises.*

It is clear that the objective and work of WECAFC contribute most to FAO's strategic objective number.2; however, the activities of the Commission will also directly or indirectly contribute to the other FAO Strategic Objectives. The extent of this contribution will largely depend on the Programme of Work determined by the members.

### **4.2 FAO Regional Conference for Latin America and the Caribbean**

The 33rd FAO Regional Conference for Latin America and the Caribbean will be held in May 2014 in Santiago, Chile, and will determine FAO's regional priorities for the biennium 2014 - 2015.

The Regional Conference will provide an opportunity to bring the work of WECAFC to the attention of agriculture and fisheries ministers of the region and pass to them the conclusions and recommendations from the 15th session of WECAFC (Port of Spain, 24-28 March 2014), together with the outcome of the Thirteenth Session of the Commission of Inland Fisheries and Aquaculture of Latin America and the Caribbean (COPECAALC), and the priorities received from the members of the Network of Aquaculture of the Americas (RAA).

The Regional Conference provides, as such, the possibility to raise the profile and importance of fisheries within the region and increase funding options.

### **4.3 FAO Committee on Fisheries (COFI)**

At the Thirtieth Session of COFI, held in Rome, Italy from 9 to 13 July 2012, FAO Members addressed RFMOs in several contexts. Following are some outcomes relevant to the strengthening of WECAFC.

#### **World fisheries and aquaculture: status, issues and needs**

The Committee stressed the need to continue to improve the management of fisheries. This should be achieved through enhancing international, regional and subregional collaboration, in particular between coastal and flag States, aiming at policy coherence, evaluating RFMOs performance and reforming them, as appropriate, while duly examining their complementarities, strengthening policy and legal frameworks in relation to IUU fishing, calling upon Members to consider acceptance of the 2009 FAO Agreement on Port State Measures (the 2009 Agreement), instituting schemes for reduction of overcapacity, and strengthening data collection, in particular for small-scale operations. Also management authorities needed to focus

on conservation and management measures on stocks at risk. The Committee encouraged FAO to take leadership in these issues, including formulating global guidelines for sustainability, as well as assisting coastal developing States in strengthening management capacity.

The Committee encouraged FAO to take leadership in the continued improvement of fisheries management including assisting developing coastal States in strengthening management capacity. The Committee recommended that this should be achieved through, *inter alia*, the following activities which are relevant to WECAFC's possible future work:

- enhancing international, regional and subregional collaboration, in particular between coastal and flag States;
- aiming at policy coherence;
- evaluating RFMOs performance and reforming them, as appropriate, while duly examining their complementarities;
- strengthening policy and legal frameworks in relation to IUU fishing;
- instituting schemes for reduction of overcapacity;
- strengthening data collection, in particular for small-scale operations; and
- a focus by management authorities on conservation and management measures on stocks at risk.

Importantly, as noted above COFI placed emphasis on the need to evaluate RFMOs performance and reform them.

### **Ocean governance and relevant outcomes from Rio+20**

The Committee noted that legal and institutional frameworks for global ocean conservation and management already existed as well as other international fisheries instruments and agreements and focus should be placed on their implementation.

In particular the role of RFMOs in implementing conservation and management measures for sustainable fisheries was recognized.

### **FAO's programme of work in fisheries and aquaculture**

Addressing priorities in the Programme of Work and Medium Term Plan, COFI placed emphasis, *inter alia*, on improving RFMOs.

Some other priorities that have been addressed by WECAFC included mitigating the impacts of climate change on livelihoods, especially in small-scale fisheries, gender mainstreaming, technical assistance and capacity building in support of sustainable capture fisheries (including inland fisheries), improving fisheries statistics, strengthening MCS and application of technologies to reduce the impacts of fishing.

These outcomes clearly emphasized the importance of RFBs. As noted above, FAO RFBs should cooperate and collaborate to ensure their role is maintained. A meeting of FAO RFBs was held some years ago towards that end, but the initiative did not continue on a regular basis.

### **Recommendation**

13. It is recommended that Members consider possible reforms to WECAFC based on the outcomes of the performance review.

#### 4.4 Recent reform initiatives of FAO RFBs

Two FAO Article VI regional fishery bodies and one Article XIV body have taken steps in recent years to reform and restructure their activities: the European Inland Fisheries and Aquaculture Advisory Commission (EIFAAC), the South West Indian Ocean Fisheries Commission (SIOWFC) and the General Fisheries Commission for the Mediterranean and Black Sea (GFCM).

EIFAAC has adopted, and SWIOFC and GFCM are in the process of reviewing new Rules of Procedure. In addition, EIFAAC adopted revised Statutes and GFCM is reviewing amendments to its Agreement and Financial Regulations. SWIOFC agreed at its Special Session in February 2013 to move to an Article XIV body.

Some innovative approaches have been developed in those fora, and it is useful to consider them in the WECAFC context.

##### 4.4.1 EIFAAC

The EIFAAC reform process included a 2010 workshop to consider options for reform, which were narrowed to restructuring as a FAO Article VI body, transforming to a FAO Article XIV body or abolish EIFAAC. These were considered by the 2010 Twenty-sixth Session, and it was decided to restructure EIFAAC to a modern and effective project-oriented organisation.

This involved adopting a new Statute and Rules of Procedure, including a mission statement and new objectives. The four sub-committees, working parties and liaison groups in existence were abolished and replaced by the following:

***Management Committee*** which replaced the Executive Committee (which performed the functions of a Bureau) and was given a wide-ranging mandate to conduct business and monitor implementation of the Work Programme between Sessions of the Commission;

***Technical and Scientific Committee*** which was established as interdisciplinary body to include making and evaluating project proposals, developing terms of reference for projects and monitoring implementation against the terms of reference. Active working parties have been converted into projects.

***Establishment of project criteria and Rules of Procedure*** have been developed to guide the considerations and process for project formulation, approval, implementation and monitoring implementation against the terms of reference.

In reviewing and adopting the reforms, the delegations at the Twenty-sixth Session discussed possible support for a restructured EIFAAC and related projects. It was noted that project support by Members could be made through contributions of funding or human resources.<sup>16</sup>

The delegations firmly recommended that FAO support a full-time Secretary, and to this end agreed to save money in other areas including on translation and interpretation costs through use of one official language in the future. They also requested FAO to reallocate any other funds that may be saved as appropriate. However, it was made clear by the Secretariat that, in view of

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<sup>16</sup> FAO. Report of the Twenty-sixth Session of the European Inland Fisheries Advisory Commission. Zagreb, 17–20 May 2010. FAO Fisheries and Aquaculture. Report No. 955. Rome, FAO. 2010. 40p.

the FAO Immediate Plan of Action and related developments, it was unlikely that the FAO Regular Programme budget would be able to accommodate such support.<sup>17</sup>

To address the prohibitive costs of translation in accordance with FAO Rules, an arrangement was agreed in the new EIFAAC Rules of Procedure that the working language would be in English and essential documents (e.g. reports) may be translated.

#### **4.4.2 SWIOFC**

At the Sixth Session of SWIOFC held in October 2012, and based on some of the proposals made in a study on strengthening SWIOFC and presented at the session,<sup>18</sup> such as the responsibilities of the scientific committee and bureau, and the operation of a trust fund, the Commission agreed to review draft rules of procedure that would be presented in a Special Session of SWIOFC in February, 2013. It also agreed to consider, at that session, options for transforming SWIOFC into a FAO Article XIV body.

The Special Session agreed to transform into a FAO Article XIV body. Draft Rules of Procedure were prepared, but due to delays in the reviewing process of FAO, they were not able to be formally considered at the Special Session of SWIOFC.

#### **4.4.3 GFCM**

The Thirty-seventh Session of GFCM established a Working Group to identify and propose amendments to the GFCM Agreement, Rules of Procedure and Financial Regulations, based on the conclusions and recommendations issued at the validation meeting of the “Task Force to improve and modernise the legal and institutional framework of the GFCM”. The Working Group identified the following priority issues, which include amendments to the Rules of Procedure:

The GFCM Basic Framework: in particular the mandate which may be expanded and the objectives and scope of the organisation, which should be clearly stated.

Fisheries and Aquaculture Management: to ensure sustainability of activities from an environmental social and economic point of view, with the aim of obtaining long term high yields. The group will assess the feasibility of a functional re-organisation of the GFCM Commission.

Compliance and Enforcement: Strengthening of the compliance mechanisms, assessing the possibility to have a sanction system and developing concrete proposals to enhance the fight against IUU and to enhance control and monitoring of fishing activities through international cooperation.

Governance of the Organisation:

- Financial and Administrative issues, including financial audit and possible alternative funding mechanisms for extra-budgetary supported activities.
- Broad GFCM Administrative Arrangement, in particular the role and functions of the GFCM Chairperson and Executive Secretary, as well as the link with FAO Regional Projects.
- Functioning of subsidiary bodies and their efficiencies.

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<sup>17</sup> *Ibid.*

<sup>18</sup> SFS/DM/SWIOFC/12/6.

- Decision-making process, including options to improve the effectiveness and efficiency of GFCM annual session and of its subsidiary bodies. Consultation with stakeholders should also be facilitated. In addition the mandate of the mechanism referred to in Article 7(h) of the Draft Amendments as presented by the Task Force shall be duly elaborated and its budgetary implications should be taken into account.
- Status of observers

#### **4.4.4 Implications of EIFAAC, SWIOFC and GFCM reform for WECAFC**

In many ways, EIFAAC, SWIOFC and GFCM face similar challenges to those experienced by WECAFC. All three bodies needed energizing and strengthening through new Statutes/Agreements and Rules of Procedure which set out more clearly duties, responsibilities, processes and constitutions for the Secretariat and “Steering” (Executive/Management) Committees.

The new instruments addressed by the other bodies generally seek to strengthen governance and operations, including intersessionally, and to more clearly define the institutional structure and responsibilities of the respective Commissions and their officers, members, Secretariats, national focal points and observers. They are based on increased transparency and accountability and serve to give better definition and clearer direction to the functioning of the Commissions.

#### **Recommendation**

14. It is recommended that WECAFC take note of the reform processes in EIFAAC, SWIOFC and GFCM, including the new or proposed Statutes/Agreements and Rules of Procedure.

## **5. OPTION 1: CONTINUATION AS A FAO ARTICLE VI BODY WITH ADDITIONAL ARRANGEMENTS OR AUTHORITIES**

### **5.1 Background**

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 Associate Members. Membership cannot be open to FAO non-member nations. In order to be considered as a member of the Commission, the eligible Member or Associate Member must communicate to the DG a formal expression of intention. 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 recommendations binding on its Members.

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.



Article VI bodies are 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)<sup>19</sup> and benefit from FAO technical backstopping and programmes. However, some disadvantages, based on experience of other FAO RFBs, are that Article VI bodies:

- are generally not eligible for FAO TCP funding;<sup>20</sup>
- do not normally play a coordinating role for FAO bilateral/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.

The recommendations made in this report would allow WECAFC 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. Identification of extrabudgetary funding to be administered through the WECAFC/FAO trust fund or otherwise according to FAO Financial Regulations is not ruled out.

This option would permit WECAFC to continue to establish closer ties and coordinate joint work with the sub-regional advisory/management bodies, including CRFM, CFMC, OECS, OLDEPESCA and OSPESCA, as well as with environment bodies including the UNEP Caribbean Environment Programme (CEP), Cartagena Convention and related SPAW protocol.

Reforms to WECAFC that could be addressed under this option would be achieved by amending and modernizing the Statutes and/or Rules of Procedure of WECAFC.

**Figure 3**  
**FAO ARTICLE VI RFBs**  
**Basic establishment processes and key elements of Statutes**

<b>BASIC ESTABLISHMENT PROCESSES</b>	<b>KEY ELEMENTS OF STATUTES</b>
<p>Initiative taken through a series of meetings, involving FAO and Members</p> <p>Draft Statute reviewed internally in FAO processes, including by Legal Office and FAO Committee on Constitutional and Legal Matters</p>	<ul style="list-style-type: none"> <li>• Area of competence</li> <li>• Species of living marine resources to be covered, as appropriate</li> <li>• Membership - Member Nations (MNs) and Associate Members (AMs)<sup>21</sup></li> <li>• Objectives and functions</li> <li>• General principles</li> </ul>

<sup>19</sup> For example, for notification of meetings the FAO communication manual must be followed. Meetings are also programmed and budgeted according to FAO rules.

<sup>20</sup> There are some nuances, e.g. if three Member Nations were to request TCP assistance to undertake tasks within their country but which may contribute to the overall mandate of the Commission TCP funds could be made available.

<sup>21</sup> RFBs are open to MNs or AMs with territories in one or more regions.

## BASIC ESTABLISHMENT PROCESSES

## KEY ELEMENTS OF STATUTES

Statutes adopted by Resolution of FAO Council

- Institutional structure
- Reporting
- Observers
- Rules of procedure
- Cooperation with others or participation by international organizations

If it is agreed to keep WECAFC as an Article VI body but modernize its Rules of Procedure, this would involve approval by two-thirds of the membership of WECAFC at the upcoming 15<sup>th</sup> session. Amendment of the Statutes would require majority approval by WECAFC and would need to be reviewed by the FAO Committee on Constitutional and Legal Matters and agreed by Council.

If formal partnerships between WECAFC 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, as suggested in Recommendation 4 above.

### 5.2 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. In recent years the FAO Regular Programme support for technical activities (working groups and meetings) has been very limited and is unlikely to increase in the near future. FAO can accept financial contributions in support of the Regular Programme through a dedicated trust fund<sup>22</sup> (established by WECAFC in 2013<sup>23</sup>) or without setting up a trust fund for an amount not exceeding USD 200 000 per contribution.<sup>24</sup>

Subject to restructuring decisions, it is highly likely that additional revenue will be required and the means for seeking such financing will need to be identified, such as through the ToRs of the Bureau/Executive Secretariat. It could also be sought by a consortium of experts, by raising seed funding for further project development or other means.

The functions and responsibilities of WECAFC, as set out in Article 6(r) include “to 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”

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<sup>22</sup> FAO's standard servicing charge on monies deposited into trust fund accounts is 13%.

<sup>23</sup> Pursuant to Article 6(q) of its Statutes which designate functions and responsibilities of the Commission “to 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.”

<sup>24</sup> FAO Administrative circular N.2007/14. It applies to extra-budgetary contributions in direct support or in reimbursement of Regular Programme funded normative activities.

### **5.3 Administrative Implications**

It is highly likely that substantially more time and human resources would be needed for administration, particularly if it involves oversight of the reforms and development of a long-term strategy, strengthening the Secretariat and WECAFC procedures and project development and coordination. A Secretary with minimal and decreasing amounts of time allocated to the Commission would not be able to meet the transaction costs.

## **6. OPTION 2: TRANSFORMATION INTO A FAO ARTICLE XIV BODY**

### **6.1 Background**

FAO Article XIV bodies may have the status of RFMOs – and the mandate to take international conservation and management decisions that are legally binding on its members. They are established through international agreement concluded within the FAO framework. The bodies may have a wide advisory role in addition to their regulatory role

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.<sup>25</sup> The Secretary<sup>26</sup> 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.

Current FAO Article XIV bodies fall under these three categories:

- a. bodies entirely financed by the Organization;
- b. bodies that, in addition to being financed by the Organization, may undertake cooperative projects financed by members of the body; and
- c. bodies that, in addition to being financed by the Organization have autonomous budgets.

FAO Article XIV bodies all may 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 FAO 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.

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<sup>25</sup> Paragraph 35 of Part O, Volume II, of the FAO Basic Texts.

<sup>26</sup> A Secretary is at FAO Professional level; some FAO statutory bodies instead have an Executive Secretary, who is at FAO Director level.

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. These are the elements used in the indicative budget for a WECAFC Article XIV body shown in Annex 6.

Some positive aspects of establishing an Article XIV body, considered by countries in relation to other FAO bodies, are shown below.

- 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.
- An Article XIV body facilitates the support of poor members by wealthier members, including through an agreed formula for contributions.

Certain concerns about an Article XIV body have been 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 (if this is provided from regular programme funds), which may result in a part-time/inadequate secretarial support. Of course, if the members cover the secretariat costs, the staff will dedicate 100% of their time to the work for the Art XIV body.
- It may be difficult to ensure visibility and raise the image of the body as its achievements would be likely attributed to FAO, which is more focused on rural development and food security.

**Figure 4**  
**FAO Article XIV RFBs**  
**Basic establishment processes and key characteristics**

<b>BASIC ESTABLISHMENT PROCESSES</b>	<b>KEY CHARACTERISTICS</b>
Initiative taken through a series of technical meetings, involving FAO and Members, which may negotiate a draft Agreement.	<ul style="list-style-type: none"> <li>• Agreements are binding on parties</li> </ul>
Draft Agreement is reviewed internally in FAO processes, including by Legal Office and FAO Committee on Constitutional and Legal Matters.	<ul style="list-style-type: none"> <li>• Not a separate legal entity; it is a FAO body but the degree of functional financial and administrative autonomy is differentiated among bodies, depending on internal oversight.</li> </ul>
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 Members.	<ul style="list-style-type: none"> <li>• It may recommend (e.g. APFIC) or adopt (e.g. IOTC) conservation and management measures. The latter are considered binding on members.</li> </ul>
Agreements enter into force on the deposit of the required number of acceptances in accordance with their agreed provisions.	<ul style="list-style-type: none"> <li>• RFB may be financially autonomous</li> </ul>
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.	

FAO governing bodies have recently considered the possibility of increased financial and administrative autonomy of Article XIV bodies from FAO processes, as described in Annex 5. It was generally concluded that the FAO bodies are differentiated, and those with stronger processes for oversight and controls would be entitled to exercise greater autonomy.

## **6.2 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. 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.<sup>27</sup>

New Rules of Procedure, reflecting those used by other FAO Article XIV bodies, as well as new Financial Regulations would have to be developed. The whole process may take 2 years or longer, but it would mean that WECAFC could continue its work as Art VI body until its day of transformation into an Article XIV body.

Similar to Article VI bodies, if formal partnerships between WECAFC 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.

### 6.3 Financial Implications

FAO Article XIV bodies are functionally autonomous within the framework of FAO and may be financially autonomous. However, a budget would need to be established and administered in accordance with the establishing instrument and financial regulations of FAO. Indicative costs for an Article XIV body are shown below.

**Figure 5**  
**An indicative budget for a basic Secretariat**

<b>Autonomous budget</b>	<b>US\$</b>	<b>Share of total</b>
<b>Administration/Staff costs</b>		
Executive Secretary, P-5	237,000	29.19%
Programme Officer, P-4	192,000	23.65%
Administrative assistant, G6	105,000	12.93%
<b>sub-total staff costs</b>	<b>534,000</b>	<b>65.76%</b>
<b>ACTIVITIES</b>		
Temporary human resources (consultancies, office helpers, overtime)	30,000	3.69%
Travel <sup>28</sup>	40,000	4.93%
Meeting logistics <sup>29</sup>	30,000	3.69%
Interpretation <sup>30</sup>	70,000	8.62%
Translation	20,000	2.46%

<sup>27</sup> 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.

<sup>28</sup> Secretariat travel only.

<sup>29</sup> This is for basic meetings (rental of room, equipment, coffee breaks etc); under this scenario Members will have to pay their own attendance.

<sup>30</sup> Includes travel for the interpreters.

Equipment <sup>31</sup>	40,000	4.93%
General Operating Expenses <sup>32</sup>	20,000	2.46%
Contracts (including publications)	25,000	3.08%
Contingencies	3,000	0.37%
sub-total activities	278,000	34.24%
<b>Autonomous Budget</b>	<b>812,000</b>	
FAO project support costs @5.9% <sup>33</sup>	47,908	
<b>TOTAL Autonomous Budget</b>	<b>859,908</b>	

The total estimated staff costs of \$ 534,000 represent just over sixty percent of the total budget. It is a basic budget that should be planned for the start-up phase of the body, which could take from 1-5 years.

To provide an indication of the level of contributions by each member country to this hypothetical autonomous budget, a table is presented in Annex 6, following the practices in another recently established Article XIV body, the Central Asian and Caucasus Fisheries and Aquaculture Commission (CACfish). The contributions formula used for this example is based on those used by other FAO RFMOs, with the following components: 35% wealth (per capita GDP), 55% production and 10% in equal shares.

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 USD 200 000.<sup>34</sup>

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. 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.

#### 6.4 Administrative Implications

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<sup>31</sup> Initial capital investment, installation expenses. Also includes a vehicle if host country does not supply same.

<sup>32</sup> Maintenance of the office supplies, telephone, internet. Depends on the quality of services received.

<sup>33</sup> Subject to negotiation and based on the current 5.9% level paid; it may be a maximum of 13% under FAO rules.

<sup>34</sup> 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 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.

Administrative implications would be the same as, or similar to those for an Article VI body, with the addition of administering an autonomous budget.

## **7. OPTION 3: TRANSFORMATION INTO AN INDEPENDENT, NON-FAO BODY**

### **7.1 Background**

Intergovernmental organizations (IGOs) 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 fisheries bodies such as the Network of Aquaculture Centers in Asia-Pacific (NACA), the South Indian Ocean Fisheries Agreement (SIOFA) and the Lake Victoria Fisheries Organization (LVFO). Most such RFBs have elaborate agreements that include provisions implementing international fisheries instruments, and catering to the needs of the region.

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

IGOs involved in fisheries in the WECAFC region include OSPESCA, CRFM, OLDEPESCA and ICCAT. The latter can as RFMO make binding management recommendations, while the former (similar to WECAFC) only can produce non-binding recommendations.

FAO facilitated the establishment of NACA, RAA and SIOFA. SIOFA, which was signed in 2006 has recently entered into force, provides a slightly different example of an IGO that has a secretariat and subsidiary bodies but is not a network. The Network for Aquaculture of the Americas (RAA) has not yet entered into force.

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.

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.

### **7.2 Legal Implications**

WECAFC would have to be dissolved by FAO Council at an acceptable time, and the elements and substance of a Convention establishing the IGO agreed. A framework for the Convention would likely include many of the components shown below.

- 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
- Final clauses (amendments, signature, ratification, Depositary, etc.)

They are similar to the typical framework of an Article XIV body, but have additional provisions on a Secretariat, contracting party duties, transparency, special requirements of developing States and good faith and abuse of right. IGOs 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.

### **7.3 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

### **7.4 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.

## **8. CONCLUSIONS**

WECAFC is at an important crossroads. Under current circumstances it needs to consider some reforms to capitalize on its potential for building this momentum into a stronger organization with outcomes beneficial to all its Members.

The WECAFC Survey reflected Members' views of WECAFC's strengths and described areas that still needed nurturing. This document elaborated on the outcomes of the Review and made some recommendations on the way forward.

There are many options to consider, involving revision of the Rules of Procedure and, as appropriate, the Statutes to form a basis for institutional reform. Such reforms would, *inter alia*, promote greater participation by Members during the intersessional period, including by developing a mid- to long-term strategy for WECAFC. The strategy could serve to foster regional coordination, institutional development, fisheries management and improvements to funding.

Concerning the legal status of WECAFC, the survey indicated that responding Members would prefer WECAFC to continue as a FAO Article VI body which continues to work in partnership with other regional bodies, but other stakeholders (which included institutions and

organizations in the region) would prefer FAO as a FAO Article XIV body. It is however up to the WECAFC members to discuss and determine the way forward for WECAFC.

Members are invited to consider the recommendations made in this document; a compendium appears in Annex 7.

## **ANNEX 1 WECAFC STATUTES: GENERAL OBJECTIVE AND PRINCIPLES, FUNCTIONS OF WECAFC**

### **1. General Objective of the Commission**

Without prejudice to the sovereign rights of coastal States, the Commission shall promote the effective conservation, management and development of the living marine resources of the area of competence of the Commission, in accordance with the FAO Code of Conduct for Responsible Fisheries, and address common problems of fisheries management and development faced by Members of the Commission.

### **2. General Principles**

- a. The Commission shall have due regard for and promote the application of the provisions of the FAO Code of Conduct on Responsible Fisheries and its related instruments, including the precautionary approach and the ecosystem approach to fisheries management.
- b. The Commission shall ensure adequate attention to small-scale, artisanal and subsistence fisheries.
- c. The Commission shall coordinate and cooperate closely with other relevant international organizations on matters of common interest.

### **6. Functions of the Commission**

The Commission shall have the following functions and responsibilities:

- a. to contribute to improved governance through institutional arrangements that encourage cooperation amongst members;
- b. to assist its members in implementing relevant international fisheries instruments, in particular the FAO Code of Conduct for Responsible Fisheries and its related International Plans of Action;
- c. to help fishery managers in the development and implementation of fishery management systems that take due account of environmental, social, economic and cultural concerns;
- d. to keep under ongoing review the state of the fishery resources in the area and the related industries and promote the interchange of related information;
- e. to promote, coordinate and, as appropriate, organize or undertake research related to the living marine resources in the area of competence of the Commission, including on the interactions between fisheries and the ecosystem, and design programmes required for this purpose;
- f. to 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;
- g. to provide the necessary support and advice to enable Members to ensure that fishery management decisions are based on the best available scientific evidence;
- h. to provide advice on management measures to member governments and competent fisheries organizations;
- i. to provide advice on monitoring, control and surveillance, and to promote cooperation on these matters, including joint activities, especially as regards issues of a regional or subregional nature;
- j. to 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;

- k. to promote and encourage the utilization of the most appropriate fishing craft, gear, fishing techniques and post harvesting technologies in accordance with the FAO Code of Conduct for Responsible Fisheries;
- l. to facilitate trade in fish and fish products by promoting the implementation of internationally accepted sanitary and phytosanitary standards;
- m. to promote and facilitate harmonizing of relevant national laws and regulations, and compatibility of conservation and management measures;
- n. to 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;
- o. to assist, as appropriate, its Members in preventing and, upon request of the interested Parties, resolving fisheries disputes;
- p. to promote liaison between its members and all competent institutions within the area served by the Commission and adjacent waters;
- q. to 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;
- r. to 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;
- s. to draw up its plan of work;
- t. to carry out such other activities as may be necessary for the Commission to achieve its objectives, as defined above.

## **ANNEX 2 WECAFC RULES OF PROCEDURE, SCIENTIFIC ADVISORY GROUP**

### **Rule IX Scientific Advisory Group (SAG)**

1. The Scientific Advisory Group (SAG) of the Western Central Atlantic Fishery Commission will act as an advisory body to the Commission.
2. The SAG will be constituted of no more than five scientists with suitable scientific qualifications and experience in specific subject matters related to fisheries.
3. Members of the SAG will be appointed by the Director-General of FAO. The members will serve in their personal capacity.
4. The Commission will finance the participation of members of the SAG.
5. With the exception of the Chairperson whose term of office will be for two years, with possibility of extension, other members of the group will be appointed based on the specific matters to be addressed.
6. The Secretary of the Commission or any other FAO staff appointed by the Assistant Director-General of the Fisheries Department shall act as Secretary of the SAG.
7. The SAG shall:
  - (a) Provide scientific advice to WECAFC ad hoc working groups and the Commission;
  - (b) Review and contribute to the report to the Commission on the status of stocks in the area covered by the Commission;
  - (c) Review and contribute to the report on the situation, trends and prospects of fisheries in the WECAFC Region; and
  - (d) Consider any other matters referred to it by the Commission and the WECAFC ad hoc working groups.
8. The SAG shall conduct its work on a regular basis particularly in the year when the Commission meets.
9. The Chairpersons or their representatives of the Commission's ad hoc working groups and any other experts may be invited to participate in the work of the SAG.

## **ANNEX 3 WECAFC WORKING GROUPS, TERMS OF REFERENCE**

### **OSPESCA/WECAFC/CRFM/CFMC Working Group on Spiny Lobster**

Convener: John Jorgensen (FAO Subregional Office for Central America)

- Share already available data and information on spiny lobster.
- Develop common methodologies for assessment and monitoring of spiny lobster stocks.
- Involve the private sector in data collection.
- Monitor changes in distribution of spiny lobster species in the Caribbean
- Compile and analyze data on spiny lobster catch and effort and aquaculture production in the member countries and monitor changes.
- Compile information about the social and economic importance of lobster fisheries.
- Provide management advice and advice on the implementation of regional management regulations on spiny lobster to countries and regional organizations (e.g. OSP-02-09).
- Establish communication between the members of the working group, and between the working group and interested parties including the private sector.
- Take other necessary actions involving the emerging issues in the spiny lobster field.
- Report to OSPESCA, WECAFC and CRFM on the outcome of each session.
- Define a precise profile of the experts to participate in the Working group to ensure that the right experts participate.

### **WECAFC/OSPESCA/CRFM/CFMC Working Group on Recreational Fisheries**

The working group will aim to further implementation of the 2012 “FAO Technical Guidelines for Responsible Fisheries: Recreational Fisheries” in the Wider Caribbean Region. In particular, the working group will carry out the following tasks in the period 2012–2013:

- Develop an agreed assessment methodology for the socio-economic value of recreational/sports/game fisheries in the Wider Caribbean Region.
- Test the assessment methodology in some of the eastern Caribbean/lesser Antilles states.
- Prepare a recreational fisheries data collection scheme, including information forms, for annual reporting by states to FAO (as is done for commercial catches, aquaculture, fisheries employment, fleets and import/export of fisheries products) for testing in the WECAFC region.
- Prepare a draft Billfish management and conservation plan for the Wider Caribbean Region for endorsement by WECAFC, OSPESCA, CRFM, CFMC and ICCAT.

### **CFMC/OSPESCA/WECAFC/CRFM Working Group on Queen Conch**

Convener: Miguel A. Rolón (FCMC)

- Share already available data and information on queen conch.
- Develop common methodologies for assessment and monitoring of queen conch stocks. Involve the private sector in data collection.
- Monitor changes in distribution of queen conch species in the Caribbean.
- Compile and analyze data on queen conch catch and effort and aquaculture production in the member countries and monitor changes.
- Compile information about the social and economic importance of queen conch fisheries.

- Provide management advice and advice on the implementation of regional management regulations on queen conch to countries and regional organizations (e.g. OSP-02-09).
- Establish communication between the members of the working group, and between the working group and interested parties including the private sector.
- Take other necessary actions involving the emerging issues in the queen conch field.
- Report to OSPESCA, WECAFC and CRFM on the outcome of each session.
- Define a precise profile of the experts to participate in the Working Group to ensure that the right experts participate.

### **Lesser Antilles Ad hoc Group on the sustainable development of moored FAD fishing (FAO, Fisheries Report No. 660)**

Convener: Lionel Reynal (IFREMER)

#### 1. ROLE OF THE WORKING GROUP

##### 1.1 Scope

The scope of the ad hoc working group is the sustainable development of moored FAD fishing in the Lesser Antilles. In undertaking its work, the working group will pay due attention to the conservation and management of large pelagic fisheries in the WECAFC Region and related or interacting species or fisheries. The working group will take a multidisciplinary approach to the sustainable development of moored FAD fishing for large pelagics.

##### 1.2 The goal of the Working Group

The goal of the working group will be to contribute to the sustainable development and management of large pelagic fisheries associated with moored FADs. In pursuing this goal the working group will contribute to the fulfilment of national and regional responsibilities for shared pelagic fish stock management under the code of Conduct for Responsible Fisheries. Particular attention will be paid to Article 8.11: "Artificial reef and fish aggregation devices".

##### 1.3 Terms of Reference

Large pelagic fish is a shared resource and therefore the TORs may apply at regional and/or national levels as appropriate. The working group with the support of FAO, WECAFC Secretariat and IFREMER, will act in an advisory capacity to guide and facilitate the sustainable development of moored FAD fishing in the Lesser Antilles. Specifically, the working group would:

- (a) Use the best available scientific information, review periodically and report on the magnitude and state of moored FAD fishing in the Lesser Antilles.
- (b) Promote and facilitate national and regional monitoring and research programmes on FAD fishing, including the harmonization of methodologies.
- (c) Collect data and information on moored FAD fishing which can be used for the large pelagic fisheries assessment and management in the WECAFC Region (e.g. biological, environmental, socio-economic);
- (d) Review periodically the economic and social situation of the moored FAD fishing at national and regional levels;
- (e) Evaluate when necessary the impact of national and regional management measures on the economic and social aspects of these fisheries;
- (f) Integrate moored FAD fishing in national fisheries management plans;
- (g) Formulate projects and programmes as necessary;
- (h) Promote the sharing of information and expertise;
- (i) Promote and co-ordinate acquisition of international aid in support of its activities;
- (j) Promote an extensive exchange of ideas and experiences regarding moored FAD fishing, including appropriate technologies;
- (k) Submit reports on its intersessional activities for consideration by the WECAFC;

- (l) Organize any other relevant studies requested by the Commission; and
- (m) Inform other relevant regional fishery bodies, such as ICCAT of their activities and work.

Initially, the group will focus its attention on the following species associated with FADs due to their importance: yellowfin tuna, wahoo, dolphinfish, bigeye tuna, albacore, bluefin tuna, marlins, swordfish, sharks, kingfish, blackfin tuna, skipjack, barracuda, triggerfish.

### **CRFM/WECAFC Working Group on Flyingfish in the Eastern Caribbean**

Conveners: CRFM/WECAFC

- Update and finalize the draft Subregional Fisheries Management Plan for Flyingfish in the Eastern Caribbean, taking into account the need to develop an ecosystem approach to fisheries (EAF) management and climate change issues.
- Establish and commence improved monitoring of fishery performance trends, consistent with agreed management objectives for the operation of the Eastern Caribbean flyingfish fishery.
- Monitor and advise on the implementation of the agreed Fisheries Management Plan.
- Provide advice on the status of the fishery and its management to the CRFM Ministerial Sub-Committee on Eastern Caribbean Flyingfish and to WECAFC.
- Take other necessary actions on emerging issues pertaining to the sustainable use of Eastern Caribbean flyingfish.

### **WECAFC Working Group on the management of deep-sea fisheries**

Background and justification: Deep-sea fisheries in the high seas are those where the total catch includes species that can only sustain low exploitation rates, and that are conducted using fishing gears that either contact or are likely to contact the sea floor during the course of the fishing operations. Eighty-nine percent of the waters in the WECAFC area of competence have a depth of 400 meters or greater. Eighty-six percent of the water surface area has a depth greater than 1000 meters. Fifty-one percent of the WECAFC area is considered high-seas. The information available about deep sea fish stocks and their catches in the WECAFC area is insignificant.

Hardly any data on deep sea fish stocks and catches in the region are collected or reported. The vulnerable marine ecosystems (VMEs) in the deep sea areas and particularly in the high seas areas in the WECAFC competence area have not been identified. The current gaps in knowledge and information on this subject may have serious effects for the management of stocks and sustainability of fisheries operations in the waters concerned. While in many regions countries and Regional Fisheries Management Organizations (RFMOs) have made efforts to increase knowledge and information on this subject, this is not the case in the WECAFC area.

The 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas provide guidance on management factors ranging from an appropriate regulatory framework to the components of good data collection programs and include the identification of key management considerations and measures necessary to ensure conservation of target and non-target species, as well as affected habitats. Making a joint effort towards implementation of these internationally accepted voluntary guidelines is highly necessary in the WECAFC region.

Objective: To inform and provide guidance for the management of deep-sea fisheries by WECAFC members in such a manner as to promote responsible fisheries that provide economic opportunities while ensuring the conservation of marine living resources and the protection of



marine biodiversity and to facilitate the implementation of the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas.

Tasks: The work of the Working Group will be guided by the FAO International Guidelines for the Management of Deep-sea Fisheries of the High-seas and in particular will address the following aspects:

- Collect and review of existing (past and present) data and information on the deep-sea fisheries in the WECAFC area, in addition to identifying the potential of such fisheries in the region.
- Meet and analyse the data and information collected and make recommendations for the sustainability of the deep-sea fisheries in the WECAFC region.
- Identify priority areas for future work and international funding and support for the work identified.
- Organize a Regional Workshop towards ensuring the long-term sustainability of deep-sea fish stocks in the Western Central Atlantic in 2013 to present and discuss the findings and recommendations of the working group, and to obtain inputs from the WECAFC members.
- Report to the Commission at its next meeting, its conclusions and recommendations for further activities.

#### **CFMC/WECAFC/OSPESCA/CRFM Working Group on Spawning Aggregations**

Convener: Miguel Rolón (CFMC)

The working group will carry out the following tasks:

- Compile and analyze data on spawning aggregations in the member countries and monitor any changes.
- Seek partnerships with other institutions that could provide assistance in the monitoring, evaluation, and recommendations for management for protection and conservation of spawning aggregations.
- Provide advice on the management and implementation of regional strategies and regulations to protect spawning aggregations.
- Report to the appropriate institutions at each session.

## **ANNEX 4      MEMBERSHIP OF WECAFC**

### **WECAFC Statutes, 2006**

#### **Article 5**

#### **Membership**

The Commission shall be composed of such Members and Associate Members of the Organization that are coastal States, whose territories are situated wholly or partly within the area of the Commission or States whose vessels engage in fishing in the area of competence of the Commission and that notify in writing to the Director-General of the Organization of their desire to be considered as members of the Commission.

## **WECAFC RULES OF PROCEDURE**

### **WECAFC Rules of Procedure, 2008**

#### **RULE I**

#### **Membership**

1. The Commission shall be composed of such Members and Associate Members of the Food and Agriculture Organization of the United Nations (hereinafter referred to as “the Organization”) that are coastal States, whose territories are situated wholly or partly within the area of competence of the Commission as described in Article 3 of the Statutes, and that notify in writing to the Director-General their interest in becoming a member of the Commission.
2. Each Member of the Commission shall, before the opening of each session, communicate to the Director-General the name of its representative, who should, as far as possible, have responsibilities related to marine fishery management and development.

## ANNEX 5      **FAO CONSIDERATION OF ADMINISTRATIVE AND FINANCIAL AUTHORITY OF ARTICLE XIV STATUTORY BODIES**

The FAO Programme Committee considered at its 104<sup>th</sup> Session in October 2010 the preliminary review of statutory bodies with particular reference to Article XIV bodies and their relationship with FAO.<sup>35</sup> To ensure appropriate follow-up to the FAO Immediate Plan of Action for FAO Renewal (IPA),<sup>36</sup> the Committee was invited to recommend to the Secretariat to continue its ongoing review of the statutory bodies. The IPA requires FAO to:

“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 mobilise additional funding from their members, while remaining within the framework of FAO and maintaining a reporting relationship with it”.<sup>37</sup>

A consultation process was carried out and two main areas were reviewed and discussed with secretariats of statutory bodies established under Article XIV of the FAO Constitution:

- General relationship with FAO, including administrative and financial matters; and
- Current reporting lines and suggestions for reporting to FAO governing bodies through the Technical Committees of the Council and/or Regional Conferences.

The Programme Committee has considered relevant concerns and suggestions for amendment of some parts of the Basic Texts and/or statutory bodies constituent instruments. It recognized that *de facto* situations among Article XIV bodies have evolved over time and may accordingly be very different in practice.<sup>38</sup>

In March 2012, the FAO Committee on Constitutional and Legal Matters (CCLM) noted the highly differentiated nature of Article XIV bodies. As regards administrative, institutional and financial issues, the CCLM requested that the Secretariat should prepare a compilation of outstanding issues that the CCLM would review at its session in Autumn 2012.

As a general guiding principle, the CCLM considered that it was possible to contemplate delegating administrative and financial authority to Article XIV bodies, provided that effective accountability and oversight mechanisms be established. The CCLM would advise on the matter in light of relevant legal considerations, including the variety of Article XIV bodies and their specific functional requirements”.<sup>39</sup>

In October, 2012 at its 95<sup>th</sup> Session CCLM considered a document prepared by FAO Legal Office, “Review of Article XIV statutory bodies with a view to allowing them to exercise greater financial and administrative authority while remaining within the framework of FAO”<sup>40</sup>

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<sup>35</sup> FAO. Programme Committee. Hundred and Fourth Session. Rome, 25-29 October 2010. Preliminary Review of Statutory Bodies with Particular Reference to Article XIV Bodies and their Relationship with FAO. PC 104/9.

<sup>36</sup> Approved by the Conference at its 35<sup>th</sup> (Special) Session. C 2008/REP.

<sup>37</sup> Action 2.69, under “*Statutory Bodies, Conventions, etc.*”.

<sup>38</sup> FAO. Programme Committee. Hundred and Eighth Session. Rome, 10-14 October 2011. Preliminary Review of Statutory Bodies with Particular Reference to Article XIV Bodies and their Relationship with FAO. PC 108/10.

<sup>39</sup> CL 144/2.

<sup>40</sup> CCLM 95/12.

Some possible areas identified in the document where statutory bodies could exercise greater administrative and financial authority included external relations, budgetary, audit and financial issues, human resources matters, channels of communication with Governments, relations with donors, organization of meetings, participation of observers from non-governmental organizations and other stakeholders in meetings of statutory bodies, the reporting relationship with FAO and principles and procedures. It applies only to Article XIV bodies.

The CCLM reviewed and advised on the outstanding issues concerning Article XIV bodies, with a view to allowing them to exercise greater financial and administrative authority while remaining within the framework of FAO. Acknowledging the complexity of the matter, the CCLM agreed that it was essential to identify bodies established under Article XIV of the Constitution which would benefit from the facilities identified in the report based on a number of criteria.

As a general guiding principle, the CCLM held the view that increased delegation of authority to bodies established under Article XIV of the Constitution could be considered provided that the secretariats of those bodies were adequately staffed and appropriate oversight mechanisms by the Organization were in place.

The 145<sup>th</sup> Session of Council held in December 2012 endorsed the CCLM's recommendation that it was desirable to bring to a close the review of Article XIV bodies, and endorsed the adoption of a differentiated approach towards Article XIV bodies which had distinct statutory features and operational requirements.

Furthermore, the Council requested that it be kept informed on the implementation of the deliberations of the CCLM, and concurred with the proposals that a pragmatic and flexible approach continue to be taken regarding the participation by non-governmental organizations, civil society organizations and the private sector in meetings of Article XIV Bodies.

## ANNEX 6 INDICATIVE CONTRIBUTIONS TO A HYPOTHETICAL AUTONOMOUS WECAFC BUDGET

A draft scale of indicative annual contributions to a hypothetical autonomous WECAFC budget of US\$ 860, 000 is shown below. The autonomous budget would be required if WECAFC became a FAO Article XIV RFMO.

The contributions formula used for this example is based on those used by other FAO RFMOs, with the following components: 35% wealth (per capita GDP), 55% production and 10% in equal shares.

Member country	Total contribution		Wealth component 35 percent			Production component 55 percent			Base fee 10 percent
	USD	Percentage	GDP USD per capita	Shares	USD	2011 Production in tonnes	Percentage of total production	USD	USD
			2012	Index					
			-	-					
Antigua and Barbuda	9,511	1.11%	14,285	5	6,271	2,300	0.13%	634	2,606
Bahamas	17,965	2.09%	24,279	10	12,542	10,223	0.60%	2818	2,606
Barbados	15,651	1.82%	16,929	10	12,542	1,826	0.11%	503	2,606
Belize	7,480	0.87%	4,481	1	1,254	13,132	0.77%	3619	2,606
Brazil	59,817	6.96%	12,465	5	6,271	184,820	10.77%	50940	2,606
Colombia	6,938	0.81%	8,127	3	3,763	2,067	0.12%	570	2,606
Cuba	12,606	1.47%	6,500	3	3,763	22,630	1.32%	6237	2,606
Dominica	6,552	0.76%	7,152	3	3,763	664	0.04%	183	2,606
Dominican Republic	9,960	1.16%	5,805	3	3,763	13,032	0.76%	3592	2,606
France	32,912	3.83%	42,793	20	25,083	18,950	1.10%	5223	2,606
Grenada	7,009	0.81%	8,211	3	3,763	2,322	0.14%	640	

									2,606
Guatemala	3,981	0.46%	3,330	1	1,254	440	0.03%	121	2,606
Guinea	2,606	0.30%	503	0	0	0	0.00%	0	2,606
Guyana	15,542	1.81%	3,448	1	1,254	42,385	2.47%	11682	2,606
Haiti	6,994	0.81%	820	0	0	15,920	0.93%	4388	2,606
Honduras	5,807	0.68%	2,185	1	1,254	7,062	0.41%	1946	2,606
Jamaica	10,420	1.21%	5,657	3	3,763	14,700	0.86%	4052	2,606
Japan	28,041	3.26%	46,973	20	25,083	1,274	0.07%	351	2,606
Korea, Republic of	15,187	1.77%	23,680	10	12,542	141	0.01%	39	2,606
Mexico	63,155	7.34%	10,514	5	6,271	196,931	11.48%	54278	2,606
Netherlands	28,102	3.27%	47,842	20	25,083	1,498	0.09%	413	2,606
Nicaragua	6,995	0.81%	1,291	1	1,254	11,374	0.66%	3135	2,606
Panama	6,408	0.75%	9,444	3	3,763	143	0.01%	39	2,606
Saint Kitts and Nevis	9,356	1.09%	12,879	5	6,271	1,740	0.10%	480	2,606
Saint Lucia	6,910	0.80%	7,770	3	3,763	1,963	0.11%	541	2,606
Saint Vincent/Grenadines	7,265	0.84%	6,641	3	3,763	3,254	0.19%	897	2,606
Spain	31,497	3.66%	30,150	20	25,083	13,814	0.80%	3807	2,606
Suriname	15,684	1.82%	7,927	3	3,763	33,800	1.97%	9316	2,606
Trinidad and Tobago	18,979	2.21%	18,528	10	12,542	13,900	0.81%	3831	2,606

United Kingdom	28,473	3.31%	38,891	20	25,083	2,843	0.17%	784	2,606
USA	272,659	31.70%	49,601	20	25,083	888,799	51.79%	244,969	2,606
Venezuela, Boliv Rep of	51,622	6.00%	11,114	5	6,271	155,088	9.04%	42,745	2,606
European Community	37,916	4.41%	32,518	20	25,083	37,105	2.16%	10,227	2,606
<b>TOTAL</b>	<b>860,000</b>	<b>100.00%</b>		<b>240</b>	<b>301,000</b>	<b>1,716,140</b>		<b>473,000</b>	<b>86,000</b>
	<b>100 percent</b>				<b>35 percent</b>			<b>55 percent</b>	<b>10 percent</b>
	<b>860,000</b>				<b>301,000</b>			<b>473,000</b>	<b>86,000</b>

Notes:

Cuba: est. 6500 USD (Cia factbook) no IMF figures available.

EU: IMF [http://en.wikipedia.org/wiki/List\\_of\\_countries\\_by\\_GDP\\_\(nominal\)\\_per\\_capita](http://en.wikipedia.org/wiki/List_of_countries_by_GDP_(nominal)_per_capita).

EU: catch figure used is sum of total catches of all its member states (Spain, UK, Netherlands, France) in the WECAFC Area 31.

Brazil: catch in Area 41 only. The figure presented is one-third of the total catch in Area 41 by Brazil in 2011 (which is 554462 tonnes).

**INSTITUTIONAL STRUCTURE OF WECAFC**

**Membership**

1. Membership provisions in the Statutes and Rules of Procedure should be reviewed and harmonized.
2. Automatic resignation should be considered where Members do not attend WECAFC sessions for a specified time period (e.g. three consecutive sessions) without good reason accepted by the other Members.

**Non-members**

3. The Rules of Procedure relating to Members and observers should be reviewed and revised as part of a general strengthening of WECAFC, as an Article VI, Article XIV or independent body. As appropriate, the relevant provisions in the Statute should be considered as part of a broader review. In particular it is recommended that:
  - a) Article 9 of the WECAFC Statute and Rule VII of the Rules of Procedure, which address observers, should be aligned to allow observers to attend sessions of the Commission, its subsidiary bodies and ad hoc meetings in an observer capacity as currently provided in the Rules;
  - b) The Rules of Procedure should be expanded to include strengthened transparency, including permission for observers to submit memoranda and inviting consultants or experts in their individual capacity to attend meetings or sessions;
  - c) Consideration should be given to the need to include requirements for non-members in the Rules of Procedure where it may benefit the Commission.
4. The review should include authority for WECAFC to enter into Memoranda of Understanding (MoUs) with other organizations or institutions.

**Scientific Advisory Group (SAG)**

5. If the Commission decides to transform WECAFC into an Article XIV body, then it would be recommended that the SAG should be replaced by a Technical Advisory Committee with a broader mandate that includes both technical and scientific matters and extends to consideration of relevant institutional matters and formulating recommendations for the Commission or its Members on conservation and management measures, as recommended at the 14th Session.
6. A medium-term work plan should be developed by the Bureau to strengthen the effectiveness of the SAG and ensure continuity, planning and prioritization. It should contain inter alia clear and comprehensive activities and outputs, key performance indicators, timeframe, partners involved, budget required and budget secured.



## **Secretariat and national focal points**

7. The WECAFC Rules of Procedure should be amended to include provisions setting out:
  - (a) the establishment of the Secretariat and appointment, duties and functions of the Secretary; and
  - (b) the functions and responsibilities of National Focal Points.
8. Human capacity of the Secretariat should be strengthened. Some options include:
  - (a) Use of FAO programmes, including volunteer, internships and visiting experts, supported by donor assistance as appropriate;
  - (b) Creating FAO project posts, supported by donor assistance;
  - (c) Members' human capacity contribution for mutual benefit;
  - (d) In-kind contribution;
  - (e) Designating the role and responsibilities of national focal points.

## **Bureau**

9. The Bureau should be expanded in membership and its functions elaborated in the Rules of Procedure, in order to ensure that the Commission's business, strategic planning and monitoring of implementation of the Commission's decisions, inter alia, are conducted on an ongoing basis in the two year intersessional period to promote greater transparency in and support of the work of the Secretariat.
10. Its title should be the Executive Committee to reflect the functions.
11. The Rules of Procedure should reflect this accordingly, and this would apply to WECAFC as an Article VI, XIV or independent body.

## **WECAFC Sessions**

12. It is recommended that the Rules of Procedure provide that meetings of the Commission be held in public unless the Commission decides otherwise.

## **RELEVANT FAO DEVELOPMENTS**

### **FAO Committee on Fisheries (COFI)**

13. It is recommended that Members consider possible reforms to WECAFC based on the outcomes of the performance review.

### **Recent reform initiatives of FAO RFBs**

14. It is recommended that WECAFC take note of the reform processes in EIFAAC, SWIOFC and GFCM, including the new or proposed Statutes/Agreements and Rules of Procedure.