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WESTERN CENTRAL ATLANTIC FISHERY COMMISSION (WECAFC)

SEVENTEENTH SESSION

Miami, United States of America, 15-18 July 2019

Summary report of the First preparatory meeting of the Western Central Atlantic Fishery Commission (WECAFC) for the transformation into a Regional Fisheries Management Organization Bridgetown, Barbados, 25-26 March 2019

This document provides the summary of the deliberations and the recommendations of the First preparatory meeting of the Western Central Atlantic Fishery Commission (WECAFC) for the transformation into a Regional Fisheries Management Organization, held in Bridgetown, Barbados, 25-26 March 2019.

Suggested Action by the Commission

The Commission is invited to review, amend as appropriate, and endorse the report

Particularly, the Commission is requested to provide guidance on the way forward, especially the roadmap and needed in-kind and financial support to implement it

INTRODUCTION AND ATTENDANCE

1. The 1st Preparatory Meeting of the Western Central Atlantic Fishery Commission (WECAFC) for the Transformation into a Regional Fisheries Management Organization (RFMO) was held in Bridgetown, Barbados on 25-26 March 2019.
2. The following WECAFC Members attended the Preparatory Meeting: Antigua and Barbuda, Barbados, Belize, Cuba, Commonwealth of Dominica, The European Union (Member Organization), France, Guatemala, Guyana, Haiti, Jamaica, Netherlands, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States of America. The complete list of 45 participants can be found in Annex B.
3. The Preparatory Meeting was held as a follow-up to the deliberations at the 16th Session of the WECAFC (held in Guadeloupe, France, 20-24 June 2016/WECAFC) that agreed to:
 - “launch a process to establish a Regional Fisheries Management Organization (RFMO) and to clarify issues in relation to competency area, stocks coverage, budgetary implications for Members, institutional structure, membership, decision making processes, national sovereignty aspects, its objectives and any other relevant matters that the Members may wish to consider.”

OPENING OF THE MEETING

4. On behalf of the Government of Barbados the Permanent Secretary of the Ministry of Maritime Affairs and the Blue Economy, Mr. Esworth Reid, kindly welcomed the Preparatory Meeting, and acknowledged the generous support from the European Union (Member Organization) and the Food and Agriculture Organization of the United Nations (FAO). Welcoming remarks were also delivered by Ms. Vyjayanthi Lopes, FAO Sub-regional Coordinator a.i. of the FAO Sub-regional Office for the Caribbean (Bridgetown, Barbados) and Mr. Piero Mannini, Senior Liaison Officer, on behalf of the Assistant Director General of the Fisheries and Aquaculture Department of the FAO, (Rome, Italy). Ms. Yvette Diei Ouali, FAO Fisheries and Aquaculture Officer and WECAFC Secretary, who welcomed and thanked the participants for their attendance.

ELECTION OF THE CHAIRPERSON AND TWO VICE-CHAIRS

5. Although the item was not included in the Agenda (Annex A), the WECAFC Secretary indicated that the Preparatory Meeting would elect a chair and two vice-chairs. Noting that it was a technical meeting, the WECAFC Secretary proposed that Mr. Patrick McConney, Director of the Center for Resource Management and Environmental Studies (CERMES), be elected as Chair. The WECAFC Secretary noted Mr. McConney’s technical engagement in the preparation of this Preparatory Meeting, his prior engagement in the WECAFC reorientation process, his neutrality and the trust he has built in the region.
6. Mr. Marc Williams, Director of Marine Resources, Department of Marine Resources of St. Kitts and Nevis, and Mr. Carlos F. Marin Arriola, Director, Dirección de Normativa de la Pesca y Acuicultura, Ministerio de Agricultura, Ganadería y Alimentación, Guatemala, were

proposed as the two vice-chairs. All WECAFC Members present at the Preparatory Meeting unanimously supported the election of the Chair and the two Vice-Chairs.

ADOPTION OF THE AGENDA AND MEETING ARRANGEMENTS

7. The Chair opened the floor for the adoption of the agenda. WECAFC Members agreed to delete agenda item 17 relating to the introduction and discussion of a Draft Convention/Agreement to establish an RFMO. The Members noted that it would be premature to discuss the text of any Convention/Agreement before clarifying the issues to be addressed at the Preparatory Meeting.

8. Several WECAFC Members considered that it was still appropriate to discuss, as part of the WECAFC reorientation process, the possibility of retaining WECAFC as a strengthened advisory body established under Article VI of the FAO Constitution (hereinafter “Article VI body”).

9. Some WECAFC Members also proposed to include as a new agenda item a “road map” for the reorientation process.

BACKGROUND AND OBJECTIVES OF THE MEETING

10. Ms. Diei-Ouadi gave a brief presentation on the background and objectives of the Preparatory Meeting, recalling that the strategic reorientation of WECAFC was initiated at the request of WECAFC Members at the 14th Session of the Commission. She underlined the opportunity the meeting offered to clarify the fundamental questions yet to be addressed, as well as the need to move towards the transformation of WECAFC in a practical and pragmatic way.

11. Regarding the role of observers at the Meeting it was noted that the observers would undoubtedly bring valuable knowledge and experience to the discussion but priority would be given to interventions by WECAFC Members. Hence, the Chair noted that in keeping with protocol and FAO rules, WECAFC Members would be allowed to make their statements first, followed by observers.

12. The meeting then proceeded with a general discussion on the “*Discussion paper in support of the WECAFC Strategic Reorientation Process*” (the “Discussion Paper”).

PRESENTATIONS AND DISCUSSIONS

13. The majority of members of Caribbean Regional Fisheries Mechanism (CRFM) indicated that they were not aware of an explicit agreement to move towards the establishment of an RFMO and noted that the CRFM countries had not committed to an RFMO.

14. The WECAFC Secretary observed that paragraph 55 of the report of the 16th Session of the WECAFC report indicated the agreement by WECAFC Members to: “*launch a process to establish a Regional Fisheries Management Organization (RFMO) and to clarify issues in relation to competency area, stocks coverage, budgetary implications for Members, institutional structure, membership, decision making processes, national sovereignty aspects, its objectives*”

and any other relevant matters that the Members may wish to consider” and that this Preparatory Meeting had been called to this effect.

15. CRFM Members noted that in the event an RFMO is created in the WECAFC area of competence it could deal with resources in the Areas Beyond National Jurisdiction (ABNJ), while WECAFC Members maintained control of the resources in their respective Exclusive Economic Zone (EEZs). They further underscored, as it was mentioned in paragraph 56 of the report of the 16th Session of WECAFC that “*such an RFMO should not replace existing RFBs in the process*”, and reaffirmed the possibility of considering strengthening WECAFC as an Article VI body, along with the other RFBs. It was emphasized that for the reorientation to succeed and be sustainable it needs to be a country driven process.

16. Observations were made with respect to the importance of introducing the Ecosystem Approach to Fisheries (EAF) and co-management, as an essential element for fisheries management in the region, particularly in relation to small-scale fisheries. Stakeholder participation and information to drive management, including fishers’ traditional ecological knowledge, are critical gaps remaining to be filled in order to better engage and obtain fishers support for a possible RFMO.

OBJECTIVES AND FUNCTIONS

17. Ms. Cristina Leria, FAO International Legal Fisheries Consultant, presented the substantive issues to be resolved by WECAFC Members in considering institutional alternatives. The presentation focused on the objectives and functions of the Commission¹ and set forth three threshold questions to clarify: whether the Commission should play a scientific role, whether the Commission will have the mandate to issue Conservation and Management Measures (CMM) and what role the Commission will play with respect to Monitoring, Control and Surveillance (MCS).

18. The delegate from the United States of America (USA) indicated that every RFMO in a given region is different as it relates to framework, participation, funding, etc. However, conceptually RFMO(s) fulfill three basic functions, with these being: scientific knowledge of the resource(s), CMM and compliance. Both the delegates from the USA and Jamaica agreed on the need for WECAFC Members to decide on the key elements of the entity/arrangement to be established and to decide what is the best alternative for WECAFC Members, without outside influence.

19. WECAFC Members concurred that there are limitations on the data collection in the region and that there is a clear need to obtain stock data and other relevant information to make adequate fisheries management decisions. The delegate from France stressed the importance of the scientific evaluation of the fisheries resources in order to advance in the harmonization of the management of those fisheries resources.

20. It was also asserted that the species and thematic working groups (currently 11 WECAFC joint working groups) should be included in the development of scientific knowledge but that

¹ The term “Commission” has been used here to refer to an RFMO or any other entity/arrangement.

these groups required resources to be able to complete their tasks. Any such research would have to take into account the work already fulfilled under other arrangements such as the Caribbean and North Brazil Shelf Large Marine Ecosystems + Strategic Action Programme (CLME+ Programme). Participants were provided with a brief introduction to the CLME+ Programme, which is being implemented in the EEZs, and its efforts to establish a Permanent Coordination Mechanism (PCM), and agreed that this process should be taken into account in the reorientation process.

21. WECAFC Members agreed with the importance of including among the functions of the entity/arrangement the mandate to increase capacity building in the region, which would apply to state as well as non-state stakeholder organizations. In relation to Small Island Development States (SIDS), this function would include building capacity to utilize the resources in the ABNJ, which would require technology transfer from developed countries to ensure equity in resource access.

22. WECAFC Members agreed that when deciding on CMM not all species have to be managed, and that priorities and procedures have to be established that respect the sovereign rights of WECAFC Members.

23. WECAFC Members further considered that the WECAFC transformation process would contribute to improving compliance, fighting against Illegal, Unreported and Unregulated (IUU) fishing as well as strengthening the Monitoring, Control and Surveillance (MCS) in the region. The European Union indeed pointed out that an RFMO can be a powerful tool in combatting IUU fishing, but that this would also require that key elements are reflected in the national legal and institutional framework of WECAFC Members.

24. In the case of IUU fishing, WECAFC Members observed that no country can fight against it alone. The delegate from Jamaica also pointed out that there is a need for fisheries management to cover the entire value chain. Common issues such as IUU fishing, constraints to trade and marketing and climate change could be addressed within reformed WECAFC context.

SCOPE OF APPLICATION

25. Ms. Cristina Leria, FAO International Legal Fisheries Consultant, outlined questions concerning the scope of application of the Commission and what stocks should be within its mandate and presented examples of how some of other RFMOs address these. A key decision point is whether to include a general provision relating to “*all fishery resources in the Area of Competence of the Commission*” or specific stocks, such as straddling fish stocks, deep sea, and highly migratory species not covered under ICCAT’s mandate as well as some transboundary stocks such as sharks, queen conch, spiny lobster, shrimp and dolphin fish.

26. Mr Piero Mannini, FAO Senior Liaison Officer, introduced the concept of shared stocks and informed the Meeting on some results of a recent survey conducted by FAO on RFMOs’ functioning and mandate according to which many RFMOs have established their convention area to include the ABNJ as regulatory area and the EEZ/Territorial waters as advisory area.

27. The delegate from The Netherlands questioned the idea of focusing on the “high seas” with it being noted that there are no fisheries there, so fisher folks would not see any benefits. It

was suggested that the focus should be on species of economic importance, with stock assessment being undertaken for them.

28. From the ensuing discussions, there appeared to be a general agreement, among the WECAFC Members present, on the creation of an entity/arrangement having a mandate within the ABNJ, while some Members were also willing to consider extending this mandate to stocks within the EEZ of the coastal states concerned. It was agreed that a cost benefit analysis would have to be undertaken at the national level.

29. WECAFC Members agreed on short, medium and long term approaches starting with the ABNJ where binding measures can be implemented, and perhaps also including selected straddling and transboundary stocks, or highly migratory stocks within the EEZ without prejudice of the sovereign rights of WECAFC Members.

AN RFMO UNDER ART. XIV OF THE FAO CONSTITUTION VERSUS AND INDEPENDENT IGO. BENEFITS AND RISKS

30. Ms. Annick Van Houtte, FAO Senior Legal Officer, addressed the Meeting on the institutional and legal and administrative benefits and risks of an RFMO under Article XIV of the FAO Constitution versus an independent IGO. Her presentation was based primarily on the information available in the Discussion Paper, in Tables 11 and 12.

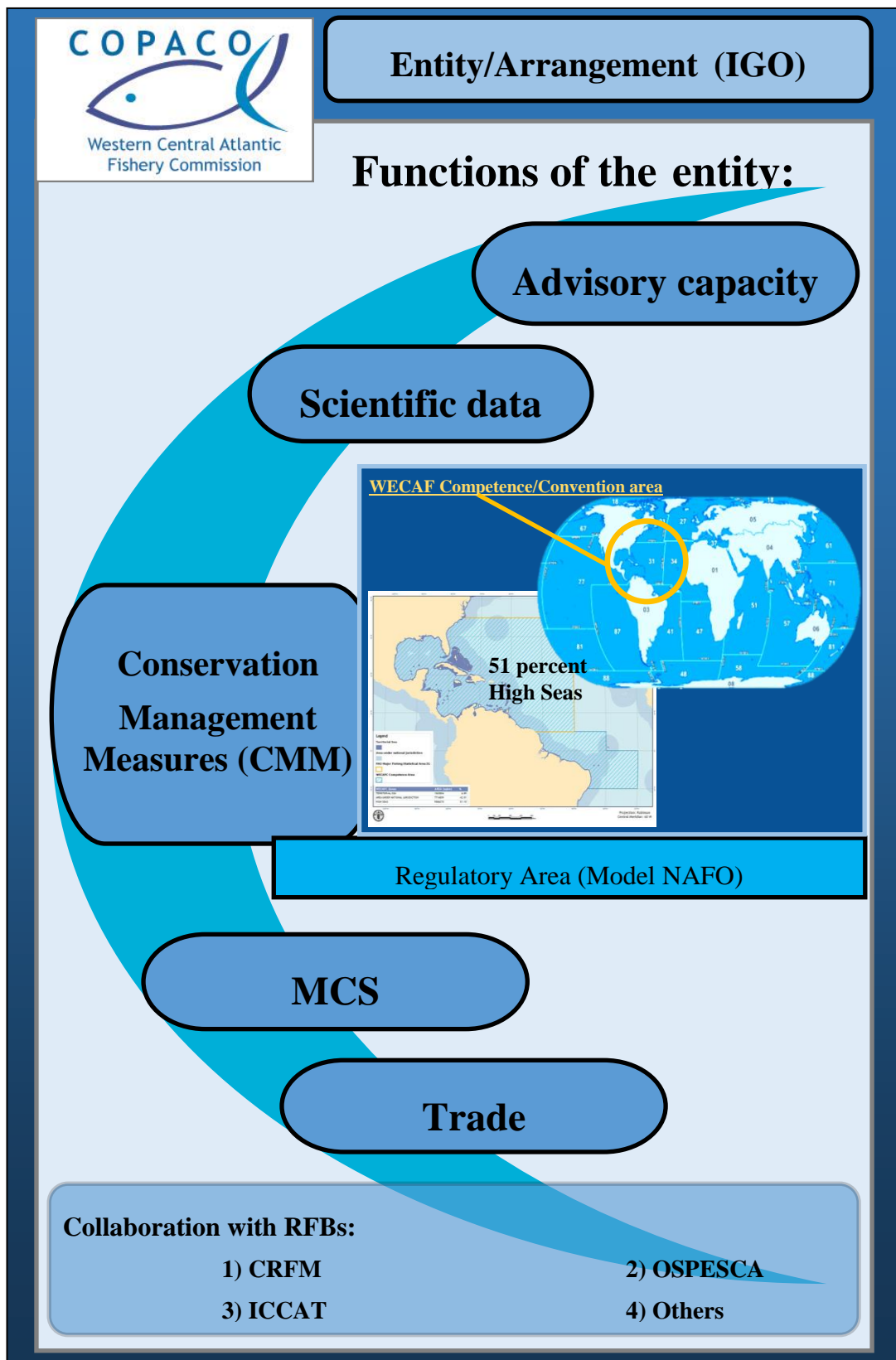
EXPERIENCE FROM THE NORTHWEST ATLANTIC FISHERIES ORGANIZATION (NAFO)

31. Mr. Fred Kingston, Executive Secretary of NAFO, provided a general overview of NAFO, including NAFO's Contracting Parties, competencies, structure, budget and decision-making process. The presentation then focused on NAFO's ecosystem approach framework to fisheries management that includes NAFO's ecosystem 'roadmap' and measures, including area-based management measures, to protect Vulnerable Marine Ecosystems (VMEs) and seamounts. Mr. Kingston also stressed the application by NAFO of CMM in the Regulatory Area (i.e. the ABNJ area) as well as measures for appropriate mechanisms for effective MCS.

32. In the ensuing discussions the NAFO Secretary informed WECAFC members of key attributes of Members' sovereignty, and that CMM binding measures are developed and adopted for the Regulatory Area, which corresponds to the NAFO ABNJ Convention Area.

33. The rationale for the selection of NAFO as an informative case study was also explained. More than any other RFB, this RFMO shares important commonalities with WECAFC, as its Convention Area borders WECAFC's geographic area of competence, and a number of WECAFC Members are also Contracting Parties to NAFO, namely the USA, EU and Cuba. It is an example of successful and long established RFMO and is advanced from a legal and institutional point of view, notably with respect to (i) its competency over a Regulatory Area and a Convention Area that includes the EEZ, which safeguard the countries' rights and sovereignty and (ii) the important role played by its Scientific Council.

34. WECAFC members found the presentation by NAFO to be helpful, particularly the approach to the application of CMM in the Regulatory Area. Building upon the discussion of NAFO, the Members requested to the Secretariat to prepare a sketching of the possible structure of a new entity/arrangement (a) which would have an advisory role in science, capacity building, technology transfer and MCS and (b) where binding CMM decisions could be made at the level of the ABJN with the possibility of retaining the option to include the EEZ in order to maintain flexibility for certain stocks/species as it is done under the NAFO Convention. Other aspects to be included would be fight against IUU fishing and trade issues such as traceability and catch documentation schemes. The sketching is indicated as follows:



35. The details of the arrangement would have to be worked out. The entity/arrangement should be consistent with the United Nations Law of the Sea Convention and other relevant international fisheries instruments.

RECOMMENDATIONS TO WECAFC 17

36. WECAFC Members at the Preparatory Meeting made the following recommendations:

1. WECAFC Members recommended that any international entity/arrangement that may be established should be consistent with the United Nations Law of the Sea Convention and other relevant international fisheries instruments. And should not prejudice the rights, jurisdictions and obligations of States under the Convention.
2. WECAFC Members recommended that a regional fisheries management entity/arrangement would address core issues including: scientific functions, data collection and information systems, technology transfer, capacity building, trade related issues such as traceability and catch certification of fisheries products, Conservation and Management Measures (CMM), co-management, MCS, combatting IUU fishing in the region, while having flexibility to respond to new and emerging needs.
3. WECAFC Members recommended that the regional fisheries management entity/arrangement would retain the broad objectives and thematic areas of WECAFC.
4. WECAFC Members recommended to establish a regional fisheries management entity or arrangement that will define a convention area and a regulatory area in the ABNJ where binding measures can be implemented, and these could also include selected straddling and transboundary stocks, or highly migratory stocks within the EEZ without prejudice of the sovereign rights of WECAFC Members.
5. Several WECAFC Members indicated that the feasibility of establishing a regional fisheries management entity or arrangement with regulatory powers in the ABNJ should be further evaluated at the national and sub-regional level. These Members indicated their willingness to undertake the evaluation of such feasibility in full consultation with stakeholders regarding their options, alternatives and design of the proposed entity/arrangement before the second preparatory meeting. This could include analyses of stocks to be covered.
6. To identify those members to conduct this feasibility study of establishing a regional fisheries management entity or arrangement with regulatory powers in the ABNJ
7. WECAFC Members recommended that duplication/overlapping with the stocks adequately covered by any other entity/arrangement should be avoided.
8. WECAFC Members recommended that regional cooperation should continue to be strengthened through the existing RFBs and the several on-going and planned fisheries-related initiatives. Especially to create synergies.

CLOSURE OF THE PREPARATORY MEETING

37. The WECAFC Secretary made the closing remarks. She expressed her satisfaction as Meeting objectives had been met and that the Meeting had been an important step forward in the WECAFC reform process. She was also particularly pleased with all the constructive discussions and opinions expressed about the direction of the WECAFC reform process that led to the recommendations. She mentioned that the summary report of the meeting would be ready before

the May 30th deadline. She thanked participants, the FAO team and particularly Ms. Sonya Thompson, FAO Programme Assistant. She also thanked the Chair for his contribution and facilitation skills.

38. The Preparatory Meeting was declared closed on Tuesday 26 March 2019 at 18:15 hours.

ANNEX 1

TENTATIVE AGENDA OF THE SPECIAL SESSION OF THE WESTERN CENTRAL ATLANTIC FISHERY COMMISSION (WECAFC): 1ST PREPARATORY MEETING OF THE WECAFC REORIENTATION

25 & 26 MARCH 2019, BRIDGETOWN, BARBADOS

DAY 1: 25 March 2019

Morning session

08.30 Registration of participants

09.00 1. Opening of the Workshop

09.15 2. Introduction of delegates

1030 09.30 3. Election of the Chairperson and

1031 Adoption of the agenda and arrangements for the Workshop

1032

09.35 4. Background and objectives of the Workshop

Yvette Diei Ouadi, WECAFC Secretariat

10.00 5. General overview of the Discussion paper in support of the WECAFC Strategic Reorientation Process with specific focus on the objectives of the RFMO

Annick VanHoutte, FAO Senior Legal Officer

Piero Mannini, Senior Liaison Officer

1033 Break & Group photo

11.00 6. Objectives of the RFMO - Presentation

- Will the RFMO play a scientific role?
- Will the RFMO have the mandate to issue Conservation and Management Measures (CMM)?
- What role will the RFMO play with respect to Monitoring, Control and Surveillance (MCS)

Cristina Leria, FAO International Legal Consultant

Piero Mannini, Senior Liaison Officer

11:20 7. Objectives of the RFMO - Perspective from WECAFC Member countries:

12.00 8. Objectives of the RFMO (Cont'd): Feedback from partners/Observers:

12.30: 9. Scope of the Convention - Presentation

- Geographic area of competence
- Stock coverage : what stocks will be within the mandate of the RFMO

Cristina Leria, FAO International Legal Consultant

Piero Mannini, Senior Liaison Officer

1034

13.00 Lunch Break

Afternoon session

1035 14.00 10. Scope of the Convention - Perspective from WECAFC Members

1036

1037 15.30 Coffee Break

1038

1039 16.00 11. Scope of the Convention - Feedback from partners/observers

1040

16.30 12. RECOMMENDATIONS TO THE 17TH SESSION OF WECAFC

17.30 End of the day's sessions

DAY 2: 26 March 2019

Morning session

08.30 Reflection on/Summary of Day 1 deliberations

09.30 13. A RFMO under Art. XIV of the FAO Constitution versus an independent IGO: Institutional and Legal, Political, Social, Economic and Environmental and administrative Benefits and Risks

Annick VanHoutte, FAO Senior Legal Officer

1041 Piero Mannini, Senior Liaison Officer

1042

10.00 14. Benefits and Risks of a RFMO under Art. XIV of the FAO Constitution versus an independent IGO: Experience from 2 RFMOs

10.45 Break

11.00 15. A RFMO under Art. XIV of the FAO Constitution versus an independent IGO: Preference of the WECAFC Members

12.00 16. RECOMMENDATIONS TO WECAFC 17

13.00 Lunch Break

Afternoon session

14.00 17. Draft Convention / Agreement – overall presentation

Cristina Leria, FAO International Legal Consultant

14.30 18. Plenary discussion and RECOMMENDATIONS TO WECAFC 17

15.30 Break

16.00 19. Adoption of the summary report

17.00 20. Closing ceremony

ANNEX 2

LIST OF PARTICIPANTS

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