

FAO RFBs Fact Sheet

1 Post UNCED requirement for FAO RFBs

The need for all Regional Fishery Bodies (RFBs) to be strengthened appropriately in order to deal with new, additional responsibilities is reinforced by a number of international instruments concluded after the 1992 United Nations Conference on Environment and Development (UNCED). FAO RFBs are not exceptions.

At its Twenty-first Session in 1995, the FAO Committee on Fisheries (COFI) noted that the *modus operandi* of the FAO RFBs had been affected by a number of changes, including increasing awareness of the scarcity of fishery resources, making it necessary for some of the fishery bodies to adjust their operations. Major issues were the need for financial reform, institutional restructuring and revised mandates for FAO RFBs.

The Twenty-second Session of COFI in 1997 considered a report on Strengthening FAO Regional Fishery Bodies, which was consistent with the broader review being undertaken within FAO of statutory bodies and panels of experts. The Committee agreed to the following recommendations of the report as a means of achieving enhanced fisheries management:

- FAO RFBs should initiate action to make themselves more effective;
- FAO should establish a mechanism/process for these bodies to meet a greater share of their operating costs with a view to ultimately becoming financially less dependent on the FAO regular budget;
- within means available, FAO should also be ready to provide existing non-FAO RFBs with technical/scientific support in areas such as research, fishery analysis, and elaboration of management advice.

The Committee also agreed that FAO RFBs should be reviewed and evaluated in depth by their members on a case by case basis, taking full account of regional and membership differences, in determining what measures might be taken to facilitate the strengthening of each body as appropriate.

A major thrust with respect to strengthened cooperation among FAO and non-FAO RFBs and arrangements was provided by the 1998 High-Level Panel of External Experts in Fisheries, appointed by the Director-General of FAO to consider, *inter alia*, future challenges in fisheries governance. It recommended that FAO convene a special meeting of FAO and non-FAO bodies to identify and address common problems and constraints, identify and develop strategies and mechanisms to address constraints, share experiences and lessons learned, and improve the effectiveness of the bodies. From 1999, four biennial meetings have been held.

In 2002, the World Summit on Sustainable Development (WSSD) adopted the time-bound specified goals such as application of ecosystem approach by 2010, establishment of “representative network” of Marine Protection Areas (MPAs) by 2012 and restoration of depleted stocks by 2015. It also underscored the need to strengthen regional cooperation and coordination between the relevant regional organizations and programmes, the UNEP regional seas programmes, regional fisheries management organizations and other regional science, health and development organizations.

2 Outcomes of COFI-26 and RFB-4

The Twenty-sixth Session of the Committee on Fisheries (COFI-26) reiterated the importance of RFBs by making reference to RFBs and Regional Fisheries Management Organizations (RFMOs) in quite a few of its decisions and recommendations as follows:

The Committee

- urged States acting through regional fisheries management organizations (RFMOs) to ensure that they took further steps to implement the relevant provisions of the post-UNCED fisheries instruments;
- encouraged Members and RFMOs to consider introducing and implementing the ecosystem approach to fisheries overcoming the obstacles that it might present in practice;
- encouraged States acting through RFMOs to examine their mandates and to make changes, as appropriate, to ensure that new entrants including developing countries could be accommodated in a fair, equitable and transparent manner;
- expressed strong support for a proposal by Japan that, with FAO technical cooperation, Japan and possible other sponsors convene a joint meeting of the Secretariats of the tuna RFMOs and their members;
- urged Members to fully apply the Code of Conduct and its four relevant IPOAs to all deepsea fishing by vessels flying their flags including fishing for stocks that are not regulated by an RFMO;
- requested Members and RFMOs, as appropriate, to submit information on deepsea fish catches by species and size composition and fishing effort, noting that reporting would need to be on a relatively fine spatial scale to address the association of fishing activities with vulnerable marine ecosystems, as well as information on any conservation and management measure that may be in place for such fisheries;
- called upon Members directly and through RFMOs, as appropriate, to implement as a matter of priority paragraph 66 to 71 of UNGA Resolution 59/25;
- encouraged the meeting of regional fisheries bodies (RFBs) that will immediately follow the Twenty-sixth Session of COFI to consider the issue of deepsea fisheries conservation and management;
- called for the immediate implementation by Members and RFMOs of the Guidelines to Reduce Sea Turtles Mortality in Fishing Operations;
- noted that RFMOs would need to develop means of interacting with other relevant IGOs, in particular in the environmental field, including the Convention for Biological Diversity (CBD), and other organizations such as IMO, when there was a need to exclude non-fishery human activities within an MPA on the high seas; and
- agreed that it could extend an invitation to RFMO members and other interested parties encouraging them to participate in the development of parameters for the assessment of the performances of RFMO, possibly through an urgent expert consultation followed by a technical consultation.

The Fourth Meeting of Regional Fishery Bodies (RFB-4) immediately held after COFI-26 also reconfirmed the important role of RFBs in various contexts. Under the particular agenda on the role of RFBs, Mr Pulvenis, FIPI, described the perceived role of RFBs and urged Meeting participants to take into account the wide variety of mandates and competences shared between different RFBs. He also noted that the establishment of most bodies emanated from international law and this should not be underestimated. He reported that during COFI-26 many delegations insisted that we are entering into a stage of implementation of international instruments, which will enhance the role of RFBs.

Ms Swan, FIPL, with her presentation on a couple of studies on RFBs she made, also emphasized that recent international instruments had moved forward the important role that RFBs are playing in fisheries management as well as provisions related to decision-making. In particular, she noted that effective and timely decisions for conservation and management measures are still required from RFMOs. Key issues to be addressed include transparency and improvement of dispute prevention. The diversity of rules among RFMOs on objection procedures for conservation and management measures were noted. It was agreed that time delays associated with such procedures often dilute the effectiveness of RFMO. A clear challenge identified was the difficulty for RFBs in assessing the impact and extent of IUU fishing, while it was emphasized that the increasing importance is being

attached to RFBs in respect of improving global fisheries governance. Several inland commissions emphasized that IUU fishing is a significant problem in inland waters as well, but may differ in nature from the examples in maritime fisheries.

The meeting noted that major involvement of RFBs in implementing the four IPOAs and the FAO STF Strategy. It was also noted that there is a need for a more coordinated international effort to implement these IPOAs and the STF Strategy.

3 Outcomes of the Inter-Departmental Working Groups

In the overall climate of reform, two parallel Inter-departmental Working Groups (IDWGs) were established by the Director-General in September 2005 with outcomes relevant to FAO RFBs. The objectives of the IDWG on regional commissions were to review the functioning of the regional statutory bodies, identify eventual problems and make suggestions for improvement, including their strengthening. Recommendations endorsed by the Director-General encourage, *inter alia*, reviews of policies, mandates and statutes. A range of actions was proposed to streamline and strengthen the work of FAO regional commissions with a view to enhancing their effectiveness and avoiding duplications. The IDWG on international treaties and agreements was tasked with considering the implementation and follow-up of treaties and agreements within FAO.¹ The Group emphasized that a systematic and more visible approach to FAO treaties and agreements will strengthen its voice in the international arena, and advocated policy coherence and efficiency gain.

4 FAO RFBs as focal points for regional, subregional and bilateral fisheries activities

RFBs are the critical vehicles for the promotion of long-term sustainable fisheries where international cooperation is required in conservation and management. Significantly, all post-UNCED instruments assign RFBs a key role in the facilitation of international cooperation to this end. For this reason the 1998 High-level Panel of External Experts reached the conclusion that there is no realistic alternative to RFBs.

FAO and the international community place high priority on the work of RFBs. For this reason FAO seeks to promote technical and administrative collaboration, as appropriate, with RFBs. The convening of a neutral forum within FAO whereby RFBs can address fisheries issues of common concern in a constructive environment has been a major achievement in recent years.

Fisheries issues confronting RFBs are becoming more complex and the conclusion of new international instruments to which RFBs must respond strain the capacity of these organizations and their members to take concrete steps to implement them. Critical issues such as the accommodation of new entrants, decision making, the application of the precautionary approach, the ecosystem approach to fisheries and IUU fishing, to list some of them, are impacting RFBs in an unprecedented manner. At the same time international calls are being heard more frequently that RFBs should be more accountable for their actions or inaction and should be qualitatively and quantitatively assessed in terms of their performance. Such calls also put additional strains on RFBs and their ability to respond to such requests.

The most FAO RFBs have in practice purely advisory functions in support of fisheries development and management. However, in due consideration of the current situation and expectation to RFBs in general, FAO RFBs should also address more effectively their regional priorities toward fisheries management. It was generally agreed that FAO RFBs could play a stronger role as a focal

¹ The outcomes apply to RFBs established under Article XIV of the FAO Constitution

point for FAO regional, subregional and bilateral fisheries activities. It could also involve identification and prioritization of relations with non-FAO RFBs and other organizations, possibly including the conclusion of Memoranda of Understanding regarding activities to avoid duplication.

One of the strength FAO RFBs essentially have is coordination of their work at the global level through the COFI, while no mechanism, other than the forum of the Meeting of RFBs, exists to coordinate the work of non-FAO RFBs. FAO RFBs can also serve as mechanisms to train and mobilize local expertise and to encourage self-reliance of national fisheries department. FAO should positively recognize FAO RFBs as means of implementing its policy at a regional level and utilize them as leading cases on how RFBs should get involved in global, regional and national fisheries governance and assistance to member States, particularly developing States.

In order to utilize fully FAO RFBs, FAO should continue or reinforce its financial, administrative and technical support to them with a view to strengthen their roles both at the headquarters level and at the each regional office level. FAO should also further promote positive and proactive coordination, consultation and collaboration among all RFBs, both FAO and non-FAO RFBs or arrangements on matters of common concern in order to avoid duplication and enhance coherence where appropriate. In this sense, FAO needs to continue facilitating meetings of RFBs, implementation by RFBs of sustainable policies and practices, in particular those in accordance with the post-UNCED instruments. FAO should continue its reports to and liaison with the United Nations and other international and regional organizations, and be in charge of information collection, analysis, publication and distribution in terms of activities of RFBs, as appropriate.