

Report on the findings of the questionnaire to inform the Western Central Atlantic
Fishery Commission (WECAFC) Ad Hoc Intersessional Working Group for the Strategic
reorientation of WECAFC

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Background

When analysing the outcome of the questionnaire to gather priorities and experiences to inform the Western Central Atlantic Fishery Commission (WECAFC) Ad Hoc Intersessional Working Group to progress towards the developments of a model for a regional fisheries management entity/arrangement in the WECAFC Area, it is important to recall some preparatory activities.

The Preparatory Meeting held in Bridgetown, Barbados in March 2019 in line with the decision of the 16th Session of the WECAFC (held in Guadeloupe, France, 20–24 June 2016/WECAFC 16) 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”.

The consensus of this meeting, which was endorsed by the 17th WECAFC meeting, was the following:

- To start in the short term with the Areas Beyond National Jurisdiction (ABNJ) where binding measures can be implemented

- perhaps also to include selected straddling and transboundary stocks, or highly migratory stocks within the Exclusive Economic Zones (EEZs) without prejudice of the sovereign rights of WECAFC Members

- A possible structure of a new entity/arrangement:

 - an advisory role in science, capacity building, technology transfer and Monitoring, Control and Surveillance (MCS)

 - binding function on Conservation and Management Measures (CMM) decisions could be made at the level of the ABNJ with the possibility of retaining the option to include the EEZ in order to maintain flexibility for certain stocks/species.

The Northwest Atlantic Fisheries Organization (NAFO) Convention is a model for this type of RFMO

Under the main activities, the following was recognized:

- to improving compliance, fighting against illegal, unreported and unregulated (IUU) fishing as well as strengthening the MCS in the region.

- To handle trade issues such as traceability and catch documentation schemes

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

The 17th Commission Meeting of WECAFC provided a clear roadmap to the WECAFC Secretariat, and agreed to establish an Ad Hoc Intersessional Working Group (IWG) for progressing towards the development of a model for a regional fisheries management entity or arrangement in the WECAFC

area. The Commission also noted the concerns of Caribbean Regional Fisheries Mechanism (CRFM) members as regards sovereignty, the process and principles for decision-making, member State commitments among other things under a regional fisheries management entity/arrangement.

Questionnaire

General observations

Some 20 members and 9 observers sent in the filled-out questionnaire. Several members underlined that the filling of the questionnaire did not imply an approval of the transformation of WECAFC into a RFMO. One member did not fill the questionnaire, indicating that it does not agree to the change in the status of WECAFC. Another member indicated that it had other priorities, such as the creation of a RFMO in the South-West Atlantic, rather than investing in the transformation of WECAFC.

Summary of Findings and Recommendations

The answers to the questionnaires reiterated the discussion of the above cited Barbados meeting and the resolutions of the 17th meeting of WECAFC. There was consensus, to first clearly define the mandates, objectives and scope of the organization, and then, at a later point of time, discuss other points, such as membership, membership fee, relationship with other entities, geographical coverage, committees, sub-regional groups, working groups etc.

The majority of members filling in the questionnaire agreed that the new entity/arrangement should have, to start with, binding functions on CMM for the ABNJ area, but only for those species that are not covered by other RFMOs (International Commission for the Conservation of Atlantic Tunas (ICCAT)), and for all other species have an advisory and facilitating function. These latter functions see as key elements advice in scientific research and collection of data, MCS and fight against IUU, capacity building and technical advice. The latter should concentrate on governance issues, climate change preparedness, value chain and trade promotion issues, aquaculture and mariculture development, and technological developments.

CRFM members highlighted the need to assess the cost and benefits of establishing a new entity/arrangement concentrating on those species that are not covered by other RFMOs in the ABNJ area, given that their economic importance is limited.

NAFO was mentioned by the majority of members as an interesting model to follow for setting up the new entity/arrangement, but also experiences such as General Fisheries Commission for the Mediterranean (GFCM), ICCAT, Indian Ocean Tuna Commission (IOTC), Atlantic States Marine Fisheries Commission, South Pacific Regional Fisheries Management Organisation (SPRFMO), CRFM, and OSPESCA were listed. There was also general appreciation of the work of WECAFC carried out so far, especially with respect to technical assistance and the organization of the various working groups.

Analysis of questionnaire¹

There was quite some overlap and confusion between question 1 and question 6, so the following just reports them together, putting as titles goal, mandate, geographical area, membership, cost of membership, relationship with other entities, species, Ecosystem Approach to Fisheries (EAF) approach, institutional issues.

An open-ended questionnaire leads to a wealth of information on one hand but makes any analysis quite difficult on the other. The below analysis tries to group and capture the main ideas, but might fall short of some details expressed in the questionnaires. There is no quality or preference judgement in the order of the replies. The following analysis concentrates on the questionnaires sent in by members, while Annex 1 is dedicated to the contributions from observers.

New entity/arrangement (question 1 and question 6)

Strategic goals

The strategic goals identified showed two main lines of thinking: sustainable use of the resource and resource conservation and sustainable management, not necessary in contrast with each other.

Most members favoured responsible and sustainable fisheries as the strategic goal of the new entity/arrangement. Several members added to this goal the consideration and incorporation of multiple objectives and functions related to sustainable fisheries development, management and conservation, including addressing broader ecosystems interaction and marine biodiversity, emerging challenges of climate change and ocean acidification, socio-economic and livelihoods issues, disaster risk management and recovery, aquaculture, value chain development, post-harvest, marketing and trade in fish and fishery products, capacity building and technology transfer. It was also mentioned by a few members that the new entity/arrangement should consider new paradigms of fisheries development, management and conservation and have the flexibility to incorporate future scientific and technological developments and advances.

One member mentioned as strategic goal the Implementation of the precautionary approach in order to ensure the conservation and sustainable management of the living marine resources and its ecosystem, while in the same line of thinking, another member put priority on the conservation and management of fish resources for long term sustainability of the living marine resources and maintaining a healthy marine ecosystem.

Mandate

The opinions about the mandate vary significantly and the statements go from:

- Not willing to change function and mandate of WECAFC (1 member)
- Not interested in new entity/arrangement (1 member)
- retain advisory mandate and functions with respect to resources in areas under national jurisdiction such as the EEZ/territorial waters and only the ABNJ as regulatory area where the entity/arrangement would have authority to make binding conservation and management decisions (CRFM members). The CRFM members also questioned whether the relative small number of species and low economic importance would make it economically viable to establish a new entity/arrangement.

¹ The text of the questionnaire is reproduced in Annex 3

- jurisdiction over the areas currently covered by WECAFC, which also include the EEZs and which have already been the subject of the organisation's work for several years. The fisheries concerned are largely active in the EEZs. The ability to take binding action could initially focus on shared stocks and overlapping stocks (few members)

Some few members stated that the main objective, however, must remain that of the management of the fishery resource and that a broad mandate that would cover species outside ICCAT responsibility seemed reasonable. In the same line of thinking, some members indicated that the mandate should be broad and inclusive with advice, support and coordination of measures/decisions given to straddling and migratory stocks which are not included in the mandates of other RFMOs.

Some members stated that the mandate should be broad and inclusive, including the Ecosystem Approach to Fisheries (EAF), broader marine environment, socio-economics; shared stocks, transboundary stocks, by-catch, impact of climate change, distribution in ABNJ, provision of technical advice, capacity-building, information-sharing. It must take into account and be consistent with the different legal regimes and legal rights of states in the geographic area covered by the entity/arrangement. At the same time the entity/arrangement should be flexible enough to allow members adopting binding conservation and management measures for all eligible stocks.

Several members indicated as the main mandate of the new entity/arrangement should be to enable cooperation and coordination in achieving member states' fisheries objectives in keeping with national and regional priorities.

One member underlined that the mandate should be able to set binding crossjurisdictional management measures, also in view of the fact that broad areas are outside the CRFM and Central America Fisheries and Aquaculture Organization (OSPESCA) mandate. On the same line of thinking, another member underlined that the mandate needs to recognise that the region covers a wide range of latitudes and a number of distinct subregions, with varying degrees of connectivity, such that 'one size fits all' management may not work for many species. These countries requested a a subregional approach to fisheries management and aquaculture development in order to better address the specificities of the Caribbean Sea, the Gulf of Mexico, and oceanic western Atlantic.

Several members indicated that the primary objectives, mandate and functions of the entity/arrangement should be advisory, provision of technical assistance to members, sharing of information and a mechanism for cooperation, coordination of actions related to fisheries. In a nutshell, we are of the opinion that our best interest will be served by a body similar to WECAFC with strengthened capacity to develop and implement the current mandate of WECAFC within the context of existing institutional arrangements, as was noted when the original mandate was given to consider a reorientation and strengthening of WECAFC.

Several members underlined that the mandate of the new entity/arrangement should be advisory, supportive and co-ordinary with respect to species and areas under the sovereignty and sovereign rights of coastal states, including territorial zones/waters, and the continental shelf (sedentary species), and that the decision-making regarding conservation and management measures on national resources, such as Queen conch, spiny lobster, shrimp, reef and reef-related species, among others, must remain with coastal states.

Some members indicated that the mandate should be broad to cover any eligible marine biological resource within the Convention Area, except those covered by other RFMOs that overlap geographically with WECAFC (e.g. highly migratory species covered by ICCAT). In case a list of species is preferred, a process should be sought for allowing adding species as required without involving

amendment of the Convention. The mandate should also include non-target and associated or dependent species and the protection of the marine ecosystems in which these resources occur.

One member indicated as the mandate to adopt binding conservation and management measures and non-binding guidelines and resolutions; Ensure that such measures are based on the best scientific evidence available, adopt a mandatory fisheries data collection and validation scheme in view to collecting and sharing, in a timely manner, complete and accurate data concerning fishing activities; definition of relevant scientific work, keeping in mind that the scientific services require significant resources and therefore need to focus on key priorities.

One member indicated that it fears that the new organization that will replace WECAFC may lose WECAFC functions that are important to the region such as assistance to small-scale fishermen and small farmers. Thus, this member considered in the first instance and as discussed in previous meetings, to analyse the strengthening of WECAFC rather than seeing the creation of a new organization.

Several members underlined that the mandate of the new entity/arrangement should not prejudice the rights, jurisdictions and obligations of States under the Law of the Sea Convention.

One member indicated that the mandate of the new entity/arrangement should retain the broad objectives and thematic areas of WECAFC.

Several members underlined that the mandate should pay special attention to the needs of Small Island Developing States (SIDS). The new entity/arrangement should apply the precautionary approach to fisheries management and use the best scientific information available as the basis for conservation and management measures. Yet another member underlined that the conservation of fisheries resources must take into account the real conditions of the resources.

In addition, some members mentioned that the mandate could then be applied more specifically through individual management plans and action plans.

The majority of members highlighted that the entity/arrangement should take into account the interests of artisanal and subsistence fishers, women and vulnerable groups.

The question was raised by some members whether the mandate should also cover mariculture and inland fisheries.

Specific activities

Several specific activities were listed by members, putting combatting IUU fishing in the region and MCS, Capacity Building, Scientific Research as the most important activities of the new entity/arrangement.

Other activities of the new entity/arrangement as mentioned in the questionnaire included Data Collection and Information Systems, Technology Transfer, Trade related issues such as traceability and Catch Certification of Fisheries Products, CMM, Co-management, adopt measures to minimize waste, discards, catch by lost or abandoned gear, pollution originating from fishing vessels, catch of non-target species and impacts on associated or dependent species; protect biodiversity in the marine environment; technical assistance and advisory support to the countries to realize their sustainable development, conservation and management goals in respect of fisheries. Strengthen the dialogue with other governmental areas for the development of Fisheries, Review and reduce the bureaucracy of grant programs and normative planning acts, Support policies for the recovery of endangered fishing species, Strengthen Sustainable Tourism through Sport Fishing, Promote and support the professional qualification of fishermen, Review and Consolidation of normative acts of fisheries legislation Models.

Institutional Issues

The issue whether the new entity/arrangement will continue under article VI of the Food and Agriculture Organization of the United Nations (FAO) Convention or become an article XIV body will be decided at a later stage. It was noted that much of the new structure will depend on the mandate, objectives and scope of the entity/arrangement. It was also underlined that if the dual mandate/objective can be accommodated or if the decision is that the current advisory mandate and objectives of WECAFC should be maintained but the organisation should be strengthened to better support implementation of decisions and support capacity building on SIDS and developing states members then a seamless transition can take place.

The majority of members filling in the questionnaire indicated that the existing WECAFC should be transformed into a new entity/arrangement replacing the old form and not having an additional organization along with WECAFC and the other regional fisheries bodies.

The majority of members also indicated that the new entity/arrangement cannot be based on existing ones, as it would involve changes in its statutes of creation and limitation of functions, so it will have to coordinate the actions with the organizations already present in the area. Therefore, priority should be given to draft the new constitution of WECAFC. Existing legal arrangements that consider international best practices may be considered but should be adjusted to suit the Caribbean specific situation. The entity/arrangement should establish its rules of procedures.

Some members noted that WECAFC already contains within its structure some basic elements of the required entity/arrangement – Secretariat and species scientific working groups along with a Scientific Advisory Group (SAG)– however, there is need to introduce elements for compliance (agreed management measures will be binding), finance and administration – supplementing/strengthening/expanding WECAFC would make for a smoother transition. Other members suggested to have a Commission, a Scientific Council and an Enforcement Committee meeting on a regular (annual) basis and to provide for working procedures: consensus, dispute resolution, which can ensure everyone's adherence to the actions taken by the future entity/arrangement.

Several members also underlined that the new WECAFC should be based on previous work.

Several members underlined that the new entity/arrangement should not undermine or marginalize existing Regional Fisheries Bodies (RFBs) in the region but should actively support, promote, and strengthen their operation. Some members declared that WECAFC should explore a chambered system or specialized subsidiary management committee(s) reflecting existing sub-regional fisheries mechanisms.

In addition, it was mentioned by several members that flexibility in the review and functions of the new organization was a must.

Several members voiced their view on the decision making process of the new entity/arrangement. In this respect, the views varied quite a bit, some members indicated that decision-making must be done at consensus, while others indicated that a two third majority rule should be applied. Further discussion on this issue is needed, once the mandate of the entity/arrangement is decided upon

Several members, especially CRFM and OSPESCA members, indicated that sub-regional organizations must continue to be leaders in the future organization and be involved in the decision-making process. Conversely, the competence of the future organization will have to be recognized by these same sub-

regional organizations. Thus, both OSPESCA and the CRFM should systematically participate in working groups that relate to their geographic area of competence. A working group could look at how the future articulation between these different agencies will be joint.

One member gave a detailed plan of activities of the new entity/arrangement which should have the following provisions:

- a. a Commission representing all members, chaired by a chair and vicechair with functions such as: adopt, amend, rules of procedures, financial regulations and other regulations;
- b. guide the Scientific Council in identifying tasks and priorities; adopt conservation and management measures to achieve the objectives of the organisation; determine the total allowable catch or total level of fishing effort; o adopt standards for collection, verification and for the timely exchange and reporting of data; obtain and evaluate scientific advice, review the status of stocks, in collaboration with the scientific body; o establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement;
- c. approve the proposed budget;
- d. establish subsidiary committees such as technical and compliance committee; a finance and administrative committee; a scientific committee:

Geographic area:

The members answering this question repeated their views on the mandate of the entity/arrangement, already shown in the above paragraph.

With regard to the geographic area, the majority of members indicated the present area of WECAFC as the geographic area of the new entity/arrangement. It was also highlighted that the question of geographic scope remains an important question and needs further consideration.

Membership

The membership and its cost will be subject to further discussion, once the mandate of the new entity/arrangement is decided.

However, the answers to this question can give an important guide for this future discussion.

Most members were of the opinion that the membership should be limited to countries of the region and to the distant water fleet countries that currently exploiting the resources in the present WECAFC area.

Most members said that membership should not be open and be limited to states, and that existing members would approve membership by new entrants.

Only few members indicated that membership should be open to States, territories, and fishing entities with an interest in the fisheries concerned. Terms of participation should not preclude the participation of, or discriminate against, any State or group of States having a real interest in the relevant fisheries concerned.

One member went even further, saying that representatives from all users of the marine system should be part of the new arrangement/entity.

One member indicated that Representative professional organizations could participate in the annual meetings of the future entity/arrangement as observers. However, their association with future working groups/expert bodies related to the problems of enforcement and control of international fishing is not envisaged.

Relationship with other entities

Some members declared that the new entity/arrangement should clearly define the relationships with existing organisations/bodies.

Several members indicated that priority should be given to the strengthening of national fisheries authorities and existing regional fisheries bodies to develop and use resources sustainably and not transfer authority to an international body. They also indicated that at present, WECAFC is weakening some regional fisheries agencies as a result of overlapping mandates and hence parasitism by WECAFC. The CRFM cannot serve two masters: WECAFC and Caribbean Community (CARICOM) agreements (CRFM agreement and common fisheries policy). The same members underlined strongly that primacy must be given to strengthening national fisheries authorities and existing regional fisheries bodies to develop and use the resources in a sustainable manner and not transfer authority to an international body.

Other members highlighted that there is room for joint work between the different regional organizations and the new one.

Species

The discussion about which species to include in or exclude from the new mandate of the entity/arrangement will be held, once the mandate is decided. The answers to the questionnaires with regard species to be covered reflects the overall approach to the mandate of the new entity/arrangement. Nevertheless, the below collection of replies might help the decision on which species to include, at a later stage.

With regard whether to restrict the mandate of the new entity/arrangement to certain species or group of species, there was no consensus. Some members were in favour of this approach, while others noted that based on experience from ICCAT, the restriction of the mandate of to a list of specific species, might result in a situation where new fisheries and/or newly discovered fisheries resources in the area would not fall under the purview of the organisation.

Several members indicated that the species subject to regulatory powers (binding conservation and management measures) by the entity/arrangement must be those migratory species that are not included in the mandates of other RFMOs, and only in areas beyond the national jurisdiction.

Other members noted that it is fundamental to formulate the mandate of the new organization for selected or grouped species and that the sustainable use of marine resources must remain at the heart of international cooperation for shared resources, with special attention to species and fisheries not currently regulated. The activities of the new entity/arrangement should be directed to specific species or groups of species and the EAF should be incorporated in the mandate and multispecies management approaches should be adopted.

Other members insisted that the mandate should be broad, including the maximum number of species concerned and identified, without impinging on the mandate of other entities, such as ICCAT. Some

members declared that for species/stocks occurring solely in the high seas, as well as, for species/stocks occurring within the area under national jurisdiction of one or several coastal states and the High Seas (= straddling stocks), all the members would be competent for making proposals to the Commission for the adoption of binding management and conservation measures. For species/stocks occurring exclusively within the area under national jurisdiction of only one coastal state, this coastal state would manage exclusively this resource. The coastal state would inform the Commission of the measures adopted and shall ensure that the measures are compatible with the general objectives and principles of the entity/arrangement. For species occurring within the area under national jurisdiction of several coastal states (= shared stocks), only the relevant coastal states would be competent for making proposals to the Commission for the adoption of binding management and conservation measures.

Several members indicated that scientific work, particularly stock assessments and management measures, should be organized around priority species groups. A working base is already available from WECAFC working groups and recommendations already adopted.

Models for new entity/arrangement

One member declared that a model could only be determined the mandate of the new arrangement is decided. Each organisation has its strengths and weaknesses and there is not a perfect model fitting all. A lot depend on the members political will and commitment, the resources available, the specificities of the region and fisheries concerned.

Several models are available for inspiration. It seems that the most recently established organisations provide good examples for reference as they take into account the most recent concepts and international fisheries governance principles.

Members mentioned more frequently NAFO as a model to follow, but also GFCM, ICCAT; IOTC, Atlantic States Marine Fisheries Commission, SPRFMO, CRFM and OSPESCA were listed.

When discussing models of RFMOs, the following observations were given:

Existing agreements have taken different approaches: some have set out detailed tasks, principles, and objectives in their establishing Conventions, and others have set out a more general statement of mandate/objective and key principles to guide decision-making. Article II of the Convention on the Conservation of Antarctic Marine Living Resources is an example of an existing agreement that sets out detailed and specific provisions:

Several members mentioned that ICCAT experiences a lack of clarity in procedures – need for transparency e.g. with respect to decision-making, access to resources, allocation of catch limits. However, ICCAT has shown flexibility to incorporate new fisheries management and conservation paradigms such as EAF, Precautionary Approach, Management Strategy Evaluation – recent amendments to the Convention - this flexibility is desired in the proposed entity/arrangement.

Another member underlined that ICCAT Article 3 of the newly-adopted Protocol to amend the International Convention for the Conservation of Atlantic Tunas (ICCAT) is an example of a streamlined approach. As not all jurisdictions have, or fish for, all species, the ICCAT model of using ‘panels’ for certain stocks / groups of stocks could be useful, such that a jurisdiction would sign up to participate in order to get quota. However, the ICCAT practice of charging extra fees to participate in panels should not be encouraged. That said, there is a danger that too much regional and stock-based fragmentation could reduce the effectiveness of management and that a balance is important. It was

noted that ICCAT does not include social and economic data in its assessments for major tuna stocks when producing management advice. It also struggles as an organization to incorporate the ecosystem approach to fisheries for the major commercial fish stocks it manages.

With respect to CRFM, some members noted that it has non-legally binding sub-regional fisheries management plans, and that programmes and guidelines have not been implemented at the national level.

One member cited the FAO project Sustainable Management of Bycatch in Latin America and Caribbean Trawl Fisheries (REBYC-II) as a good model, as it carries out socioeconomic work, integrating ways to mitigate the problems of fishery by-catch.

One member declared: there is a fisheries organization in the Pacific Ocean that can be a model for the structure, function and management. This organization is not necessarily a regional fisheries management organization, but its function is similar.

Members indicated the Inter-American Tropical Tuna Commission (IATTC) as a good example for successful RFMOs. FAO and OSPESCA were mentioned as good models, while the Latin American Fisheries Development Organization (OLDEPESCA) had not worked well.

As a model for species-based selectivity, the North-East Atlantic Fisheries Commission (NEAFC) was mentioned. NEAFC has the mandate to manage all species (other than highly migratory species). However, not all other are subject to NEAFC measures. Species for which NEAFC actually adopts management and/or control measures are called regulatory resources. The list of species which are regulatory resources is provided in the Annex to the NEAFC Scheme of Control and Enforcement. The list regulatory resources can be amended in the Annual Meeting without having to amend the NEAFC Convention.

Question 2: Science and Data: How to ensure there is robust scientific advice to underpin informed management decisions?

There was consensus that scientific work should guide the work of the future entity/arrangement as a priority in order to better manage the resource. Scientific Council is an essential constituent body, working in transparency and building on the work of the working groups that depend on it. It should meet annually to produce scientific advice. The role and mandate of each body should be clearly defined, and the composition of each body should serve its mandate.

Members also underlined that collaborative research across the region benefits all jurisdictions with similar resources, and broad participation provides an opportunity for more developed jurisdictions to share their knowledge and experience. A mix of the entity/arrangement and national efforts to gather scientific data was recommended and academia and organizations like FAO should play a role.

Several members declared that there should be a scientific committee, comprising a combination of national and commission staff as well as scientists from RFBs and universities to promote transparency, objectivity and capacity building. Some members underlined that the scientific committee should provide for inclusive participation by observers and other organizations that can contribute relevant expertise, though scientific recommendations should be made by the members themselves. The present SAG could become the scientific committee, but this reformed SAG should have only scientific functions.

There was consensus that the core functions of the new entity/arrangement should include improved data and information for decision-making, including EAF data. The collection of relevant data should include stakeholder consultations, decision control rule framework, for developing and identifying the data and information and for engaging stakeholders including fishing communities, fisheries scientists, managers etc. Systems for storing data, information, models and scientific publications used to assess the status of resources should be established and maintained with a clear data and information policy articulated for access/sharing. Traditional knowledge of fishers should be included in the process. Participation of sectorial fishing communities should be promoted and facilitated by the members of the entity/arrangement themselves without creating administrative and financial burden on the WECAFC Secretary. In the vast majority of the situations, these channels are already established at national level and therefore redundancies or duplications should be avoided. The establishment of a socioeconomic working group should facilitate the data gathering/sharing and socioeconomic analyses.

Some members mentioned that species for which management plans are established are likely those of greatest commercial importance and could be the initial priority species for scientific work – albeit this work in time would extend to other species including associated and bycatch species consistent with EAF

Several members expressed ongoing support for the Data Collection Reference Framework (DCRF), which was critical to future monitoring and management efforts by WECAFC. A data and methodology working group should be retained, under the aegis of the future entity/arrangement, which continues to work on the DCRF in particular and includes experts on evaluation models in a multi-specific, region-specific approach.

Several members underlined that it was important to develop links/synergies/collaborations with relevant research institutes and organisations in the regions that could contribute directly or indirectly to the scientific work of the entity/arrangement, under clear and agreed arrangements (e.g., Memorandum of Understanding (MoU), contracts etc).

Scientific activities

Among specific activities in the field of science and data, members underlined the usefulness of a participatory approach (involving members' scientists) when defining the data collection requirements and obligations, the incorporation of existing data collection frameworks and methodologies, identify the data collection and sharing mechanisms, identification of national/international institutions/bodies which could provide relevant/needed scientific services; define priority list of stocks, for which advice and/or benchmark is needed; definition of the frequency of advice, the process (steps) and criteria to use to issue the advice; ensure transparency and documentation of the whole process, including data used (and how it was collected), issues with data in the advisory process, models used (that can be reproduced), advice; planning of stock assessments done and presented should be agreed before Working Groups; good alignment of timelines for data collection, stock assessments (and other scientific needs), development of scientific and management advice, and decision making process (annual meeting of the Governing body); not too many validation steps in the process of scientific advice by different bodies (this affects the timing of advice, that may not be aligned with the biology of the stock); peer review the advice that comes out of working groups by a different body.

Models

RFMOs have adopted diverse approaches to collecting and analyzing data, developing stock assessments, and providing scientific advice that could serve as useful models for WECAFC. These include developing a Secretariat with dedicated scientific staff (e.g., IATTC), external scientific providers (e.g., Western and Central Pacific Fisheries Commission (WCPFC) and its relationship with the Secretariat of the Pacific Community (SPC)), and in-kind contributions from member government scientists (e.g., SPRFMO). The latter approach is the least costly for the organization but requires the most engagement by the members. It may be appropriate to begin with member-led scientific advice and transition to other approaches that could also help build member capacity.

The language used in NAFO is a good example from which some language for the new entity/arrangement could be adapted from. NAFO is a good example how scientific research can be used as basis for negotiation among members. However, as sometimes the political recommendations done by NAFO are exceeding the scientific evidence, the NAFO model was considered by one member not to be suitable nor recommendable. Other members noted that NAFO looked like a valid model to follow. NAFO is a very interesting mechanism, as by doing so the Member will receive peer reviewed scientific advice for their national stocks in line with standards applied for shared resources; this mechanism could also contribute in improving transparency and trust amongst the members. As with the NAFO model, the possibility of getting scientific advice that is grounded in a larger regional analysis for application at the national level could be beneficial.

One member mentioned that the discussion in Committee of Fisheries (COFI) is a great model for the work of the new WECAFC. The application of the Code of Conduct for Responsible Fisheries (CCRF) is fundamental for a good functioning of the organization, in line with capacity building for institutions in the WECAFC area of competence. A dissemination protocol for the scientific information is also essential.

One member mentioned Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean (INFOPECSA) as a model when involving data and information on the fish value chain.

OSPESCA was mentioned as a good model by some members.

Question 3: Conservation and Management: How should any new entity/arrangement develop binding conservation and management measures for the resources under its mandate?

The discussion on the management measures was in line with the one on the mandate, repeating statements already given under this item. The following lists those points that go beyond the simple repetition of things said under "Mandate".

There was consensus that core elements of management plans should be: precautionary and ecosystem approaches, participatory approach, management measures based on the best available scientific advice and considering traditional and local knowledge of stakeholders, stakeholder analysis. The majority of members agreed that any new mechanism should create a broad, overarching structure for cooperation, with mechanisms for parties to develop specific measures and programs as they deem necessary. There was also consensus that scientific work, including the best available scientific advice, should serve as a basis for thinking about management measures. A useful reference

can be made to the list of priority species identified at the last plenary session and to the work carried out within the framework of the DCRF.

Several members stated that binding conservation and management measures should be directed to resources in areas outside the national jurisdiction not covered by other RFMOs or arrangements.

Other members indicated that conservation and management function of WECAFC should start with the key commercial species (lobster, Queen conch, marlin), eventually to be extended to other species.

Yet another group of members said that some stocks may only require technical support, whereas others may require management decisions. Consideration should be given to stocks fished by more than one country (not managed by another RFMO), and which members of the entity/arrangement identify as priority.

Some members underlined that management plans which had previously been developed by the WECAFC organization and the WECAFC working groups, priority should be given to supporting members in the full implementation of these plans. On the same line, other members suggest considering the stocks for which there are regional/sub-regional management plans first and use these plans as starting points.

Some members underlined that traditional knowledge, sound scientific knowledge and best practices should drive the application of all approaches listed in management plans.

Some members indicated that flexibility is a must for management, in order to avoid of being stuck with any particular management model.

One member proposed that conservation and management measures agreed to by two-thirds (2/3) of members should be made binding.

One member suggested that in cases where WECAFC's work has potential overlap with that of other regional organizations (e.g., billfish and sharks that are subject to ICCAT's management authority), we would like to strengthen information exchange and collaboration in science and management while avoiding the creation of any conflicting mandates.

One member suggested that closure of high seas areas to bottom fishing unless measures are adopted to prevent significant adverse impacts on vulnerable marine ecosystems.

Another member highlighted that based on the unique geography and fisheries issues of the Gulf of Mexico, it should either be excluded or be treated differently from other high seas areas in any new management structure.

Many members indicated that the new entity/arrangement should continue to support developing members including the small states to implement management plans. Comparison of management measures under CRFM and OSPESCA could be a good starting point for management actions that focus on the Caribbean basin. ICCAT and Convention on the Conservation of Migratory Species of Wild Animals (CMS) measures to protect highly migratory non-target species could be integrated.

Activities

As main conservation and management activities of the new entity/arrangement the following were mention: recreate and strengthen the Discussion Forums; review the closed periods of sea- and freshwater species; elaborate and implement management plans for the main fishing resources; resume exports to the European market of food and ornamental fish; increase participation in international trade, execute and strengthen the actions of the REBYC-II Project; implement the Fishing Vessel Health Program (COVID-19).

Models

The majority of members declared that the NAFO Convention has worked well by establishing a broad and adaptable structure, under which its members can cooperate to address specific issues and stocks of concern.

Several members indicated that IATTC was a well working model for conservation and management.

OSPESCA members mentioned that was working well.

One member indicated that several levels of decision-making could be envisaged with a base of binding measures (recommendations) and non-binding measures (resolutions), modelled on what is practiced in other organisations: ICCAT, GFCM. However, priority species should automatically be subject to binding measures.

Several members underlined that the current flexibility that WECAFC should be considered beneficial and whilst at the developmental/testing stage the entity/arrangement should avoid becoming restrained by a particular model.

Some members underlined that the MoU between WECAFC, CRFM, FAO and OSPESCA was a good model.

Question 4: MCS, IUU, and Compliance

On this theme, there was consensus that combatting IUU must be a key tenet of the new entity/arrangement, supporting nations in their efforts to eliminate IUU activity and restrict access to facilities and the financial incentive associated with it.

Several members underlined that in the fight against IUU, reference should be made to the discussions and decisions of the OSPESCA/WECAFC/CRFM/Caribbean Fishery Management Council (CFMC) joint working group on IUU fishing. It was important that information, best practices and lessons learnt were shared.

Other members highlighted that, in order to fight IUU, it was important to ensure that trade is legal and sustainable, and this could be achieved through a regional traceability and certification program.

One member mentioned that while it was necessary to address IUU fishing associated with distant water industrial-scale vessels, also in-zone IUU fishing activity among neighbouring coastal States should be addressed, where this is a concern.

There was consensus that a good working MCS system is fundamental to fight IUU, and that a variety of MCS measures was relevant given the presence of ports; and the conduct of landing, transshipment trade and other fishing-related activities in the region.

Some members requested that countries should be supported in their national MCS schemes.

The majority of members requested that the new entity/arrangement should coordinate or share information about national MCS schemes of the various coastal states, build capacity at the national level and enhance existing regional/subregional mechanisms of cooperation. This include the development of platforms/systems for the sharing of information, lessons learnt and best practices.

Activities

In the following specific activities in the field of fighting IUU and establish MCS systems as mentioned by members are compiled. These activities should include the compilation of a list of vessels presumed to have carried out IUU fishing, provisions for an automatic cross-listing of vessels with other RFMOs, effective information sharing around the globe and the vessels concerned are effectively banned from all the Oceans.

Several members mentioned some of the following activities: mechanisms addressed to flag state include record of authorised fishing vessels; establishment of catch document schemes, clarity on vessel authorized to fish in the area of competence; record of active fishing vessels during the previous year; system of marking of fishing vessels and gears; programme to monitor transshipment (at-sea and in port), while noting that it is preferable that transshipment at sea is prohibited; vessel monitoring system (VMS) programme allow for a real time monitoring of the fisheries and to detect IUU activities; enforcement of anti IUU measures at sea and ports.

A few members highlighted that partnership/engaging with fishers' organizations might be effected through anonymous online reporting of fisheries crimes and other maritime crimes; institution of a programme with fishing communities to encourage compliance aimed at reducing involvement of domestic fleets in IUU fishing.

Models

One members mentioned that Chile with its IUU plan was cited as an excellent model, with data published in the Global Fishing Watch (GFW).

Several members also recognized that FAO is working well regarding the fight against IUU fishing.

Some members noted that many organizations have an enforcement committee, such as ICCAT and the GFCM, and can therefore be taken as examples.

One member said that the World Trade Organization (WTO) should be watched, for traceability regulations.

One member noted that there are no other RFMOs of fully-fledged MCS systems applied to artisanal and sport/recreational fisheries. Therefore it would be an excellent opportunity for the new entity/arrangement to be pioneer in finding specific rules that takes due account of the specificities of this fleet segment that could afterwards be exported to other RFMOs. There are a range of examples and work in progress for some specific fisheries in North Atlantic Salmon Conservation Organization (NASCO) and IATTC, as well as at national level.

CRFM members indicated that the entity/arrangement should examine regional arrangements within the CARIFORUM region.

Question 5: Capacity Building and Technical Support

There was also consensus on the need for capacity building and technical support. It was highlighted that a serious problem exists with the basic education of fishing communities. Fishers have very low levels of education, some cannot even get the navigation licenses, as they do not have minimum education levels.

There are numerous technical needs within the region: statistics and fishery assessments, research, policy and legislation, enforcement, monitoring, control and surveillance, sustainable financing, technology transfer, post-harvest (sanitary, phyto-sanitary and traceability systems), value chain, trade support, institutional strengthening, aquaculture/mariculture. Capacity building should include online learning and electronic sharing of updated materials.

Members indicated that the entity/arrangement could prepare assessments of training (and other capacity) needs of its member states and update these as time progresses. Information can also be regularly disseminated among the member states about sources of funding and opportunities for support and training. After this assessment, projects should be carried out, keeping in mind that new entity/arrangement should establish its own programs or funding mechanisms to support its Members but should also focus on coordinating, leveraging and facilitating external sources, including special emphasis on SIDS. The work of the new entity/arrangement should be leveraging of ongoing regional projects, where appropriate, to minimize duplication of effort and find economies of scale. Capacity building should be carried out in coordination with regional organizations such as CRFM and OSPESCA.

It was noted that there was also a need for the adoption of policies to ensure transparency in the provision of support in an equitable manner among member states. One member underlined to focus on 'in kind' capacity building opportunities.

Several members indicated their preference for establishment of formal links, partnerships, or institutional arrangements with other projects or activities, similar to GFCM's model as a means of leveraging on the knowledge and experience of others, sharing of information, reducing the human and financial resource requirements of small-island development states.

Several members indicated that In the framework of a future entity/arrangement, emphasis and resources should be allocated in ensuring effective participation of all members and in particular SIDS in the key meetings of the Commission and its main subsidiary bodies. For example, as it is the case in some organisations (e.g., ICCAT, WCPFC, etc) a fund could be established dedicated to assisting representatives of members which are developing States to attend meetings and contribute to the work of the Commission and its subsidiary bodies.

One member noted that the new entity/arrangement that includes developed and larger developing jurisdictions could be a valuable and efficient way to transfer knowledge via co-operative research programs and regional exchanges. This region has a few large and wealthy jurisdictions and a large number of SIDS, so it may be difficult to establish programs and funding streams built upon member contributions – at least without generating resentment from the large jurisdictions that would have to contribute the bulk of the funds. Another member indicated that each member should be independent to establish their own funding programs for capacity building. In the field of capacity building, cooperation with equal partnership is important.

Many members said that the entity/arrangement could also serve to identify the capacity needs of members in relation to ensuring the implementation and compliance with the requirements stemming from the entity/arrangement. For example, within the work of a compliance committee, members would be able to identify areas where compliance should be improved and where further technical assistance and capacity building is required to better implement conservation and management measures.

Activities

The main capacity building or technical support needs as identified by members included: data analysis for science-based decision making; port State control measures including risk assessment; traceability schemes; international law to improve understanding of rights and responsibilities of coastal, flag, port and market States; continuous information sharing on resources; prepare and keep updated assessments of the relevant needs; implementation of policies and procedures for transparency and equity in provision of support and access to the respective opportunities; monitoring and evaluation; support on control and enforcement, technology development, traceability systems, training; decent work and gender; disaster preparedness and recovery; post-harvest such as sanitary and phytosanitary measures and traceability systems; value chain; trade; institutional strengthening; aquaculture /mariculture).

Models

The majority of members indicated appreciation for the work that FAO has done in the field of capacity building.

Many members said that the present form of technical support provided by WECAFC can be maintained, with some improvements in collaboration with other regional entities to ensure best outcomes.

Some members observed that several Pacific RFMOs have special requirements funds or developing states funds that are used to support member travel and projects to build capacity, and something similar should be done by the new entity/arrangement.

One member noted that the secretariats of regional organizations also support considerable capacity building activities for small island states and territories, particularly WCPFC and SPC (not a RFMO, but provides scientific analysis, management advice, and a forum for cooperation on coastal as well as oceanic fisheries issues).

One member indicated that for the funding mechanism, good models were the Global Environment Facility (GEF) and the operations by ICCAT.

Some members said that the CRFM was a good facilitator of some of these concepts.

Other members highlighted that OSPESCA and ICCAT were good models for capacity building.

Annex 1: Comments from observers

Centre for Resource Management & Environmental Studies (CERMES)

Sustainable use as priority. This subsumes other goals in a mandate for an interdisciplinary ecosystem approach to fisheries.

Probably covering WECAFC's current area with a plan to engage in areas adjacent and beyond as necessary (e.g. sargassum and migratory species demand this). Limit to current WECAFC member countries and collective organizations at start. Non-state participation is essential as observers, including civil society, academia and private sector. Change management plan is needed for phased approach to transition, not supplement. Pay attention to the Caribbean and North Brazil Shelf Large marine Ecosystem (CLME+) Strategic Action Programme (SAP) process to determine relevance and lessons learned as the relationship should be close.

Scientific data: Contentious. Advocate inter- and trans-disciplinarity. Often the deficiencies are more in the human decision-making than in the data, or rather information, that includes science and other knowledge. Focus on minimal requirements to be reasonably precautionary and adaptive given the large differences in the capacities and capabilities of WECAFC members. Use network designs to link existing entities and processes. Minimal new arrangements at start.

Meetings to date reveal preference to start with high value and highly migratory species in arrangements that do not conflict with national or RFMO (e.g. ICCAT) existing mandates and processes. This should result in a short priority list, on which then members decide. The list of areas for collaboration other than binding management decisions should be much larger and aimed at developing appropriate capabilities to match realistic capacities at national and subregional levels.

First need to sort out views, policies and operational practices concerning maritime boundaries. The perspectives and practices vary. Countries in some geo-political groups have tried to promote shared sub-regional jurisdictions with limited success formally, but informal porous boundaries persist especially in small-scale fisheries. May want to restrict focus initially to high value species with existing RFMO rules and export especially for traceability.

Review the many needs assessments and the responses, if any, to them so as to learn from prior experience synthesized. Include 'stakeholders' at all levels. Use the concept of the policy cycle to ensure coverage of all stages from data to decision to adaptation. Funding will always be a constraint. Focus on capacities to work remotely with limited resources ... smarter, not harder and avoid unnecessary or unaffordable complexity. The CLME+ Project is supposed to be forging some of these relationships or their foundations.

Before looking for models, it is important for parties in the region to agree on their preferred arrangements and use those to seek suitable examples. Worse to seek examples without clarity and try to force fit or adapt to regional situation.

CRFM

CRFM's main comments are included in members reply to the questionnaire, so they are not repeated here.

ICCAT

The objective of the ICCAT Convention is to maintain stocks at MSY, but the Ecosystem approach is included. Sustainable use within the context of overall conservation should be considered. It is important that the mandate not overlap with management of species under the purview of existing RFMOs or fisheries arrangements. However, in the context of an ecosystem approach, a broad mandate which allows for some conservation efforts relating to by-catch would be preferable. Given the current concerns with climate changes, any new Convention text would do well to take such concerns into account, but again without duplicating efforts of other international fora.

From the ICCAT/Secretariat the main objective is to receive all the fisheries statistics of tuna, tuna like and sharks/rays catches, catch and effort, fleet, size sampling, tagging and other biological information collected in the Atlantic area as required by the Convention text and the different Rec/Res approved in this regard. Please see the ICCAT Web page for current description of fisheries Data requirements and submission formats.

The arrangement should allow for flexibility but concentrate on those stocks for which there are no conservation efforts by other regional bodies. All measures should be science based, with a precautionary element to ensure sustainability. Compatibility of measures is in general desirable but may not always be neither necessary nor possible; different stocks/fisheries may require different approaches according to the circumstances. ICCAT already manages some of the highly migratory species in the WECAFC area; in other similar cases with overlapping mandates, i.e. GFCM, ICCAT measures are transposed and become GFCM measures. WECAFC may wish to consider a similar approach to ensure compatibility between the two organisations.

MCS / IUU combatting requires a suite of complementary measures. Adequate port inspection, of both national and foreign vessels is vital to control landings and imports as well as providing valuable port sampling data, but at-sea observer coverage and other measures are useful. The extent of involvement will depend in part on the resources available; carrying out joint schemes at RFMO level is expensive, a coordination role is often more feasible. ICCAT will be happy to cooperate with WECAFC in MCS measures as appropriate particularly regarding exchange of information and possibly Port State measures. Engaging with stakeholders has often been shown to achieve the aims of fighting IUU. Currently this is done more at individual Contracting Party level in ICCAT than at RFMO level. Catch certification schemes are very useful tools but need careful planning before being developed; which species, which fisheries, special circumstances, data extraction required etc. Such schemes are more useful when electronic. Reliable catch and effort data are vital to any successful fisheries management scheme. An electronic library of relevant fisheries legislation can also help show where weaknesses lie in Contracting Party implementation. ICCAT does not have this, but would suggest, with hindsight, that if a new RFMO is being established, that this be developed from the beginning. This could also be a useful tool in identifying possible areas of cooperation with other international organisations.

First priorities should be to ensure basic data collection and accurate species identification. Port sampling and port inspection training is also important. New entities should establish their own funding mechanisms, although of course there can be cooperative arrangements with other organisations where overlap in membership and objectives exist. Such cooperation is important in order to maximise the utility of funding and technical resources, and to ensure a coordinated approach globally.

Any such arrangement should take into account existing arrangements to ensure that there is no duplication or conflicting mandates. Membership will depend on the fishing interests in the area; open membership ensures flexibility and brings on board all those operating in the area; closed membership may lead to activities which undermine the objectives. RFMOs should be at State/and / or regional economic integration organisations) level, but relevant civil society groups can be given a voice as observers. It would be probably preferable that the arrangement would replace WECAFC in order to avoid duplication.

As mentioned above, the ICCAT – GFCM synergy seems to have worked well to date, but we suggest that the GFCM be requested to provide draft text, as this is not part of their basic convention. For reference, the criteria and guidelines for admitting observers to ICCAT can be found at: <https://www.iccat.int/Documents/Recs/compendiopdf-e/2019-05-e.pdf>. WECAFC may wish to consider something similar, but perhaps simplified.

OSPESCA

The objectives of the new organization should be comprehensive, allowing the optimal use of fishery and aquaculture resources in the region, as well as their sustainable use in a way that lasts for generations to come. The mandate must be broad. It should enable cooperation and coordination to achieve the objectives at the national and regional levels. Important activities are Advice and assistance to countries; Ecosystem approach; Capacity building; Attention of unregulated species; Project management; Resource mobilization; Socio-economic aspects. The mandate, objectives, and functions of the new entity/arrangement need to be clearly spelt out.

Information on catches and production is important, rely on scientists for advice, EAF approach to scientific data collection.

In the regional RFBs there are already some management plans developed. The new entity/arrangement should concentrate on species not covered by other RFBs. Flexibility in the function of the new entity/arrangement is important. Collaboration with other RFBs working in the area. Exchange of information on IUU fishing.

With regard to capacity building, the following fields need assistance: Stock and fish assessment; Statistical collection and analysis; adaptation and mitigation to climate change; disaster recovery; aquaculture technology; governance of fisheries.

NAFO and ICCAT are models. The Memorandum of Understanding CRFM-FAO-WECAFC-OSPESCA is a model.

WCPFC

Broadly, the objective of a RFMO should be long-term conservation and sustainable use of the fisheries resources of the RFMO's geographical area, as this is consistent with the UN Fish Stocks Agreement. Best practice would be to have a broad mandate in terms of coverage of directed fisheries and associated and dependent species. An ecosystem management approach should be a long-term goal. This can provide the mechanism to consider the impact of climate change and environmental issues, such as pollution, on the fisheries managed by the RMFO. Ensuring that socio-economic considerations can be taken into account in decision-making helps to ensure that there are no mandate issues raised if the organization seeks to address issues relevant to fishing in the RMFO's geographical area.

WCPFC experience is that it is important to have science provided that is independent of Members, yet into which Members can have an input. It is also likely to be more cost-effective than an approach whereby the Secretariat has a dedicated scientific expertise which undertakes stock assessments. It is useful to draw on a range of views through the presentation of papers by Members and by others (such as other institutions and academics). It is in this way that knowledge from fishing communities can also be provided, as well as through observers or Members. Ultimately it is up to the Scientific Committee to decide how to use the information it has available to it. WCPFC is fortunate to have a Scientific Services Provider that is extremely knowledgeable and well-regarded for its independent scientific advice. This helps to ensure that there are fewer arguments among Members about the science upon which management decisions are based and to ensure that decisions are based on the best scientific information available.

A new RFMO should be future proofed to ensure that it does not encounter mandate issues in future, given the difficulty of amending a Convention. The priorities for the development of management plans must be agreed by Members and are usually based on importance from a conservation and sustainability perspective. WCPFC experience is that the development of management measures occurs naturally in response to Members' priorities, and does not need to be mandated specifically in text or even decisions. The core elements set out in Article 5 of the UN Fish Stocks Agreement (on which Article 6 of WCPFC is based) are best practice which should underpin management decisions (namely best scientific evidence available, precautionary approach, ecosystem management, protection of the marine environment from pollution, and protection of marine biodiversity). Compatibility is also important where the RFMO's geographical area includes EEZs. Consideration also should be given to how to treat territorial seas and archipelagic waters in relation to management plans which cover the management of stocks "throughout their range". Where a RFMO overlaps with the geographical area or scope of another RFMO, there should be a clear understanding of how to manage the overlap.

It is difficult to answer this question as it depends on the nature of the fishing activities in the area, national MCS requirements, where catches are landed and whether there are surveillance assets that can be easily deployed by Members. Most RFMOs, including WCPFC started initially by using a smaller number of MCS tools, such as a Record of Fishing Vessels, and then expanded these to the full range of tools including VMS, Regional Observer Program, High Seas Boarding and Inspection, IUU vessel list etc. Work is now being undertaken on electronic reporting (ER) and electronic monitoring (EM). A new RFMO might be in a position to use the ER-EM tools more quickly than an RFMO which can rely on other MCS tools as work on ER-EM progresses. Compliance is an important function for a RFMO. WCPFC experience demonstrates that Members need to know what information they have to provide in order to complete a self-assessment of their compliance. Self-assessment seems to be the main way in which to support compliance with agreed measures. This can be supplemented through other reporting, for example from observers if they have a compliance function, and any high seas boarding and inspection. WCPFC experience is that observer reports in particular can lead to a lot of compliance information, which can be burdensome to manage, and tends to result in assessments of individual vessel level compliance, rather than Member compliance.

The answer to this question depends on the extent of Members needing capacity building and technical support and WCPFC is not in a position to comment on this. WCPFC facilitates Members' access to existing sources of support, training, funding etc through acting as a clearing house for information on the available support, and for matching capacity needs with assistance available. This is achieved through the WCPFC Strategic Investment Plan, which is updated annually. Members have

prioritized their capacity needs, which have been matched with available donor programs. The WCPFC Secretariat also assists in managing various Trust Funds that Members have established for projects which developing members can access. WCPFC has a checklist which proponents of new conservation and management measures must complete in order to assess whether the proposed measure poses a disproportionate burden on developing States and territories.

WCPFC is not in a position to answer the question on institutional set-up.

WCPFC also indicated various articles from its constitution and webpage as models to follow in designing the new entity/arrangement.

Sargasso Sea Commission (SSC)

Like the new ICCAT treaty, any new instrument should reflect current thinking on Conservation and Sustainable Use incorporating an ecosystem based management approach in accordance with relevant internationally agreed standards and, as appropriate, recommended practices and procedures, as well as socio-economic management. Basic principles should include the Precautionary Approach and Ecosystem Approach. It should have a clear mandate to consider background environment issues such as impacts of Climate Change, oceanographic parameters, biology (life history, feeding, predation etc.) as well as impacts on non-target species. Catch data should include both target and by-catch species. Decisions should be based on best available science.

The recently amended ICCAT convention serves as a useful model (https://www.iccat.int/com2019/ENG/PLE_108_ENG.pdf) says: "The Commission shall be responsible for the study of the populations of tuna and tuna-like fishes and elasmobranchs that are oceanic, pelagic, and highly migratory, hereinafter referred to as "ICCAT species", and such other species caught while fishing for ICCAT species in the Convention area, taking into account the work of other relevant international fishery-related organizations or arrangements. Such study shall include research on the abovementioned species, the oceanography of their environment, and the effects of natural and human factors upon their abundance. The Commission may also study species belonging to the same ecosystem or dependent on or associated with ICCAT species." The Sargasso Sea Commission has been working since 2011 with ICCAT. We welcome their new treaty framework and their recognition of the importance of the ecosystem approach approaches which is a useful model also. But a number of the parties have been resistant to change and there is often a mismatch between the scientific advice they receive and the actions of the Commission. Any new structure for WECAFC should be conscious of this issue and seek to address it.

A dedicated Science Body with status equal to the Management Commission – as with NAFO – is best practice. Therefore, SSC supports the idea of an expert science body in parallel with and having equal status with the management commission. Experts should be chosen to encompass all of the necessary elements of ecosystem and socio-economic considerations. The focus should be the high seas area, and to compensate for the likely shortage of local experts the science body should incorporate invited experts from outside the area. The science body should have formal links with similar bodies in other RFMOs so that the entire range of migratory species can be considered in toto. If its main management role would be in relation to high seas fisheries then the composition of the body should ideally reflect those fishing on the high seas in the existing WECAFC area. However a mechanism such as NAFO also seems appropriate particularly for straddling stocks that move from the EEZ to the high seas and back. If a State requests advice for stocks under its jurisdiction there should be a reporting mechanism to

ensure the compatibility of measures throughout the stock's range. Given the challenges of implementing an Ecosystem-based fisheries management (EBFM) it is important that WECAFC works with other bodies in the region.

The NAFO system seems to work well. As discussed above, there has been public criticism of the extent to which the ICCAT Commission has in the past followed the advice of its Science Body. A mechanism for WECAFC to give more weight to scientific advice with respect to management decisions which have major financial implications (e.g. Total Allowable Catch (TAC)) would be desirable. ICCAT has recently adopted the Sargasso Sea as a case study, collaboration of WECAFC on this case study would help in capacity building and in implementing EBFM.

As indicated before the precautionary approach, application of an ecosystem approach, a sound basis in good science, the compatibility of measures throughout a stock's range, should all be reflected in management plans. The new body should establish clear collaboration links with ICCAT and with NAFO in the adjacent area as well as with the Eastern Atlantic. ICCAT and CMS measures to protect highly migratory species should be adopted as standard procedure.

There is a clear difference between the needs of the Caribbean basin and the ABNJ area to the north. State of the art remote sensing to monitor and identify fishing activity in the region is necessary, but the area of the Sargasso Sea has poor radar coverage so a strict observer regime and MCS program would be necessary, including ship-borne and port observers to monitor catches and by-catches in situ and at point of sale. Collaborate with adjacent RFMOs to ensure consistent best practice. The SSC is already collaborating with Global Fishing Watch which is supported by some of the NAFO countries that would clearly be interested in joining this new body if it began to exercise management powers over the high seas part of its area. All the others suggestions – trade related tools, accountability mechanisms, information sharing are also very important to ensure compliance with new conservation and management measures.

If a new body is to be created it will require significant funding etc apart from appropriate recognition by adjacent RFMOs.

The Caribbean basin already has a number of fishery management mechanisms. A large number of the parties to WECAFC have made it clear they do not want this new body to regulate the Gulf and the Caribbean basin – but only the high seas areas. Those areas have until now been lightly fished – but there is evidence from Global Fishing Watch that effort is increasing in that area. Rather than move forward with an organization with a very large number of members – most of whom do not fish in the ABNJ, this would be a good opportunity to divide the region. Retain the valuable advisory functions for the Caribbean basin – which seem to be felt to be needed (although they are under resourced) – and develop a new body composed of those nations that fish in the ABNJ.

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and WCPFC are good models.

[South East Atlantic Fisheries Organisation \(SEAFO\)](#)

SEAFO Convention and SC Rules of Procedure are put as models to follow.

If you do not have a history of fishing in the area, general Conservation measures should be adopted and then amended or added as the fishery develops. SEAFO uses general rules which is captured in

the SEAFO SYSTEM and then a few Conservation measures are used for more detailed description on specific species and TAC species.

SEAFO uses general rules on MCS and IUU, which is captured well in the SEAFO SYSTEM.

It helps if there is at least a port with good Port Inspection Procedures in place. SEAFO benefitted a lot in the past from funding made available for training from the ABNJ Deep sea project (FAO

SEAFO did not want to comment on the institutional set-up.

SPRFMO:

The Report of the SPRFMO Performance Review Panel from December 2018 (particularly the executive summary and the table of key findings and recommendations) contains comprehensive information on many of the topics you identify in your questionnaire and accompanying email and I would encourage a close study of its contents.

In addition to the report (which gives very important and independent insights into the organisation) I personally would add the following 2 remarks:

SPRFMO benefitted greatly from having an Interim Secretariat in place that was able to support the changeover from the 2006-2012 arrangements and into the period where the SPRFMO Convention entered into force (being August 2012, with the first meeting held early 2013). I'm very glad to see that WECAFC appears to be in a similar situation.

Due consideration should be given to the organisations budget and the associated expectations of the Secretariat (including resourcing). It is important to give consideration for the type of support the organisation is expected to need in the medium term (rather than what is needed at the current or early state). Stability of contributions can be very important and this can be difficult to achieve depending upon the intricacies of any formula used to determine such contributions and any pressures on the budget (particularly upwards).

Finally it might be useful for WECAFC to examine the history of the decisions taken in the first few SPRFMO meetings (current CMMs and the history of previous CMMs).

Specifically SPRFMOs first decisions (in 2013) related to the most important fishery in terms of participation (jack mackerel) and the importance the members placed on information (data standards), eradication of IUU (IUU vessel list) and protection of the environment (Banning of Gillnets). Measures relating to bottom fisheries, an authorised list of vessels, establishing the VMS and minimising seabird bycatch followed in the next year with various additional MCS measures (Transshipment, Boarding and inspection, Compliance Monitoring Scheme & Port inspections) being adopted in the 3rd year. Noting these decision points are not fully reflective of the work undertaken during the annual meetings, but can give an indication of the early workplan (much of which had been previously foreshadowed in the Convention or by the Preparatory Conference)

Annex 2: Acronyms

ABNJ	Areas Beyond National Jurisdiction
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCRF	Code of Conduct for Responsible Fisheries (of FAO)
CERMES	Centre for Resource Management & Environmental Studies
CFMC	Caribbean Fishery Management Council
CLME+ SAP	Caribbean and North Brazil Shelf Large Marine Ecosystem Strategic Action Programme
CMS	Convention on the Conservation of Migratory Species of Wild Animals
COFI	Committee on Fisheries (of FAO)
CMM	Conservation and Management Measures
CRFM	Caribbean Regional Fisheries Mechanism
DCRF	Data Collection Reference Framework
EAF	Ecosystem Approach to Fisheries
EBFM	Ecosystem-based fisheries management
EEZ	Exclusive Economic Zone
EM	electronic monitoring
ER	electronic reporting
FAO	Food and Agriculture Organization of the United Nations
GEF	Global Environment Facility
GFCM	General Fisheries Commission for the Mediterranean
GFW	Global Fishing Watch
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
INFOPECSA	Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean
IOTC	Indian Ocean Tuna Commission
IUU	Illegal, unreported and unregulated
IWG	Intersessional Working Group
MCS	Monitoring, Control and Surveillance
MoU	Memorandum of Understanding
NAFO	Northwest Atlantic Fisheries Organization
NASCO	North Atlantic Salmon Conservation Organization
NEAFC	North-East Atlantic Fisheries Commission
OLDEPESCA	Latin American Fisheries Development (from the Spanish acronym for Organización Organización Latinoamericana de Desarrollo Pesquero)
OSPESCA	Central America Fisheries and Aquaculture Organization (from the Spanish acronym for Organización del Sector Pesquero y Acuícola del Istmo Centroamericano)
REBYC-II	Sustainable Management of Bycatch in Latin America and Caribbean Trawl Fisheries
RFB	Regional Fisheries Body
RFMO	Regional Fisheries Management Organization
SAG	Scientific Advisory Group (of WECAFC)

SEAFO	South East Atlantic Fisheries Organisation
SIDS	Small Island Developing States
SPC	Secretariat of the Pacific Community
SPRFMO	South Pacific Regional Fisheries Management Organisation
SSC	Sargasso Sea Commission
TAC	Total Allowable Catch
UNCLOS	United Nations Convention on the Law of the Sea
VMS	vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WECAFC	Western Central Atlantic Fishery Commission
WTO	World Trade Organization

Annex 3: Copy of Questionnaire (not to be translated)