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REGIONAL FISHERY BODIES ESTABLISHED WITHIN THE FAO FRAMEWORK

INTRODUCTION AND BACKGROUND

1. Eleven Regional Fishery Bodies (RFBs) have been established under the legal framework of FAO. These RFBs have been established in accordance with the provisions of either Article VI or Article XIV of the FAO Constitution.
2. Statutory Bodies established under Article VI of the FAO Constitution (“Article VI Statutory Fisheries Bodies”) for fisheries and aquaculture are:
 - The Commission for Inland Fisheries and Aquaculture of Latin America and the Caribbean (COPECAALC),
 - The Committee on Inland Fisheries and Aquaculture of Africa (CIFAA),
 - The European Inland Fisheries and Aquaculture Advisory Commission (EIFAAC),
 - The Fishery Committee for the Eastern Central Atlantic (CECAF),
 - The South West Indian Ocean Fisheries Commission (SWIOFC), and the
 - The Western Central Atlantic Fishery Commission (WECAFC).
3. Statutory Bodies established under Article XIV of the FAO Constitution (“Article XIV Statutory Fisheries Bodies”) for fisheries and aquaculture are:
 - The Asia-Pacific Fishery Commission (APFIC),
 - The Central Asian and Caucasus Regional Fisheries and Aquaculture Commission (CACFish),
 - The General Fisheries Commission for the Mediterranean (GFCM),
 - The Indian Ocean Tuna Commission (IOTC), and the
 - The Regional Commission for Fisheries (RECOFI).
4. Article VI Statutory Fisheries Bodies have advisory rather than regulatory powers. Article XIV Statutory Fisheries Bodies are constituted by international agreement between States, which may include non-FAO Member Nations. They have regulatory powers in addition to broad advisory powers and may for example adopt conservation and management measures that are binding on their Members. These types of RFBs are referred to as Regional Fisheries Management Organizations (RFMOs). While RFMOs established under article XIV of the FAO Constitution are considered to be administratively linked to FAO, they enjoy a certain level of functional autonomy.

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5. The Committee, at its 30th Session (Report of the 30th session of the Committee on Fisheries, paragraph 72) requested FAO to initiate performance reviews of the RFBs under its auspices that had not already been assessed. This request from the Committee is the basis of this paper.

AN OVERVIEW OF THE PERFORMANCE OF RFBs ESTABLISHED WITHIN THE FAO FRAMEWORK

6. To address the request from the Committee, the current state of performance reviews conducted by all statutory bodies established within the framework of FAO for fisheries and aquaculture was examined and found to be so diverse that it was difficult to assess and compare overall performance of the bodies. Furthermore performance reviews were either done some time ago and were becoming outdated, or they are currently being undertaken or being planned, or not being discussed at all. Therefore, to ensure a consistent analysis of the performance of those bodies, a general overview research has been conducted¹. Three benchmarks guided the research:

- The relevance of the RFB's activities to the needs of the region;
- The degree of ownership of the RFB by its members; and
- The financial viability of the RFB.

7. It is a fact that success stories are quickly told, while weaknesses become the focus of prolonged attention and debate. Most of the RFBs serve important roles in fisheries management whether through their advice or through their regulatory measures. They bring the countries in a region together to one table and provide a unique forum for dialogue, coordination and exchange of experiences; their secretariats are respected as neutral brokers; and they initiate or implement numerous activities relating to sustainable fisheries, capacity development, and promoting cooperation with partner organisations. Therefore it is strongly recommended that attention be given to the dynamic activity of most of these bodies, not just their weaknesses and constraints. However, in an attempt to raise awareness of the weaknesses of these bodies and to address these weaknesses, the remainder of this information paper will focus on problem issues.

8. **Funding:** Firstly, there is no doubt that the RFBs are most significantly restricted by lack of funds, and in fact, funding underpins many of the other weaknesses described in this paper, being at the core of most of the below mentioned issues. Most of the bodies have noted that their budget is insufficient to conduct agreed programmes of work².

9. **Staffing:** The human resources of the RFB secretariats are the next shared and common concern. Delays have been noted in filling vacant Secretary positions in some FAO RFBs³. Clearly, in the absence of a Secretary the timely adoption and implementation of a workplan is not possible. Furthermore, secretaries of some RFBs⁴ undertake other technical and administrative duties as decentralized officers in addition to serving as RFB Secretaries. Even where there is a Secretary, the core functioning of the RFB is frequently hampered by a lack of supporting human resources within the Secretariat. Some secretaries of the statutory fisheries bodies (particularly Article VI bodies) note their inability to follow-up on the implementation of Commission recommendations during the inter-sessional period. This means that the work of the body can only progress during the plenary sessions.

10. **Attendance:** A third significant concern is the low level of attendance at the plenary sessions and meetings of those bodies. In some cases⁵, it is noted that some Members from outside the RFB region, who joined the RFB in its early stages, are not attending any sessions in recent years, nor showing apparent interest in the activities of the relevant RFB. Lack of attendance at RFB sessions has weakened the support for decisions and recommendations adopted by the session, particularly where a

¹ The outcome of the research is in the process of being published as a FAO Fisheries and Aquaculture Circular.

² WECAFC, EIFAAC, SWIOFC, COPESCAALC, RECOFI, CACFish, IOTC

³ CECAF, CIFAA

⁴ CACFish, COPESCAALC, EIFAAC, RECOFI, SWIOFC, WECAFC

⁵ WECAFC, IOTC

quorum cannot be reached⁶. Lack of attendance at sessions may be due to a variety of factors including a financial inability to attend the meeting or to participate in the work programmes of the meeting, a lack of “ownership” or interest in the body, and / or the fact that the particular fishery is not a high priority area for members.

11. **Overlapping mandates:** A fourth area of concern is the number of RFBs⁷ which have mandates or geographic areas of competence overlapping with mandates or areas of other RFBs established outside the framework of FAO. This can lead to unnecessary competition or even forum-shopping amongst RFBs and may not favour a coherent or stable advisory/management framework.

12. **Constituent instruments:** A fifth area of weakness in the performance of certain RFBs⁸ concerns the fact that constituent instruments (e.g. Statutes and Rules of Procedure of Article VI statutory bodies) do not accurately reflect the scope of activities in which the RFB is involved, or lack reference to important principles of international fisheries management such as the precautionary approach or the ecosystem approach to fisheries and aquaculture.

13. **Lack of Follow Through:** A sixth concern relates to the lack of implementation of recommendations and decisions adopted by a RFB.

PERSPECTIVES ON THE WAY FORWARD

Future activities for Members:

14. FAO recognizes that there is a compelling urgency to address the weaknesses of those bodies that have been summarized in this paper. To achieve this, the major bottlenecks below must be addressed immediately:

- inadequate investment and human resources,
- weak institutions, and
- the lack of an enabling policy environment.

15. It is clear that the first dot point relating to inadequate funding is the core weakness underpinning the FAO RFBs.

16. FAO will continue to provide a framework, and technical support for the RFBs established under Article VI and XIV of its Constitution. However, ultimately these bodies exist for, and by, their members. If changes need to be made to the existing regime of FAO Article VI and Article XIV statutory bodies, it is for the members of these bodies, not FAO, to drive this change.

17. In particular, the members may consider the following options:

- developing rules relating to decision-making processes within the RFB with regard to members which do not attend RFB sessions;
- reviewing the RFB constituent instruments;
- changing the RFB to a virtual network of members;
- strengthening collaborative arrangements, including memoranda of understanding with relevant or overlapping bodies to coordinate activities; and
- withdrawing from the RFB, if it is not perceived as relevant or important.

⁶ CECAF, EIFAAC, CIFAA

⁷ CECAF, WECAFC, CIFAA, COPESCAALC

⁸ CECAF, SWIOFC, EIFAAC, CIFAA, COPESCAALC, GFCM, IOTC