

14th round of Informal Consultations of States Parties to the
UNFSA (ICSP-14)

**Importance and role of Performance Reviews
in improving the
Conservation and Management of
Straddling Stocks and Highly Migratory Fish
Stocks**

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SUMMARY

- Evolution of Performance Reviews
- Role of Performance Reviews
- Impact of RFMO/A Governance on the Conservation and Management of Fish Stocks
- The Role of Performance Reviews in identifying Progress/Challenges for Conservation and Management:
(Summary Examples)
- Conclusions

Evolution

First Decade

1995 UNFSA: Establish new RFMOs, ***Strengthen*** existing RFMO/As to improve their effectiveness in establishing and implementing conservation and management measures.

1997 FAO called for a review and evaluation of all FAO statutory bodies to determine measures for ***strengthening*** them.

1998 FAO High Level Panel of Fisheries Experts recommended that RFBs should ***review and adapt*** their mandates, structures and strategies in implementing the recent international instruments.

1999, 2001 First and second meeting of RFB Secretariats considered major issues affecting the performance of RFBs, and supported in principle the development of ***performance indicators and related guidelines***. *But* difficulties: establishing indicators applicable to all RFBs, onerous costs.

Evolution

...First Decade

2001 UN FSA entered into force. There were around 30 marine RFBs, now over 50, about half of them RFMOs.

Second Decade

2004 - 2005 NASCO, NEAFC undertook review processes. NEAFC established assessment criteria that provided a foundation for a common standard.

2005-2007 Method and criteria for performance reviews were addressed in COFI, UNGA and the first joint meeting of tuna RFMOs in Kobe, Japan.

2006-2019 20 first performance reviews and 8 second performance reviews were completed for RFMOs and RFABs. (FAO Circulars describing the reviews were published in 2012, 2015 and 2019).

Evolution

First Two Decades

Performance Reviews, a platform for institutional review and strengthening leading to improved conservation and management of fish stocks, have, as an established practice, themselves become an institution.

Role

Role and approaches

To guide and incentivize members *to strengthen the effectiveness* of their RFMO/As, and thereby *regional governance* in conserving and managing fish stocks, and recommend reforms and priorities through key approaches:

- identifying satisfactory/unsatisfactory *performance and challenges*, suggesting improvements and priorities;
- recommending *adaptations, standards* consistent with evolving international developments and intergovernmental processes;
- identifying *best practices, lessons learned*, and a *vision* for the future;
- recommending *approaches for implementation*, such as capacity development, funding, legislative assistance, procedures, planning, policies and strategies,

noting the differences in the composition/mandate of the panels and the scope/depth of the reviews.

Role

Differences

Some differences among the performance reviews and - and perhaps the impact of their role in strengthening RFMO/As – include:

1. Composition/mandate of panels Internal, mixed, independent, supported by Secretariat/members/stakeholders.

2. Scope/Criteria for the review, e.g.:

- Review of Convention/Agreement
- Conservation and management
- Compliance and enforcement
- Decision-making and dispute settlement
- International cooperation
- Financial and administrative issues

3. Members follow-up: consideration, prioritization, adoption, implementation.

Role

Regular reviews

The role of performance reviews is being expanded and entrenched through the increasing calls for, and agreement of RFMO/As to conduct **regular reviews**. Key benefits include:

- adapting the establishment of the panel, process and criteria to emerging needs;
- identifying successes and addressing challenges and mechanisms for follow-up, including for conservation and management of fish stocks;
- reviewing implementation of ongoing recommendations of the UNFSA Review Conference;
- reviewing integration and harmonization of evolving international and regional norms, standards, best practices and priorities.

Role

Challenges and limitations

Some examples of **challenges and limitations** to the role of performance reviews were stated in submissions to this consultation:

- Some delegations appear to be unwilling to look beyond politics and allocation shares, towards the broader, long-term implications of whole-of-fishery management.
- The RFMO/A may not have the capacity to address the recommendations, which should therefore be minimized or prioritized.

Some responses to the challenges:

- Although the performance reviews are **advisory** and non-binding, they provide an independent platform to secure agreement that would not otherwise be possible.
- The RFMO/A may consider strengthening the process, including priorities, to review the fullest spectrum of recommendations.

Role

The ultimate effectiveness of each Performance Review in discharging its role to strengthen the conservation and management of fish stocks is only as strong as the members' agreement, ability and will – and the capacity of the RFMO/A - to establish a robust review process and then consider and implement the recommendations to the greatest extent possible.

Impact of RFMO/A Governance on the Conservation and Management of Fish Stocks

S-G Report to 2016 Resumed Review Conference

“Since the 2010 FAO assessment, a decline in the overall status of highly migratory and straddling fish stocks was reported, notwithstanding improvements in the status of some stocks.”

	Highly Migratory Stocks	Straddling Stocks
Trends in exploitation		
No change	69%	59%
Deterioration	20%	25%
Improvement	11%	16%
No information/assessment	1/4	1/2
Status		
Non-fully exploited	Decrease 17% - 14%	Decrease 21% - 16%
Fully exploited	Decrease 53% - 49%	Decrease 41% - 44%
Overexploited	Increase 30% - 37%	Increase 38% - 40%

Impact of RFMO/A Governance on the Conservation and Management of Fish Stocks

Final Report of 2016 Resumed Review Conference

Although the overall status of the fish stocks had not improved since 2006/2010, the recommendations had a considerable impact on the practice of States and RFMO/As and provided the impetus for many international efforts.

Where some of the recommendations had not been fully implemented, this could be improved by *undertaking performance reviews on a regular basis*. The 2016 Review Conference recommendations included:

- Conducting *regular performance reviews* with an element of independent evaluation and stakeholder consultations;
- Developing *best practice guidelines* for conducting and implementing performance reviews, ensuring consistency and harmonization to the extent possible;
- Developing *mechanisms for follow-up actions* in response to performance reviews.

Conservation and Management

The Role of Performance Reviews in identifying Progress/Challenges

Summary examples of the outcomes of select second performance reviews/conservation and management (ICCAT, IOTC, NAFO, NEAFC)

Progress

- New approaches towards conservation and management
- Improved data collection
- Compliance levels up
- Improvements in addressing IUU fishing
- Improved cooperation and information exchange among RFMOs
- Improved implementation of international instruments and relations with processes, organizations
- Strengthened institutional and human capacity
- Improved financial assistance and programmes

Conservation and Management

The Role of Performance Reviews in identifying Progress/Challenges

Key Ongoing Challenges

(Described under common Performance Review criteria for Conservation and Management)

1. Status of the stocks

Key stocks are improving (2), little change (1), the scientific process is sound (1).

Key challenge: Advice is based on limited “data poor” information.

2. Data collection and reporting, compliance with requirements

Generally, substantial improvement is needed in data availability, quality, completeness, timeliness and consistency, and in strategies/action plans.

Key challenge: failure of many members/cooperating non-members (CPCs) in meeting data collection and reporting obligations for various reasons.

Conservation and Management

The Role of Performance Reviews in identifying Progress/Challenges

Key Ongoing Challenges

3. Quality and provision of scientific advice

Progress on implementing some recommendations from first review, slow to incorporating new independent scientific research, and implementing peer review process.

*Key challenge: New scientific findings must be adopted on the **merits of the science**, not on the potential effects on the assessment results or credibility.*

4. Adoption of conservation and management measures

The precautionary approach is not generally being applied by the RFMOs; many measures are inadequate and not timely. Recommendations included publishing annual comparisons between decisions adopted and relevant scientific advice.

Key challenge: The disconnect between scientific advice and conservation and management measures.

Conservation and Management

The Role of Performance Reviews in identifying Progress/Challenges

Key Ongoing Challenges

5. Fishing Capacity management

Three reviews concluded that a strong policy and/or more proactive approach was needed to urgently address fishing capacity management.

Key challenge: The sustained trend of an increasing global fishing capacity.

6. Compatibility of management measures

One review noted benefits of RFMO's assistance programmes (compliance missions, legal needs), two called for coastal States to urgently agree on compatible measures in national jurisdiction, bolster commitment to ensure compatibility under UNFSA.

Key challenge: Failure to implement RFMO measures in national legislation, procedures.

Conservation and Management

The Role of Performance Reviews in identifying Progress/Challenges

Key Ongoing Challenges

7. Fishing allocations and opportunities

Some reviews noted progress for major stocks and agreed schemes, but recognized underlying systemic weaknesses and the need for periodic review of schemes; others called for urgent development of allocation criteria.

Key challenge: Failure to agree on allocations or adopt criteria, systems or other measures.

Conclusions

Importance and role of Performance Reviews for the conservation and management of fish stocks

RFMO/A Performance Reviews are unique in the experience of global regional organizations. They are well placed to effect further progress by inspiring:

- integration of international, interregional and intergovernmental norms, standards, developments, best practices and opportunities;
- adaptation to emerging issues such as climate change, BBNJ and advancing technology;
- progress by RFMO/As, including by incentivizing strengthened mandates, measures, MCS/compliance and members' responsibilities;
- as an independent evaluation, agreement where blockages or other problems are posed by mandates, processes or members;
- responses to challenges to conservation and management, including improving the status of the stocks.

Conclusions

Importance and role of Performance Reviews for the conservation and management of fish stocks

But, considering the almost static status of the stocks, many challenges remain, including the pressing and continuing need for RFMO/As to strengthen conservation and management and a culture of compliance.

The evolution of performance reviews has involved an iterative process that rapidly expanded and accelerated during the past decade, as the international community recognized their importance and role.

This consultation will be a catalyst for mapping future processes and priorities vital for meeting the challenges and improving RFMO/A governance and the status of the fish stocks through addressing:

- the role, structure and conduct of performance reviews and mechanisms for follow-up; and
- enhancing their general effectiveness through the resumed Review Conference and other intergovernmental processes.

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