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**CENTRAL ASIAN AND CAUCASUS REGIONAL
FISHERIES AND AQUACULTURE COMMISSION**



TECHNICAL ADVISORY COMMITTEE (TAC)

First Session

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**ESTABLISHMENT OF SUBSIDIARY BODIES UNDER THE TECHNICAL
ADVISORY COMMITTEE (TAC)**

BACKGROUND

1. This document provides brief information on the establishment of the subsidiary bodies under the Central Asian and Caucasus Regional Fisheries and Aquaculture Commission (CACFish). The document also includes information on the mode of structuring of advisory committees of some other regional fisheries bodies.
2. The document needs to be read in conjunction with other related documents, namely the Rules of Procedure of the Commission (CACFish:TAC1/2012/Ref.2) and the 5-year Regional Work Programme (2011-2015) of the Commission (CACFish:TAC1/2012/Inf.3).
3. The basic legal documents of CACFish (i.e. the Agreement on the establishment of the Central Asian and Caucasus Regional Fisheries and Aquaculture Commission; and the Rules of Procedure of the Commission) set, *inter alia*, general frameworks for the establishment of subsidiary bodies under the Commission, including a Technical Advisory Committee (TAC).
4. The Article VII (I) of the Agreement draws a general mandate framework for the TAC, that is “to provide technical and scientific advice to the Commission and its work”. Additionally, the Rules of Procedure of the Commission (CACFish/TAC:I/2012/Ref2), includes a particular rule on the Technical Advisory Committee (TAC) and other subsidiary bodies (Rule X) and includes a Terms of Reference that describes the duties and responsibilities of the TAC.
5. The Article VII also creates a legal basis for the establishment of temporary, special or standing committees and working groups with an aim to studying, reporting, advising and recommending “on matters pertaining to the purposes of the Commission and on specific technical problems”. Under such a structuring, The TAC, which will be composed of both inland fisheries and aquaculture scientists, researchers, and experts, may establish its subsidiary bodies to produce more specialized technical advice and technical guidance in order to respond quickly to emerging issues, prioritized by itself or referred to it by the Commission.
6. In pursuant to its Terms of Reference, specified on the Rules of Procedures, TAC is committed, among others, to provide technical and scientific advice and expert inputs to assist the Commission in implementing its work programme and in monitoring and evaluating such implementation, taking into account the ecological, biological, and socio-economic factors as well as sustainability indicators for fisheries and aquaculture. The terms of Reference of requires TAC to provide information on fisheries and aquaculture production and other data relevant to the functions of the Commission.

7. Being the primary scientific and technical advisory subsidiary body to the Commission, TAC may establish specified sub-bodies under it in order to generate more specified scientific and technical advice in support of regional governance. Building and maintenance of collaborative relationships with governmental institutions, fisheries and aquaculture sectors, NGOs, and academic institutions would be seen useful in the formulation of scientific and technical advisory by TAC.

8. In addition to that general mandate, the terms of reference of the TAC, gives general mandate-related responsibilities and roles to TAC, including supply of fisheries and aquaculture production data and information in support for Commission's work as well as roles in providing technical oversight, monitoring and evaluation of relevant projects and activities of the work programme.

9. The 5-year Regional Work Programme of the Commission (CACFish:TAC1/2012/Ref.2) envisages close supervision and relations with the TAC in terms of formulating, monitoring, evaluating and following-up the work programme, as well as the other associated projects and activities. The outputs of the work programme and such projects are supposed to contribute to active functioning of TAC in the formulation and development of scientific and technical advice, for the consideration of the Commission in its decision-making processes for sustainable governance of fisheries and aquaculture in the Region. Building on the previous initiatives to advance scientific and technical collaboration in the Central Asia and Caucasus region, the TAC is thought to take an appropriate lead role in the scientific advice generation for the Commission. In this context, the first 5-year Regional work Programme is expected to build effective capacity within the TAC to conduct its mandatory advisory and monitoring activities.

10. The international fisheries instruments establish a general fisheries management framework for fisheries. The primary such instruments include the United Nations Convention on the Law of the Sea, (UNCLOS, 1982); United Nations Fish Stocks Agreement (1995); FAO's Code of Conduct for Responsible Fisheries (CCRF, 1995) and FAO's Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (FAO Agreement on Port State Measures, 2009). The principles, tools, guidance and criteria set by these instruments center on, inter alia, a transparent decision-making processes based on robust scientific advice, collaboration, special consideration for the needs of developing countries, and taking into particular consideration the interests and needs of developing States, whether coastal or land-locked. Against that background, the TAC is expected to provide objective and transparent regular scientific and technical advice and guidance to the Commission, while at the same time responding the regional needs.

11. In the formulation, development, implementation and monitoring of scientific advice and technical guidance the TAC is expected to develop a gradual scientific and technical framework for generation of its advice and guidance formed in line with the above-mentioned main international fisheries instruments [and management approaches [Ecosystem Approach to Fisheries (EAF); Ecosystem Approach to Aquaculture (EAA) and precautionary approach to fisheries]. In this context, such a gradual strategic structuring would assist in the handling of priorities or emerging needs through a balanced management. However, it should be noted that moving towards such a structuring would take a long time considering the fact that the fisheries management approaches have not been yet duly translated fully into the work of most of the other existing Regional Fisheries Management Organizations (RFMOs).

12. The TAC will meet annually, under the direction of its chairperson, preferably well before the (annual) Session of the Commission for allowing enough time to generate its advice and to complete the related works and reports. In case of establishment of a subsidiary body under the TAC, the work programme of such body needs to be approved by the TAC who similarly needs an approval from the Commission with respect to its annual work programme.

13. The FAO Secretariat would like to note that, as a general rule, all existing RFMOs have a scientific or technical advisory committee. For example, the Scientific Advisory Committee (SAC) of the General Fisheries Commission for the Mediterranean produces science-based fisheries management advice. The SAC currently has four well-functional sub-committees (Subcommittee on Stock Assessment; Subcommittee on Marine Environment and Ecosystems; Subcommittee on

Economic and Social Sciences; and Subcommittee on Statistics and Information) each headed by a selected coordinator. Under such structuring, each Sub-committee, when required, could form working groups or study groups and organize its workshops and trainings. Transversal issues are generally discussed and decided upon at the annual Subcommittee meetings. During the 2011 inter-sessional period, the GFCM organized a total of 28 Meetings (Session, workshop, expert group meeting, etc), of which 22 were meetings of subsidiary bodies of the Commission¹. The SAC can also create transversal working groups and organize related transversal activities (transversal workshops and expert meetings) with respect to issues that fall into scope of more than one Sub-committee.

14. The organizational structuring of advisory subsidiary bodies of RFMOs may vary considerably from one organization to another. The Standing Committee on Research and Statistics (SCRS) is the subsidiary advisory body of the The International Commission for the Conservation of Atlantic Tunas (ICCAT) and has two sub-committees: Sub-Committee on Statistics and Sub-Committee on Ecosystems. Both of these sub-committees are led by a convener. The SCRS “is responsible for developing and recommending to the Commission all policy and procedures for the collection, compilation, analysis and dissemination of fishery statistics. It is the SCRS' task to ensure that the Commission has available at all times the most complete and current statistics concerning fishing activities in the Convention area as well as biological information on the stocks that are fished. The SCRS also coordinates various national research activities, develops plans for special international cooperative research programs, carries out stock assessments, and advises the Commission on the need for specific conservation and management measures.”²

15. As a third example, the CACFish Secretariat would like to provide the First Session with information about the International Council for the Exploration of the Sea (ICES); a Regional Fisheries Body established in 1902. ICES has delegated its advisory authority to its Advisory Committee who, in the preparation and dissemination of its scientific advice, follows a protocol that aims at meeting the following criteria³, which might set a good example for the TAC of the Central Asian and Caucasus Regional Fisheries and Aquaculture Commission:

1. Objectivity and integrity,
2. Openness and transparency,
3. Quality assurance and peer review,
4. Integrated advice – based on an ecosystem approach,
5. Efficiency and flexibility, and
6. National consensus.

16. Further, the costs of fisheries management administration, research, education and compliance are very high because of the nature of the fisheries resource itself. Therefore management needs to be as simple as possible so that it can be readily understood and accepted by the community. This greatly encourages compliance with the rules and the active involvement of community recreational fishers. In a communication in 2003 on the improvement of scientific and technical advice on fisheries management, the ICES (International Council for the Exploration of the Sea) further stated that conservation and management measures should be based on scientific advice of high quality. The scientific advice should cover all relevant factors, and notably the interaction between fisheries, the resources and the ecosystem and should include biological, technical, environmental, economical and social factors. It should also respect the precision of the available analyses (i.e., be robust to and take account of uncertainty).

17. The CACFish Secretariat wishes to bring the attention of the Session to different types subsidiary structuring of the Regional Commission for Fisheries, RECOFI, a Regional Fisheries

¹ GGCM Report of the Secretariat on Administrative and Financial Issues, 2012.

http://151.1.154.86/GfcmWebSite/GFCM/36/CAF_III_2012_2_GFCM_XXXVI_2012_6-e_Rev.1.pdf

² <http://www.iccat.es/en/SCRS.htm>

³ <http://www.ices.dk/iceswork/acom.asp>

Management Organization established in 1999 under FAO Constitution. This Commission for the time being has no any specified Committee as subsidiary body under the Commission. The RECOFI however has two permanent working groups, namely Working Group on Aquaculture and Working Group on Fisheries Management, formally Working Group on Fishery Statistics, who meet on a regular basis between the Session of the Commission.

18. All Regional Fisheries Management Organizations are requested to regularly conduct independent performance reviews against the objectives and mandates established for them, in accordance with the urgent recommendation made by the UN Fish Stocks Review Conference (May 2006). In parallel with this recommendation, in December 2006, The UN General Assembly called upon States, through their participation in regional fisheries management organizations and arrangements, to undertake, on an urgent basis, independent performance reviews of RFMOs and arrangements, based on transparent and publicized criteria.

19. The UN Resolution further called up States to increase their reliance on scientific advice in developing, adopting and implementing conservation and management measures, and to increase their efforts to promote science for conservation and management measures that apply, in accordance with international law, the precautionary approach and an ecosystem approach to fisheries management, enhancing understanding of ecosystem approaches, in order to ensure the long-term conservation and sustainable use of marine living resources.

20. Following these initiatives, many RFMOs have made independent performance reviews in which overall effectiveness of RFMO, including organizational structuring, decision-making based on scientific advice, compliance with the basic principles of international fisheries instruments, and fisheries the management and conservation recommendations; application of precautionary principle and ecosystem approach to fisheries and aquaculture; and collection and dissemination of fisheries data and information constitute the basic components of the review.

21. For the TAC to formulate and disseminate scientific advice and technical guidance, harmonized and coordinated efforts are needed. Dedicated continuous support from the Members to the TAC is of critical importance for realization of its mandatory works in a functional and desired manner. Timely submission of required data and information, ensuring participation of scientists, researchers and experts to the scheduled activities under the TAC work programme, financial support of Members, creation of frameworks for collaboration and cooperation with relevant stakeholders (fishers, aquaculture farmers, fishers/farmers associations, universities, research institutions, etc) would greatly support the future proper functioning and the associated success of the TAC.

22. Most of fishery resources have declined dramatically at global level over the last decades, Therefore, there has an increasing number of calls for States to take effective measures in terms of conservation and sustainable use of fisheries resources.

23. After the adoption in 1982 of the United Nations Convention on the Law of the Sea (UNCLOS), many global initiatives, instruments and actions have been launched for the sustainable management of fisheries resources. For example, the World Summit for Sustainable Development (Johannesburg, 2002) set a wide of global timetabled targets and political concrete commitments for States, among others, for fisheries. In this context, the States agreed to (I) promote the application of the ecosystem approach by 2010 for the sustainable development of the oceans, particularly the management of fisheries and conservation of biodiversity (II) maintain or restore their fish stock by 2015 to levels that can produce the maximum sustainable yield (III) promote integrated coastal and ocean management at the national level and encourage and assist countries in developing ocean policies and mechanisms on integrated coastal management (IV) assist developing countries in coordinating policies and programmes at the regional and sub-regional levels aimed at conservation and sustainable management of fishery resources (V) Implement the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing (IUU) by 2004 (VI) Implement the FAO International Plan of Action for the Management of Fishing Capacity by 2005 (VII) Eliminate subsidies that contribute to illegal, unreported, and unregulated fishing and to overcapacity.

24. The 1995 United Nations Fish Stocks Agreement (UNFSA) is recognized as the primary international fisheries instrument addressing modern fisheries management concepts, principles and approaches (i.e. precautionary and ecosystem approaches). It also establishes a predominant role for RFMOs. The functions described in the Article 10 of the Agreement for RFMOs and arrangements, includes, in its context, the following provisions that may be of high relevance to the work of TAC : 10 (c): adopt and apply any generally recommended international minimum standards for the responsible conduct of fishing operations; 10 (d): obtain and evaluate scientific advice, review the status of the stocks and assess the impact of fishing on non-target and associated or dependent species; 10 (e) agree on standards for collection, reporting, verification and exchange of data on fisheries for the stocks; 10 (f) compile and disseminate accurate and complete statistical data to ensure that the best scientific evidence is available, while maintaining confidentiality where appropriate; 10 (g) promote and conduct scientific assessments of the stocks and relevant research and disseminate the results thereof.

25. The United Nations Conference on Sustainable Development, Rio+20, held in Brazil in June 2012, brought States and stakeholder together with an aim to securing renewed political commitment for sustainable development, to assess progress to date and remaining gaps in the implementation of the outcomes of the major summits on sustainable development, and to address new and emerging challenges. The key themes were tabled at the Conference: (1) Sustainable development and poverty eradication through green economy, and (2) institutional frameworks for the sustainable development. In this regard, Rio 20 reviewed and discussed the progress made in meeting the overall commitments since the United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992. Oceans and seas were one of 15 priority issues/areas set by the Rio+20. The Conference highlighted, inter alia, an emerging need for conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction; and the agreement to initiate, as soon as possible, the negotiation of an implementing agreement to UNCLOS that would address the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction; a need for re-commitment of States to take radical actions to enforce science-based fisheries management plans to rebuild fish stocks by 2015.

26. Article 12 of CCRF includes specific provisions on the requirements of fisheries research. The Article states that “States should recognize that fisheries requires the availability of a sound scientific basis to assist fisheries managers and other interested parties in making decisions”. The Article list following areas of research in support of fisheries management: (I) biology, ecology and environmental science related to the fisheries; (II) fisheries technology, including gear selectivity, environmental and biological impacts of gear; (III) aquaculture; (IV) economics and social science; (V) nutritional science; (VI) role of fish and fisheries as sources of human food (VII); and (VII) health aspects of fish with respect to food (12.8). The article stipulates that the research undertaken meets internationally accepted scientific standards.

27. The TAC is expected to produce sound technical and scientific advice for CACFish, based on the available scientific, technical data and information, taking into ecological, biological and socio-economic factors. Delivery of the advice with possible options and scenarios is expected to be more beneficial for the Commission during its decision-making process. Generation of advice in this regards will require a clear working mode that need to be multidisciplinary and holistic.

SUGGESTED ACTION FOR THE COMMITTEE

In the light of the above considerations, the Committee is invited to discuss and have a decision on the establishment of its subsidiary bodies.