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## ASIA-PACIFIC FISHERY COMMISSION

### Thirty-sixth Session

[Virtual] Thailand, 5-7 May 2021

### Addressing current limitations to the effective function of the Asia-Pacific Fishery Commission

1. The 35<sup>th</sup> Session of APFIC reviewed and endorsed the thematic and technical directions of the APFIC Strategic Plan 2018-2023 (APFIC/21/INF-5).
2. This document recognized several areas where APFIC's performance and impact was constrained, by both human and financial resources.
3. A major limitation of the strategy is that it does not provide an operational plan for how APFIC could develop a truly effective programme of work that was not subject to the uncertainties of the FAO regular programme and FAO policies on financial support to FAO Regional Fishery Bodies (RFBs).
4. The 76<sup>th</sup> Executive Committee was informed of changes to FAO internal planning processes and that earmarked funds were no longer allocated to the FAO Regional Commissions at the start of the biennium.
5. This policy also extends to limitation of financial support to participation in APFIC technical meetings and workshops.
6. The 76<sup>th</sup> Executive Committee also recognized that participation of the membership in APFIC activities was also a constraint and that decision making of the Session ran the risk of being compromised if Sessions could not reach quorum (2/3 of the APFIC Membership).
7. It was recommended that the Secretariat prepare some options for the future operation of the Commission, setting out financial and operational procedures. The Secretariat was unable to prepare such comprehensive documents and concluded that more guidance from the Commission was required before commencing analysis.
8. The Secretariat proposes some preliminary ideas of possible means to streamline planning and seek financial resourcing of APFIC-related work and activities (Table 1):
  - Address the issue of non-participation of membership
  - Attempt to re-phase the APFIC biennial work plan to coincide with the biennial FAO Regular Programme financial planning. This has the advantage of harmonizing biennial workplans, and that the APFIC session would coincide with a non-COFI year.

- Explore opportunities for the development of a trust account, or project for APFIC to enable co-financing of APFIC forums. Resources could be used to support participation in APFIC meetings and technical workshops.
  - Explore the administrative arrangements required to enable APFIC to act as a coordinating or executing body for regional initiatives and programmes.
  - Cessation of regular activities of the Commission, in order to release the Secretariat and resourcing for sub-regional activities that would be supported through projects and FAO regular programme aligned activities.
  - Move the Commission to a completely virtual format, reducing travel costs. There would still be staff time implications and the need for regular budget to undertake studies and background work to support the virtual meetings/workshops.
9. The Secretariat has prepared a brief overview of the primary issues facing the effective functioning of the Commission and has proposed some paths forward for consideration.
10. Based on the suggestions and recommendation of the Commission, it is proposed that this would form the priority focus of the 78th Session of the Executive Committee, with a decision on the preferred option taken at the 37th Session of APFIC.
11. Irrespective of the findings of the Executive Committee, actions in support of the APFIC Strategy would continue, subject to the availability of resources and participation of the APFIC membership.

Issue	Impact/effect on the effectiveness of APFIC	Secretariat suggestions for possible means for resolution
<p>Membership of APFIC comprises a number of countries that have effectively withdrawn from the activities of the commission.</p>	<p>APFIC has 21 member countries. Up to six member countries do not participate regularly in the Session.</p> <p>APFIC Sessions are consistently on the verge of not reaching quorum.</p>	<p>Member countries that no longer consider the commission relevant, submit letter of withdrawal from the agreement</p> <p>Adjustment of the 2/3 membership quorum to &gt;1/2 in the APFIC agreement. This possible solution is unusual in terms of the rules of Procedure and legal advice would need to be sought.</p> <p>Move to a hybrid or virtual Session of the Commission, thereby enabling the participation of those Member countries unable to travel or cover their travel costs.</p>
<p>There is no membership contribution for Member countries and APFIC does not have an autonomous budget.</p>	<p>There is no dedicated budget for the work of the Commission.</p> <p>Requires that much of the work of APFIC is effectively undertaken through FAO regular and field programmes and leveraging co-financing from Member countries and regional organizations.</p>	<p><b>Member countries agree to mandatory membership contribution.</b></p> <p>An autonomous budget is established for APFIC</p> <p>Costs are further reduced by moving APFIC to a purely virtual format.</p>
<p>APFIC activities are no longer aligned to the FAO regular programme budgetary cycle</p>	<p>The allocation of funding for activities prioritized by the Commission that would be financed by FAO regular programme is highly uncertain.</p> <p>FAO regular programme is unable to support commission activities.</p>	<p><b>Re-phase the APFIC biennial work plan</b> to coincide with the biennial FAO Regular Programme financial planning.</p> <p>This has the advantage of:</p> <p>An opportunity to harmonize biennial workplans with the regular programme work of FAO Fishery and Aquaculture Department</p> <p>Allowing the APFIC session to coincide with a non-COFI year and thus address COFI recommendation and provide input for subsequent COFI meetings.</p>

Issue	Impact/effect on the effectiveness of APFIC	Secretariat suggestions for possible means for resolution
<p>Funding of APFIC technical workshops is discretionary, based on allocation of FAO regular programme funds.</p> <p>FAO policy is for Member countries to cover their participation costs</p>	<p>FAO RP funding is discretionary and prioritized to LDCs.</p> <p>Extra-budgetary funding may be sought but APFIC does not have its own trustfund account. Thus voluntary contributions and support to activities is bureaucratically difficult to receive. FAO also applies a servicing charge.</p>	<p><b>Non-LDC member countries</b> commit to support APFIC technical workshops by <b>covering their costs of participation</b>.</p> <p>Participation at the APFIC Session is covered by the Member country as per the APFIC Agreement</p> <p><b>APFIC trustfund project established</b> to receive voluntary contributions and donor support to cover the costs of workshops and related activities.</p> <p><b>Move to hybrid or virtual workshops</b> for all Commission activities, enabling remote participation of Member countries unable to travel or cover travel costs.</p>
<p>FAO programmes and regular programme funding are not aligned with the work of APFIC, or subject to different process for identification and approval</p>	<p>Limits the ability to introduce priorities identified by the Commission into FAO work programme.</p> <p>Much of the work of APFIC is effectively undertaken through FAO regular programme and project cooperation mechanism with Member countries.</p>	<p><b>With the agreement of the Commission FAO Secretariat <u>suspends all activities of the Commission</u></b>.</p> <p>This would include, the APFIC RCFM, Executive Committee Meeting and Regular Session, technical workshops and publications undertaken within the framework of the Commission).</p>
<p>Relevance of APFIC as an Article XIV fishery body questionable, at the high level regional aggregation of its area, and inability to develop and fund sub-committees (relates to the above issue)</p>	<p>Advisory function of APFIC duplicates, to a high degree, the role of FAO.</p> <p>Lack of agreement on stocks under consideration. Consequently no binding decisions on fisheries management measures.</p> <p>Harmonization of measures (non-binding) also challenging, as geographical area of competence is excessively broad</p> <p>There are overlapping mandates with many other RFBs (e.g. IOTC, WCPFC, SEAFDEC, BOBP-IGO, NACA)</p>	<p>APFIC Secretariat staff focus on role as FAO officers, to support and strengthen cooperation through sub-regional organizations or sub-regional working groups with SEAFDEC, BOBP-IGO, RPOA-IUU etc. using available FAO programme support. The activities would be outside of the Commission.</p> <p>Aquaculture focus pursued as part of the Aquaculture Platform activities under FAO cooperation with NACA and other relevant regional organizations (SEAFDEC-AQD, FFRC Wuxi).</p> <p>This arrangement is reviewed after 6 years and the Member countries consider the option to formally close the Commission, or substantially revise its agreement and rule of procedure to establish autonomous budget.</p>

## **THE COMMISSION MOVES TO INCREASINGLY VIRTUAL FORMAT**

12. This is a new development that has been required as a response to the limitations of travel due to the COVID-19 pandemic. The rapid emergence of virtual webinars and workshops has shown what is possible at relatively low cost, using virtual meetings.

13. This has been addressed in the previous working paper APFIC/21/04

14. There are disadvantages of virtual workshops, in terms of the additional preparations and constraints on personal interactions. There are also major advantages in terms of cost reductions and increased participation from countries which otherwise may not be able to attend the event.

15. FAO policies on support to participation also requires that the majority of participants would not be eligible for travel support and thus their participation in APFIC activities would be at their countries expense. Virtual events and hybrid (virtual-physical) events can enable greater presentation and participation.

## **SUB-REGIONAL PROJECTS WHICH COULD ACT AS VEHICLES FOR CAPACITY BUILDING AND COOPERATION**

16. There are a number of GEF funded sub-regional projects that are implemented by FAO, with project execution either directly by FAO, or which will be executed by regional organizations competent in fisheries.

17. These projects can provide sub-regional vehicles for capacity building and cooperation in rolling-out targeted activities to promote the broad objectives of the APFIC Strategic Plan. However, they will not be directly subject to the Commission's guidance and do not report to the Commission.

18. To strategically align APFIC activities or recommendations with the work of these projects would depend on countries insistence on such a linkage as well as a degree of flexibility by the executing agency. This would still need to lie within the scope and objectives of the project concerned.

19. There are three major Global Environment Facility (GEF) supported regional projects that could act as vehicles for some strategic outcomes for regional cooperation.

20. **The Bay of Bengal Large Marine Ecosystem (BOBLME)** mobilizes resources via the Global Environment Facility (GEF) (Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, Sri Lanka, and Thailand) to better the lives of their coastal populations by improving regional management of the Bay of Bengal environment and its fisheries. The current proposal for the BOBLME phase II aims to assist with resourcing the implementation of the SAP. The execution arrangements for the second phase will be executed by SEAFDEC, BOBP-IGO and IUCN. There are complementary GEF LDF projects in Bangladesh and Myanmar.

21. **The Indonesian Seas Large Marine Ecosystem Project (ISLME)**. This GEF project is executed by FAO with Indonesia and Timor Leste. It is in its first phase and will see activities aimed at strengthening regional cooperation and capacity in fishery and aquaculture management. There is a complementary climate change GEF LDF project under development with Timor Leste (IKANADAPT). Linkages to both the ATSEA Second Phase (Indonesia, Timor Leste) and Sulu-Celebes SME cooperation (Philippines, Indonesia, Malaysia). It is expected that this project would be executed through Worldfish

22. **The Promoting the Blue Economy of the Gulf of Thailand through the Ecosystem Approach to Fisheries (GoTFish)** mobilizes resources via the Global Environment Facility (GEF) for Cambodia, Malaysia, Thailand and Viet Nam to enhance fisheries management through cooperation in the Gulf of Thailand Large Marine Ecosystem. If successful, the project would be

expected to commence implementation in 2021-2022. It is expected that this project would be executed through SEAFDEC and IUCN.

23. In aquaculture and inland fisheries there are a number of FAO initiatives that provide opportunities for acting at either country level or sub-regionally. A recent initiative of the FAO Regional Office for Asia and the Pacific, is the development of an aquaculture platform (this is covered in APFIC/21/05).

### **APFIC AS A MECHANISM TO COORDINATE SUB-REGIONAL ARRANGEMENTS**

24. APFIC, as an Article XIV body, provides the region with potential solutions to evolving issues associated with transboundary management. The current and pipeline projects for three of the region's large marine ecosystems, Bay of Bengal, Gulf of Thailand and Indonesia Seas described above will require agreements or instruments to allow for regulation of transboundary fish stocks and resources.

25. Coastal States bordering the Bay of Bengal and those bordering the Gulf of Thailand are considering the need for regional arrangements to facilitate regulation of transboundary issues, as well as administer and plan actions to sustainably manage resources. In both cases, the preference expressed is to avoid the formation of new bodies for this purpose.

26. As an Article XIV body established under the FAO Constitution APFIC can act as regional body to support these objectives. Although APFIC currently does not utilize its regulatory mandate as an Article XIV Statutory Fisheries Bodies it can be constituted to have regulatory powers, in addition to broad advisory powers.

27. Operationally this could be facilitated by the formation of standing Committees under the APFIC Agreement. For the circumstances described in paragraph 7 a "Standing Committee for the Gulf of Thailand" and a "Standing Committee for the Bay of Bengal" could be formed (the latter would need the Maldives to become a member of APFIC for it to truly represent all coastal states). Each standing committee would include the coastal states.

28. These standing committees could also advise the steering committees that oversee the work of the LME projects. Moreover, they would have capacity to work to develop the conservation and management measures needed for their respective large marine ecosystems.

29. Additionally, FAO Bodies established under Article XIV of its Constitution can be:

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

30. To act through such sub-regional standing committees would still require the resolution of the fundamental issues relating to its regular financing and the commitment of time for the secretariat functions to administer the sub-committees proposed. The financial and staffing implications for this would be significant and would take time to put into place. To provide this function, APFIC would essentially require an autonomous budget.

31. An important consideration regarding APFIC assuming this role, would be that in two cases (Bay of Bengal and Gulf of Thailand) APFIC would either be duplicating, or partially/completely overlapping the mandates of other competent regional organizations (BOBP-IGO and SEAFEC), which share some of the APFIC membership.

32. Using the APFIC sub-regional committees to support the functions of these organizations might be a more effective use of resources.

### **CESSATION OF ACTIVITIES**

33. FAO programmes and regular programme funding are not directly aligned with the work of APFIC and are subject to different process for identification and approval (e.g. COFI and its

sub-committees; Asia-Pacific Regional Conference). Much of the inter-sessional work of APFIC is effectively undertaken through FAO regular programme and cooperation mechanism with Member countries. This constrains the ability to introduce priorities identified by the Commission into FAO work programme.

34. The relevance of APFIC as an Article XIV fishery body questionable, at the high level regional aggregation of its area, and inability to develop and fund sub-committees. There is lack of agreement on stocks under consideration and consequently no binding decisions on fisheries management measures. Harmonization of measures (non-binding) are also challenging, as the geographical area of competence of APFIC is excessively broad and loosely defined.

35. The advisory function of APFIC duplicates, to a high degree, the role of FAO and there are overlapping mandates with many other RFBs (e.g. IOTC, WCPFC, SEAFDEC, BOBP-IGO, NACA)

36. With the agreement of the Commission FAO Secretariat suspends all activities of the Commission. This would include, the APFIC RCFM, Executive Committee Meeting and Regular Session, technical workshops and publications undertaken within the framework of the Commission).

37. APFIC Secretariat staff focus on role as FAO officers, to support and strengthen cooperation through sub-regional organizations or sub-regional working groups with SEAFDEC, BOBP-IGO, RPOA-IUU etc. using available FAO programme support. The activities would be outside of the Commission.

38. Aquaculture focus pursued as part of the Aquaculture Platform activities under FAO cooperation with NACA and other relevant regional organizations (SEAFDEC-AQD, FFRC Wuxi).

39. This arrangement would be reviewed after 6 years and the Member countries consider the option to formally close the Commission, or substantially revise its agreement and rule of procedure to establish autonomous budget.

#### **SUGGESTED ACTION BY THE COMMISSION**

40. The Commission is invited to provide suggestions and recommendations on the issues and possible options provided by the Secretariat, regarding:

- Establishing trustfund
- Use of virtual format
- Ceasing Commission activities
- Alignment of regional projects with Commission recommendations
- Establishment of APFIC sub-committees for sub-regional arrangements

41. Consider the dedication of the 78<sup>th</sup> Executive Committee Meeting to the resolution of the matter and if necessary, convene an *ad hoc* working group to support this process.