

(To doalos@un.org cc amerim@un.org)

Views of Nauru on:

Performance Reviews of Regional Fisheries Management Organisations and Arrangements:

A contribution to discussions at the 14th round of informal consultations of States Parties to the UN Fish Stocks Agreement (UNFSA) to be held in May 2019.

We have not had the resources to prepare an in-depth analysis of our RFMO experiences amid all our other regional fisheries governance priorities this quarter, but would submit the following general points for consideration:

1. These comments refer mainly to the conservation and management of tropical tuna fisheries within the Convention Area of the Western and Central Pacific Fisheries Commission (WCPFC).
2. Ours (the Pacific Islands) is an oceanic region where effective management of the main target stock in our largest fishery by far – the tropical tuna purse-seine fishery – can be largely implemented through cooperative action by coastal States. This fishery mainly takes place within Pacific Island Exclusive Economic Zones and Archipelagic Waters cooperatively managed under subregional arrangements (particularly the Nauru Agreement and Palau Arrangement). In addition, harmonised coastal State licencing measures effectively influence the extent and conditions of most of the high seas purse-seining in the tropical Western and Central Pacific.
3. Despite the effectiveness of Zone-Based Management of the tropical WCPO purse-seine fishery, the RFMO that our Leaders called for 25 years ago (WCPFC) remains important to us – particularly for the management of longlining and other fisheries, and for promoting compatibility of management measures between subregional arrangements and the high seas outside the tropical area, and in other participating EEZs.
4. Although we continue to have high hopes and strong support for WCPFC, we are facing diminishing returns on our efforts to obtain agreement with other WCPFC members on proposals for measures that would more fully implement UNFSA principles. We are concerned that some distant water fishing nations and entities may be blocking or slowing progress in order to retain as much control of the fishery as possible. These include the slow implementation of:
 - a. WCPFC Article 30 (Special requirements of developing states, particularly SIDS – based on UNFSA Article 24), and a general reluctance to recognise that the second paragraph of Article 24 is at least as important than the first;

- b. WCPFC Article 8 (Compatibility of measures – derived from UNFSA Article 7), in particular a reluctance in some quarters to allow certain standards for the control of fishing on the high seas to be brought up to the same level as those of subregional arrangements implemented by multiple coastal states, or harmonised across the national legislative instruments of the entire FFA membership;
 - c. WCPFC Article 6 (Precautionary approach – based on UNFSA Article 6). Again, slow implementation and continual postponements of elements of the WCPFC Harvest Strategy Workplan. FFA has even had occasion to devote resources to workshops and sessions to familiarise some of the other Commission members with basic elements of the Precautionary approach, which appear to be little-known by some developed countries.
- 5. Some WCPFC CCM delegations appear to be unwilling to look outside the narrow confines of tuna industry politics and fishing state allocation shares, and towards the broader, longer-term implications of whole-of-fishery management. This is exemplified by the difficulties that WCPFC members have had in agreeing a WCPFC Strategic Plan to operationalise priority elements of the WCPFC Convention. For example, FFA members place particular importance on strengthening WCPFC in the management of high seas tuna fisheries, but this has not been recognised as a high priority by the full membership.
- 6. We would note that one area in which all members are allowing WCPFC to live up to its UNFSA-derived principles is the rolling annual review of the performance of individual members against their (mainly flag State) responsibilities to WCPFC, through its Compliance Monitoring Scheme. The Compliance Case File System is particularly useful.
- 7. Because of the continuing absence of a Strategic Plan against which to review its performance, we will be considering proposing to WCPFC, once the UN Intergovernmental Conference on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction has firmed up its agreement on the mechanisms that will be included in the new BBNJ Instrument, that a review of WCPFC's capacity to interface with the BBNJ ILBI, as well as its capacity to implement the provisions of UNFSA be carried out.
- 8. We are aware that a Joint Observer Submission to this ICSP14, by WWF, the Deepsea Conservation Coalition and Greenpeace, includes a recommendation for a review of RFMO performance reviews and implementation of their recommendations every two to three years at the UN level. Given the varied terms of reference and coverage of these reviews, it might be more useful at this stage to commission a single independent global broad-brush review of all RFMOs against UNFSA principles and requirements. This could be beneficial in broadening regional thinking about how to better implement UNFSA requirements, and could help individual RFMOs learn from best-practice examples in other regions.