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Regional Oceans Governance

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United Nations Environment Programme (UNEP)

White Paper

Regional Oceans Governance

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Draft

Context of the paper

The development of regional governance for the protection of the environment is unquestionably a cornerstone of international environmental policies. With regard to marine and coastal issues, this regional ocean governance has mainly been taking place through: (i) Regional Seas Programmes, many of them supported or coordinated by UNEP and now involving over 140 States; (ii) Regional Fisheries Bodies, placed under the Food and Agriculture Organisation (FAO) umbrella; and (iii) Large Marine Ecosystems (LMEs) mechanisms, including GEF-supported projects. Based on a similar geographical approach, these regional mechanisms however raise concerns concerning their coordination and efficiency and possibly overlap in what they aim to achieve.

Objectives of the paper

The objective of this paper is to review the regional mechanisms for the conservation and sustainable use of marine biodiversity, identifying their legal, institutional and scientific foundations, exploring their respective mandates and highlighting their successes and challenges. A particular attention is paid to the collaboration established between these regional mechanisms. This analysis leads to identify options for making the regional system more coherent, effective and efficient, including by strengthening the existing institutions and enhancing their collaboration.

Status of the paper

This paper is a draft paper which will be completed, further developed and refined in the coming weeks. Its preliminary conclusions will be presented for discussion during the 15th Global Meeting of the Regional Seas Conventions and Action Plans on 1st October 2013 in Montego Bay, Jamaica. All interested experts are kindly invited to review the document and provide their comments to Takehiro Nakamura: takehiro.nakamura@unep.org and Rossana Silva: rossana.silva@unep.org.

Discussion at the 15th Global Meeting of the Regional Seas Conventions and Action Plans

The draft document is under development, but it is submitted to the discussion of the Global Regional Seas Meeting. Based on the draft, it is suggested the following items be discussed among the regional seas conventions and action plans:

1. Based on the conclusions of the draft report, what measures would the regional seas programme like to pursue to reinforce its governance framework and institutional arrangement and capacity?
2. There are some examples of cooperation between regional seas and regional fishery management organisations (such as OSPAR and NEAFC, MAP and GFCM, Nairobi Convention and SWIOFC, etc.). Can these models easily be adapted to address emerging needs of cooperation between regional seas and regional fishery bodies?
3. What would be a practical process for regional seas to develop cooperative arrangements with regional fishery bodies and LME institutional mechanism?

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EXECUTIVE SUMMARY

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LIST OF ACRONYMS¹

| | |
|--------------------|--|
| ABNJ | areas beyond national jurisdiction |
| BBNJ Working Group | Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction |
| COP | Conference of the Parties |
| EEZ | exclusive economic zone |
| EIA | environmental impact assessment |
| EU | European Union |
| FAO | United Nations Food and Agriculture Organization |
| GEF | Global Environmental Facility |
| IMO | International Maritime Organization |
| ISA | International Seabed Authority |
| IWC | International Whaling Commission |
| LME | large marine ecosystem |
| MOP | Meeting of the Parties |
| MPA | marine protected area |
| MSY | maximum sustainable yield |
| Nm | nautical miles |
| RFB | regional fishery body |
| RFMO | regional fisheries management organisation |
| RSP | UNEP's Regional Seas Programme |

¹ Not included are acronyms for international instruments and RFBs (see Table 3.2 for an explanation of acronyms for RFBs).

| | |
|------|--------------------------------------|
| TAC | total allowable catch |
| UNDP | United Nations Development Programme |
| UNEP | United Nations Environment Programme |
| UNGA | United Nations General Assembly |
| VME | vulnerable marine ecosystem |

1. INTRODUCTION

1.1. Challenges for Regional Oceans Governance

Apart from the key role of oceans in the global climate and weather system, oceans accommodate uses as fisheries, shipping, mining, bioprospecting, renewable energy production and telecommunication. In other words, the marine environment serves important functions for global food security and economic prosperity. An essential condition for sustaining both functions, as well as the intrinsic value of the environment, are healthy and productive (marine) ecosystems.

Significant damage to the oceans is caused by sea-based and land-based pollution, unsustainable exploitation of living and non-living resources, physical impacts by human activities on habitats for important and endangered species and important ecosystem services for human benefits and climate change. Examples of threats faced by the oceans are overfishing and destructive fishing practices, ocean acidification, ocean warming, marine debris, industrial, agricultural and urban run-offs, accidental oil spills, nuclear accidents, invasive alien species from ballast water,² among others. Overfishing on the high seas is in particular a challenge,³ *inter alia*, because of the freedom of fishing in those areas and the challenges of at-sea enforcement far from coasts. To ensure the preservation and protection of the marine and coastal environment and its biodiversity for future generations, as well as maintaining ecosystem services for the economic and social benefits of human beings, these three pillars of sustainable development need to be in balance. The concept of ‘sustainable development’ was introduced by the World Commission on Environment and Development (Brundtland Commission) in 1987. It was defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own

² UNCSD Secretariat, RIO 2012 Issues Briefs. No. 4 Oceans, pp. 3-4.

³ FAO (2011), Global Sustainable Fisheries Management and Biodiversity Conservation in the Areas Beyond National Jurisdiction (ABNJ): Preserving the World’s Last Global Commons. Available at <http://www.fao.org/cofi/33199-02b19a0956b086b1a64430e7a73205051.pdf>

needs”.⁴ A sustainable approach is a systems-based approach that seeks to understand the interactions which exist among the three pillars (environment, social, and economic) in an effort to better understand the consequences of our actions. Despite critical debates between actors related to each of the pillars about the apparent dominance of one of the pillars in various situations, the international community has continued to use the concept.⁵

A holistic approach to oceans management was explicitly stimulated by Agenda 21, as developed at the 1992 United Nations Conference on Environment and Development (UNCED or Rio Summit). Chapter 17 of this action plan for the 21st century observes that the marine environment, including the oceans and all seas and adjacent coastal areas, forms an integrated whole. For this reason, marine and coastal area management requires an approach that is integrated in content, at the national, subregional, regional and global levels. Such an approach requires the involvement of all sectors, compatibility between policies and activities, as well as a balance of uses.⁶ Since management measures are in many cases sectoral in nature, coordination is required internally as well as with the competent (international) organizations. At Rio+10 in Johannesburg, in 2002, the commitments to the Rio Principles and Agenda 21 were reaffirmed. The Johannesburg Plan of Implementation (JPOI) paid much attention to the three components of sustainable development (economic development, social development and environmental protection) as interdependent and mutually reinforcing pillars.⁷

At Rio+20, in Rio de Janeiro, in 2012, the earlier commitments were reaffirmed again in the oceans section of the outcome document ‘The Future We Want’. The common goal is described as ‘Healthy Oceans for Prosperity’.⁸ Thereafter, the UN Secretary-General launched ‘The Oceans Compact’, which intends to be “an initiative to set out a strategic vision for the UN system to deliver on its ocean-related mandates [...] in a more coherent and effective manner”. Ecosystem management⁹ is highlighted under the objective “Strengthening ocean knowledge and the management of oceans” and is intended to enhance “management frameworks along with coordinated global, regional and national

⁴ Sustainable Development - concept and action, available at http://www.unccc.org/ocs/nutshell/2004-2005/focus_sustainable_development.html

⁵ Sustainability Primer, available at http://www.epa.gov/ncer/rfa/forms/sustainability_primer_v7.pdf

⁶ Earth Summit. Agenda 21: The United Nations Action Programme from Rio, para. 17.5(a). Available at: http://www.un.org/esa/dsd/agenda21/res_agenda21_17.shtml

⁷ World Summit on Sustainable Development (2002), Plan of Implementation. Available at http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/WSSD_PlanImpl.pdf

⁸ <http://www.unccd2012.org/thefuturewewant.html>

⁹ See section 1.3 of this paper for an explanation on ecosystem management and the various ecosystem approaches.

mechanisms to ensure integrated ecosystem management, and protection of coastal populations”.¹⁰

1.2. Institutional Framework

States frequently participate in three different types of regional oceans governance mechanisms, the first two being formal and the latter mostly informal (Warner et al. in press): Regional Seas programmes, regional fishery bodies (RFBs) and large marine ecosystem (LME) mechanisms. One of the key institutional challenges is the overlap in mandates and geographical coverage of these mechanisms.

1.2.1. Regional Seas programmes

In the early 1970s the United Nations Environment Programme (UNEP) Governing Council endorsed a regional cooperation approach to address marine pollution and in 1974 the UNEP Regional Seas Programme (RSP) was established. The UNEP RSP covers 18 marine and coastal regions worldwide. 14 Regional Seas programmes were established under UNEP auspices. Six of them are directly administered by UNEP further to a decision by the states participating in the relevant Regional Seas convention or action plan. Eight individual Regional Seas programmes are administered by another (regional) organization that hosts and/or provides the Secretariat, including the management of the financial and budgetary services. These programmes received initial support from UNEP in setting up the relevant conventions or action plans for the respective regions. Finally, four Regional Seas programmes were established independently and, thus, act as independent programmes. However, they do participate in the global meetings of the RSP, share experiences, are parties in twinning arrangements and exchange policy advice and support. For each of the Regional Seas programmes, an action plan serves as the basis for regional cooperation to address the issues prioritised regarding their marine and coastal environments. For some of the Regional Seas programmes, the participating states decided to adopt legally-binding instruments, framework conventions and protocols were developed to support the parties in the achievement of their common objectives. The work of UNEP’s RSP is coordinated by UNEP’s Freshwater and Marine Ecosystems Branch in the Division of Environmental Policy Implementation, based at the Nairobi Headquarters. Regional coordinating units (RCUs) have been established to support the secretariat functions and the implementation of the Regional Seas conventions and action plans of the UNEP-administered Regional Seas programmes.

¹⁰ UN Secretary-General (2012), The Oceans Compact. Healthy Oceans for Prosperity. An initiative of the United Nations Secretary-General, p. 6. Available at: http://www.un.org/Depts/los/ocean_compact/SGs%20OCEAN%20COMPACT%202012-EN-low%20res.pdf

1.2.2. Regional Fishery Bodies

The term 'regional fishery body' (RFB) is used by the United Nations Food and Agriculture Organization (FAO) to refer to a mechanism through which states or entities (i.e. the European Union (EU) and Chinese Taipei (Taiwan)) cooperate on the conservation, management and/or development of fisheries.¹¹ For the purpose of this paper, fisheries either target fish (including molluscs, crustaceans and sedentary species, such as seacucumbers, sponges and corals) or marine mammals.

As explained in section 1.4, the geographical scope of this paper is - subject to some exceptions - confined to the marine environment. No attention will therefore be devoted to RFBs whose mandate is confined to inland waters; the acronym RFB is therefore from here onwards understood not to include such 'inland waters-RFBs'. Not excluded, however, are regional bodies whose mandate consists of sustainable use as well as conservation of marine mammals, for instance the North Atlantic Marine Mammal Commission (NAMMCO). This implies that regional marine mammal bodies not also aimed at sustainable use are excluded (e.g. regional agreements established pursuant to the Convention on the Conservation of Migratory Species of Wild Animals (CMS)).¹²

As highlighted in subsection 3.3.2, there are various categories of RFBs. The most important distinction is that between RFBs with a management mandate that includes the competence to establish legally binding conservation and management measures - so-called regional fisheries management organisations (RFMOs) - and 'advisory' RFBs. For the purpose of this paper, the term RFMO also covers a so-called 'Arrangement',¹³ unless specifically indicated otherwise. The main differences between an RFMO's constitutive instrument and an Arrangement are that the latter does not establish an international organisation and may also be non-legally binding.

1.2.3. Large Marine Ecosystem (LME) Mechanisms

Based on the United States National Oceanic and Atmospheric Administration (NOAA)'s research and proposed approach, 64 LMEs have been identified, delimited and assessed

¹¹ This description builds on the information provided at <www.fao.org/fishery/topic/16800/en>.

¹² Bonn, 23 June 1979. In force 1 November 1983, 1651 *United Nations Treaty Series* 355; <www.cms.int>.

¹³ See the definition in art. 1(1)(d) of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (hereafter Fish Stocks Agreement), New York, 4 August 1995. In force 11 December 2001, 2167 *United Nations Treaty Series* 3; <www.un.org/Depts/los>, whose main conditions are consistency with international law and a purpose that falls within the scope of the Fish Stocks Agreement. This does not prevent states from establishing an Arrangement with a purpose that extends beyond the scope of the Fish Stocks Agreement, for instance because it also deals with discrete high seas fish stocks. It is this broader meaning of the term Arrangement that is adopted in this paper.

(Sherman and Hempel 2008). Since its establishment in 1991, the Global Environment Facility (GEF) has initiated 30 projects covering 17 LMEs, thus involving 110 states as well as intergovernmental organizations such as UNEP, the United Nations Development Programme (UNDP), FAO, the World Bank and regional development banks, and amounting to 3,1 billion United States dollars (including co-financing).¹⁴ LME projects, as supported by the GEF, aim at engaging states and partners in an ecosystem approach linking coastal zone management with the marine environment, including socio-economic aspects. In some cases, states have been invited to establish new governance bodies, such as LME commissions.¹⁵

1.3. Ecosystem Management Concepts

First, this section describes how the various concepts of ecosystem management have evolved over time. Next, the most relevant concepts for regional oceans governance will be described in more detail, respectively: ecosystem-based management (EBM), ecosystem management and the ecosystem approach to fisheries (EAF). The latter is developed exclusively by the fisheries sector, but the other two concepts have been developed and matured in many forums. The most relevant (global) international forums with respect to regional oceans management will be mentioned, i.e. UNEP with respect to EBM, and the Conference of the Parties (COP) to the Convention on Biological Diversity (CBD),¹⁶ the United Nations General Assembly (UNGA) and UNEP with respect to the ecosystem approach.

1.3.1. Evolving Views on Ecosystem Management

As discussed in section 1.1 of this paper, it is important that marine and coastal ecosystem functions are managed sustainably in order to ensure the well-being of people as well as a good condition of the natural environment.¹⁷ The impact of an activity or process on one component in an ecosystem may have consequences on other components of the same system. As stated by UNEP,¹⁸ the traditional approaches to environmental management

¹⁴ K. Sherman, IOC-IUCN-NOAA Large Marine Ecosystem, 15th Consultative Committee Meeting, 10 July 2013, Paris, France.

¹⁵ http://www.lme.noaa.gov/index.php?option=com_content&view=article&id=47&Itemid=41

¹⁶ Convention on Biological Diversity, Nairobi, 22 May 1992. In force 29 December 1993, 1760 *United Nations Treaty Series* 143 (1993); <www.biodiv.org>.

¹⁷ UNEP (2011), Taking Steps toward Marine and Coastal Ecosystem-Based Management - An Introductory Guide, UNEP Regional Seas Reports and Studies No. 189, p. 10. Available at: http://www.unep.org/pdf/EBM_Manual_r15_Final.pdf

¹⁸ UNEP (2009), Ecosystem Management Programme. A New Approach to Sustainability, p. 10. Available at: <http://www.unep.org/themes/freshwater/pdf/ecosystemmanagementprogramme.pdf>

according to sectors or biomes¹⁹ have a number of shortcomings, such as disregarding the interdependence of ecosystem services and human needs. For this reason, holistic decisionmaking is required for sustainable ecosystem management, preferably by participation of all relevant stakeholders.²⁰

It has been set out by FAO²¹ that ecosystem management derives from wildlife management, born on land, involving direct manipulation of the habitat and population as well as of human activity with a view to optimizing long-term returns to humans. Inland fisheries management has developed as an extension of such wildlife management. However, FAO argues that the possibility of marine environmental management is limited to controlling human activities, such as fisheries.²² The latter is also the view of many scientists with regard to EBM, which would focus on the management of human activities, rather than on the management of entire ecosystems, as is the view of UNEP.²³

The terms EBM and the ecosystem approach are often used interchangeably in the international discourse. However, the term ecosystem-based fisheries management (EBFM), as defined by the United States National Research Council, found insufficient support at the 2001 FAO Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem (2001 Reykjavik Conference). Possibly some states may have interpreted the term as giving the environmental pillar pre-eminence over the other pillars of sustainable development. Instead, a preference existed for the term ecosystem approach to fisheries (EAF).²⁴ EAF is a key component of marine EBM, although the latter is generally regarded to be an overarching or more comprehensive concept covering multiple sectors for common objectives.²⁵ Finally, the different ecosystem management concepts all ensue from an area-based approach. Rather than jurisdictional boundaries, the ecosystems represent the spatial scopes of the management radius. Especially regional-scale management is an important practice in ecosystem management.²⁶

¹⁹ Biomes can be defined as natural communities with similar climatic conditions. See also: <http://en.wikipedia.org/wiki/Biome> and footnote 20.

²⁰ UNEP (2009), note 18 above, at p. 10.

²¹ FAO (2003), *The Ecosystem Approach to Fisheries. Issues, terminology, principles, institutional foundations, implementation and outlook*. FAO Fisheries Technical Paper 443, pp. 3-4.

²² *Ibid.*

²³ Scientific Consensus Statement on Marine Ecosystem-Based Management. Prepared by scientists and policy experts to provide information about coasts and oceans to U.S. policy-makers, Released on March 21, 2005, p. 6.

²⁴ FAO (2003), note 21 supra, p. 6. See also "Ecosystem-based Management of Fisheries. Opportunities and challenges for coordination between marine Regional Fishery Bodies and Regional Seas Conventions" (*UNEP Regional Seas Reports and Studies* No. 175: 2001).

²⁵ UNEP (2011), note 17 supra, pp. 10-12.

²⁶ *Ibid.*, pp. 10-11.

Since its establishment in 1974, UNEP's RSP has adapted itself to address the changing needs of its participating states from initially addressing pollution, monitoring and capacity building towards integrated ecosystem management. Regional seas programmes were therefore requested to cover a wider range of issues related to the sustainable development of marine and coastal areas. This is among other things reflected in the revised versions and new titles of some of the Regional Seas conventions and protocols.²⁷ Moreover, rather than mere 'protection', the focus also expanded to encompass 'management'. This, too, was reflected in the titles of amended conventions.²⁸

A similar development is ongoing within the fisheries sector, where many RFBs are moving from focusing exclusively on target species towards pursuing multiple objectives under the broader concept of EAF. However, these developments are just in a pioneer phase, and only take place in a few regions, so a lot of commitment and action will be needed in the coming decades to ensure global application.

The basic purpose of the LME approach is to promote the ecosystem approach through a situation analysis and an action plan addressing together all aspects of marine and coastal development. Basically oriented on large scale assessment and monitoring of the marine environment, LME projects have started to encompass policy and governance issues.

1.3.2. Ecosystem-Based Management (EBM)

EBM is an approach that recognizes ecosystems as a mix of elements interacting with each other, which is especially important for the sustainable management of oceans and coasts.²⁹ The EBM approach is developed and applied by many actors, but notable are the UNEP's extensive 2011 guidelines 'Taking Steps toward Marine and Coastal Ecosystem-Based Management - An Introductory Guide'.

Most EBM definitions are based on the one prepared in prepared in 2005 by 70 United States scientists and policy experts. Their Scientific Consensus Statement on Marine Ecosystem-Based Management defines EBM as follows:

²⁷ E.g. the 1976 Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona, 16 February 1976. In force 12 February 1978, 15 *International Legal Materials* 290; <www.unepmap.org>) was revised in 1995 as the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona, 10 June 1995. In force 9 July 2004, <www.unepmap.org>); and Annex V 'On the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area' (Sintra, 23 September 1998. In force 30 August 2000) to the OSPAR Convention (Convention for the Protection of the Marine Environment of the North-East Atlantic, Paris, 22 September 1992. In force 25 March 1998, <www.ospar.org>).

²⁸ E.g. the 1981 Abidjan Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region is since 2008 the Convention for Co-operation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region.

[A]n integrated approach to management that considers the entire ecosystem, including humans. The goal of [EBM] is to maintain an ecosystem in a healthy, productive and resilient condition so that it can provide the services humans want and need. [EBM] differs from current approaches that usually focus on a single species, sector, activity or concern; it considers the cumulative impacts of different sectors.³⁰

For the purpose of this paper, however, the definition as provided by UNEP will be used:

In EBM, the associated human population and economic/social systems are seen as integral parts of the ecosystem. Most importantly, EBM is concerned with the processes of change within living systems and sustaining the services that healthy ecosystems produce. EBM is therefore designed and executed as an adaptive, learning-based process that applies the principles of the scientific method to the processes of management.³¹

Various characteristics of EBM are especially important to take into account. Firstly, EBM is a work in progress and should be considered a process rather than an end state. In order to deal with the complex and dynamic nature of ecosystems and the lack of full scientific knowledge of the ecosystems' functioning, it is important to apply adaptive management.³² Secondly, EBM requires the identification of spatial units capturing ecosystem structure and functions. Area-based approaches and transboundary perspectives are central to EBM, since these provide more opportunities to effectively deal with many threats to the environment such as transboundary pollution.³³ The identification of management units within ecosystems should be based on ecological criteria instead of institutional boundaries or criteria, whether national or sectoral. Issues of scale can be addressed by viewing ecosystems as nested systems. Increased international cooperation in shared ecosystems could be addressed through existing regional management bodies and, as necessary, new collaborative efforts focused on individual ecosystems.³⁴

²⁹ UNEP (2011), note 17 supra, p. 10.

³⁰ 2005 Scientific Consensus Statement, note 23 supra, at p.1.

³¹ UNEP (2006), note 225 supra, at p. 5

³² UNEP (2011), note 17 supra, pp. 12-13 and 29.

³³ *Ibid.*, p. 15.

³⁴ Norwegian Polar Institute, Best Practices in Ecosystem-Based Oceans Management in the Arctic, Report Series no. 129, April 2009, pp. 111-112. Available at: <http://portal.sdwg.org/media.php?mid=1017&xwm=true>

1.3.3. Ecosystem Approach

The ecosystem approach has been described by the COP to the CBD as “a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way”.³⁵ The definition used by UNEP is almost the same, but leaves out the term ‘conservation’ and instead includes “sustainable delivery of ecosystem services”.³⁶

Regarding the ecosystem approach to ocean management, the UN General Assembly (UNGA) noted in 2006 that it should be focused on

managing human activities in order to maintain and, where needed, restore ecosystem health to sustain goods and environmental services, provide social and economic benefits for food security, sustain livelihoods in support of international development goals, [...], and conserve marine biodiversity.³⁷

Pursuant to the CBD, the ecosystem approach is a normative framework that needs to be translated into methods for further application which are tailored to the needs of specific users. ‘One-size-fits-all’ solutions for the ecosystem approach are neither feasible nor desirable. Therefore, CBD parties are invited to develop guidelines for the application of the ecosystem approach for specific bio-geographical regions and circumstances, where applicable, and building upon existing efforts.³⁸

Although CBD parties do not foresee a role for themselves in the implementation of EBM or the ecosystem approach, they have been supportive in at least two ways. Firstly, in 2000 the 5th COP (COP-5) to the CBD adopted 12 complementary and interlinked principles of the ecosystem approach, as well as 5 operational guidelines for its application.³⁹ It is, *inter alia*, recognized that management of natural resources calls for increased inter-sectoral communication and cooperation at a range of levels.⁴⁰ Secondly, in 2008 COP-9 adopted scientific criteria for the identification of Ecologically or Biologically Significant marine Areas (EBSAs). Areas found to meet the criteria may require enhanced conservation and management measures.⁴¹ A process to identify EBSAs has been set out by COP-10. However, the CBD emphasizes that the identification of EBSAs and the selection of conservation and management measures is a matter for states and competent intergovernmental

³⁵ COP Decision V/6 on Ecosystem Approach (2002), para. A(1).

³⁶ UNEP (2011), note 17 supra, p. 13.

³⁷ UNGA Resolution 61/222 (doc. A/RES/61/222, of 16 March 2007), p. 20, para. 119(b). ³⁸ COP Decision IX/7 (2008), para. 2(f).

³⁹ COP Decision V/6, note 35 supra, at para. A(1).

⁴⁰ *Ibid.*, para. 12.

⁴¹ COP Decision IX/20 (2008), pp. 1 and 7-12.

organizations, in accordance with international law, including the United Nations Convention on the Law of the Sea (UNCLOS).⁴²

Within the context of UNEP, the term ecosystem approach has since several years been incorporated in its global strategy documents. For example, the UNEP Global Strategic Directions for the Regional Seas Programme 2008-2012, emphasizes the need to implement the ecosystem approach “as an overarching management framework for addressing threats to the sustainability of Regional Seas”.⁴³ The UNEP Medium-term Strategy 2010-2013 identifies ecosystem management as one of its six cross-cutting thematic priorities.⁴⁴ It is foreseen that ecosystem management will continue to be a priority in the Medium-term Strategy 2014-2017.⁴⁵ Finally, UNEP published in 2011 an introductory guide on marine and coastal EBM, which might result in giving preference⁴⁶ to the term EBM instead of ecosystem approach in its RSP.⁴⁷

1.3.4. Ecosystem Approach to Fisheries (EAF)

The EAF is perceived by FAO as the ‘fusion’ of two management paradigms: ecosystem management and fisheries management. Both paradigms have different objectives, based on different perspectives, processes and institutions, but FAO acknowledges that a bridging mechanism as the EAF is needed to achieve sustainable development.

Although the FAO Code of Conduct for Responsible Fisheries (CCRF),⁴⁸ a voluntary framework to increase the sustainable contribution of fisheries to development, does not mention the EAF, it does cover most of its components. At the 2001 Reykjavik Conference a major step was taken by trying to identify means by which ecosystem considerations could

⁴² Montego Bay, 10 December 1982. In force 16 November 1994, 1833 *United Nations Treaty Series* 396; <www.un.org/Depts/los>. See COP Decision X/29 (2010), para. 26.

⁴³ UNEP (2007), *Global Strategic Directions for the Regional Seas Programmes 2008-2012: Enhancing the Role of the Regional Seas Conventions and Action Plans*. Ninth Global Meeting of the Regional Seas Conventions and Action Plans. Jeddah, Kingdom of Saudi Arabia, 29-31 October 2007. UNEP(DEPI).RS.9/6, 31 October 2007, p. 3. Available at: http://www.unep.org/regionalseas/globalmeetings/9/SD_New/Final_Strategic_Directions_2008_2012.pdf

⁴⁴ UNEP (date unknown), *UNEP Medium-term Strategy 2010-2013: Environment for Development*, UNEP/GCSS.X/8, pp. 9, 11 and 27. Available at: <http://www.unep.org/PDF/FinalMTSGCSS-X-8.pdf>

⁴⁵ <http://uncsd.iisd.org/news/unep-preparing-draft-medium-term-strategy/>

⁴⁶ Although without having significant implications in practice, since these terms can be used interchangeably.

⁴⁷ UNEP (2011), note 17 supra,

⁴⁸ Code of Conduct for Responsible Fisheries. Adopted by the Twenty-eight Session of the FAO Conference, Rome, 31 October 1995, <www.fao.org/fishery/code/en>.

be included in capture fisheries management. One of the key provisions in the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem is the following:

It is important to strengthen, improve, and where appropriate establish, regional and international fisheries management organizations and incorporate in their work ecosystem considerations and improve cooperation between those bodies and regional bodies in charge of managing and conserving the marine environment.⁴⁹

As can be noticed, much emphasis is put on the institutional aspect which needs strengthening and improvement for successfully incorporating ecosystem considerations in fisheries management.

EAF was included in the framework of the CCRF by means of Technical Guidelines adopted in 2003, and defined as follows:

an ecosystem approach to fisheries (EAF) strives to balance diverse societal objectives, by taking into account the knowledge and uncertainties about biotic, abiotic and human components of ecosystems and their interactions and applying an integrated approach to fisheries within ecologically meaningful boundaries.⁵⁰

The term 'approach' indicates, according to FAO, that the EAF is a way of taking ecosystem considerations into more conventional fisheries management, or "the spirit in which the [FAO CCRF] ought to be implemented".⁵¹ It was emphasized by FAO that the existing management controls and measures used to regulate fishing mortality will retain their importance, but these will need to be considered in a broader context and include objectives as minimizing or avoiding impacts of fishing on non-target species.⁵²

Additional papers which elaborated on the EAF include: Putting into Practice the Ecosystem Approach to Fisheries (2005);⁵³ Best Practices in Ecosystem Modelling for Informing an Ecosystem Approach to Fisheries (2008);⁵⁴ The Human Dimension of the Ecosystem Approach to Fisheries (2009);⁵⁵ and Marine Protected Areas and Fisheries (2011).⁵⁶

Some RFBs already have chosen to orient their management mandate towards EAF. However, in general EAF is still an evolving practice and the pace to incorporate components

⁴⁹ Available at: <http://www.fao.org/docrep/meeting/004/Y2211e.htm>

⁵⁰ FAO (2003), note 226 supra, at p. 14.

⁵¹ Ibid., at p. 6.

⁵² Ibid., at p. 29.

⁵³ Available at: <ftp://ftp.fao.org/docrep/fao/008/a0191e/a0191e00.pdf>

⁵⁴ Available at: <http://www.fao.org/docrep/011/i0151e/i0151e00.htm>

⁵⁵ Available at: <http://www.fao.org/docrep/010/i0163e/i0163e00.htm>

⁵⁶ Available at: <http://www.fao.org/docrep/015/i2090e/i2090e.pdf>

of EAF varies per region and RFB. Challenges for the implementation of EAF include the reduction of fragmentation in policies, sectors, institutions and sciences; institutionalization of the implementation process; and simplification of regulatory frameworks.⁵⁷ It has been emphasized by FAO that EAF does not replace or diminish the need to control fish mortality on target and bycatch species, nor the need to control fishing capacity.⁵⁸

1.4. Geographical Scope

As this paper deals with regional oceans governance, its geographical scope is primarily limited to the marine environment, which comprises the salt water environment - both the water column and the seabed and subsoil - in the various coastal state maritime zones and areas beyond national jurisdiction (ABNJ) (see section 2.2). Also included, however, are regional oceans governance mechanisms whose geographical mandate also covers inland waters and land territory (e.g. catchment areas), but whose main focus is the protection and preservation of the marine environment, the conservation of marine biodiversity and/or EBM.

1.5. Objectives

The review of existing regional oceans governance mechanisms in this paper is intended to assist states that participate in existing mechanisms, as well as those that consider participating, by clarifying the key distinctions between the mandates of these mechanisms, and highlighting the successes and challenges of existing mechanisms and cooperation between them. Furthermore, options will be identified for strengthening regional oceans governance, especially *via* better cooperation between mechanisms, with particular reference to the ecosystem approach.

1.6. Structure

This Chapter described the challenges for regional oceans governance, the institutional structure with respect to Regional Seas programmes, RFBs and LME mechanisms, as well as the various ecosystem concepts which are applied by different organisations. Chapter 2 of this paper provides an overview of the global framework for the law of the sea. The key

⁵⁷ CBD (2007), In-depth Review of the Application of the Ecosystem Approach. Barriers to the application of the ecosystem approach. Note by the Executive Secretary. 12th meeting of the SBSTTA, item 3.1 of the provisional agenda, UNEP/CBD/SBSTTA/12/INF/5, 15 June 2007, pp. 3-4. Available at <http://www.cbd.int/doc/meetings/sbstta/sbstta-12/information/sbstta-12-inf-05-en.pdf>, pp. 12-16.

⁵⁸ FAO (2003), note 226 *supra*, at p. 26.

instruments, institutions and developments at the global level are described, as well as the obligations under the law of the sea related to regional cooperation. Next, Chapter 3 contains an analysis of the relevant existing regional oceans governance mechanisms. First, the focus is on the instruments and bodies of the various Regional Seas programmes, RFBs and LME mechanisms. Then, attention is paid to cooperation and coordination between regional oceans governance mechanisms. Chapter 3 finishes with an overarching and comparative analysis, including an identification of the successes and challenges of existing mechanisms and cooperation activities. Chapter 4 is dedicated to two case-studies, namely the Wider East Asia Region and the West, Central and South Africa Region. Attention is paid to, *inter alia*, the mandates, the institutional arrangements, the cooperation mechanisms, the financial arrangements and best practices of effective governance pursuing the ecosystem approach. Finally, Chapter 5 offers a rationale and options for new regional oceans governance mechanisms or possible adjustments to the existing ones. In developing these options, various considerations are taken into account, such as duplication and overlap, coherence and efficiency, and the possible incorporation of the ecosystem approach.

Annexes 1 and 2 to this paper respectively provide an overview of Regional Seas programmes and RFBs, including information on their legal basis, institutional frameworks and financial arrangements. Annex 3 provides key information on the Benguela and Guinea Current LMEs.

2. THE GLOBAL FRAMEWORK FOR THE LAW OF THE SEA

2.1. UNCLOS and its Implementation Agreements

The international law of the sea is made up of a multitude of global, regional and bilateral instruments, decisions by international (intergovernmental) organisations and international rules from other sources, including customary international law. The cornerstones of the current international law of the sea are the UNCLOS and its two Implementation Agreements, namely the Part XI Deep-Sea Mining Agreement⁵⁹ and the Fish Stocks Agreement⁶⁰. The overarching objective of the UNCLOS is to establish a universally accepted, just and equitable legal order - or 'Constitution' - for the oceans, that lessens the risk of international conflict and enhances stability and peace in the international community.

A new Implementation Agreement could be an outcome of the process endorsed in 2011 by the UNGA to address gaps in the international legal framework for the conservation and sustainable use of marine biodiversity in ABNJ (i.e. the high seas and the so-called 'Area' (deep sea-bed⁶¹)).⁶² This process takes place within the UNGA's Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ Working Group) and is mandated to cover the following issues:

the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, and environmental impact assessments, capacity-building and the transfer of marine technology.⁶³

Among these issues, two stand out in particular

⁵⁹ Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, New York, 28 July 1994. In force 28 July 1996, 1836 *United Nations Treaty Series* 42 (1994); <www.un.org/Depts/los>.

⁶⁰ See note 13.

⁶¹ Defined as "the sea-bed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction" in art. 1(1)(1) of the UNCLOS.

⁶² UNGA Resolution No. 66/231 'Oceans and the law of the sea' (UN doc. A/RES/66/231, of 5 April 2012), at paras 166-168; and UN doc. A/66/119, of 9 June 2011.

⁶³ UN doc. A/66/119, of 9 June 2011, at para. 1(b) of the Annex.

- a) marine genetic resources, in particular bioprospecting (i.e. the process of discovery and commercialization of new products or applications derived from biological resources) for such resources in the Area; and
- b) conservation and management tools - including area-based management and environmental assessments - aimed at the conservation and sustainable use of marine biodiversity in ABNJ. This component is, among other things, intended to address the absence in the UNCLOS of concepts such as 'biodiversity' and the 'ecosystem approach' as well as the lack of a comprehensive legally binding framework on area-based management tools in ABNJ.

Despite the encouragement and deadline set at Rio+20,⁶⁴ however, the process in the BBNJ Working Group has been advancing at a slow pace, and it is by no means clear that it will result in a new Implementation Agreement or even a legally binding outcome at all.⁶⁵ As regards the latter, one possibility would be an UNGA Resolution.

The remainder of this chapter is as follows: section 2.2 will examine 'Maritime Zones and Their Regimes', followed by an overview of 'Relevant Global Instruments and Bodies' provided by section 2.3. This latter section starts out with an introduction followed by subsections that focus specifically on the global legal and policy regimes for the protection and preservation of the marine environment (2.3.2), fisheries (2.3.3), the conservation of marine biodiversity (2.3.4) and ecosystem-based management (EBM) (2.3.5).

2.2. Maritime Zones and Their Regimes

The most basic distinction between marine areas made by the UNCLOS is between the maritime zones of coastal states - also referred to as 'areas within national jurisdiction' - and the commons seaward thereof - also referred to as ABNJ. The maritime zones of coastal states can consist of: internal waters, archipelagic waters, a territorial sea, a contiguous zone,⁶⁶ an exclusive economic zone (EEZ) and a continental shelf. Instead of an EEZ, some coastal states have established maritime zones with a more narrow purpose, for instance an exclusive fishery zone or an ecological protection zone. The two marine commons are the high seas - commonly seaward of the EEZ (where established) - and the so-called 'Area' - seaward of the (outer) continental shelf.

⁶⁴ Para. 162 of 'The Future We Want' (UN doc. A/CONF.216/L.1, of 19 June 2012) stipulates that a "decision on the development of an international instrument under" the UNCLOS should be taken before the end of the 69th Session of the UNGA (end 2014).

⁶⁵ For the most recent developments see <www.un.org/Depts/los>.

⁶⁶ Coastal states can establish a contiguous zone pursuant to art. 33 of the UNCLOS, but as the jurisdiction they can exercise therein is not relevant for this paper, it is not further discussed.

Internal waters, archipelagic waters and the territorial sea are part of a state's territory and subject to its sovereignty. The UNCLOS specifies how the inner and outer boundaries of these maritime zones must be drawn, for instance by prescribing 12 nautical miles (nm)⁶⁷ as the maximum breadth of the territorial sea,⁶⁸ and by specifying the conditions under which archipelagic waters can be generated. As a consequence of a state's sovereignty over its territory, a coastal state has

exclusive access to and full jurisdiction over all resources - both living and non-living - located within its territory; and

- (a) full jurisdiction over all activities - both domestic and foreign - occurring within its territory.

There may nevertheless be rules of international law that constrain these general rules. Exceptions could exist for particular maritime zones - for instance the right of innocent passage in the territorial sea - or for all maritime zones, such as the duty to protect and preserve the marine environment.⁶⁹ This latter duty constrains the sovereign right of coastal states to exploit their own resources.

Where geographical circumstances allow - i.e. no opposite states, or not too nearby - states are also entitled to a continental shelf and an EEZ. The EEZ cannot extend further seaward than 200 nm but, in certain circumstances, the continental shelf can (see Figure 2.1 below). This is the so-called 'outer continental shelf'. Coastal states that take the view that they have an outer continental shelf, must submit information on the shelf's outer limits to the Commission on the Limits of the Continental Shelf on the basis of the criteria in article 76 of the UNCLOS.

Within their EEZs, coastal states have sovereign rights and jurisdiction for certain purposes. The sovereign rights are, among other things, for the purpose of exploring and exploiting, conserving and managing the natural resources - both living (e.g. fish) and non-living - that occur in the water column and on the seabed and its subsoil. Moreover, jurisdiction is granted in relation to artificial islands, installations and structures (e.g. for aquaculture), marine scientific research and the protection and preservation of the marine environment.⁷⁰ As regards the continental shelf, coastal states are granted sovereign rights and related jurisdiction for the purpose of exploring it and exploiting its natural resources. 'Natural resources' include not only all non-living resources but also living organisms belonging to sedentary species.⁷¹

⁶⁷ 1 nm = 1.852 Km.

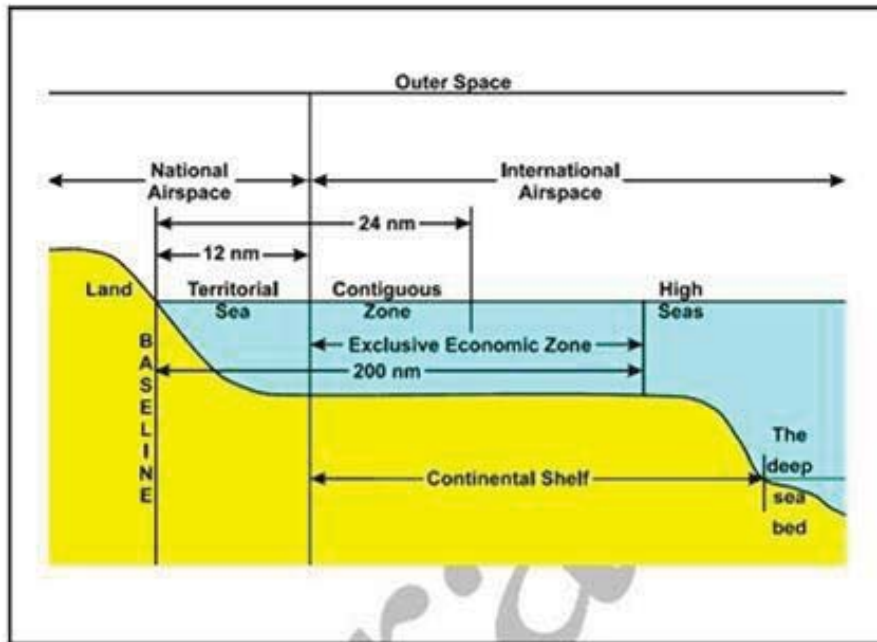
⁶⁸ Art. 3 of the UNCLOS.

⁶⁹ Arts 17, 52 and 192 of the UNCLOS.

⁷⁰ Art. 56 of the UNCLOS.

⁷¹ Ibid., art. 77.

Figure 2.1. Maritime Zones



A coastal state's EEZ and continental shelf are not part of the coastal state's territory. Other states have various rights in these maritime zones, including the freedoms of navigation, overflight and the laying of submarine cables and pipelines. The freedoms of fishing and marine scientific research - which exist on the high seas - do not apply to the EEZ and continental shelf.⁷² Other states nevertheless have a fishing entitlement in case a coastal state cannot harvest the entire total allowable catch (TAC).⁷³

The high seas are governed by the regime of the freedom of the high seas, which contains for all states the abovementioned specific freedoms, including the freedoms of fishing and marine scientific research. The Area is subject to a regime for its minerals as laid down in Part XI of the UNCLOS in conjunction with the Part XI Deep-Sea Mining Agreement. This minerals regime is governed and inspired by the principle of the common heritage of mankind, contains detailed arrangements on access and benefit-sharing, and is administered by the International Seabed Authority (ISA). One of the key features of this regime is that it provides financial and other benefits for states that are unable to exploit deep-sea minerals

⁷² Ibid., art. 58.

⁷³ Ibid., art. 62.

themselves. This contrasts with the regime of the high seas, which is based on 'first come first serve' in relation to resources.

2.3. Relevant Global Instruments and Bodies

2.3.1. Introduction

A large number of global and regional instruments and bodies either implement the UNCLOS and its Implementation Agreements, complement them, or do both. The UNCLOS and its Implementation Agreements are to a large extent framework conventions and do not contain the substantive standards necessary for actual regulation (e.g. maritime safety standards or fisheries conservation and management measures) or - except for the ISA - establish regulatory bodies with a mandate to do so. To ensure implementation at the appropriate level, the UNCLOS and its Implementation Agreements acknowledge the competence of pre-existing global or regional instruments and bodies, impose obligations on states to cooperate and agree on regulations through them, and encourage the adoption and establishment of new instruments and bodies.⁷⁴

While pre-existing international bodies are occasionally mentioned by name,⁷⁵ it is more common for the UNCLOS to use non-specific references to 'competent' or 'relevant' international organisations or similar wording. This method acknowledges not only that more than one pre-existing international body may have competence in certain scenarios, but also that the mandates of international bodies may develop over time, and that new international bodies may be established.⁷⁶

Parties to the UNCLOS can be bound to the regulations adopted by these competent international organisations by so-called 'rules of reference' included in the UNCLOS. As regards vessel-source pollution, for instance, flag states are required to adopt laws and regulations that have "at least the same effect as that of generally accepted international rules and standards established through the competent international organization or general diplomatic conference".⁷⁷ The primary competent international organisation is in this case the International Maritime Organization (IMO)⁷⁸ and 'generally accepted international rules

⁷⁴ See, *inter alia*, arts 237 and 311 of the UNCLOS and art. 8(5) of the Fish Stocks Agreement. ⁷⁵ E.g. the International Civil Aviation Organization (ICAO) in art. 39(3)(a) of the UNCLOS.

⁷⁶ See the study "Competent or relevant international organizations" under the United Nations Convention on the Law of the Sea", *Law of the Sea Bulletin* No. 31 (1996), pp. 79-96.

⁷⁷ Art. 211(2) of the UNCLOS.

⁷⁸ See the 1996 Study, note 76, at p. 87. See also IMO doc. LEG/MISC.7, of 19 January 2012, "Implications of the United Nations Convention on the Law of the Sea for the International Maritime Organization".

and standards' (GAIRAS) are at any rate those laid down in legally binding IMO instruments that have entered into force.⁷⁹ Rules of reference relating to fisheries (for other than marine mammals) are intended to refer primarily to FAO and RFBS.⁸⁰ The United Nations Environment Programme (UNEP) is regarded as a competent international organisation for a large number of provisions in the UNCLOS.⁸¹

2.3.2. The Global Legal and Policy Regime for the Protection and Preservation of the Marine Environment

Part XII of the UNCLOS is the cornerstone in the global legal regime for the protection and preservation of the marine environment. Its Section 1 on 'General Provisions' contains, *inter alia*, the by now universally accepted general obligation for states to protect and preserve the marine environment (article 192), immediately followed by an acknowledgement of the concept of sustainable development (article 193). Other basic principles of international environmental law laid down in Part XII are the duty to avoid transboundary harm (article 194(2)) and the duty to conduct environmental impact assessments (EIAs; article 206). The precautionary approach or principle is not contained in the UNCLOS but in many other global instruments such as the Rio Declaration,⁸² and is now arguably also part of customary international law.

Part XII deals in principle only with 'pollution of the marine environment' - as defined in article 1(1)(4), which for instance encompasses noise as well - but Section 1 of Part XII also contains obligations on "rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life" (article 194(5)) and the intentional or accidental introduction or new or alien species (article 196(1)). These issues are discussed further in subsection 2.3.4.

Before dealing with relevant obligations on regional cooperation and implementation in the UNCLOS, a concise overview is given of the main global instruments relating to the different sources of marine pollution distinguished in Sections 5 and 6 of Part XII, namely;

- (a) Land-based pollution: Substantive rules specifically aimed at the marine domain are laid down in UNEP's non-legally binding Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA).⁸³ More

⁷⁹ E.J. Molenaar, *Coastal State Jurisdiction over Vessel-Source Pollution* (The Hague/Boston/London, Kluwer Law International: 1998), at pp. 140-167.

⁸⁰ See, *inter alia*, art. 61(3) of the UNCLOS and the 1996 Study, note 76. ⁸¹ See the 1996 Study, note 76.

⁸² Principle 15 of the Rio Declaration on Environment and Development, Rio de Janeiro, 13 June 1992. 31 *International Legal Materials* 876 (1992); <www.unep.org>.

⁸³ Washington D.C., 3 November 1995. Doc. UNEP(OCA)/LBA/IG.2/7, of 5 December 1995; <www.gpa.unep.org>.

general instruments on land-based pollution include the global Watercourses Convention⁸⁴ (not yet in force) and the Convention on Persistent Organic Pollutants (POPs Convention)⁸⁵;

- (b) Pollution from seabed activities in areas under national jurisdiction: There are no legally binding or non-legally binding (intergovernmental) instruments on pollution from seabed activities in areas under national jurisdiction at the global level.
- (c) Pollution from activities in the Area: The only global instrument in existence is the ISA's Mining Code;⁸⁶
- (d) Pollution by dumping: Only one global instrument exists, namely the London Convention⁸⁷ as modified by its 1996 Protocol;⁸⁸
- (e) Vessel-source pollution: Regulatory activity predominantly takes place at the global level within IMO. Relevant instruments include the International Convention for the Prevention of Pollution from Ships (MARPOL),⁸⁹ the Anti-fouling Convention,⁹⁰ the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC),⁹¹ the various instruments on liability and compensation for pollution damage, and the various standards that can be made applicable in specific areas, such as Special Areas under various Annexes of MARPOL and the Associated Protective Measures applicable within Particularly Sensitive Sea Areas (PSSAs); and
- (f) Pollution from or through the atmosphere: As regards activities at sea, reference can be made to the global regulation of incineration at sea by the London Convention as modified by its 1996

⁸⁴ Convention on the Non-Navigational Uses of International Watercourses, New York, 21 May 1997. Not in force; doc. UNGA Res. 51/229 (1997).

⁸⁵ Convention on Persistent Organic Pollutants, Stockholm, 22 May 2001. In force 17 May 2004; text at <chm.pops.int>.

⁸⁶ Available at <www.isa.org.jm>.

⁸⁷ Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, London, Mexico City, Moscow, Washington D.C., 29 December 1972. In force 30 August 1975, 11 *International Legal Materials* 1294 (1972); as amended; consolidated version available at <www.imo.org>.

⁸⁸ 1996 Protocol, London, 7 November 1996. In force 24 March 2006, *Law of the Sea Bulletin* No. 34 (1997), p. 71; as amended in 2006, consolidated version at <www.imo.org>.

⁸⁹ International Convention for the Prevention of Pollution from Ships, London, 2 November 1973, as modified by the 1978 Protocol (London, 1 June 1978) and the 1997 Protocol (London, 26 September 1997) and as regularly amended. Entry into force varies for each Annex. At the time of writing Annexes I-VI were all in force.

⁹⁰ International Convention on the Control of Harmful Anti-fouling Systems on Ships, London, 5 October 2001. In force 17 September 2008, IMO Doc. AFS/CONF/26, of 18 October 2001.

⁹¹ International Convention on Oil Pollution Preparedness, Response and Cooperation, London, 30 November 1990. In force 13 May 1995, 1891 *United Nations Treaty Series* 77 (1995).

Protocol, and the regulation of vessel-source air pollution through Annex VI to the MARPOL. As regards activities on land, reference can be made to the United Nations Framework Convention on Climate Change (UNFCCC)⁹² and its 1997 Kyoto Protocol,⁹³ and, on ozone, the Vienna Convention⁹⁴ and its Montreal Protocol⁹⁵.

Issue-specific instruments that are difficult to group under these sources of marine pollution, but which are relevant for regional implementation, include the Basel Convention.⁹⁶

Part XII of the UNCLOS contains many obligations on regional cooperation and implementation. It is common, however, for these obligations to be qualified (e.g. “shall endeavour” or “appropriate”), to offer alternatives to regional cooperation (e.g. “global” or “directly”), and to lack guidance on the form of such regional cooperation (e.g. an international organisation or a legally binding or non-legally binding instrument).

Some of these obligations are contained in Section 2 of Part XII, entitled ‘Global and Regional Cooperation’. While article 198 contains a general obligation to cooperate “as appropriate, on a regional basis”, articles 199 and 200 contain specific obligations with respect to notification, contingency plans, scientific research and information exchange. Obligations on regional cooperation and implementation are also specifically linked to the individual sources of marine pollution listed above;⁹⁷ except for pollution from activities in the Area (where only ISA has competence) and vessel-source pollution. As regards the last, such an obligation would endanger the objective of globally uniform minimum standards and the related primacy of IMO. This does not mean that regional approaches to the regulation of merchant shipping are inconsistent with the UNCLOS or the IMO’s primacy. This view is, *inter alia*, supported by article 211(3) of the UNCLOS, which responded to the creation of regional port state arrangements, and the acknowledgment of the importance of regional cooperation in the Preamble and article 6 of the OPRC.

⁹² United Nations Framework Convention on Climate Change, New York, 9 May 1992. In force 21 March 1994, 1771 *United Nations Treaty Series* 107; <unfccc.int>.

⁹³ Kyoto Protocol, Kyoto, 11 December 1997. In force 16 February 2005, 2303 *United Nations Treaty Series* 214 (2005); <unfccc.int>.

⁹⁴ Convention for the Protection of the Ozone Layer, Vienna, 22 March 1985. In force 22 September 1988, 1513 *United Nations Treaty Series* 324 (1988); <www.unep.org/ozone>.

⁹⁵ Protocol on Substances that Deplete the Ozone Layer, Montreal, 16 September 1987. In force 1 January 1989, as amended. Consolidated version available at <www.unep.org/ozone>.

⁹⁶ Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Basel, 22 March 1989. In force 5 May 1992, 28 *International Legal Materials* 657 (1989); <www.basel.int>.

⁹⁷ See arts 207(3) and(4), 208(4) and (5), 210(4) and 212(3). As regards dumping, the London Convention merely encourages the establishment of regional regimes (art. VIII), but the Preamble to the 1996 Protocol also recognizes the desirability of more stringent regional measures.

2.3.3. The Global Legal and Policy Regime for Fisheries

The global instruments on marine capture fisheries have primarily been developed under the auspices of the UNGA and FAO. The only other global instrument is the stand-alone International Convention for the Regulation of Whaling (ICRW),⁹⁸ which is aimed at the conservation and management of large whales. The International Whaling Commission (IWC) established by it has for that purpose adopted a moratorium on commercial whaling, which is currently in force.

The contributions by the UNGA to international fisheries law consist of the UNCLOS, the Fish Stocks Agreement, and relevant UNGA Resolutions. By means of the latter, the UNGA has, among other things, contributed to the phase-out of large-scale pelagic driftnet fishing and imposed innovative restrictions on bottom-fisheries on the high seas.⁹⁹ Both initiatives were predominantly aimed at the conservation of non-target species and vulnerable marine ecosystems (VMEs).

The provisions on marine capture fisheries in the UNCLOS and the Fish Stocks Agreement have a so-called 'framework' character. They contain overall objectives and basic rights and obligations for states but not concrete conservation and management measures such as the TAC and its allocation (see subsection 3.3.6). Actual fisheries regulation is carried out by states individually or collectively, including through RFBs (see section 3.3).

The above-mentioned key objectives of the UNCLOS are (a) avoidance of overexploitation by means of striving for the maximum sustainable yield (MSY) and setting TACs and (b) optimum utilization, which obliges coastal states that cannot catch the entire TAC themselves to give other states access to the surplus. The UNCLOS acknowledges or grants rights to coastal states over marine living resources in their maritime zones and to other states on the high seas. These rights are subject to the key objectives just mentioned and many other related obligations, for instance the obligation to take account of impacts on associated species (e.g. through bycatch) or dependent species (e.g. through predator-prey relationships) and to cooperate with relevant coastal and/or flag states on transboundary and discrete high seas fish stocks. The different categories of fish stocks are set out in Table 2.1. The UNCLOS does not prescribe the form that such cooperation should take¹⁰⁰ or the consequences of non-cooperation. Both these shortcomings are addressed by the Fish Stocks Agreement, discussed below.

The objective of optimum utilization does not apply to marine mammals and many obligations do not apply to sedentary species or to maritime zones under sovereignty.¹⁰¹

⁹⁸ International Convention for the Regulation of Whaling, Washington D.C., 2 December 1946. In force 10 November 1948, 161 *United Nations Treaty Series* 72; <www.iwcoffice.org>.

⁹⁹ See e.g. UNGA Res. 46/215 (1991) and UNGA Res. 61/105 (2006), paras 80-89. ¹⁰⁰ E.g., Art. 63(1).

¹⁰¹ Arts 61-72 and 116-120 of the UNCLOS.

With respect to anadromous and catadromous stocks (see Table 2.1), the relevant coastal states have primary responsibility for conservation and management. For catadromous species this specifically includes ensuring that inbound and outbound migration can take place.¹⁰²

Table 2.1. Categories of fish stocks

| Category | Definition |
|---------------------------|--|
| Discrete inshore stocks | Occur exclusively in the maritime zones (or inland waters) of one single state |
| Joint or shared stocks | Occur within the maritime zones (or inland waters) of two or more coastal states, but not on the high seas |
| Straddling stocks | Occur within the maritime zones of one or more coastal states and on the high seas |
| Highly migratory stocks | The fish species listed in Annex I to the UNCLOS (e.g. tuna) |
| Anadromous stocks | Spawn in rivers but otherwise occur mostly at sea (e.g. salmon) |
| Catadromous stocks | Spend greater part of life cycle in inland waters but spawn at sea (e.g. eels) |
| Discrete high seas stocks | Occur exclusively on the high seas |

As regards marine mammals, article 65 of the UNCLOS stipulates the following:

[...] States shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management and study.

Article 65 contains a number of intricacies, but the main point of relevance here is that while it does not require cooperation to be at the regional level, it also does not prohibit it, not even in the case of cetaceans. Even though the global IWC was established several decades prior to the adoption of the UNCLOS, article 65 does not stipulate that “appropriate international organizations” have to be global organisations, and the use of the plural

¹⁰² Ibid, arts 66-67.

indicates that other organisations than the IWC may have competence as well.

Consequently, not only the NAMMCO but also the Conferences of the Parties (COPs) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),¹⁰³ and the CMS are relevant under article 65.

The Fish Stocks Agreement only applies to straddling and highly migratory fish stocks. Its overarching objective is to implement the basic jurisdictional framework of the UNCLOS by means of a modernised and more elaborate and operational regulatory framework. The incorporation of an operationalised precautionary approach and a *de facto* EAF, the clarification that RFMOs are the primary vehicles for the conservation and management of straddling and highly migratory fish stocks, and the intricate provisions on non-flag state high seas enforcement powers bear witness to that objective.

While the Fish Stocks Agreement is primarily applicable to the high seas, important aspects also apply to coastal state maritime zones and constrain the sovereignty, sovereign rights and jurisdiction of coastal states therein.¹⁰⁴ This includes the notion of compatibility incorporated in article 7, which requires compatibility between fisheries conservation and management measures established for the high seas and those established for coastal state maritime zones.

While the Fish Stocks Agreement retains MSY as a key objective, this is qualified by the need to apply the precautionary approach - as operationalised in article 6 and Annex II - as well as a range of ecosystem considerations, which together constitute a *de facto* EAF. These ecosystem considerations require contracting parties to, among other things, minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species - in particular endangered species - and more in general to protect biodiversity in the marine environment.¹⁰⁵

The Fish Stocks Agreement regards RFMOs as the preferred vehicles for fisheries regulation at the regional level and imposes an obligation on contracting parties to cooperate with and through RFMOs and - for straddling and highly migratory fish stocks - establish RFMOs where they do not exist.¹⁰⁶ There is also broad support in the international community to ensure

¹⁰³ Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, D.C., 3 March 1973. In force 1 July 1975, 993 *United Nations Treaty Series* 243; <www.cites.org>.

¹⁰⁴ This is one of the reasons why some states have decided not to become parties to the Fish Stocks Agreement (see E.J. Molenaar, “Non-Participation in the Fish Stocks Agreement. Status and Reasons”, 26 *International Journal of Marine and Coastal Law* 195-234 (2011), at pp. 200-201). Moreover, due among other things to the use of “sovereign rights” in arts 3(2) and 7(1) of the Fish Stocks Agreement, some states take the view that the Fish Stocks Agreement does not apply to marine internal waters, territorial seas and archipelagic waters. Consequently, they take the view that the constitutive instruments of RFMOs modelled on the Fish Stocks Agreement also do not apply to these maritime zones. See on this issue also note 181 *infra*.

¹⁰⁵ Art. 5 of the Fish Stocks Agreement.

¹⁰⁶ *Ibid.*, art. 8(3) and (5).

that all high seas fisheries fall within the mandate of an RFMO. These developments have in recent years led to the 'filling' of gaps in full high seas coverage in the Southern Indian Ocean,¹⁰⁷ the South Pacific¹⁰⁸ and, most recently, the North Pacific.¹⁰⁹ The currently on-going negotiations between the five Arctic Ocean coastal states relating to future fisheries in the high seas of the Arctic Ocean could also culminate in an RFMO.¹¹⁰

A new feature of the Fish Stocks Agreement is article 8(4), which stipulates that access to fisheries is limited to members and cooperating states. New is also the right in article 8(3) of states with a 'real interest' to become members. The way in which RFMOs have implemented or interpreted this right varies widely, however, and thereby their 'openness' as well.¹¹¹ Arguably, the duty to cooperate with the relevant RFMO laid down in article 8(3) is already part of customary international law and thereby entitles the relevant members to take measures against (non-cooperating) non-members that would otherwise be in violation of international law, for instance, imposing trade-related measures. No practices of RFMOs on trade-related measures have at any rate been challenged by means of the establishment of a dispute settlement procedure under the World Trade Organization (WTO).

The FAO - especially through its Committee on Fisheries (COFI) - has adopted a wide range of fisheries instruments, both legally binding and non-legally binding. The two legally binding instruments are the Compliance Agreement¹¹² and the Port State Measures Agreement.¹¹³ The Compliance Agreement addresses the problem of reflagging and the need for flag state

¹⁰⁷ By means of the SIOFA (Southern Indian Ocean Fisheries Agreement, Rome, 7 July 2006. In force 21 June 2012; <www.fao.org/legal>).

¹⁰⁸ By means of the SPRFMO Convention (Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, Auckland, 14 November 2009. In force 24 August 2012; <www.southpacificrfmo.org>).

¹⁰⁹ By means of the NPFCA Convention (Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, Tokyo, 24 February 2012. Not in force; <www.mofa.go.jp/mofaj/files/000003613.pdf>).

¹¹⁰ See the Chairman's Statement on the 'Meeting on Future Arctic Fisheries' held in Washington D.C., the United States between 29 April and 1 May 2013 at <www.state.gov/e/oes/rls/pr/2013/209176.htm>. See also E.J. Molenaar, "Arctic Fisheries Management", in E.J. Molenaar, A.G. Oude Elferink and D.R. Rothwell (eds), *The Law of the Sea and the Polar Regions: Interactions between Global and Regional Regimes* (Martinus Nijhoff Publishers: forthcoming in 2013), pp. 243-266, at pp. 263-264.

¹¹¹ On this issue see A. Serdy, "Postmodern International Fisheries Law, or We Are All Coastal States Now", 60 *International Comparative Law Quarterly* 387-422 (2011), and G. Lugten, "The Role of International Fishery Organizations and Other Bodies in the Conservation and Management of Living Aquatic Resources" (*FAO Fisheries and Aquaculture Circular No. 1054* (FIPI/C1054): 2010), at pp. 26-27.

¹¹² Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, Rome, 24 November 1993. In force 24 April 2003, 33 *International Legal Materials* 969 (1994); <www.fao.org/legal>.

¹¹³ Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Rome, 22 November 2009. Not in force; <www.fao.org/Legal>.

responsibility. The Port State Measures Agreement - which is not yet in force - establishes global minimum standards for measures taken by port states in order to combat illegal, unreported and unregulated (IUU) fishing.

Prominent among FAO's non-legally binding instruments is the CCRF, which complements the UNCLOS, the Compliance Agreement and the Fish Stocks Agreement with more practical guidance on a broad range of fisheries management issues, including aquaculture development. The CCRF is complemented by a large number of Technical Guidelines for Responsible Fisheries,¹¹⁴ the Guidelines to Reduce Sea Turtle Mortality in Fishing Operations (2009) and four International Plans of Action (IPOAs), namely on reducing incidental catch of seabirds in longline fisheries (1999), on management of fishing capacity (1999), on management and conservation of sharks (1999) and on IUU fishing (2001).

Other key non-legally binding FAO fisheries instruments include the International Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries (2005), the International Guidelines on Deep-sea Fisheries in the High Seas (2008), the Recommendations on a Global Record of Fishing Vessels (2010), the International Guidelines on Bycatch Management and Reduction of Discards (2010), and the Voluntary Guidelines for Flag State Performance (2013).

2.3.4. The Global Legal and Policy Regime for the Conservation of Marine Biodiversity

The provisions in the UNCLOS - and its Implementation Agreements - relating to the protection and preservation of the marine environment and fisheries are complemented by a large number of global instruments and bodies aimed at the conservation of (marine) biodiversity in general, the conservation of specific species and habitats, and addressing specific threats to (marine) biodiversity.

The CBD and its Cartagena Protocol¹¹⁵ are the principal global instruments on the conservation of (marine) biodiversity in general. Conservation of biodiversity is one of the three objectives laid down in article 1 of the CBD, and is to be pursued in several ways, for instance by cooperation, identification and monitoring, in-situ and ex-situ conservation, and EIAs.¹¹⁶ While article 5 on cooperation does not explicitly refer to the regional level, the 2010 Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets - adopted by the

¹¹⁴ Available at <www.fao.org/fishery/code/en>. Noteworthy is Supplement 2 to the Technical Guidelines on 'Fisheries management', entitled 'The ecosystem approach to fisheries' (2003).

¹¹⁵ Cartagena Protocol on Biosafety to the Convention on Biological Diversity, Montreal, 29 January 2000. In force 11 September 2003; 2226 *United Nations Treaty Series* 208 (257) (2005); <www.biodiv.org>.

¹¹⁶ Arts 5, 7-9 and 14 of the CBD.

CBD's COP in 2010¹¹⁷ and endorsed at Rio+20¹¹⁸ - repeatedly highlight the need for regional implementation, targets and strategies. The Cartagena Protocol seeks to protect biological diversity from the potential risks posed by living modified organisms (LMOs) resulting from modern biotechnology.

As a framework convention, the CBD requires implementation efforts to tailor it to concrete issues and to set priorities. For this purpose, the COP - assisted among others by its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) - has so far adopted seven Thematic Programmes as well as 19 Cross-Cutting Issues,¹¹⁹ which are integrated into the Thematic Programmes. Progress within these is consolidated by means of the (non-legally binding) Decisions adopted by COPs. One Thematic Programme - namely 'Marine and Coastal Biodiversity' - is of particular relevance for this paper and most, if not all, Cross-Cutting Issues as well. One of these is 'Protected Areas' and has, among other things, culminated in the CBD's work towards the designation of Ecologically or Biologically Significant Areas (EBSAs) in open oceans and deep seas.

As regards the conservation of specific species and habitats, the main global instruments are the CITES,¹²⁰ the CMS, the Ramsar Convention¹²¹ (wetlands) and the World Heritage Convention¹²². International trade in species listed in the three Appendices to the CITES is subject to different restrictions. Parties to the CMS are required to conserve species listed in the two Appendices, and must take various measures for that purpose, including with respect to the species' habitats. Article IV of the CMS requires 'Range States' to conclude regional agreements for "migratory species which have an unfavourable conservation status" and are listed in Appendix II. The COPs of the CITES frequently highlight the need for regional cooperation and have also actively stimulated range states to cooperate on specific species, for instance sturgeons and paddlefish (*Acipenseriformes* spp.) and Queen conch (*Strombus gigas*).¹²³ Both the Ramsar Convention and the World Heritage Convention impose obligations with respect to the conservation and use of designated areas.

¹¹⁷ COP Decision X/2 (2010)

¹¹⁸ 'The Future We Want', note 64, at para. 198.

¹¹⁹ Listed at <www.cbd.int>.

¹²⁰ Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, D.C., 3 March 1973. In force 1 July 1975, 993 *United Nations Treaty Series* 243; <www.cites.org>.

¹²¹ Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2 February 1971. In force 21 December 1975, as amended. Consolidated text available at <www.ramsar.org>.

¹²² Convention concerning the Protection of the World Cultural and Natural Heritage, Paris, 16 November 1972. In force 17 December 1975; 11 *International Legal Materials* 1972; <www.unesco.org>.

¹²³ See, *inter alia*, Objective 1.6 of the CITES Strategic Vision: 2008-2020 (adopted by Resolution Conf. 16.3 (2013)); Resolution 12.7 (Rev. COP16) on 'Conservation of and trade in sturgeons and

Finally, as regards specific threats to marine biodiversity, mention should be made of various global instruments relating to the intentional or accidental introduction of alien species. In addition to article 196(1) of the UNCLOS - briefly mentioned in subsection 2.3.2 - article 8(h) of the CBD requires parties to “prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species”. Invasive alien species is one of the Cross-Cutting Issues under the CBD and has culminated in a number of COP Decisions.¹²⁴

Several sectoral efforts exist as well, such as FAO’s Technical Guidelines on the ‘Precautionary approach to capture fisheries and species introductions’ (1996) and the ICES Code of Practice on the Introductions and Transfers of Marine Organisms (2005). As regards international shipping, the IMO’s 2004 Ballast Water Management Convention¹²⁵ (not yet in force) is aimed at minimizing the transfer of harmful aquatic organisms and pathogens by means of regulating the exchange or treatment of ballast water and sediments.

2.3.5. The Global Legal and Policy Regime for Ecosystem-Based Management

Neither the UNCLOS nor any other global instrument contains a legally binding obligation to pursue EBM. There are also no indications that such an obligation is currently part of customary international law. Non-legally binding commitments to pursue EBM have nevertheless been agreed by various global bodies and conferences, including the UNGA, the COP to the CBD, UNEP and Rio+20 (see section 1.3). In many instances, these commitments are complemented by specific guidance on implementation.

A process that may culminate in a legally binding obligation on EBM at the global level is currently under way within the BBNJ Working Group, as discussed in section 2.1. But as noted there, this process could lead to a new Implementing Agreement but also to a nonlegally binding outcome. The geographical scope of its outcome, however, would in principle be limited to ABNJ, unless it would incorporate something similar to the compatibility-obligation in article 7 of Fish Stocks Agreement.¹²⁶

The institutional component relevant to EBM at the global level is currently very weak. While the substantive mandates of the UNGA and the COP to the CBD are sufficiently broad, they are not empowered to impose legally binding obligations on states. In case the process under way within the BBNJ Working Group will lead to a legally binding outcome, its institutional component may not be more than an essentially procedural mandate. Similar to

paddlefish’, whose predecessor triggered the establishment of the Commission on Aquatic Bioresources of the Caspian Sea in 1992; and COP Decisions 16.141-16.146 on Queen conch.

¹²⁴ E.g. Decision VI/23 (2002), whose Annex contains the ‘Guiding Principles for the Prevention, Introduction and Mitigation of Impacts of Alien Species that Threaten Ecosystems, Habitats or Species’.

¹²⁵ International Convention for the Control and Management of Ships’ Ballast Water and Sediments, London, 13 February 2004. Not in force, IMO Doc. BWM/CONF/36, of 16 February 2004.

¹²⁶ See note 104 supra and accompanying text.

the Fish Stocks Agreement, the future instrument could merely charge and mandate regional institutions with a key-role on implementation.

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3. REGIONAL OCEANS GOVERNANCE MECHANISMS

3.1. Introduction

The intention of this chapter is to analyse relevant existing regional oceans governance mechanisms. This analysis is a synthesis that builds on the Annexes - which contain detailed information on these systems - as well as on the case-studies in Chapter 4. The reference to 'bodies' in this chapter is intended to comprise institutional and financial mechanisms or arrangements. Sections 3.2, 3.3 and 3.4 respectively provide detailed overviews of Regional Seas programmes, RFBs and LME mechanisms. Section 3.5 investigates cooperation and coordination between all three regional oceans governance mechanisms. Section 3.6 provides an overarching and comparative analysis.

3.2. Regional Seas Instruments and Bodies

Held in Stockholm in June 1972, the United Nations Conference on the Human Environment led to the creation of UNEP "to serve as a focal point for environmental action and coordination within the United Nations system"¹²⁷. At its first session, UNEP made the oceans a priority action area¹²⁸. Its RSP was then initiated in 1974¹²⁹, "as an action-oriented programme having concern not only for the consequences but also for the causes of environmental degradation and encompassing a comprehensive approach to combating environmental problems through the management of marine and coastal areas"¹³⁰.

As of today, almost 150 States across 18 regions participate in the RSP (see Figure 3.1 and Table 3.1). Some of the Regional Seas programmes are directly administered by UNEP which serves as a secretariat: that is the case in the East Asian Seas, Mediterranean, North-West Pacific, Western, Central and Southern Africa, Western Indian Ocean, and Wider Caribbean regions. Others were developed independently but are associated with the UNEP RSP: the

¹²⁷ United Nations General Assembly, Resolution 2997 (XXVII) of 15 December 1972.

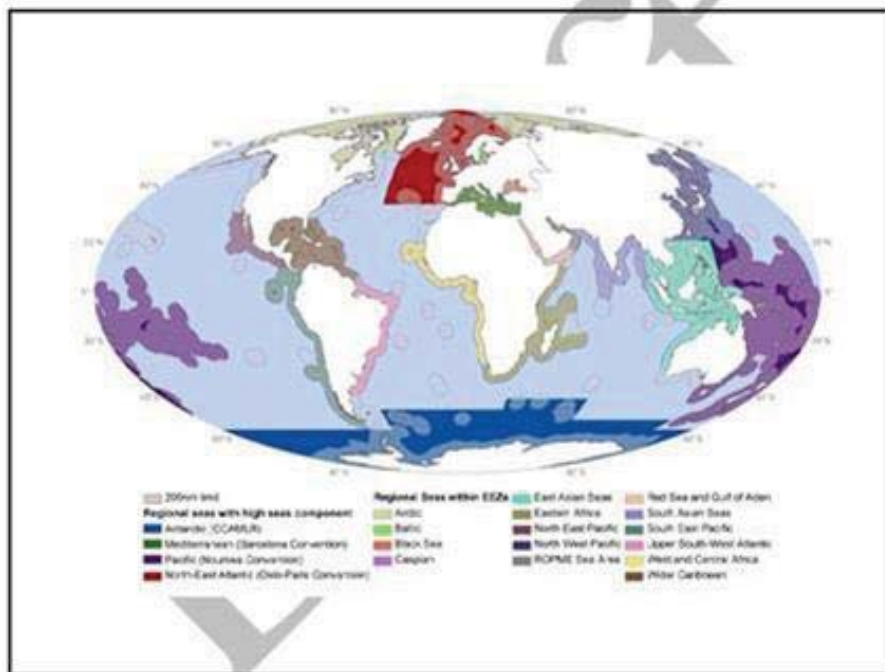
¹²⁸ UNEP, Report of the governing council on the work on its first session, 12-22 June 1973, United Nations, New York, 1973.

¹²⁹ UNEP, Report of the governing council on the work on its second session, 11-22 March 1974, United Nations, New York, Decision 8(II).

¹³⁰ UNEP, Achievements and planned development of UNEP's Regional Seas Programme and comparable programmes sponsored by other bodies, UNEP Regional Seas Reports and Studies N°1, Nairobi, 1982.

regional activities are part of the global RSP which in turn acts as a platform for cooperation and coordination. The regions concerned include the Black Sea, North-East Pacific, Pacific, Red Sea and Gulf of Aden, ROPME¹³¹ Sea, South Asian Seas and South-East Pacific regions. Last, the RSP network also includes independent programmes which have not been established under the auspices of UNEP but which however participate in the global meetings of the Regional Seas. It concerns the Antarctic, Arctic, Baltic Sea, Caspian Sea and North-East Atlantic regions.

Figure 3.1: Geographical Scopes of Regional Seas Programmes¹³²



¹³¹ The Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and the Coastal Areas of Bahrain, I.R. Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates

¹³² Figure kindly provided by Natalie C. Ban, who prepared this for N.C. Ban et al., "Systematic conservation planning: a better recipe for managing the high seas for biodiversity conservation and sustainable use", 00 *Conservation Letters* 1-14 (2013), at p. 7. Note, however, that CCAMLR is both listed here and as a non-tuna RFMO in Figure 3.3.

Table 3.1. The Regional Seas programmes

| Type of regional seas | Main feature | Regions concerned |
|--|--|---|
| UNEP administered Regional Seas | Secretariat, administration of the Trust Fund and financial services provided by UNEP. | East Asian Seas Mediterranean North-West Pacific Western, Central and Southern Africa Western Indian Ocean Wider Caribbean |
| Associated Regional Seas | Secretariat not provided by UNEP. Financial and budgetary services managed by the programme itself. Regional activities part of the Regional Seas Programme. | Black Sea North-East Pacific Pacific Red Sea and Gulf of Aden ROPME Sea South Asian Seas South-East Pacific |
| Independent Regional Seas | Regional framework not established under the auspices of UNEP. Participation in the global meetings of the Regional Seas. | Antarctic Arctic Baltic Sea Caspian Sea North-East Atlantic |

UNEP's Regional Seas programmes generally have an Action Plan which serves as the basis for regional cooperation. Moreover, 14 of them also have a framework convention complemented by issue-specific protocols¹³³. As a cornerstone for action, the convention

¹³³ There are no framework conventions and protocols in the East Asian Seas, North-East Pacific, North-West Pacific and South Asian Seas regions. In Arctic, although there is no regional sea convention as such, a binding agreement on cooperation on marine oil pollution preparedness and response was adopted in May 2013.

typically provides general terms and conditions and an overall direction for States to follow. However important such principles may be, they usually remain insufficient and too imprecise to lead to decisive actions, and parties must therefore negotiate specific agreements in various domains.

The framework documents - i.e. the Action Plan and / or the framework Convention - were mostly amended in the 1990s to integrate new principles of international law which emerged with the adoption of the CBD in 1992 and the entry into force of the UNCLOS in 1994. In the same way, the topics of regional protocols have expanded since the 1970s. In the first phase, legal instruments organising regional cooperation to combat pollution by oil and other harmful substances from ships (Mediterranean, 1976¹³⁴; Western, Central and Southern Africa, 1981¹³⁵; Red Sea & Gulf of Aden, 1982¹³⁶; Caribbean, 1983¹³⁷; Western Indian Ocean, 1985¹³⁸), as well as reducing pollution from **land-based sources and activities** (Mediterranean, 1980¹³⁹; Black Sea, 1982¹⁴⁰; South-East Pacific, 1983¹⁴¹) were adopted. This dynamic gradually expanded to encompass biodiversity conservation, particularly through the creation of protected areas (Western Indian Ocean, 1985¹⁴²; South-East Pacific, 1989¹⁴³; Caribbean, 1990¹⁴⁴). While some authors noted in 2002 that the regional approach had “been marked by a lack of consistency of the legal framework with the prospect of operating sustainable management programmes” (Vallega 2002), Regional Seas protocols have, more recently and in a still limited way, taken on goals beyond the conservation of the marine

¹³⁴ Protocol concerning cooperation in combating pollution of the Mediterranean sea by oil and other harmful substances in cases of emergency, 16 February 1976, replaced in 2002 by the Protocol concerning cooperation in preventing pollution from ships and, in cases of emergency, combating pollution of the Mediterranean sea.

¹³⁵ Protocol concerning cooperation in combating pollution in cases of emergency, 23 March 1981.

¹³⁶ Protocol concerning cooperation in combating pollution by oil and other harmful substances in cases of emergency, 23 April 1978.

¹³⁷ Protocol concerning cooperation in combating oil spills, 24 March 1983.

¹³⁸ Protocol concerning cooperation in combating marine pollution in cases of emergency, 21 June 1985.

¹³⁹ Protocol for the protection of the Mediterranean sea against pollution from land-based sources, 17 May 1980.

¹⁴⁰ Protocol on protection of the Black Sea marine environment against pollution from land-based sources, 21 April 1992.

¹⁴¹ Protocol for the protection of the South-East Pacific against pollution from land-based sources, 23 September 1986.

¹⁴² Protocol concerning protected areas and wild fauna and flora in the Eastern African Region, 21 June 1985.

¹⁴³ Protocol for the conservation and management of protected marine and coastal areas of the SouthEast Pacific, 21 September 1989.

¹⁴⁴ Protocol concerning specially protected areas and wildlife to the Convention for the protection and development of the marine environment of the Wider Caribbean Region.

environment and biodiversity, including socio-economic development. The first step in this new direction came with the 2008 adoption of the Mediterranean Protocol on Integrated Coastal Zone Management (ICZM¹⁴⁵), and it is with a similar ambition that Western Indian Ocean States are currently elaborating an ICZM Protocol (Rochette and Billé 2012b; Rochette et al. 2013).

In terms of institutional structure, all Regional Seas programmes have at least a Secretariat, sometimes called RCU, which plays a mainly administrative and diplomatic role of coordination. Some programmes can also count on other institutional structures which aim at providing States with assistance and support for the implementation of regional legal instruments. In this regard, Regional Activity Centres (RACs) play a major role by carrying out three main tasks (Rochette and Billé 2012a):

- (i) Providing States with relevant data, through publications, white papers and reports, so that they can adopt sciencebased decisions;
- (ii) Strengthening regional cooperation in a specific field, by organising conferences and workshops; and
- (iii) Providing legal and technical assistance for the implementation of conventions and protocols.

However, for both political and funding reasons, not all Regional Seas programmes have established RACs. The regions most advanced in their use of RACs are the Mediterranean and the Black Sea, each with six RACs, as well as the Caribbean and the Northwest Pacific, each with four RACs. Other institutional arrangements include the establishment of Working / Advisory Groups, aimed at supporting the work of the Secretariat (e.g. in the Arctic, Baltic Sea, Black Sea).

The mandates of the Regional Seas programmes are quite similar, covering the protection and management of the regional marine environment in the broad sense, which includes the prevention and elimination of the pollution and the conservation of marine biodiversity. In some regions, the objective of achieving sustainable development within the region is also included, e.g. in Arctic, East Asian Seas, Mediterranean and North-East Pacific for instance. Contrary to RFBs, participation in the Regional Seas programmes is restricted to the coastal States of the marine region and sometimes to regional economic groupings such as the European Union.

The comprehensive study of the Regional Seas programmes brings to highlight the specificity of the Antarctic regional system. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is indeed considered by UNEP as an independent Regional Seas programme. However, two of its features make it a particular Regional Seas programme: its

¹⁴⁵ Protocol on Integrated Coastal Zone Management (ICZM) in the Mediterranean, Madrid, 21 January 2008.

mandate first, which covers fisheries management; its Contracting Parties second, which may include “any State interested in research or harvesting activities in relation to the marine living resources to which this Convention applies” (Article XXIX). That is the reason why CCAMLR is sometimes also treated as a RFB¹⁴⁶ and the recent developments within the Convention framework demonstrate that many States share this view. Indeed, during the Special Meeting of the Commission held in Bremerhaven, Germany, on 15 and 16 July 2013, discussions included the opportunity to establish time limits, or “sunset clauses”, for the two proposed MPAs in the Ross Sea and East Antarctic: these are tools typically used by RFBs while the MPAs established within Regional Seas programmes never include this kind of provision. However, its linkages with the Antarctic Treaty System and its objectives covering the wider conservation of marine living resources “set CCAMLR apart from the more traditional RFMOs with their emphasis on the harvesting of commercial target species¹⁴⁷”.

3.3. Regional Fisheries Instruments and Bodies

3.3.1. Introduction

As noted in section 2.3.3, global fisheries instruments depend on implementation by states individually and collectively through (sub-)regional and bilateral cooperation. A large number of instruments and bodies established by them has been created for that purpose. Table 3.2 contains the bodies listed on FAO’s webpages on RFBs on 15 July 2013,¹⁴⁸ except inland waters-RFBs¹⁴⁹ and IWC; which has not been included because it is a global body. More detailed information on these RFBs is contained in Annex III.

In view of the objectives of this paper as set out in section 1.5, it is sufficient to examine only the RFBs listed on FAO’s website on RFBs on 15 July 2013; except for inland waters-RFBs and IWC. This RFBs-list nevertheless warrants some observations, which are offered below. As FAO is currently updating its webpages on RFBs, however, these observations may already have been addressed before this paper was finalized.¹⁵⁰

¹⁴⁶ UNEP, Ecosystem-based Management of Fisheries: Opportunities and challenges for coordination between marine Regional Fishery Bodies and Regional Seas Conventions, UNEP Regional Seas Reports and Studies N° 175, UNEP, 2001: 52p.

¹⁴⁷ CCAMLR Performance Review Panel, Report, 1 September 2008, p.7 ¹⁴⁸ See

the list at <www.fao.org/fishery/rfb/en>.

¹⁴⁹ The Commission on Aquatic Bioresources of the Caspian Sea (see note 123 supra) is not listed on FAO’s RFB website either.

¹⁵⁰ Communication with Gail Lugten (FAO) on 17 July 2013.

First, the fact that the Joint Norwegian-Russian Fisheries Commission (Joint Commission)¹⁵¹ is not listed, even though other bilateral bodies such as the International Pacific Halibut Commission (IPHC) and the Pacific Salmon Commission (PSC) are.¹⁵² While IPHC and PSC are both supported by a secretariat and the Joint Commission is not, some other listed RFBs also do not have a secretariat, such as the COP to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (CCBSP)¹⁵³ and the Meetings of the Parties (MOPs) to the Southern Indian Ocean Fisheries Agreement (SIOFA).¹⁵⁴ This inconsistency may well have been caused by the absence of agreed definitions for the terms RFB and RFMO. The Fish Stocks Agreement has a definition for the term 'Arrangement'¹⁵⁵ but not for the term RFMO. But as the Fish Stocks Agreement only relates to straddling and highly migratory fish stocks, a definition of the term RFMO would not have precluded RFBs for other species categories to be classified as RFMOs. PSC and the North Atlantic Salmon Conservation Organization (NASCO) are cases in point. It should be acknowledged, however, that inclusion of the Joint Commission would give rise to calls to include many other bilateral and trilateral fisheries instruments and bodies.¹⁵⁶ This would not make ensuring consistency any easier.

Second, FAO's RFBs-list includes NAMMCO but not the Convention for the Conservation of Antarctic Seals (CCAS)¹⁵⁷ - which is part of the Antarctic Treaty System - and the stand-alone

¹⁵¹ Established by the Agreement between the Government of the Kingdom of Norway and the Government of the Union of Soviet Socialist Republics on Co-operation in the Fishing Industry, Moscow, 11 April 1975. In force 11 April 1975; 983 *United Nations Treaty Series* 7 (1975). See also the Joint Commission's website at <www.jointfish.com> which, however, provides only little information in English.

¹⁵² Curiously, PSC is included in FAO's interactive map but not in the lists. Note, however, that PSC is also included in Lugten, note 111, at sec. 4.5, but not, on the other hand, CCBSP and SIOFA. The 2001 UNEP-FAO paper, note 24 supra, excludes bilateral mechanisms in its definition of RFBs on p. 8, n. 3 but still includes IPHC and PSC.

¹⁵³ Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, Washington, 16 June 1994. In force 8 December 1995, 34 *International Legal Materials* 67 (1995); <www.afsc.noaa.gov/REFM/CBS>.

¹⁵⁴ Southern Indian Ocean Fisheries Agreement, Rome, 7 July 2006. In force 21 June 2012; <www.fao.org/legal>.

¹⁵⁵ See note 13 and accompanying text.

¹⁵⁶ For instance the numerous bilateral, trilateral and multilateral agreements and arrangements establishing TACs, allocations of fishing opportunities and mutual access to maritime zones between coastal states (including the EU) in the North-East Atlantic. For a discussion on some of these see R.R. Churchill "Managing Straddling Fish Stocks in the North-East Atlantic: A Multiplicity of Instruments and Regime Linkages - but How Effective a Management?" in O.S. Stokke (ed.) *Governing High Seas Fisheries: The Interplay of Global and Regional Regimes* (Oxford University Press, Oxford: 2001) 235-272; E.J. Molenaar, "Fisheries Regulation in the Maritime Zones of Svalbard", 27 *International Journal of Marine and Coastal Law* 3-58 (2012) at 26-45; and Molenaar, note 110.

¹⁵⁷ Convention for the Conservation of Antarctic Seals, London, 1 June 1972. In force 11 March 1978, 1080 *United Nations Treaty Series* 176 (1978); <www.ats.aq>.

Polar Bear Agreement.¹⁵⁸ This despite the fact that both regional marine mammal instruments pursue sustainable use as well as conservation, and both have culminated in MOPs, even though these were largely informal and have not occurred on a regular basis.¹⁵⁹ The Arctic region also has several bilateral instruments and bodies that (also) deal with sustainable use and conservation of marine mammals, including the Joint Commission.¹⁶⁰

Third, future updates of FAO's RFBs-list will probably lead to the inclusion of the North Pacific Fisheries Commission (NPFC), which will be established by the NPFC Convention¹⁶¹ upon its entry into force. Recent developments in relation to the Central Arctic Ocean¹⁶² and the Red Sea and the Gulf of Aden¹⁶³ may lead to the inclusion of new RFBs in the future as well. Finally, in recent years some RFBs have updated their constitutive instruments or replaced them with new ones (e.g. the Inter-American Tropical Tuna Commission (IATTC) and NAFO). This process is currently still on-going for some RFBs, for instance the Indian Ocean Tuna Commission (IOTC)¹⁶⁴ and the International Commission on the Conservation of Atlantic Tunas (ICCAT).¹⁶⁵ FAO considers the mandates of some RFBs as out-dated "as they do not provide appropriate frameworks within which RFBs can address current critical fisheries management issues".¹⁶⁶ Completion of these processes could lead to shifts of RFBs from one category to another. These categories are discussed in the next subsection.

¹⁵⁸ Agreement on the Conservation of Polar Bears, Oslo, 15 November 1973. In force 26 May 1976; 13 *International Legal Materials* 13 <pbsg.npolar.no>.

¹⁵⁹ For discussions see J. Mossop, "Marine Mammals in the Antarctic Treaty System" and N. Bankes, "The Conservation and Utilization of Marine Mammals in the Arctic Region" in Molenaar, Oude Elferink and Rothwell, note 110, at pp. 267-292 and 293-321 respectively.

¹⁶⁰ See Bankes, note 159.

¹⁶¹ See note 109 supra.

¹⁶² See note 110 supra and accompanying text.

¹⁶³ An MOU for Regional Cooperation in Management of Fisheries and Aquaculture in the Red Sea and Gulf of Aden is expected to be adopted within the framework of PERSGA before the end of 2013 (information kindly provided by A.S.M. Khalil (PERSGA) to E.J. Molenaar on 12 July 2013).

¹⁶⁴ See, *inter alia*, the Report of the 2011 IOTC Meeting (available at <www.iotc.org>), at 35 and 105; and UNGA Res 67/79, of 11 December 2012, para. 114.

¹⁶⁵ The ICCAT Working Group on Convention Amendment had its first meeting in July 2013 (information available at <www.iccat.int>).

¹⁶⁶ *The State of World Fisheries and Aquaculture 2012* (FAO; available at <www.fao.org/fishery/en>), p. 92.

Table 3.2. RFBs¹⁶⁷

| | | | |
|-------------|---|-------------|--|
| APFIC | Asia-Pacific Fisheries Commission | NAMMCO | North Atlantic Marine Mammal Commission |
| BOBP-IGO | Bay of Bengal Programme Inter-Governmental Organization | NASCO | North Atlantic Salmon Conservation Organization |
| CCAMLR | Commission on the Conservation of Antarctic Marine Living Resources | NEAFC | North-East Atlantic Fisheries Commission |
| CCBSP (COP) | Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea | NPAFC | North Pacific Anadromous Fish Commission |
| CCSBT | Commission for the Conservation of Southern Bluefin Tuna | OLDEPESCA | Latin American Organization for Fisheries Development |
| CECAF | Fishery Committee for the Eastern Central Atlantic | OSPESCA | Central America Fisheries and Aquaculture Organization |
| COMHAFAT | Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean | PICES | North Pacific Marine Science Organization |
| COREP | Regional Fisheries Committee for the Gulf of Guinea | PSC | Pacific Salmon Commission |
| CPPS | Permanent Commission for the South Pacific | RECOFI | Regional Commission for Fisheries |
| CRFM | Caribbean Regional Fisheries Mechanism | SEAFDEC | Southeast Asian Fisheries Development Center |
| FCWC | Fishery Committee of the West Central Gulf of Guinea | SEAFO | South East Atlantic Fisheries Organization |
| FFA | Forum Fisheries Agency | SIOFA (MOP) | Southern Indian Ocean Fisheries Agreement |
| GFCM | General Fisheries Commission for the Mediterranean | SPC | Secretariat of the Pacific Community |
| IATTC | Inter-American Tropical Tuna | SPRFMO | South Pacific Regional Fisheries |

¹⁶⁷ For more information on these RFBs see Annex III.

| | Commission | | Management Organization |
|-------|--|--------|--|
| ICCAT | International Commission on the Conservation of Atlantic Tunas | SRFC | Subregional Fisheries Commission |
| ICES | International Council for the Exploration of the Sea | SWIOFC | Southwest Indian Ocean Fisheries Commission |
| IOTC | Indian Ocean Tuna Commission | WCPFC | Western and Central Pacific Fisheries Commission |
| IPHC | International Pacific Halibut Commission | WECAFC | Western Central Atlantic Fishery Commission |
| NAFO | Northwest Atlantic Fisheries Organization | | |

3.3.2. Categories of RFBs

An analysis of the characteristics of the RFBs included in Annex III to this paper reveals significant differences between RFBs, among other things depending on whether they:

- (a) establish a body with a management mandate that is empowered to impose legally binding management and conservation measures on its members (i.e. RFMOs (e.g. WCPFC)) or a body with an advisory mandate. Advisory bodies can either primarily provide scientific advice (e.g. ICES) or management advice (e.g. CECAF). Some management advice can also relate to the development of fisheries (e.g. OLDEPESCA);
- (b) have competence over specific target species (e.g. tuna (e.g. IATTC)), all 'residual' target species within a specific geographical area (e.g. NEAFC), or a combination of these two (e.g. CCSBT);
- (c) are established within the framework of FAO or outside. RFBs established within the framework of FAO can either be based on article VI of the FAO Constitution¹⁶⁸ (e.g. CECAF) or article XIV (e.g. IOTC). The differences are mainly in terms of finance, mandate and autonomy whereby article XIV bodies are more autonomous than the article VI bodies;¹⁶⁹
- (d) establish an international organisation (e.g. CCAMLR) or another institutional body, for instance a COP or a MOP (e.g. CCBSP); and

¹⁶⁸ Constitution of the Food and Agriculture Organization of the United Nations, Quebec City. Opened for signature and entered into force on 16 October 1945; <www.fao.org/Legal>.

¹⁶⁹ Cited from <www.fao.org/fishery/topic/16918/en>.

- (e) relate to marine fisheries (e.g. SEAFO) or inland waters fisheries. This paper, however, devotes no attention to inland waters-RFBs.

The distinctions discussed under (a) between RFMOs and advisory RFBs are reflected in Table 3.3, which lists RFMOs, and Table 3.4, which lists advisory RFBs. Table 3.3 lists the five tuna RFMOs separate from the 13 non-tuna RFMOs, in order to reflect the discussion under (b) above. The geographical scopes of all RFMOs are illustrated in Figure 3.2 and Figure 3.3; while it should be noted especially Figure 3.3 contains some mistakes.¹⁷⁰

In total there are therefore currently 18 RFMOs; not counting inland waters-RFMOs. Table 3.4 lists the three scientific advisory RFBs separate from the 16 management advisory RFBs. Altogether there are therefore currently 19 advisory RFBs; not counting inland waters-advisory RFBs. This amounts to 37 RFBs in total.

Table 3.3. RFMOs

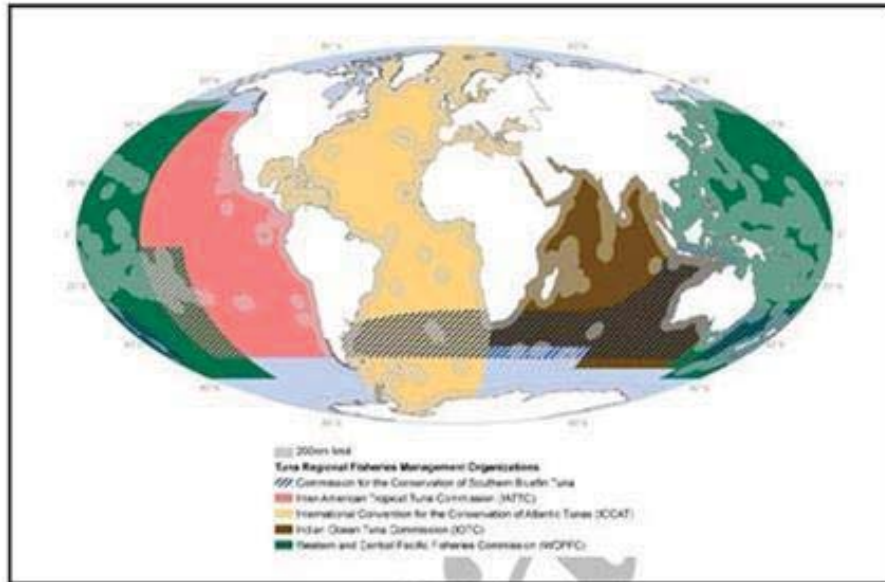
| Tuna RFMOs | Non-Tuna RFMOs | | |
|-------------------|-----------------------|--------|-------------|
| CCSBT | CCAMLR | NASCO | SEAFO |
| IATTC | CCBSP (COP) | NEAFC | SIOFA (MOP) |
| ICCAT | GFCM | NPAFC | SPRFMO |
| IOTC | IPHC | PSC | |
| WCPFC | NAFO | RECOFI | |

Table 3.4. Advisory RFBs

| Science | Management | | | |
|----------------|-------------------|-------|-----------|---------|
| ICES | APFIC | COREP | FFA | SEAFDEC |
| PICES | BOBP-IGO | CPPS | NAMMCO | SRFC |
| SPC | CECAF | CRFM | OLDEPESCA | SWIOFC |
| | COMHAFAT | FCWC | OSPESCA | WECAFC |

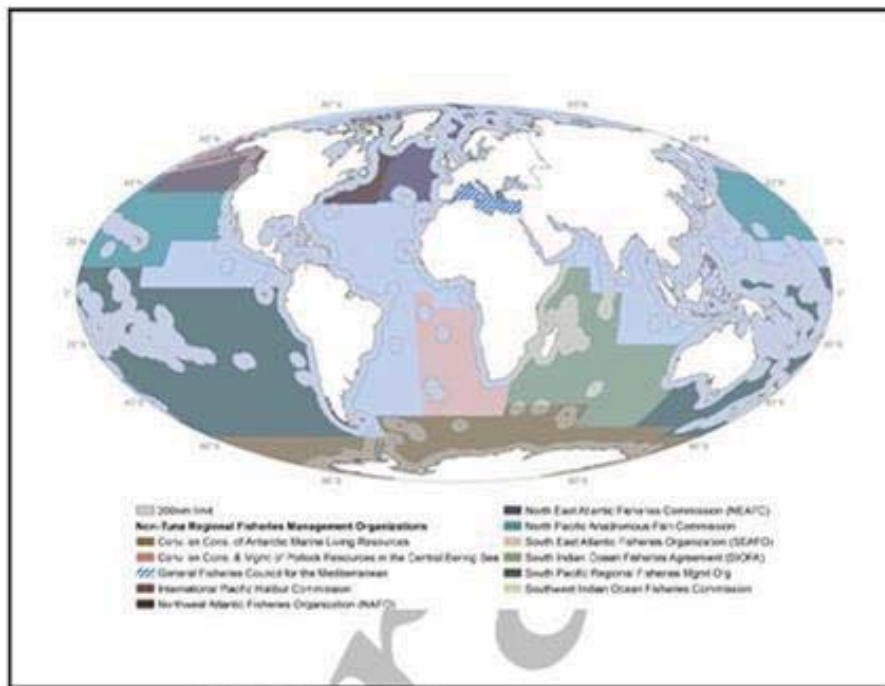
¹⁷⁰ See note 172 below. Some of the boundaries in Figure 3.2 - e.g. for the WCPFC - are also strictly speaking not correct.

Figure 3.2. Geographical Scopes of Tuna RFMOs¹⁷¹



¹⁷¹ Figure kindly provided by Natalie C. Ban, who prepared this for N.C. Ban et al., note 132 supra.

Figure 3.3. Geographical Scopes of Non-Tuna RFMOs¹⁷²



Discussions as to whether or not a regional body classifies as an RFMO have, *inter alia*, come up within CCAMLR. While in particular Argentina has argued that CCAMLR is not an RFMO but a component of the Antarctic Treaty System,¹⁷³ there was broad agreement in 2002 that CCAMLR has “the attributes of an RFMO within the context of the UN and its subsidiary bodies”.¹⁷⁴ Broad agreement also seems to exist among CCAMLR Members that CCAMLR’s competence is in principle limited to fishing and associated activities, and research, but does not extend to any other human activity.¹⁷⁵ It seems that this understanding applies to other

¹⁷² Figure kindly provided by Natalie C. Ban, who prepared this for N.C. Ban et al., note 132 supra. Note, however, that CCAMLR is both listed here and as a Regional Seas programme in Figure 3.1. Moreover, SWIOFC is incorrectly categorized as an RFMO, and PSC and RECOFI are not included.

¹⁷³ Report of the 14th (1995) Annual CCAMLR Meeting, at p. 70 (para. 15.2).

¹⁷⁴ Report of the 21st (2002) Annual CCAMLR Meeting, at p. 88 (para. 15.2). This notwithstanding, the Report of the 31st (2012) Annual CCAMLR Meeting, at p. 54 (para. 9.17) highlighted that “CCAMLR is a conservation organization and it is quite distinct from an RFMO”.

¹⁷⁵ While Art. II(1) of the CAMLR Convention (Convention on the Conservation of Antarctic Marine Living Resources, Canberra, 20 May 1980. In force 7 April 1982, 1329 *United Nations Treaty Series* 47 (1983); <www.ccamlr.org>) stipulates that its objective is “the conservation of Antarctic marine

RFMOs as well, except for GFCM and NASCO, which also have competence to adopt legally binding conservation and management measures relating to aquaculture.¹⁷⁶

A similar type of argument could be made with various RFBs. For instance, one could argue that APFIC and RECOFI are 'more than RFBs' because they do not just deal with fisheries but also with aquaculture. Similarly, ICES is arguably 'more than an RFB' because its scientific advice could be commissioned by other than fisheries management authorities.

3.3.3. Substantive Mandates and Objectives

The substantive mandates and objectives of the RFBs depend first of all on the category they belong to, as discussed in the previous subsection. Especially relevant are the discussions under (a) and (b) relating to the advisory nature or not of an RFB, and the target species within its mandate. The previous subsection also pointed out that the mandates of most RFMOs are limited to one human activity, namely fishing, but that some RFMOs and advisory RFBs also deal with aquaculture.

Significant differences exist between the objectives of some of the older and the newer RFBs. Whereas some of the older RFBs were exclusively aimed at the sustainable utilisation and conservation of target species, the objectives of the newest RFBs pursue an EAF.¹⁷⁷ For example, the objectives of ICCAT are set out in the Preamble to the ICCAT Convention,¹⁷⁸ which reads:

The Governments whose duly authorized representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fishes

living resources", Art. II(2) clarifies that "the term 'conservation' includes rational use" and both the Preamble and many provisions indicate that CCAMLR's competence is in principle limited to fishing and associated activities, and research (e.g. Arts II(3), V, VI and IX). Somewhat of a grey area is CCAMLR's competence to impose requirements relating to maritime safety, vessel-source pollution and the introduction of alien species (see, e.g. CCAMLR Conservation Measure 26-01 (2009) and CCAMLR Resolutions 20/XXII (2003), 23/XXIII (2004), 28/XXVII (2008), 29/XXVIII (2009), 33/XXX (2011) and 34/XXXI (2012)). At the 2nd Special CCAMLR Meeting in July 2013, Bremerhaven, disagreement existed on CCAMLR's mandate with respect to MPAs (Draft Report, paras 3.16 and 3.48).

¹⁷⁶ So far, however, the GFCM has used this competence only incidentally (see Resolutions GFCM/36/2012/1 (containing 'Guidelines', therefore presumably non-legally binding) and GFCM/35/2011/6 (on reporting)). NASCO has adopted several extensive and detailed instruments - even though not legally binding - on the minimization of impacts from aquaculture, introductions and transfers, and transgenics (e.g. the 2003 Williamsburg Resolution (as amended; doc. CNL(06)48 (available at <www.nasco.int>)).

¹⁷⁷ See, *inter alia*, the discussion in the 2001 UNEP-FAO paper, note 24 *supra*, at pp. 18-22 and Annex 9.

¹⁷⁸ International Convention for the Conservation of Atlantic Tunas, Rio de Janeiro, 14 May 1966. In force 21 March 1969, 673 *United Nations Treaty Series* 63 (1969), as amended by Protocols adopted in 1984 and 1992, which both entered into force. Consolidated version at <www.iccat.int>.

found in the Atlantic Ocean, and desiring to co-operate in maintaining the populations of these fishes at levels which will permit the maximum sustainable catch for food and other purposes, resolve to conclude a Convention for the conservation of the resources of tuna and tuna-like fishes of the Atlantic Ocean, and to that end agree as follows:

Other RFBs whose objectives are principally aimed at target species include IOTC.

An example of a new RFB that pursues an EAF is SPRFMO, whose objective is laid down in article 2 of the SPRFMO Convention,¹⁷⁹ which reads

The objective of this Convention is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the longterm conservation and sustainable use of fishery resources and, in so doing, to safeguard the marine ecosystems in which these resources occur.

Other RFBs whose constitutive instrument pursues an EAF include CCAMLR, NAFO, NEAFC, SEAFO and WCPFC.

3.3.4. Geographical Mandates

Considerable differences also exist in the geographical mandates of RFBs. Three basic groups are distinguished below and, for each group, which RFMOs belong in it. This latter aspect is merely included for illustrative purposes and has not been carried out for all other RFBs. The three basic groups are the following:

(a) Both high seas and coastal state maritime zones

This group includes the five tuna RFMOs and some non-tuna RFMOs, namely CCAMLR, GFCM, IPHC and NASCO. As regards CCAMLR, a special regime exists for the coastal state maritime zones off sub-Antarctic islands.¹⁸⁰ Also, as regards WCPFC, several Members take the view that its mandate does not extend to marine internal waters, territorial seas and archipelagic waters;¹⁸¹

(b) Only or mainly high seas

1. Most non-tuna RFMOs belong to this group, namely CCBSP, NAFO, NEAFC, NPAFC, SEAFO, SIOFA and SPRFMO.

¹⁷⁹ See note 108.

¹⁸⁰ See the Chairman's Statement' made upon adoption of the CAMLR Convention; included in the Final Act of the 'Conference on the Conservation of Antarctic Marine Living Resources, Canberra, 7 - 20 May 1980'.

¹⁸¹ See paras 396-398 of, and Attachment J to, the Summary Report of WCPFC6; para. 174 of the Summary Report of WCPFC5; CMM 2008-01, para. 5 and CMM 2009-06, para. 3. See also note 104 supra.

NAFO and NEAFC distinguish between a 'Convention Area' - which also includes coastal state maritime zones - and a Regulatory Area' - which lies beyond coastal state maritime zones. The mandates of NAFO and NEAFC relate first of all to their Regulatory Areas but can be extended over coastal state maritime zones within their Convention Areas upon request by the relevant coastal state(s);¹⁸²

(c) Only coastal state maritime zones

2. Of the RFMOs, only the PSC and RECOFI belong to this group.

3.3.5. Participation

The two main capacities in which states or entities (i.e. EU and Chinese Taipei/Taiwan) can participate in RFBs are as a coastal state or as a high seas fishing state. Whereas the entitlement to participate as a coastal state is based on the occurrence of the relevant transboundary fish stock in that coastal state's maritime zones, entitlement to participate as a high seas fishing state is based on the freedom of fishing on the high seas. Coastal states can also act in both capacities and fish for the relevant transboundary fish stock in their own maritime zones and the adjacent high seas. But high seas fishing states can also be 'distant water fishing states' (extra-regional states). All this means that participation in RFBs in groups (a) and (b) discussed in the previous subsection is usually - except for IPHC, NASCO and NEAFC - a mix of coastal states and high seas fishing states. Conversely, participation in the RFBs in group (c) is limited to coastal states.

There are several other exceptions to these general rules. First, several RFBs have created a new participatory category that entitles states or entities to certain fishing opportunities and/or to engage in bunkering or transshipment, but not the right to participate in decision-making. This new participatory category can be named cooperating non-member, cooperating non-contracting party or otherwise. Second, membership of CCAMLR is also open to states that have no desire to engage in fishing but are mainly interested in scientific research (and the conservation of Antarctic marine living resources).¹⁸³ Third, in view of the lack of a definition of the concept of real interest laid down in article 8(3) of the Fish Stocks Agreement, a state could argue its case for membership of an RFB on the basis of, for instance, concerns on fisheries impacts on non-target species or the broader marine ecosystem. If membership of an RFB has ever been granted on that basis is unclear.

¹⁸² Cf. Art. VI(8) and (10) of the 2007 Amendment (Lisbon, 28 September 2007. Not in force, NAFO/GC Doc. 07/4) to the NAFO Convention (Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, Ottawa, 24 October 1978. In force 1 January 1979, 1135 *United Nations Treaty Series* 369; <www.nafo.int>); arts 5 and 6 of the NEAFC Convention (Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries of 18 November 1980 (1285 *United Nations Treaty Series* 129).

¹⁸³ Cf. art. VII(2)(b) of the CAMLR Convention. Belgium, Germany, India, Italy and Sweden belong to this group.

Finally, mention should be made here again of the limited 'openness' of RFBs.¹⁸⁴

3.3.6. Fisheries Conservation and Management Measures

As noted earlier, global fisheries instruments often have a framework-character and do not contain concrete fisheries conservation and management measures. These are laid down in (sub)regional or bilateral instruments or in the decisions adopted by their bodies. The most well-known types of measures are:

- (a) Restrictions on catch and effort, for instance by setting the TAC and allocating the TAC by means of national quotas;
- (b) Designated species for which targeted fishing is prohibited;
- (c) Minimum size limits for target species;
- (d) Maximum bycatch limits, for instance in terms of the number of individuals (e.g. in relation to marine turtles and marine mammals) or as a percentage of the target catch;
- (e) Gear specifications, for instance, minimum mesh sizes, bycatch mitigation techniques (e.g. turtle excluder devices, birdscaring lines); and
- (f) Temporal/seasonal or spatial measures (e.g. closed areas) aimed at avoiding catch of target species (e.g. nursing and spawning areas) or non-target species (e.g. important feedings areas) or avoiding impact on sensitive habitat (e.g. cold water coral reefs).

These are often complemented by measures aimed at ensuring compliance, for instance boarding and inspection schemes and port state measures.

3.4. LME Mechanisms

The Large Marine Ecosystems (LME) concept aims at implementing the ecosystem approach to the marine and the coastal environment, from knowledge to management.

As defined by Dr Kenneth Sherman (NOAA), LMEs include "geographic area of oceans that have distinct bathymetry, hydrography, productivity and trophically dependant population. The geographic limits of most of the delimited 64 LMEs are defined by the extent of the continental margins and the seaward extent of coastal currents¹⁸⁵.

The other important feature of the LME approach "is the use of a 5-module strategy for measuring the changing states of the ecosystem and for taking remedial actions towards

¹⁸⁴ See note 111 and accompanying text.

¹⁸⁵ Handbook on Governance and Socioeconomics of LMEs - University of Rhode Island, 2006.

recovery of degraded conditions within the LMEs. The 5 modules are focused on the application of suites of indicators measuring LME (1) productivity, (2) fish and fisheries, (3) pollution and ecosystem health, (4) socio-economics, and (5) governance” (Sherman and Hempel 2008), the latter 2 being sometimes qualified as “the human dimensions” of LMEs (Hennessy and Sutinen 2005).

The GEF has been instrumental in implementing the LMEs concept as a basis for its intervention in the marine and coastal sub-component of its International Waters (IW) component.

Since 1995, the GEF has addressed marine and coastal issues through the LMEs approach; it is a *sui generis* approach, which makes this GEF-IW component based on a concept fundamentally different from the other GEF components where the GEF is a financial instrument for the implementation of a global convention (Climate, Biodiversity, Desertification, Ozone, Chemicals). Addressing international waters, GEF decided to build its own vision and methodology making use of the LMEs concept and delimitation.

64 LMEs of the World

| | | | | |
|-------------------------------------|-------------------------|---------------------------|--|----------------------|
| 1 East Bering Sea | 14 Patagonian Shelf | 27 Canary Current | 40 Northeast Australian Shelf- Great Barrier Reef | 52 Okhotsk Sea |
| 2 Gulf of Alaska | 15 South Brazil Shelf | 28 Guinea Current | 41 East-Central Australian Shelf | 53 West Bering Sea |
| 3 California Current | 16 East Brazil Shelf | 29 Benguela Current | 42 Southwest Australian Shelf | 54 Chukchi Sea |
| 4 Gulf of California | 17 North Brazil Shelf | 30 Agulhas Current | 43 Southwest Australian Shelf | 55 Beaufort Sea |
| 5 Gulf of Mexico | 18 West Greenland Shelf | 31 Somali Coastal Current | 44 West-Central Australian Shelf | 56 East Siberian Sea |
| 6 Southeast U.S. Continental Shelf | 19 East Greenland Shelf | 32 Arabian Sea | 45 Northwest Australian Shelf | 57 Laptev Sea |
| 7 Northeast U.S. Continental Shelf | 20 Barents Sea | 33 Red Sea | 46 New Zealand Shelf | 58 Kara Sea |
| 8 Scotian Shelf | 21 Norwegian Shelf | 34 Bay of Bengal | 47 East China Sea | 59 Inland Shelf |
| 9 Newfoundland-Labrador Shelf | 22 North Sea | 35 Gulf of Thailand | 48 Yellow Sea | 60 Faroe Plateau |
| 10 Inland Pacific-Hawaiian | 23 Baltic Sea | 36 South China Sea | 49 Karachi Current | 61 Antarctic |
| 11 Pacific Central-American Coastal | 24 Celtic-Biscay Shelf | 37 Sulu-Celebes Sea | 50 Sea of Japan | 62 Black Sea |
| 12 Caribbean Sea | 25 Iberian Coastal | 38 Indonesian Sea | 51 Oyashio Current | 63 Hudson Bay |
| 13 Humboldt Current | 26 Mediterranean Sea | 39 North Australian Shelf | | 64 Arctic Ocean |

According to a presentation at the fifteenth UNESCO-IOC, IUCN, NOAA Consultative LMEs meeting¹⁸⁶, the GEF supported 17 LME projects since 1995, amounting to 3,1 billions US Dollars including co-financing.

LMEs projects bring together coastal countries of the LMEs, concerned international agencies, and regional bodies usually. The GEF Operational Strategy invites “nations sharing an LME [to] begin to address coastal and marine issues by jointly undertaking strategic processes for analysing science-based information on transboundary concerns, their root causes, and by setting priorities for action on transboundary concerns. This process is referred to as a Transboundary Diagnostic Analysis (TDA) (...) Countries then determine the national and regional policy, legal, and institutional reforms and investments needed to

¹⁸⁶ Paris, 10-11 July 2013.

address the priorities, and based on the strategies prepare and initiate an LME wide Strategic Action Program (SAP). This allows sound science to assist policy making within a specific geographic location for an ecosystem-based approach to management that can be used to engage stakeholders” (Sherman and Hempel 2008). The SAP sets up objectives and address financial and governance issues both at the regional and national level. Most LME projects have already produced a TDA and SAP. LME projects may also include concrete activities such as demonstration projects, and capacity building for science, monitoring and management.

The governance dimension of LMEs is a critical issue; the problematic of governance depends on the advancement of the GEF project.

During the implementation phase of the project

As LMEs are based on new delimitation in the marine environment, and intend to bringing together science with the management of human activities such as fisheries and pollution control with are addressed - in case they are - through different regional geographical and thematical frameworks, GEF LME projects have to build an *ad hoc* partnership for the preparation of TDAs, SAPs and other activities. This partnership usually takes the form of a steering committee which includes countries, UN Agencies, donors, as well as Regional Seas conventions of action plans and, more seldom regional fisheries bodies. In some cases (Benguela Current, GCLME), an interim commission for the LME was set up.

The governance of GEF LME projects does not raise difficult issues. The real governance issues start with the follow up and the sustainability of activities undertaken or decisions adopted through the GEF LME projects, specially TDA and SAP.

The sustainability of TDA and SPA

Duda and Sherman (2002) promote the periodic updating of TDAs and SAPs, and Sherman and Hempel (2008) affirm that “from year 1, the GEF supported projects move toward the goal of self-financing of the ecosystem assessment and management process by year 10”. So far however, TDAs look more like a one-shot exercise based on existing data, monitoring systems and scientific documentation. The risk of TDA to become obsolete after the completion of the GEF project is serious. There is a need for updating the TDA on a regular basis if LME has to become a living and sustainable approach through which sound science is the basis for policy. Such updating process of knowledge and analysis cannot be insured if no governance mechanism is clearly in charge with.

The issue of sustainability and effective implementation is even more serious in the case of the SAP as it this a planning document officially adopted by countries, endorsed by international agencies and donors, which implementation should be carefully designed and organised on the mid and long term with a view of improving the environmental health of the LME.

As some issues raised by TDA and SPA are addressed by existing regional bodies with segmented mandates (for instance, biodiversity is covered by RSB while fisheries are covered by RFB) and their geographical scope does not necessarily fits with the large ecosystem delimitation (with some exceptions such as the Mediterranean), there was a temptation to create ex nihilo new regional bodies, endowing an integrated mandate, able to implement the ecosystem approach when addressing issues raised by TDA and objectives and actions planned by SAP. But setting up new bodies through political and legal processes is much more difficult than drafting a TDA or preparing a SAP. As analysed by Mahon et al. (2009), "some modules received more attention than others, with the socioeconomics and governance module being the less developed"¹⁸⁷.

Meanwhile four types of solutions have been adopted as a follow up of GEF/LMAs project.

Creation of a separate governance mechanism for the LME

This is the case of the Benguela Current bringing together South Africa, Namibia and Angola. Through a convention signed in march 2013 the three countries to establish the Benguela Current Commission with a mandate covering marine waters under national jurisdiction and addressing a large scope of issues including pollution and fisheries. Relationship with the Abidjan Convention, the existing RSB, have still to be defined

Establishment of an LME Commission in the framework of an existing body.

Here, an interesting reference is the future establishment of the Guinea Current Commission (GCC) within the Abidjan Convention through the adoption of a protocol (still to be negotiated). The decision to start with the process was confirmed at the 10th meeting of the Abidjan Convention (2012).

In the case of the Abidjan Convention which mandates doesn't not cover fisheries, there is a need to make more explicit the relationship with fisheries activities

A third type of governance solution is the cooperative one

As the main reference, the proposed Western Indian Ocean Ecosystem Alliance (WIOSEA) built in the context of the Agulhas and Somalie Current LME project (ASCLME) in cooperation with South West Indian Ocean Fisheries Project (SWIOFP) looks as an innovative governance approach. Taking into account existing organisations and there mandate it intents to build on their capacities in view of "Institutionalizing an ecosystem approach to managing the living resources and environment resources of the ASCLME. The project will convene representatives of the government, regional organisations... to agree on cooperative governance system for management".

¹⁸⁷ "A governance perspective on large marine ecosystem approach", Marine Policy, 33(2009)317-321

Finally, the Mediterranean type solution where existing bodies (UNEP/MAP, FAO/GFCM) are given the responsibility to implement the SAP with the TDA updating remaining unsolved

3.5. Cooperation and Coordination between Regional Oceans Governance Mechanisms

As this paper focuses on three types of regional oceans governance mechanisms - namely Regional Seas programmes, RFBs and LME mechanisms - cooperation and coordination can occur either among the same types of mechanisms or between different types of mechanisms. These different scenarios are listed below. In addition, some attention is devoted to relevant cooperation and coordination between regional and global ocean governance mechanisms (discussed under 3.5.7 below). For most of these seven scenarios, cooperation and coordination is often extensive and diverse. The information provided is therefore not intended to be comprehensive but attempts to identify the main types of cooperation and coordination and to illustrate these with some examples.

3.5.1. Cooperation and Coordination among Regional Seas programmes

There are several formal and informal mechanisms aimed at ensuring cooperation and coordination between Regional Seas programmes. First, the RSP is headed by a special department of UNEP which provides a framework for coordination and institutional support to the Regional Seas programmes. Moreover, meetings of Regional Seas programmes are regularly organised, giving the opportunity for the regions to share their experiences and adopt “Global Strategic Directions¹⁸⁸”. Some formal agreements have also been concluded between Regional Seas programmes in order to collaborate on specific issues: that is the case, for instance, for the North-East Atlantic and West, Central and Southern African regions and for the North-East Atlantic and the Baltic regions, which established MOUs. Coordination and cooperation can also focus on specific issues, for instance the joint action by the OSPAR Commission, Helsinki Commission and the parties to the Barcelona Convention on ballast water exchange¹⁸⁹, and the initial interaction between the OSPAR Commission, NEAFC and ICES on MPAs in ABNJ, which eventually led to the so-called “Madeira process” (discussed under 3.5.7 below). Last and more informally, experiences between Regional Seas programmes are sometimes exchanged through the participation of staff members from one programme in meetings of another programme. For instance, a

¹⁸⁸ The global strategic directions for the Regional Seas programmes for 2013-2016 are listed at <www.unep.org/regionalseas/about/strategy/default.asp>.

¹⁸⁹ Joint Notice to Shipping from the Contracting Parties of the Barcelona Convention, OSPAR and HELCOM on ‘General Guidance on the Voluntary Interim Application of the D1 Ballast Water Exchange Standard by Vessels Operating between the Mediterranean Sea and the North-East Atlantic and/or the Baltic Sea’ (Annex 17 to 2012 OSPAR Summary Record).

representative from UNEP PAP/RAC participated in 2011 in a meeting organised by the Nairobi Convention on coastal zone management, sharing the experience of the Barcelona Convention on the elaboration of an ICZM Protocol.

3.5.2. Cooperation and Coordination among RFBs

Coordination and cooperation among RFBs is stimulated and encouraged by FAO, for instance through the Regional Fishery Body Secretariats Network (RSN) that it has been hosting since 2007 and the Meetings of RFBs that it hosted between 1999 and 2005.¹⁹⁰ Examples of regular meetings between RFBs are the so-called 'Kobe process' involving the five tuna RFMOs, and joint meetings of the North Atlantic RFMOs. It is uncertain, however, if and how both of these continue in the future.¹⁹¹ It is also common for RFBs to formalize cooperation with other RFBs by means of MOUs, to have standing agenda-items on such cooperation, to accord each other observer status and to send designated representatives to each other's meetings.¹⁹² Finally, cooperation and coordination can also focus on specific issues, such as shared stocks¹⁹³ and fisheries in areas where two convention/regulatory areas overlap.¹⁹⁴

3.5.3. Cooperation and Coordination among LME mechanisms

Cooperation, exchange of information and dissemination of good practices among LMEs are processed through three mechanisms. First is the annual "Consultative Meeting on LMEs" jointly organised by IOC-UNESCO, IUCN and NOAA which provides an opportunity to address issues of common interest for LME mechanisms. 15 such meetings already took place. Second are the bi-annual International Waters Conferences organised by the GEF Secretariat which are opportunities to present the state of implementation and results of GEF projects related to international waters (IW), including - but not limited to - LME projects. Third is

¹⁹⁰ Information available at <www.fao.org/fishery/rfb/meetings/en>.

¹⁹¹ The third meeting of the tuna RFMOs in 2011 made no decision on the continuation of the Kobe process (Chair's Report of the Third Joint Meeting of the Tuna Regional Fisheries Management Organizations (Kobe III), La Jolla, California, USA, July 12-14, 2011 (available at <tuna-org.org>), p. 9. Also, while meetings of the North Atlantic RFMO group have occurred in the past (cf. Lugten, note 111, at p. 25), none took place in recent years and none are currently also scheduled (information kindly provided by Stefán Ásmundsson (NEAFC) to E.J. Molenaar by email on 18 July 2013).

¹⁹² Many examples of these are included in Annex III.

¹⁹³ E.g. pelagic redfish (*Sebastes mentella*) between NAFO and NEAFC. These two RFMOs are currently also considering to establish a joint NEAFC/NAFO working group to deal with technical issues (information kindly provided by Stefán Ásmundsson (NEAFC) to E.J. Molenaar by email on 18 July 2013).

¹⁹⁴ E.g. between CCAMLR and CCSBT in relation to fishing for southern bluefin tuna in the CCAMLR Convention Area; between IATTC and WCPFC on tuna fisheries in the WCPFC/IATTC Overlap Area.

the GEF IW:LEARN website (www.iwlearn.net), a platform which allows for exchanging, learning and providing resources between GEF IW projects, including LMEs. In the more specific case of the North-East Atlantic, North Sea, Arctic and Baltic Sea, an ICES initiative on LME cooperation is processed through the Working Group on Large Marine Ecosystems Best Practices (WGLMEBP) which operates under the Steering Group on Regional Seas Programs (SSGRSP).

3.5.4. Cooperation and Coordination between Regional Seas programmes and RFBs

Cooperation and coordination between Regional Seas programmes and RFBs “reflects the growing nexus between fisheries and environmental management (...). Underpinning this relation are the concepts and obligations of (...) international instruments which apply to both”. It is stimulated and encouraged by UNEP and FAO, for instance by means of UNEP’s Global Strategic Directions for Regional Seas programmes¹⁹⁵. It is an already ancient concern as evidenced by its consideration at the 2000 UN Subcommittee on Ocean and Coastal Areas (SOCA) and the 2001 joint UNEP-FAO initiative having led to a substantial report which provides various options to enhance cooperation and coordination between Regional Seas programmes and RFBs (UNEP 2001).¹⁹⁶ The latter report reminds that the First Inter-Regional Programme Consultation (The Hague, 24-26 June 1998) (...) recommended that “agreements should be reached to incorporate the implications and concerns of the fisheries sector in the programmes”; (ii) the Second Global Meeting on Regional Seas Conventions and Action Plans (The Hague, 5-8 July 1999), considered how to “address more effectively the issue of the sustainable management of fisheries” by “integrating environmental considerations into the fishery sector”.

Several Regional Seas programmes and RFBs have formalized their cooperation by means of MOUs, have standing agenda-items on cooperation, accord each other observer status and send designated representatives to each other’s meetings.¹⁹⁷ Finally, reference can also be made to the ongoing cooperation and coordination between the various components of the Antarctic Treaty System (ATS), in particular the Antarctic Treaty Consultative Meetings (ATCMs), the Committee on Environmental Protection (CEP) and CCAMLR. Even though these are all part of the ATS, close cooperation and coordination is still crucial due to their

¹⁹⁵ Listed under No. 3 at <www.unep.org/regionalseas/about/strategy/default.asp>. ¹⁹⁶ Note

24 supra, at p. 25.

¹⁹⁷ Examples of relevant MOUs are those between NEAFC and OSPAR, and SPC and SPREP. See also the Decision by COP 10 of the Abidjan Convention on ‘Cooperation with Regional Fisheries Bodies (RFBs)’ (Decision-/CP.10/15).

different mandates. This has among other things become evident during the course of CCAMLR's efforts to establish a representative network of MPAs.¹⁹⁸

3.5.5. Cooperation and Coordination between Regional Seas programmes and LME mechanisms

Cooperation and coordination between Regional Seas programmes and LME mechanisms is stimulated and encouraged by UNEP, one of the GEF implementing agencies, for instance by means of the its Global Strategic Directions for Regional Seas programmes¹⁹⁹

Since its establishment, the GEF has addressed the IW component differently from the way it proceeds with global conventions such as climate, biodiversity, desertification and POPs (Stockholm Convention). Formally, GEF is not a financial instrument for the implementation of the marine conventions. This is made very clear in the GEF fourth evaluation report: "Because the GEF does not follow guidance from conventions in IW, it has developed the focal area full strategy itself. In the other GEF focal areas, the main aim is to support countries in implementing the obligations of the conventions in national policies and strategies. [...] In IW, the important first steps in the overall strategy are the TDA and SAP to create a basis for international cooperation, hopefully leading to binding agreements among governments to deal with urgent problems in the transboundary water systems they share"²⁰⁰

When it comes to SAP implementation, the GEF International Waters Strategy stipulates the following under Objective 1:

GEF will support further development and implementation of regional policies and measures identified in agreed Strategic Action Programmes (SAPs), which through collaborative action would promote sustainable functioning of already existing joint legal and institutional frameworks or help establish new ones.

Sherman and Hempel (2008) mention the "partnership (...) that links the global Regional Seas Programme, coordinated by UNEP, with the Large Marine Ecosystem approach" (interestingly, without the "approach" being embodied by an organisation); "the joint initiative assists developing countries in using LMEs as operational units for translating the Regional Seas Programme into concrete actions". Therefore, in spite of some temptation at the beginning of the IW component implementation, *de facto*, there was no *tabula rasa* policy (see Figure 3.4). GEF-funded LME projects had to cope with the legal and political reality in countries involved which were as well Contracting Parties either to an existing

¹⁹⁸ See, *inter alia*, K.N. Scott, "Marine Protected Areas in the Southern Ocean", in Molenaar, Oude Elferink and Rothwell, note 110, at pp. 113-137, and the discussion on MPAs in note 175 supra.

¹⁹⁹ Listed under No. 3 at <www.unep.org/regionalseas/about/strategy/default.asp>.

²⁰⁰ GEF Evaluation Office. OPS/4, fourth overall performance of the GEF, 2010

regional marine convention, or to an action plan with no legally binding instrument. It took different aspects, from an integrated approach in the Mediterranean case to a cooperative approach in the GCLME case where, in spite of the establishment of a separate secretariat, GCLME was instrumental in strengthening the Abidjan Convention through the adoption of a LBS Protocol and an Emergency Protocol to the Convention. Examples of actual cooperation and coordination between Regional Seas programmes and LME mechanisms also include the Benguela Current Commission (BCC). Once established, the (permanent) BCC is required to cooperate with relevant organisations, which is likely to include both Regional Seas programmes and RFBs²⁰¹.

Figure 3.4. Map of GEF LME projects in Regional Seas



18 GEF-LME Projects in Regional Seas. GEF-LME Projects in Regional Seas already approved (red dots) or in the preparation stage (yellow dots) involve 121 countries of Africa, Asia, the Pacific, Latin America & the Caribbean, and Eastern Europe.

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3.5.6. Cooperation and Coordination between RFBs and LME mechanisms

Interaction between RFBs and LME mechanisms is necessarily more limited than between Regional Seas programmes and LME mechanisms for at least two reasons:

²⁰¹ Cf. Art. 18 of the Benguela Current Convention.

Legal: geographical mandates of most non-tuna RFMOs cover only or mainly high seas while LMEs boundaries as delimited under NOAA guidance are mainly within coastal states sovereignty or jurisdiction;

Administrative: GEF is an environment body mainly oriented towards the implementation of global MEAs; as noted above the LME approach is a kind of exception within GEF policy. In addition, UNEP has been an Implementing Agency of the GEF since its creation while FAO has joined that group more recently. Hence since 1994, Regional Seas programmes have been mobilized by UNEP for proposing projects and requesting support from the GEF. GEF procedures are certainly still today more familiar to Regional Seas programmes than to RFBs. The GEF Evaluation Office notes²⁰² that GEF has provided direct support to 8 of the Regional Seas programmes and 5 RFBs.

However, there has been some limited but tangible cooperation between LME mechanisms and existing RFBs through two approaches:

Involving RFBs as partners in the coordinating process of LME projects (ex: the Baltic Sea Fishery Commission was involved in the Baltic Sea Regional Project and the General Fisheries Commission for the Mediterranean in the GEF Mediterranean LME project);

Supporting RFBs' projects²⁰³: for instance, the GEF South China Sea Project was instrumental in the ASEAN-SEADFEC²⁰⁴ decision to establish a regional fisheries refugia for transboundary fisheries management; the refugia is a tool for sustainable fisheries in the Asian region.

Finally when it comes to regional fisheries governance, LME mechanisms were mainly oriented towards *sui generis* initiatives such as the Benguela Current Convention adopted in 2013 whose mandate covers fisheries. The establishment of the Western and Central Pacific Fisheries Commission (WCPFC) through the adoption in 2000 of the Convention for the Conservation and management of highly migratory fish stocks in the Western and Central Pacific is presented by the GEF IW-Learn website as a result of GEF IW programme.²⁰⁵ In fact, the decision by concerned countries to launch the negotiation for the establishment of the commission was taken in 1994, before the adoption of the IW component by the GEF; the negotiation started immediately and ended successfully in 2000; there is no reference to any GEF project in the Final Act or in the Commission documents. However, after the Convention

²⁰² GEF Evaluation Office. OPS/4, fourth overall performance of the GEF, 2010

²⁰³ See Tanstad M. 2013. FAO-GEF supported LME projects. IOC-IUCN-NOAA Large Marine Ecosystems 15th Consultative Committee Meeting, Paris, 10-11 July.

²⁰⁴ Southeast Asian Development Fisheries Center

²⁰⁵ "GEF interventions are often associated with adopting regional conventions as a show of the government commitments to sustainability after the project ends. For example, the WCPFC resulted from GEF-IW waters"

entered into force, the GEF accepted to finance the Pacific Islands Oceanic Fish management Project (OFMP) which aims at strengthening the capacity of small islands to implement fisheries management rules, specially WCPFC measures. This project fits exactly with GEF basic philosophy: helping developing countries to comply with their international obligations in terms of environmental protection and the sustainable use of living resources.

3.5.7. Cooperation and Coordination between regional and global ocean governance mechanisms

In view of the primacy accorded by the UNCLOS and its Implementation Agreements to certain global bodies (e.g. IMO and ISA), regional oceans governance mechanisms that pursue EBM within their geographical areas are required to cooperate and coordinate with these global bodies. This has for instance led to the adoption of MOUs between the OSPAR Commission on the one hand and the IMO and ISA on the other hand. The need for such cooperation and coordination became among other things apparent due to the efforts of the OSPAR Commission to extend the OSPAR Network of MPAs into ABNJ. These efforts have led to the so-called 'Madeira process', which is currently aimed at adopting a 'Collective arrangement between competent authorities on cooperation and coordination regarding the management of selected areas in Areas Beyond National Jurisdiction in the North East Atlantic'.²⁰⁶ Another example of cooperation between regional and global bodies involves the Sargasso Sea Alliance, which stimulates individual states and competent regional and global international organisations to cooperate, among other things towards the establishment of one or more cross-sectoral MPAs in the Sargasso Sea.²⁰⁷

3.6. Overarching and Comparative Analysis

3.6.1. Comparative analysis of key features of regional oceans governance mechanisms

Table 3.5 provides a summary of key features of regional oceans mechanisms.

Geographical scope

While there are frequent geographical overlaps among RFBs (e.g. ICCAT and GFCM), overlaps in their species mandates are rather scarce and special arrangements are in such cases often

²⁰⁶ A recent version is included in OSPAR doc. JL 13/3/1. The phrase "cooperation and coordination" was recently included in order to clarify that there is no intention to engage in "joint management". The next meeting of Madeira process is envisaged for 2014.

²⁰⁷ For more information see <www.sargassoalliance.org>.

made to ensure complementarity and avoid actual incompatibility or conflict.²⁰⁸ The geographical scopes of Regional Seas programmes and RFBs have been determined by a mix of scientific and political considerations and opportunities rather than by a systematic scheme to encompass all the oceanic regions of the world (Warner et al. 2013), contrary to LMEs which were designed in a purely natural sciences approach.

Mandate

The substantive mandates of Regional Seas programmes and RFBs are largely complementary, which means cooperation and coordination is key if EBM is to be implemented. As noted by UNEP (2001), “none of the conventions deals with the management of fishery resources although a number of activities carried out in the framework of programmes associated with the conventions are directly or indirectly relevant, and may contribute to improved management of fishery”.

Like for geographical scopes, the analysis cannot be limited to a theoretical view: pragmatism and *ad hoc* approaches are widespread to avoid overlaps and conflicts of mandates between regional ocean governance mechanisms. The Arctic Council is a useful example in this regard. Its spatial mandate extends to the undefined ‘Arctic’ and its substantive mandate is almost unlimited as it relates to “common Arctic issues, in particular issues of sustainable development and environmental protection”.²⁰⁹ A very large number of overlaps relevant to the law of the sea between the Arctic Council and other regional and global instruments and bodies can therefore be identified. However, even though these overlaps are real and result from the Council broad substantive and spatial competence, they have not led to actual incompatibility or conflict with the output of other bodies with an Arctic mandate. In many instances, this was avoided thanks to the Council simply not exercising its competence. For example, while the Council has exercised its traditional monitoring and assessment role in relation to marine mammals and fish species, it has so far avoided becoming involved in Arctic fisheries management and conservation and management of marine mammals; among others to avoid incompatibility or conflict with other instruments and bodies as well as the non-participation of key distant water fishing states and entities in the Arctic Council.

The issue is more problematic when it comes to LME mechanisms, with a high risk that their mandates overlap with those of RFBs and RSAs. In some cases it can lead to a waste of energy and financial resources, and there is a risk of ineffectiveness since they were not designed with a clear idea on the governance component.

²⁰⁸ See note 194 supra. Another example concerns NEAFC and the Joint Commission, whose practices are largely complementary despite overlaps in their spatial and species mandates (for a discussion see Molenaar, note 110 supra, at p. 256.

Participation

In case of differences in participation of regional oceans governance mechanisms - which is often the case - decisions of one mechanism may not be applicable to all participants in other relevant mechanisms. For instance, the Russian Federation is a Member of NEAFC but not of the OSPAR Commission. Even though both bodies have essentially the same spatial mandate, decisions by the OSPAR Commission are not applicable to the Russian Federation. Another example could relate to the discussions on the most appropriate instrument to establish the GCC in view of the existing Abidjan Convention²¹⁰.

Institutional arrangements

The variety of institutional arrangements is a key pattern of regional oceans governance mechanisms and bodies, usually designed to match specific contexts and objectives. This applies equally to Regional Seas programmes, RFBs and LME mechanisms.

²⁰⁹ 'Declaration on the Establishment of the Arctic Council, Ottawa, 19 September 1996' (available at <www.arctic-council.org>), art. 1(a), which contains the following footnote "The Arctic Council should not deal with matters related to military security".

²¹⁰ S.S. Nichols, C. Bruch, G. Swanson and A. Spawn, Options for Establishing the Guinea Current Commission within the Framework of the Abidjan Convention. Legal, financial, procedural, and functional considerations, paper prepared for UNIDO and UNEP, dated 28 March 2012 (on file with authors), at pp. 4-5.

Table 3.5: Key Features of Regional Oceans Governance Mechanisms

| | Regional seas programmes | RFBs | LME mechanisms |
|----------------------------|---|---|---|
| Geographical scope | Mostly coastal areas up to the limits of EEZ (with Barcelona, OSPAR and SPREP covering ABNJ) | Three groups: (1) both high seas and coastal state maritime zones; (2) only or mainly the high seas; and (3) only coastal state maritime zones | Some in high seas but most in EEZ and territorial sea only |
| Mandate | From pollution to protection of marine biodiversity No mandate on what is covered by sectoral organisations such as IMO (maritime transport), ISA (mining), FAO / RFBs (fisheries) | Advisory or not; Specific (categories of) species or 'residual' within certain area; Commonly only one human activity, namely fishing; sometimes also aquaculture and/or research; Aimed at target species or EAF; | EBM |
| Participation | Only coastal States (with the exception of the ATS) | Depending on spatial scope, either exclusively coastal states or distant water fishing states (extra-regional states) | Only coastal States |
| Institutional arrangements | Wide variety: action plans, secretariats, RCUs, RACs Status depending on nature of relationship to UNEP | Stand-alone bodies or FAO bodies; International organizations (with secretariat) or COPs/MOPs (commonly without secretariat) | Very few institutions established (Benguela Current Commission + Guinea soon) |

3.6.2. Successes and challenges of existing regional oceans governance mechanisms

Advantages of the regional approach in general

Because “not every international environmental problem needs to be dealt with on a global level” (Alheritiere 1982), the regionalisation of international environmental law has emerged as one of the most important legal trends in recent years. In terms of marine and coastal issues, it has mainly been taking place within Regional Seas programmes, RFBs and most recently within LMEs. Compared with the global approach of oceans management, the added-value of regional oceans governance mechanisms can be summarised by the watchwords: “Closer, further, faster”. Indeed, they first take the uniqueness of a marine ecosystem or a fish stock into account, applying appropriate legal and management tools. They go beyond general principles to fight specific threats to nearby marine areas - whether these are, e.g., oil spills from ships or land-based wastewater pollution - and manage specific regional fisheries. Moreover, regional arrangements can surpass global protection requirements. Last and more generally, the regional approach often makes cooperation easier and faster than does a global one, where more diverse stakeholders with more contrasted interests make negotiations thornier.

Successes and challenges of Regional Seas Programmes

Since it was launched in 1974, the UNEP RSP has proven attractive, as demonstrated by the almost 150 States participating across 18 regions, making it one of the most comprehensive initiatives for the protection of the marine and coastal environment. Aimed at bringing together countries bordering a given ecosystem in concerted actions to protect the marine and coastal environment, Regional Seas programmes are now well established in the oceans governance landscape. As noted in the Global Strategic Review of the Regional Seas Programme (Ehler 2006), “the RSP, its conventions and protocols, and action plans have provided a forum for equitable participation by Member States in management processes of major seas of the world. It has promoted the idea of a “shared sea,” and has helped place marine and coastal management issues on the political agenda and supported the adoption of environmental laws and regulations. For some Member States in some regions, the RSP is the only entry point for environmental concerns. It has encouraged and provided assistance for capacity building for marine and coastal management.” Table 3.6 provides an overview of what Regional Seas programmes consider their most significant accomplishments.

The review further remarks that “substantial progress has been made over the past 30 years in addressing the problems of the world’s oceans through the Regional Seas Programme and other global agreements and activities. There is convincing evidence that better management in some areas has cleaned up beaches and bathing waters and made seafood safer to eat”. It is however difficult to precisely attribute observed progress in environmental conditions to a particular endeavour such as the Regional Seas Programme.

Table 3.6. Major accomplishments of Regional Seas programmes according to a self-evaluation (Ehler 2006)

| Accomplishments of RS programmes | No. of programmes |
|---|-------------------|
| Developing Regional/National Plans of Action for Land-Based Sources of Marine Degradation | 12 |
| Developing Oil Spill Contingency Plans | 8 |
| Completing a Regional Plan of Action | 5 |
| Reporting on State of Marine Environment | 5 |
| Implementing Ballast Water Programme | 5 |
| Monitoring Contaminants | 5 |
| Integrated Coastal Management Training | 4 |
| Integrated Water Resources Management Training | 3 |
| Marine Protected Area Plan | 3 |
| Public Awareness Programme | 3 |
| Focal Point for Coral Reef Activities | 2 |
| Habitat Degradation Plan | 2 |

Anyhow, “many of the problems identified decades ago have not been resolved, and some are worsening. (...) Although many RS programmes have made a positive difference, many have failed to solve the problems they were designed to solve” (Ehler 2006). Several factors currently limit the effectiveness of Regional Seas programmes in tackling marine and coastal challenges. Table 3.7 provides an overview of what Regional Seas programmes consider their main shortcomings. First, the implementation of regional agreements is far from systematic and comprehensive. The most glaring example is the disconnection between the number of regional agreements aimed at preventing land-based pollution and the persistence, and even worsening, of the problem²¹¹. Many reasons, often cumulative, can explain this

²¹¹ During the 1992 Earth Summit, States considered that land-based activities contributed to “70 per cent of marine pollution” (Agenda 21, Chapter 17, §17-18). It is now estimated that up to 80 per cent

situation, including the lack of political will, political instability in some States or weak enforcement mechanisms. The First Inter-Regional Programme Consultation²¹² identified “the lack of necessary interaction with the fisheries sector and other socio-economic sectors” as one of the “most fundamental problems hampering the implementation of the respective Regional Seas Programmes” (UNEP 2001).

Although it is difficult to draw a general picture, many Regional Seas programmes are clearly facing important financial shortfalls. In East Asian Seas for instance, the “financial situation continues to be critical, the core expenditures of the Secretariat are larger than that of the annual income from countries contributions to the Trust Fund and UNEP, as an interim emergency measure, pays for the difference²¹³”. In the Mediterranean, a “serious financial deficit (...) had accumulated over the years²¹⁴”: the contribution of the regional Trust Fund to the RACs’ budget already dropped around 20% (Rochette and Billé 2012a) and an extended functional review of the regional system, suggesting options to achieve financial sustainability, will be discussed during the next CoP to the Barcelona Convention, to be held in December 2013. In the same manner, 6 of the 10 Contracting Parties to the Nairobi Convention did not contribute to the Regional Trust Fund in 2012²¹⁵. In the Wider Caribbean, despite “a significant improvement in payment” in 2012, there is still a “continued accumulation of arrears” which “negatively impacts on the ability of the Secretariat to coordinate its activities²¹⁶”. This lack of adequate funding often holds up the implementation of agreements and activities.

of marine pollution comes from land-based sources: United Nations General Assembly, Oceans and the law of the sea, Report of the Secretary-General, 11 April 2011, §154.

²¹² The Hague, 24-26 June 1998.

²¹³ Twenty-first Meeting of the Coordinating Body on the Seas of East Asia (COBSEA), Report of the UNEP Executive Director on the implementation of the East Asian Seas Action Plan 2009 -2012, Bangkok, Thailand, 26 March 2013, UNEP/DEPI/COBSEA IGM 21/3, §8: 8

²¹⁴ UNEP/MAP, Report of the 17th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, Paris (France), 8-10 February 2012, UNEP(DEPI)/MED IG.20/8, 14 February 2012, §21.

²¹⁵ UNEP, Seventh Meeting of Contracting Parties to the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Nairobi Convention), Financial Report and Budget, Maputo, Mozambique, 10-14 December 2012, 27 November 2012.

²¹⁶ UNEP/CEP, Report of the Executive Director on the implementation of the 2010-2012 work plan and budget of the Caribbean Environment Programme, Fifteenth Intergovernmental Meeting of the Action Plan for the Caribbean Environment Programme and Twelfth Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, Punta Cana, Dominican Republic, 25-27 October 2012, UNEP(DEPI)/CAR IG.33/INF.4, 4 October 2012.

In particular, despite the adoption of several action plans and legal agreements, many Regional Seas programmes still have the same institutional framework as when they were created, with limited financial and human resources. Consequently, the necessary assistance and support to States in implementing the regional commitments and agreements are hardly provided by the secretariats, which are almost fully caught up in administrative issues (Ehler 2006). This hampers crucial, higher level strategic and political work as well as the provision of technical and legal assistance - a major reason for the weak implementation of regional agreements (Rochette and Billé 2013).

Besides, whatever the level of support that may be provided by the regional frameworks, implementation eventually largely remains in the hands of States. However a large proportion of them remains weak, especially in the developing world, and is actually sometimes getting weaker. In many cases public administrations, be they national or local, do not have the capacity nor the means to design and implement strong environmental policies, which clearly hampers the effectiveness of regional governance.

Last, another important challenge is the expansion of Regional Seas programmes to areas beyond national jurisdiction. As of today, only four regional systems - namely the Antarctic, Mediterranean, North-East Atlantic and South Pacific²¹⁷ - have the specific mandate to develop activities in these areas (Druel et al. 2012). It is worth noting that the situation of the Mediterranean in this regard is particular since there is no point located at a distance of more than 200 nm from the closest land or island and therefore “any waters beyond the limits of national jurisdiction (high seas) would disappear if all the coastal States decided to establish their own exclusive economic zones” (Scovazzi 2011).

Table 3.7. Major shortcomings of Regional Seas programmes according to a self-evaluation (Ehler 2006)

| Shortcomings of RS programmes | No. of programmes |
|---|-------------------|
| Lack of Human/Financial Resources | 8 |
| Delays in Ratifying/Implementing Conventions and Action Plans | 4 |
| Lack of National Implementation | 2 |
| Inability to Deal with Fisheries-Environment Conflicts | 2 |
| Inadequate Enforcement and Compliance | 2 |

²¹⁷ Should we include the Arctic? See comment in Annex I.

Successes and challenges of Regional Fishery Bodies

RFBs have become the primary vehicle for the conservation and management of transboundary fish stocks. As regards straddling and highly migratory fish stocks, this was confirmed by article 8(1) of the Fish Stocks Agreement. Acknowledgement of the key role of RFBs is among other things reflected in the efforts of the international community since the entry into force of the Fish Stocks Agreement to establish new RFMOs towards ensuring full coverage of the high seas.²¹⁸ Some gaps in high seas coverage with RFMOs nevertheless remain, for example in the Central and South-West Atlantic. Some regions also lack RFBs - whether RFMOs or advisory RFBs - with a mandate over joint stocks,²¹⁹ for instance in the Red Sea and the Gulf of Aden.²²⁰

RFBs face a considerable number of challenges, which are listed below.²²¹ So-called 'root challenges' are listed separate from other challenges. Some of these are more generic problems that other international bodies are often confronted with as well. As the performance of RFBs has suffered and continues to suffer from all these challenges, various processes - including RFB performance assessments and revisions of the constitutive instruments of RFBs - have been and are undertaken to address these challenges.²²²

Challenges

- (a) Over-exploitation of target species and implementing a precautionary approach to fisheries management, among others due to overcapacity and subsidies;
- (b) Allocating fishing opportunities and the so-called 'conservation burden' (Hanich and Ota 2013);
- (c) Illegal, unreported and unregulated (IUU) fishing, including dealing with new entrants, monitoring, control and surveillance (MCS) and ensuring compliance;
- (d) Scientific research, data gathering and data sharing on target species and on what is necessary to pursue EAF;

²¹⁸ See also notes **Error! Bookmark not defined.**-110 above and accompanying text. ²¹⁹ See

Table 2.1 in subsection 2.3.3.

²²⁰ See note **Error! Bookmark not defined.** above.

²²¹ See, *inter alia*, UNGA Res 67/79, of 11 December 2012; SIOFA 2012; and Lugten, note 111 above.

²²² RFBs that have undertaken such performance assessments have commonly made the reports available on their websites. See also "Performance Reviews by Regional Fishery Bodies: Introduction, Summaries, Synthesis and Best Practices. Volume I: CCAMLR, CCSBT, ICCAT, IOTC, NAFO, NASCO, NEAFC" (*FAO Fisheries and Aquaculture Circular* No. 1072 (2012)).

- (e) Implementing EAF, among other things in relation to by-catch of non-target species (fish and non-fish; e.g. large-scale pelagic drift-nets); discarding of target and non-target species; impacts on benthic habitats; other unsustainable fishing practices (e.g. dynamite and cyanide fishing); and lost and discarded fishing gear and packaging material (ghostfishing);
- (f) Cooperation and coordination between RFBs;
- (g) Limited budgets of RFB secretariats, where relevant; and
- (h) Mandates of RFBs are inherently limited and do not allow them to deal with other human activities impacting on fisheries (e.g. coastal zone development, marine pollution (including marine debris) and global climate change) or even with some fisheries issues (e.g. subsidies).

Root challenges

- (a) Fish stocks are common resources that move around freely, unhindered by maritime boundaries;
- (b) Similar to other transboundary issues, the conservation and management of transboundary fish stocks is constrained by the consensual nature of international law; meaning that states cannot be bound against their will. States are commonly reluctant to transfer powers to international bodies - in particular in the compliance domain - as these powers can also be used against them. This allows 'free rider' states to benefit from weak international law and institutions. RFBs are no exception in this regard and are only as strong as their members allow them to be; and
- (c) In particular developing states do not have sufficient resources (financial and otherwise) to discharge their international obligations and commitments.

Successes and challenges of Large Marine Ecosystem Mechanisms

According to Mahon et al. (2009), "the LME concept (...) has had a global impact on how projects to address (...) problems are developed and funded. (...) The LME concept has provided a rallying point for countries to cooperate in dealing with problems relating to the utilization of transboundary resources".

LME mechanisms have been instrumental in strengthening regional ocean governance in several ways. First, they have generated significant advances in the scientific knowledge of the marine environment and a wealth of useful scientific information (Bensted-Smith and Kirkman, 2010). This has been the basis for the development of robust, comprehensive and accessible assessments through the TDAs.

Second, they have invested a lot of resources in capacity building, which is badly needed as underlined above. For instance no less than 80 capacity building workshops were organized within the framework of the Guinea Current Large Marine Ecosystem²²³ (GCLME).

²²³ Susan C., Honey K. 2013. "The Guinea Current LME Project: Results & Status", IOC-IUCN-NOAA Large Marine Ecosystem 15th Consultative Committee Meeting, Paris, France, 10-11 July 2013

Third, although sometimes competing with other regional bodies to find their “ecological niche”, LME mechanisms also stimulated regional cooperation to some extent, bringing together regional stakeholders for various meetings and occasioning discussions that would otherwise not have taken place. This includes of course RFBs and Regional Seas programmes, but also non-governmental actors. In that sense LME mechanisms have served as regional platforms for exchange of views and experience.

Last, although it is difficult to evaluate precisely, it seems that LME mechanisms may have played a catalytic role in some cases, especially by pushing Regional Seas programmes towards more strategic and action-oriented processes, and by inciting RFBs to more explicitly and effectively take biodiversity into account and implement an ecosystem approach to fisheries management.

On the other hand, LME mechanisms today face a number of crucial challenges.

The modules approach generates a first range of problems. Mahon et al. 2009 note that:

- There remains a “lack of clarity as to exactly what is contained in the modules. They appear to be mixed and have fuzzy boundaries”;
- “The compartmentalization in the LME approach implies that the science activities, especially the productivity module, stand alone from governance, rather than in support of it”.
- “It perpetrates the perception that governance cannot take place without first carrying out a great deal of scientific research”.

Second, while LME “champions” claim that “the projects are country driven” (Sherman and Hempel 2008), they are still being criticized for a top-down approach in which neither States nor regional bodies really have a say. Their scientific basis and hence the design of their boundaries have been developed by NOAA, while the progressive funding of LME projects by the GEF under its International Waters focal area follows a rather mechanical approach where national demand and ownership do not always receive the attention they deserve. Further, even when States are adequately involved, “the very large geographic scale and association with GEF lead LME programmes to concentrate on the national and regional levels of governance, without necessarily connecting to sub-national and local levels. Thus, while there have been successes in institutionalising transboundary cooperation, impact on the ground may be constrained by deficiencies in the rest of the multi-level, multi-sectoral governance system in each country, which LME projects rarely analyse or strengthen adequately” (Bensted-Smith and Kirkman, 2010).

Third, LMEs have so far materialized mainly through GEF projects of a typical duration of 3 to 5 years. The issue of financial sustainability of the LME approach therefore needs to be raised. What happens once an LME project ends? What is the future of the LME approach in regions where GEF projects have already been funded? There may be a trend to follow up

with “second phases”, as exemplified by the Strategic Action Programme Harmonisation and Institutional Reform (SAPPHIRE) project currently in development and building on the previous ASCLME project. But given the very nature of the GEF, this cannot be a general answer to the sustainability issue, neither in space nor in time.

A fourth challenge is therefore to identify who may take over once the TDA and SAP have been produced and the project terminated. In practice there is currently no answer to this question, although the creation of the Benguela Current Commission, and its planned funding by State Parties, shows at least one possible avenue.

But the action problem is more fundamental in that implementation of SAPs is usually not embedded in the design of LME projects. Under such circumstances, implementation can only count on unanticipated opportunities (and sometimes good luck). The problem is getting more acute with the progressive shift from an essentially scientific approach primarily oriented towards the needs of NOAA, as a tool to prioritise research actions, towards what is nowadays closer to an investment guide for a variety of international agencies (Bensted-Smith and Kirkman, 2010). In any case, the time lag between the scientific assessment leading to the TDA and potential action taken to implement the SAP means that part of the TDA is already obsolete when it starts to be used.

5. In conclusion, LME mechanisms offer a widely acknowledged scientific basis for action but face a critical governance and implementation challenge - the very challenge already faced by Regional Seas programmes and RFBs. The LME concept was developed and put forward by scientists (mainly oceanographers) who did not fully anticipate governance and policy issues: hence the strong scientific component but also the root cause of most challenges currently faced.

Conclusions

In conclusion, it should first be highlighted that regional oceans governance is sectoral by construction. This is clearly the case for RFBs, but also for Regional Seas programmes which, however multi-sectoral in principle, are not competent over fisheries, mining and maritime transport - the three most impacting sectors - for which they need to coordinate with other competent international organisations. While LME mechanisms aim to be cross-sectoral, in the reality of action it is hardly the case either because they are not yet operational from a governance point of view, or due to existing international bodies at the global or regional level. In this context the implementation of EBM is challenging and in particular cumulative impacts are usually not taken into account. The objectives of each body or mechanism can therefore be undermined by other sectors/human activities. Cooperation and coordination are hence crucial, and the Madeira process initiated by the OSPAR Commission provides an example of how it may work. It should also be noted that some ABNJ are still not covered by neither a Regional Seas programme nor an RFB.

Second, effectiveness of some regional oceans governance mechanisms is compromised by insufficient universal support, a consequence of the *pacta tertiis* principle. RFBs are an exception because the Fish Stocks Agreement recognizes them as the key vehicle for regional fisheries management.

Third, there are high inter-regional discrepancies, with some regions covered but much more powerful governance mechanisms than others. There are hence competitive (dis)advantages between regions, with no level playing field at the global level, and a frequent inability to effectively protect transboundary species and ecosystems or deal with transboundary impacts from bordering regions with less stringent regulation. Obviously strong efforts in just a few regions will still not prevent loss of marine biodiversity at the global level. One of the key patterns of such a discrepancy lies in funding: while RFBs are generally relatively well-off (except for some advisory RFBs like CECAF and WECAFC), and LME mechanisms are often generously funded by the GEF, a majority of Regional Seas programmes operate with very little money.

3.6.3. Successes and challenges in cooperation and coordination between regional oceans governance mechanisms

It should first be underlined that despite the absence of a general framework and obligation to cooperate, in some cases cooperation and coordination between regional oceans governance mechanisms work quite well, which shows that it is at least possible. Moreover, in spite of the absence of an explicit strategy on that sensitive issue, LME mechanisms have entered this rather over-crowded governance arena without disturbing on-going efforts. Some Regional Seas programmes and RFBs have even managed to strengthen their activities making use of GEF LME projects. However, the issue will have to be addressed much more explicitly by the GEF in the near future if synergies are to be found and fully exploited. The current replenishment process is an excellent opportunity to do so.

More generally, it is clear that the main cause of cooperation and coordination challenges lies in the fact that the three layers of governance investigated in this paper have been conceived and designed successively and independently from one another, not as a bundle of complementary tools - which they should definitely be. As rightly identified by UNEP (2001), "another potential constraint is the lack of any existing coordination and cooperation within countries between national sectors (ministries) dealing with fisheries and environmental protection. In some cases they jealously guard their "mandates" and they even act as adversaries rather than partners".

In practice, Ehler (2006) sarcastically notes that "from a management perspective, fish do not appear to live in the same sea as pollutants". Complementarity indeed does not mean that interests and logics necessarily converge at all times on all matters. For instance RFBs may be more likely to optimize economic interests; or Regional Seas programmes may be

most interested in protection of non-target species and benthic habitats; or RFBs may complain about the lack of attention and action from Regional Seas programmes on land-based sources of pollution, which negatively affect fisheries. The painful negotiations around the cooperative agreement between OSPAR and NEAFC shows that in practice such organisations often promote conflicting interests. Here the absence of an obligation to cooperate and a clear framework to do so (beyond MOUs) is particularly problematic.

Last, it should be kept in mind that when considering RFBs and Regional Seas programmes, we often talk about coordinating extremely weak mechanisms, both because they are short of resources to effectively implement their mandate, and because States remain the key actors when it comes to concrete implementation of measures agreed at the regional level. Therefore, while cooperation and coordination are major issues, they should never overshadow the basic need to strengthen each body and mechanism in itself in the first place. As an illustration, if e.g. the mandate to implement SAPs was to be given to an increasing number of Regional Seas programmes, a majority would hardly have the capacity to do so effectively.

Draft

4. CASE-STUDIES

4.1. Wider East Asia Region

4.2. West, Central and South Africa Region

Draft

5. RECOMMENDATIONS AND OPTIONS FOR REGIONAL OCEANS GOVERNANCE MECHANISMS

5.1. Preliminary remarks

The aim of this concluding section is to provide recommendations and options to make the existing system more coherent, effective and efficient, including by a better use of scarce available resources (i.e., human, financial, logistical, etc.). This shall be done through:

- Strengthening existing mechanisms of regional oceans governance;
- Creating new regional oceans governance mechanisms (including to replace existing mechanisms) as necessary;
- Enhancing cooperation and coordination between existing as well as new mechanisms.

In doing so, the following considerations are taken into account:

- Regional oceans governance is made of highly heterogeneous arrangements, which makes it difficult to read and embrace globally. It even challenges the very idea of attempting to provide useful general recommendations;
- This variety is inherent to the governance system and the way it was built over time, to the specificities of contexts and the multiplicity of concerns and objectives addressed. It is therefore not a transitory problem to eliminate, but the context in which recommendations are to be made and action is to be taken.
- Nevertheless, additional fragmentation, duplication and overlaps should be avoided as much as possible, and the ecosystem approach should be the driver of all efforts to rationalise the system.

We first draw the attention on three strategic dead-ends that we believe should be avoided in the future, before coming to positive recommendations.

5.2. What should be avoided in the future

1. **Bypass existing regional oceans governance mechanisms because they are weak, poorly manage, bureaucratic, unable to deliver change,** or else. This may be tempting especially for some donors

such as the GEF for its IW focal area, investing a lot of resources in ad hoc LME projects and project teams that are completely independent from existing organisations. While it can be considered a pragmatic approach, in terms of output delivery, facing the inefficiency of other regional governance mechanisms, experience already demonstrates that this does not lead to strong outcomes. The last fifty years of international development cooperation show that bypassing inefficient administrations has been a constant temptation of a wide range of donors. However this is never neutral: not only does it fail to strengthen governance mechanisms: it actually weakens those who are not supported.

2. **Prepare action plans without seriously considering future implementation issues, means and actors.** This is especially true of LME mechanisms, which have too often come up with SAPs without implementation and governance being embodied in the process. As Mahon et al. (2009) put it, “if successful informed intervention is the ultimate test of the usefulness of the approach, then the investigation must be designed and integrated to feed into the intervention”.
3. **Passively or actively maintaining such weak regional oceans governance mechanisms while claiming the importance of the regional approach to ocean governance.** Independently from, or rather in conjunction with, coordination efforts, existing mechanisms need to be strengthened in their capacity to execute their mandate and deliver change.

5.3. The way forward

Revise the mandates of key players

There is a need to progressively revise the mandates of various regional oceans mechanisms so as to improve synergies, complementarities and coherence in the international oceans governance regime as a whole. Depending on specific cases this will require:

1. Filling gaps, e.g. in the coverage of high seas with RFBs);
2. Promoting residual mandates in case no other competent international body exists, along the lines of the OSPAR Commission, which would allow to address new and emerging issues;
3. Broadening mandates of RFBs to facilitate EAF;
4. Broadening mandates of Regional Seas programmes to ensure EBM, while taking account of the mandates of existing international bodies (including RFBs and relevant global bodies such as IMO and ISA);

Strengthen the functioning of individual mechanisms

5. The obvious shortcomings of regional oceans governance mechanisms are no reason to further weaken them, but to strengthen them.

6. Broadening or simply revising the mandates of existing mechanisms may actually be useful only if these mechanisms are strengthened at the same time. For instance, expanding the mandate of a weak, underfunded, understaffed and dysfunctioning Regional Seas programme to ABNJ is pointless, and so is pressing an RFB to move towards EAF if it cannot even manage fished stocks.

Promote informal cooperation and coordination arrangements

The complexity of the regional oceans governance system is no accident. As noted above it is grounded in history and regional contexts, and it reflects the diversity of views, concerns and stakeholders in a pluralistic manner. It may thus only be simplified at its margins: the idea of having a simple governance system with single regional organisations managing the marine environment and resources within boundaries that fit those of ecosystems is a dream that will never come true. Therefore, our recommendations to improve coherence and efficiency of the system are to:

7. Favour informal mechanisms rather than formal reorganisations:

- For instance merging Regional Seas programmes and RFBs should not be a general objective, however seductive the idea. While it may be the way forward in one or two very specific cases, (i) geographical coverages are too heterogeneous; (ii) UNEP and FAO are separate organisations and necessary negotiations would last forever; (iii) intersectoral conflicts which are currently visible between fisheries management and environmental protection mechanisms would not be solved but merely become internal hence less visible;
- The case of the newly established Benguela Current Commission is interesting but should not be taken as a model: it matches a specific context (with e.g. a very large Regional Seas programme covering all of the African Western Coast), and its generalisation would lead to a proliferation of new mechanisms that would be costly and ineffective.
- In any case it should be kept in mind that besides the three regional oceans governance mechanisms that are put under scrutiny in this report, there are plenty other mechanisms, ranging from regional programmes such as PRCM, regional initiatives such as the Coral Triangle Initiative, regional environment projects such as PEMSEA, regional fisheries projects such as SWIOFP, sub-regional agreements such as Pelagos, etc. Trying to integrate the governance system formally rather than functionally is therefore deemed to fail

Box 1 provides UNEP's 2001 recommendations for improved coordination between marine regional fisheries bodies and Regional Seas Conventions which are very much along those lines and remain valid today.

What to do with LME mechanisms?

What to do with LME mechanisms requires specific attention. For the most part these are either GEF projects or do not have any concrete existence, and they raise particular concerns as to their sustainability, their ability to strengthen regional oceans governance rather than weakening it, and the “niche” they may occupy in the future. As the replenishment process of the GEF is underway, addressing the governance GEF / LME issue is particularly timely. Given that there is no significant sectoral gap in mandates of existing, more formal mechanisms, any governance responsibility that may given to, or claimed by LME mechanisms, necessarily leads to more overlaps and inefficiencies. Again, the Benguela Current Commission should not be taken as a model for the future of LME projects beyond the end of the GEF project cycle. Therefore, we see as the best option that:

8. **LME mechanisms should be limited to scientific assessments and capacity building: investigation, not intervention.** Assessments should include socio-economic and governance dimensions, hence keeping the five modules. But governance itself, i.e. action, should be left in the hands of international global and regional organisations having a mandate to take action, and of States parties. Consistent with a systemic approach, assessments and analyses would then be multi-sectoral and undertaken at the scale of an ecosystem, but action would remain mostly sectoral (though coordinated) and undertaken at an administrative / political scale.
9. **Governance, and its knowledge needs, should be first and drive scientific assessments in an iterative process** (Mahon et al. 2009), rather than being perceived as a logical end-product of the assessment process.
10. **In any case the organisational, and hence semantic, dimension of LMEs should be clarified promptly.** We have noticed a certain level of confusion on organisational matters (e.g. the “partnership between UNEP and the LME approach” or “using LMEs [which are ecosystems] as operational units to take action”, in Sherman and Hempel 2008) that adds some fuzziness to an already complex governance system. This is not by accident but rather because the very nature of what LMEs are, what they are made for and how they relate to formal bodies and mechanisms have remained unclear over the last 25 years.

Box 1. UNEP's 2001 recommendations for improved coordination between marine regional fisheries bodies and Regional Seas Conventions (source: UNEP 2001).

"The following concrete suggestions are made for options that may lead to an enhanced cooperation on ecosystem-based fishery management:

- Formalise the observer status of the RSCs at the meetings of the governing bodies of the RFBs and their technical subsidiary organs, and vice versa.
- Exchange data and information available at the level of RFBs and RSCs that may be of mutual interest.
- Establish joint advisory panels and organise joint technical meetings on subjects of mutual interest, as is presently the case between Helsinki and Ospar Commissions and ICES.
- Create formal agreements (e.g. memoranda of understanding) between relevant RSCs and RFBs specifying the scope and modalities of cooperation.
- Seek association and cooperation with the regional components of global programmes providing data and information relevant to ecosystem-based fishery management, such as GOOS (see Annex 12) and GPA/LBA.
- Design and implement joint programmes between RFBs and RSCs taking fully into account the respective mandates, objectives and scope of the RSCs and RFBs."

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GLOSSARY

Body

Generic term that comprises the various institutional entities established by regional oceans governance mechanisms, for instance an intergovernmental organization (e.g. Commission), a Meeting of the Parties (MOP), or a Conference of the Parties (COP).

Coastal state, flag state and port state

The terms 'coastal state', 'flag state' and 'port state' refer to different capacities in which states can act. Depending on the capacity, a state has different rights and obligations under international law. Most states will act in more than one capacity and many in all.

A state acts in its capacity as a flag state with respect to ships that it has given its own nationality (its flag). When a state acts in its capacity as a coastal state, it does so in relation to its own maritime zones. This could be in relation to foreign activities - which are thus also subject to the jurisdiction and control of foreign flag states - or in relation to its own activities, including by vessels flying its own flag. In the latter scenario, a state essentially acts as both a coastal and a flag state - for instance regulation by Namibia of fishing by Namibian vessels in Namibia's own EEZ. The notion of the port state refers to action taken by a state against foreign vessels in one of its ports, e.g. a Namibian vessel in a port in South Africa, for a variety of purposes, e.g. non-compliance with fishing or pollution regulations. States also have rights and obligations with respect to activities undertaken by their nationals (both natural and juridical).

Ecosystem approach

A strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.²²⁴

Ecosystem-based management (EBM)

In EBM, the associated human population and economic/social systems are seen as integral parts of the ecosystem. Most importantly, EBM is concerned with the processes of change within living systems and sustaining the services that healthy ecosystems produce. EBM is therefore designed and executed as an adaptive, learning-based process that applies the principles of the scientific method to the processes of management.²²⁵

²²⁴ Secretariat of the Convention on Biological Diversity (2004), The Ecosystem Approach. CBD Guidelines, p. 6. Available at: <http://www.cbd.int/doc/publications/ea-text-en.pdf>

²²⁵ UNEP (2006), Ecosystem-based Management. Markers for Assessing Progress, p. 5. Available at http://www.unep.org/pdf/GPA/Ecosystem_based_Management_Markers_for_Assessing_Progress.pdf

Ecosystem approach to fisheries (EAF)

An approach to fisheries management that strives to balance diverse societal objectives by taking account of the knowledge and uncertainties about biotic, abiotic and human components of ecosystems and their interactions and applying an integrated approach to fisheries within ecologically meaningful boundaries.²²⁶

Governance

The structures, functions, processes, and organizational traditions that have been put in place within the context of a program's authorizing environment to define and achieve objectives in an effective and transparent manner.²²⁷

Large marine ecosystem (LME)

Developed by Kenneth Sherman and Lewis Alexander, the concept of LMEs provides a science-based approach for dividing the world's oceans into ecosystem-based units that have management utility. LMEs include geographical areas of oceans that have distinct bathymetry, hydrography, productivity, and trophically dependent populations. The geographical limits of most LMEs are defined by the extent of continental margins and the seaward extent of coastal currents.²²⁸

Regional fishery body (RFB)

A regional body with a mandate relating to the conservation, management and/or development of fisheries. This includes regional bodies whose mandate consists of sustainable use as well as conservation of marine mammals. The paper will devote no attention to 'inland waters-RFBs'.

²²⁶ FAO (2003), FAO Technical Guidelines for Responsible Fisheries. No. 4, Suppl. 2. Fisheries Management. 2. The Ecosystem Approach to Management, p. 14. Available at: <ftp://ftp.fao.org/docrep/fao/005/y4470e/y4470e00.pdf>

²²⁷ IEG-Worldbank (2007), Sourcebook for Evaluating Global and Regional Partnerships and Programmes. Indicative Principles and Standards, p. 71. Available at http://www.mfer.cz/cps/rde/xbr/mfer/WB_Evaluation_Sourcebook_Global_RegionalProgrammes_2007.pdf

²²⁸ S.B. Olsen *et al* (eds.) (2006), A Handbook on Governance and Socioeconomics of Large Marine Ecosystems. Coastal Resources Center, University of Rhode Island, p. 3.

ANNEX I: REGIONAL SEAS PROGRAMMES

1. Antarctic

| | |
|---|--|
| Parties | Australia, Argentina, Belgium, Brazil, Bulgaria, Canada, Chile, People's Republic of China, Cook Islands, European Union, Finland, France, Germany, Greece, India, Italy, Japan, Korea, Mauritius, Namibia, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Poland, Russia, South Africa, Spain, Sweden, Ukraine, United Kingdom, United States of America, Uruguay, Vanuatu. |
| Mandate | Conservation, including fisheries management, of Antarctic Marine Living Resources in the Southern Ocean. |
| Geographical coverage | According to its Article 1, the Convention applies to the area south of the Antarctic Convergence. The Antarctic Treaty having suspended sovereignty claims, the region is considered as an area to be commonly managed beyond any States national jurisdictions, except for the maritime zones of sub-Antarctic islands north of 60 degrees South. |
| Governing instruments | Framework Convention: namely the Convention on the Conservation of Antarctic Marine Living Resources , adopted in May 1980 and entered into force in April 1982 (known as the CAMLR Convention). The Convention forms an integral part of the 1959 Antarctic Treaty System which aims at ensuring "in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord". Conservation measures , which are binding agreements adopted by the Commission in order to support the conservation of Antarctic marine living resources and the management of fisheries in the Southern Ocean. Resolutions , which are non-binding agreements. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) , which meets annually |
| Institutional framework | to, among other matters, adopt conservation measures and other decisions which apply to harvesting activities within the Convention Area. The Commission is also responsible for the financial affairs and administration of the organisation. A Secretariat , located in Hobart, Tasmania, Australia. A Scientific Committee (SC-CAMLR) , which provides scientific advice to the Commission. The Scientific Committee has several expert Working Groups that meet annually, or as required by the Scientific Committee. 2 subsidiary bodies , established by the Commission: (i) a Standing Committee on Implementation and Compliance; (ii) a Standing Committee on Administration and Finance. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), which meets annually, is the |
| Decision-making body | decision-making body of the regional system. Composed of Contracting Parties' representatives, the Commission can in particular adopt binding conservation measures and non-binding resolutions. |
| Financial arrangements | XXX |
| Cooperation agreements with RFMOs and / or | XXX |

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| LMEs | |
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2. Arctic

| | |
|---|---|
| Parties | Member States includes Canada, Denmark (including Greenland and Faroe Islands), Finland, Iceland, Norway, Russian Federation, Sweden and the United States. In addition, the Council has observers (12 non-Arctic countries, 9 intergovernmental and inter-Parliamentary Organisations and 11 NGOs) as well as “permanent participants”, a category created for “active participation and full consultation with the Arctic indigenous representatives”. These permanent participants include: the Arctic Athabaskan Council (AAC), Aleut International Association (AIA), Gwich'in Council International (GCI), Inuit Circumpolar Council (ICC), Russian Association of Indigenous Peoples of the North (RAIPON) and Saami Council (SC). |
| Mandate | Sustainable Development and Environmental Protection in the Arctic. |
| Geographical coverage | XXX |
| Governing instruments | <p>Strategy: The Arctic Environmental Protection Strategy (AEPS), adopted in 1991.</p> <p>Founding declaration: The Declaration on the establishment of the Arctic Council, Joint communiqué of the governments of the Arctic countries on the establishment of the Arctic Council, adopted in September 1996 in Ottawa, Canada.</p> <p>2 binding agreements: (i) the Aeronautical and Maritime Search and Rescue Agreement, adopted in May 2011; (ii) the Agreement on cooperation on marine oil pollution preparedness and response in the Arctic, adopted in May 2013.</p> |
| Institutional framework | <p>A Ministerial meeting of the Arctic Council, a high-level intergovernmental forum held every two years which provides a means for promoting cooperation, coordination and interaction among the Arctic States.</p> <p>A Senior Arctic Officials (SAO) meeting, composed of high-level representatives from the eight member States and held every six months to ensure the development of Council activities in accordance with the guidelines laid down by governments.</p> <p>A Secretariat, based in Tromsø, Norway.</p> <p>6 working groups: (i) Arctic Contaminants Action Program (ACAP); (ii) Arctic Monitoring and Assessment Programme (AMAP); (iii) Conservation of Arctic Flora and Fauna (CAFF), (iv) Emergency Prevention, Preparedness and Response (EPPR), (iv) Protection of the Arctic Marine Environment (PAME), (v) Sustainable Development Working Group (SDWG).</p> |
| Decision-making body | The Ministerial meeting of the Arctic Council is the decision-making body of the regional system. All the decisions of the Council are taken by consensus. The eight Arctic countries are voting members. |
| Financial arrangements | XXX |
| Cooperation agreements with RFMOs and / or | XXX |

Comment [JR1]: The question is not clear for us. Indeed, the constitutive instrument of the Arctic Council - the Ottawa Declaration - does not specify the geographical mandate of the Arctic Council and no generally accepted geographical definition of the term 'Arctic' exists otherwise either. In scientific and grey literatures, the Arctic region is not included as a regional sea covering high seas. However, some would say that the Arctic Council has a mandate that relates both to land and the marine environment and there is no reason why certain parts of the marine environment, such as the high seas and the Area, would be excluded, as long as they would be within the 'Arctic'. Moreover, the Arctic Marine Shipping Assessment also relates to shipping within the Central Arctic Ocean (the high seas part), and the Arctic SAR Agreement also applies to the entire Arctic Ocean... What do you think?

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| LMEs | |
|------|--|

3. Baltic Sea

| | |
|--|---|
| Parties | Denmark, Estonia, European Community, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden. |
| Mandate | Protection of the Marine Environment of the Baltic Sea Area |
| Geographical coverage | According to its Article 1, the Convention apply to the Baltic Sea Area defined as “the Baltic Sea and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44.43'N. It includes the internal waters, i.e., for the purpose of this Convention waters on the landward side of the base lines from which the breadth of the territorial sea is measured up to the landward limit according to the designation by the Contracting Parties”. Action Plan: the Baltic Sea Action Plan, adopted in 2007. |
| Governing instruments | Framework Convention: Convention on the Protection of the Marine Environment of the Baltic Sea Area, adopted in 1974, entered into force in May 1980, replaced by the Convention on the Protection of the Marine Environment of the Baltic Sea Area, adopted in 1992 and entered into force in January 2000 (known as the Helsinki Convention). Around 200 Recommendations , which are legally binding agreements. A governing body, namely the Helsinki Commission (or the HELCOM Commission) which meets annually and adopts |
| Institutional framework | recommendations for the protection of the marine environment. A Secretariat - the HELCOM Secretariat - located in Helsinki, Finland. 6 Working groups , which address different aspects of HELCOM's work in preventing pollution and protecting the Baltic marine environment: (i) the Group for Implementation of the Ecosystem Approach (HELCOM GEAR); (ii) the Nature Protection and Biodiversity Group (HELCOM HABITAT); (iii) the Land-based Pollution Group (HELCOM LAND); (iv) the Maritime Group (HELCOM MARITIME); (v) the Monitoring and Assessment Group (HELCOM MONAS); (vi) the Response Group (HELCOM RESPONSE). 3 Platforms aimed at addressing other important topics: (i) the HELCOM Fisheries and Environment Forum (HELCOM FISH/ENV FORUM); (ii) the HELCOM Agriculture and Environment Forum (HELCOM AGRI/ENV FORUM); (iii) the Joint HELCOM-VASAB Maritime Spatial Planning Working Group (HELCOM VASAB MSP WG). The HELCOM Commission is the decision-making body of the regional system. According to Article 20 of the |
| Decision-making body | Convention, the duties of the Commission are, in particular, to keep the implementation of this Convention under continuous observation and to make recommendations on measures relating to the purposes of the Convention. |
| Financial arrangements | XXX |
| Cooperation agreements with RFMOs and / or LMEs | XXX |

4. Black Sea

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| Parties | Bulgaria, Georgia, Romania, Russian Federation, Turkey, Ukraine |
| Mandate | Environmental protection and rehabilitation of the Black Sea. |
| Geographical coverage | According to its Article 1, the Convention applies “to the Black Sea proper with the southern limit constituted for the purposes of this Convention by the line joining Capes Kelagra and Dalyan. For the purposes of [the] Convention the reference to the Black Sea shall include the territorial sea and exclusive economic zone of each Contracting Party in the Black Sea. However, any Protocol to [the] Convention may provide otherwise for the purposes of that Protocol”. |
| Governing instruments | <p>Action Plan: Strategic Action Plan for the Environmental Protection and Rehabilitation of the Black Sea, adopted in November 1996, amended in June 2002 and replaced by the Strategic action plan for the environmental protection and rehabilitation of the Black Sea, adopted in April 2009.</p> <p>Framework Convention: Convention on the protection of the Black Sea against pollution, adopted in April 1992 and entered into force in January 1994 (known as the Bucharest Convention).</p> <p>Dumping Protocol: Protocol on the protection of the Black Sea marine environment against pollution by dumping, adopted in April 1992 and entered into force in January 1994.</p> <p>Emergency Protocol: Protocol on cooperation in combating pollution of the Black Sea marine environment by oil and other harmful substances in emergency situations, adopted in April 1992 and entered into force in January 2004.</p> <p>Land-based sources and activities Protocol: Protocol on protection of the Black Sea marine environment against pollution from land based sources, adopted in April 1992, entered into force in January 2004 and replaced by the Protocol on the protection of the marine environment of the Black Sea from land-based sources and activities, not yet in force.</p> <p>Biodiversity and landscape conservation Protocol: The Black Sea Biodiversity and Landscape Conservation Protocol to the Convention on the Protection of the Black Sea Against Pollution adopted in June 2002 and entered into force in June 2011.</p> |
| Institutional framework | <p>A Commission, namely the Commission on the protection of the Black Sea against pollution, composed of one representative of each of the Contracting Parties and which meets at least once a year and at request of any one of the Contracting Parties at any time.</p> <p>A permanent secretariat, located in Istanbul, Turkey, which supports the work of the Commission.</p> <p>7 Advisory groups, regulated by specific terms of reference: (i) Advisory Group on the environmental safety aspects of shipping (ESAS); (ii) Advisory Group on the pollution monitoring and assessment (PMA); (iii) Advisory Group on control of pollution from land based sources (LBS); (iv) Advisory Group on information and data exchange (IDE); (v) Advisory Group on the development of common methodologies for integrated coastal zone management (ICZM); (vi) Advisory Group on the conservation of biological diversity (CBD); (vii) Advisory Group on the environmental aspects of the management of fisheries and other marine living resources (FOLMR).</p> <p>2 Ad hoc technical working groups: (i) the ad hoc Working Group on the Water Framework Directive, which assists the Black Sea Commission in promoting the principles of the Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for community action in the field of the water policy (Water Framework Directive); (ii) the Joint ad hoc Technical Working Group in implementation of the</p> |

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| | <p>Memorandum of Understanding with the Danube Commission (also referred to as Danube/Black Sea Joint Technical Working Group).</p> <p>6 Activity Centres: (i) the activity centre for pollution monitoring and assessment (AC/PMA); (ii) the emergency response activity centre (ERAC), (iii) the activity centre on conservation of biological diversity (AC/CBD); (iv) the activity centre on environmental aspects of management of fisheries and other marine living resources (AC/FOMLR), (v) the activity centre on integrated coastal zone management (AC/ICZM); (vi) the activity centre on control of pollution from land-based sources (AC/LBS).</p> |
| Decision-making body | The Black Sea Commission is the decision-making body of the Convention. Article to Article 18 of the Convention, the Commission promotes in particular the <i>adoption by the Contracting Parties of additional measures needed to protect the marine environment of the Black Sea.</i> |
| Financial arrangements | <p>A regional trust fund, fed by States' annual contribution.</p> <p>Contributions from bilateral and multilateral donors for specific projects.</p> <p>In-kind contributions from States Parties (hosting of RAC, seconded-staff, etc.).</p> |
| Cooperation agreements with RFMOs and / or LMEs | XXX |

5. Caspian Sea

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| Parties | Azerbaijan, Iran, Kazakhstan, Russian Federation, Turkmenistan. |
| Mandate | Protection of the Caspian environment from all sources of pollution including the protection, preservation, restoration and sustainable and rational use of the biological resources of the Caspian Sea. |
| Geographical coverage | Article to its Article 3, the Convention applies "to the marine environment of the Caspian Sea, taking into account its water level fluctuations, and pollution from land based sources". |
| Governing instruments | <p>Action Plan: the Action Plan for the protection and sustainable development of the marine environment of the Caspian Sea, adopted in November 2003.</p> <p>Framework Convention: Convention for the Protection of the Marine Environment of the Caspian Sea, adopted in November 2003 in Tehran, Iran, and entered into force in August 2006 (known as the Tehran Convention). Emergency Protocol: Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents, adopted in August 2011, not yet in force.</p> |
| Institutional framework | <p>A Conference of Parties, held every two years.</p> <p>A Secretariat, located in XXX</p> |
| Decision-making body | The Conference of the Contracting Parties is the decision-making body of the regional system. According to Article 22 of the Convention, it keeps under review the implementation of this Convention, its protocols and the Action Plan and can consider and adopt any additional protocols or any amendments to the Convention or to its protocols. |
| Financial arrangements | XXX |

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| Cooperation agreements with RFMOs and / or LMEs | XXX |
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6. East Asian Seas

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| Parties | Australia, Cambodia, People's Republic of China, Indonesia, Republic of Korea, Malaysia, Philippines, Singapore, Thailand, Vietnam. |
| Mandate | Protection and Sustainable Development of the Marine and Coastal Areas of the East Asian Region |
| Geographical coverage | XXX |
| Governing instruments | <p>Action Plan: Action Plan for the Protection and Development of the Marine and Coastal Areas of the East Asian Region, adopted in 1981, replaced by the Action Plan for the Protection and Sustainable Development of the Marine and Coastal Areas of the East Asian Region, adopted in 1994.</p> <p>Strategic Directions: New Strategic Directions for the Coordinating Body of the Seas of East Asia (2008-2012), adopted by the Nineteenth Meeting of COBSEA in January 2008, based on four components - information management, national capacity building, strategic and emerging issues, regional cooperation - and three priority thematic areas: (i) marine and land based pollution; (ii) coastal and marine habitat conservation; (iii) management and response to coastal disasters.</p> |
| Institutional framework | <p>An intergovernmental body, the Coordinating Body on the Seas of East Asia (COBSEA), composed of representatives of member States.</p> <p>A Regional Coordinating Unit, the East Asian Seas Regional Coordinating Unit (EAS/RCU), based in Bangkok, Thailand, which serves as a Secretariat for COBSEA. The work of the COBSEA Secretariat includes: (i) facilitation of the development and coordination of activities under the East Asian Seas Action Plan at national, sub-regional, regional and international levels in concert with other regional and international organizations; (ii) acting as a supervisory body in the implementation and assessment of projects and activities carried out under the purview of the COBSEA; and (iii) serving as a focus for collection and dissemination of information amongst member countries and between the EAS region and other regional seas and relevant international organisations.</p> |
| Decision-making body | The Coordinating Body on the Seas of East Asia (COBSEA) is the decision-making body of the regional system. According to §34 of the Action Plan, "COBSEA is the overall authority to determine the content of the action plan, to review its progress and to approve its programme of implementation, including the financial implications". |
| Financial arrangements | <p>A regional trust fund, rules by Annex V of the Action Plan and fed by States' annual contribution.</p> <p>Contributions from bilateral and multilateral donors for specific projects.</p> |
| Cooperation agreements with RFMOs and / or | XXX |

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| LMEs | |
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7. Mediterranean

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| Parties | Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, the European Union, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia, Turkey. |
| Mandate | Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean. According to |
| Geographical coverage | its Article 1-1, the geographical coverage of the amended Convention includes “maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses”. Article 1-3 precises that “any Protocol to this Convention may extend the geographical coverage to which that particular Protocol applies”. In this regard, the Specially Protected Areas and Biodiversity Protocol covers areas beyond national jurisdiction (article 9-1). |
| Governing instruments | <p>Action Plan: Action Plan for the Mediterranean, adopted in 1976 and replaced by the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II), adopted in 1995.</p> <p>Framework Convention: Convention for the Protection of the Mediterranean Sea Against Pollution, adopted in 1976, amended in 1995 and renamed Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (known as the Barcelona Convention).</p> <p>Dumping Protocol: Protocol for the Prevention of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft adopted on 16 February 1976 in Barcelona, Spain, entered into force on 12 February 1978, amended on 10 June 1995 in Barcelona, Spain and recorded as Protocol for the Prevention and Elimination of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, not yet in force.</p> <p>Prevention and Emergency Protocol: Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency adopted on 16 February 1976 in Barcelona, Spain, entered into force on 12 February 1978 and replaced by the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, adopted on 25 January 2002 in Malta and entered into force on 17 March 2004.</p> <p>Land-based sources and activities Protocol: Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources adopted on 17 May 1980 in Athens, Greece, entered into force on 17 June 1983 and replaced by the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities adopted on 7 March 1996 in Syracuse, Italy and entered into force on 11 May 2008.</p> <p>Specially Protected Areas and Biodiversity Protocol: Protocol concerning Mediterranean Specially Protected Areas adopted on 3 April 1982 in Geneva, Switzerland, entered into force on 23 March 1986, replaced by the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean, adopted on 10 June 1995 in Barcelona, Spain and entered into force on 12 December 1999.</p> <p>Offshore Protocol: Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil adopted on 14 October 1994 in</p> |

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| | <p>Madrid, Spain and entered into force on 24 March 2011.</p> <p>Hazardous Wastes Protocol: Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal, adopted on 1st October 1996 in Izmir, Turkey and entered into force on 19 January 2008.</p> <p>ICZM Protocol: Protocol on Integrated Coastal Zone Management in the Mediterranean adopted on 21 January 2008 in Madrid, Spain and entered into force on 24 March 2011.</p> <p>A Conference of Parties, held every two years.</p> |
| Institutional framework | <p>A Regional Coordinating Unit, based in Athens, Greece.</p> <p>6 Regional Activity Centres: (i) the Blue Plan Regional Activity Centre (BP/RAC), based in Sophia-Antipolis, France; (ii) the Priority Actions Programme Regional Activity Centre (PAP/RAC), based in Split, Croatia; (iii) the Specially Protected Areas Regional Activity Centre (SPA/RAC) based in Tunis, Tunisia; (iv) the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) based in Malta; (v) the Regional Activity Centre on Information and Communication (INFO/RAC) based in Rome, Italy; (vi) the Cleaner Production Regional Activity Centre (CP/RAC), based in Barcelona, Spain.</p> <p>An advisory body: the Mediterranean Commission on Sustainable Development (MCSD). Composed of representatives of the 22 Contracting Parties as well as 15 rotating representatives from local authorities, business community and NGOs, the MCSD is a think-tank on policies for promoting sustainable development in the Mediterranean basin. It coordinated the preparation of the Mediterranean Strategy on Sustainable Development (MSSD), which was adopted by the Contracting Parties in 2005.</p> <p>A Compliance Committee, an official subsidiary body of the Convention and its Protocols aimed at providing advice and assistance to Contracting Parties to assist them comply with their obligations under the Convention and its Protocols and to generally facilitate, promote, monitor and secure such compliance.</p> <p>The Conference of the Contracting Parties is the decision-making body of the regional system. According to Article 18 of the amended Convention, the meetings of the Contracting Parties review the implementation of this Convention and the protocols. According to Article 21, Protocols are adopted by the Contracting Parties at a diplomatic conference.</p> |
| Decision-making body | <p>A regional trust fund, fed by States' annual contribution.</p> <p>Contributions from bilateral and multilateral donors for specific projects.</p> |
| Financial arrangements | <p>In-kind contributions from States Parties (hosting of RAC, seconded-staff, etc.).</p> <p>With the General Fisheries Commission for the Mediterranean (GFCM): Memorandum of understanding concluded in May 2012.</p> |
| Cooperation agreements with RFMOs and / or LMEs | <p>With the GEF Strategic Partnership for the Mediterranean Large Marine Ecosystem: the Regional Coordinating Unit of the Mediterranean Action Plan is the executive agency of the GEF Strategic Partnership for the Mediterranean Large Marine Ecosystem.</p> |

8. North-East Atlantic

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| Parties | Belgium, Denmark, the European Union, Finland, France, Germany, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom. |
| Mandate | Protection of the marine environment of the North-East Atlantic. |
| Geographical coverage | According to its Article 1-a, the Convention applies “to the internal waters and the territorial seas of the Contracting Parties, the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal state to the extent recognised by international law, and the high seas, including the bed of all those waters and its sub-soil” situated within precise limits specified. |
| Governing instruments | <p>Strategy: the Strategy of the OSPAR Commission for the protection of the marine environment of the North-East Atlantic (2010-2020), adopted in 2010.</p> <p>Framework Convention: the Convention for the protection of the marine environment of the North-East Atlantic, adopted in September 1992 and entered into force in March 1998 (known as the OSPAR Convention), the result of the unification, up-date and extension of the 1972 Oslo Convention for the prevention of marine pollution by dumping from ships and aircraft and the 1974 Paris Convention for the prevention of marine pollution from land-based sources. The Convention contain 5 annexes: Annex I: Prevention and elimination of pollution from land-based sources; Annex II: Prevention and elimination of pollution by dumping or incineration; Annex III: Prevention and elimination of pollution from offshore sources; Annex IV: Assessment of the quality of the marine environment; Annex V: Protection and conservation of the ecosystems and biological diversity of the maritime area (adopted in 1998).</p> <p>Binding decisions and non-binding recommendations.</p> |
| Institutional framework | <p>A Commission, known as the OSPAR Commission, made up of representatives of each of the Contracting Parties. A Secretariat, based in London, UK, which administers the work under the Convention, coordinates the work of the Contracting Parties and runs the formal meeting schedule of OSPAR.</p> <p>6 Committees,: (i) the Environmental Assessment and Monitoring Committee (ASMO); the Biodiversity Committee (BDC); the Eutrophication Committee (EUC); the Hazardous Substances Committee (HSC); the Offshore Industry Committee (OIC); the Radioactive Substances Committee (RSC).</p> |
| Decision-making body | The meeting of the OSPAR Commission is the decision-making body of the regional system. The Commission has the duty, in particular, to supervise the implementation of the Convention (article 10), to adopt decisions or recommendations (article 13) and amend the Convention (article 15). |
| Financial arrangements | XXX |
| Cooperation agreements with RFMOs and / or LMEs | XXX |

9. North-East Pacific

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| Parties | Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama. |
| Mandate | Protection and Sustainable Development of the Marine and Coastal Areas of the North-East Pacific |
| Geographical coverage | According to its Article 2, “the scope of application of this Convention comprises the maritime areas of the Northeast Pacific”. |
| Governing instruments | Action Plan: Plan of Action for the Protection and Sustainable Development of the Marine and Coastal Areas of the North-East Pacific, adopted in February 2002. Framework Convention: Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the North-East Pacific, adopted in February 2002 and entered into force in XXX (known as the Antigua Convention). |
| Institutional framework | An Intergovernmental meeting, held every two years. A coordinating unit, based in XXX |
| Decision-making body | XXX is the decision-making body of the regional system. |
| Financial arrangements | XXX |
| Cooperation agreements RFMOs and / or LMEs | XXX |

10. North-West Pacific

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| Parties | The People’s Republic of China, the Republic of Korea, Japan, the Russian Federation. |
| Mandate | Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region. |
| Geographical coverage | According to the Action Plan, the geographical scope of NOWPAP covers the marine environment and coastal zones “from about 121 degree E to 143 degree E longitude and from approximately 33 degree N to 52 degree N latitude”. |
| Governing instruments | Action Plan: Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP), adopted in Seoul, Republic of Korea, in September 1994. Strategy: NOWPAP Medium term Strategy 2012-2017, adopted in Beijing, People’s Republic of China, in December 2011, which focuses on 5 priority areas: (i) integrated coastal and river basin management; (ii) regular assessments of the state of the marine environment; (iii) pollution prevention and reduction, including harmful |

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| | substances, hazardous waste and marine litter; (iv) biodiversity conservation (including alien invasive species) and (v) climate change impacts. |
| Institutional framework | An Intergovernmental meeting , held each year and composed of representatives of the member States. A Regional Coordinating Unit , co-hosted in Toyama, Japan, and in Busan, Republic of Korea. 4 Regional Activity Centres: (i) the Special Monitoring & Coastal Environmental Assessment Regional Activity Centre (CEARAC), based in Toyama, Japan; (ii) the Data and Information Network Regional Activity Centre (DINRAC), based in Beijing, China; (iii) the Pollution Monitoring Regional Activity Centre (POMRAC), based in Vladivostok, Russian Federation; (iv) the Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC), based in Daejeon, Korea. |
| Decision-making body | The Intergovernmental meeting is the decision-making body of the regional system. According to Article 25 of the Action Plan, “policy guidance and decision-making for the Action Plan will be provided by regular Intergovernmental Meetings”. The NOWPAP Intergovernmental Meeting meets annually. A |
| Budget and financial arrangements | regional trust fund , fed by States’ annual contribution. Contributions from bilateral and multilateral donors for specific projects. In-kind contributions from States Parties (hosting of RAC, seconded-staff, etc.). |
| Cooperation agreements with RFMOs and / or LMEs | XXX |

11. Pacific

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| Parties | Australia, Cook Islands, Fiji, France, Kiribati, Marshall Islands, Micronesia, Federated States of Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, United States of America, Vanuatu. |
| Mandate | Protection of Natural Resources and Environment of the South Pacific Region. |
| Geographical coverage | According to its Article 2-a, the Convention comprises “the 200 nautical mile zones” of Contracting Parties and the “those areas of high seas which are enclosed from all sides by the 200 nautical mile zones”, the so-called “high seas pockets”. |
| Governing instruments | Action Plan: Pacific Regional Environment Programme Strategic Plan 2011-2015, adopted in September 2010. Framework Convention: Convention for the Protection of Natural Resources and Environment of the South Pacific Region adopted in November 1986 and entered into force in August 1990 (known as the Noumea Convention). Dumping Protocol: Protocol for the prevention of pollution of the South Pacific Region by dumping, adopted in November 1986 and entered into force in 1990. Emergency Protocol: Protocol concerning cooperation in combating pollution emergencies in the South Pacific Region, adopted in November 1986 and entered into force in 1990. Noxious substances pollution Protocol: Protocol on hazardous and noxious substances pollution, preparedness, |

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| | <p>response and cooperation in the Pacific Region, adopted in 2006, not yet in force.</p> <p>Oil pollution Protocol: Protocol on oil Pollution preparedness, response and cooperation in the Pacific Region, adopted in 2006, not yet in force.</p> |
| Institutional framework | <p>A Conference of Parties, held every two years.</p> <p>A Secretariat provided by the Secretariat of the Pacific Regional Environment Programme (SPREP) and based in Noumea, New Caledonia.</p> |
| Decision-making body | The Conference of Parties is the decision-making body of the regional system. According to Article 22 of the Convention, the Conference of Parties holds meetings every two years and, in particular, reviews the implementation of the Convention and its Protocols, and adopts, reviews and amends as required annexes to the Convention and to its Protocols. |
| Financial arrangements | XXX |
| Cooperation agreements with RFMOs and / or LMEs | XXX |

12. Red Sea and Gulf of Aden

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| Parties | Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, Sudan, Yemen. |
| Mandate | Conservation of the marine environment and coastal areas of the Red Sea and the Gulf of Aden. |
| Geographical coverage | Article to its Article 2, the Convention applies “to the entire sea area, taking into account integrated ecosystems of the Red Sea, Gulf of Aqaba, Gulf of Suez, Suez Canal to its end on the Mediterranean, and the Gulf of Aden”. |
| Governing instruments | <p>Action Plan: Action Plan for the conservation of the marine environment and coastal areas of the Red Sea and the Gulf of Aden, adopted in 1976 and revised in 1995.</p> <p>Framework Convention: Regional Convention for the conservation of the Red Sea and Gulf of Aden environment, adopted in February 1982 and entered into force in August 1985 (known as the Jeddah Convention).</p> <p>Emergency Protocol: Protocol concerning regional Cooperation in combating pollution by oil and other harmful substances in cases of emergency, adopted in February 1982 and entered into force in August 1985.</p> <p>Biodiversity and Protected Areas Protocol: Protocol concerning the conservation of biological diversity and the establishment of network of protected areas in the Red Sea and Gulf of Aden, adopted in 2005, not yet in force.</p> <p>Land-based sources and activities Protocol: Protocol concerning the protection of the marine environment from land-based activities in the Red Sea and Gulf of Aden, adopted in 2005, not yet in force.</p> <p>Technical Cooperation Protocol: Protocol concerning technical cooperation to facilitate exchange and transfer of experts, technicians, equipment and materials in cases of emergency, adopted in July 2009, not yet in force.</p> |
| Institutional framework | An Intergovernmental body, namely the Regional Organisation for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA) , governed by a Council formed of Ministers handling environmental |

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| | affairs in each PERSGA member States. A General Secretariat , based in Jeddah in the Kingdom of Saudi Arabia. |
| Decision-making body | The Council is the decision-making body of the regional system. According to Article 17 of the Convention, the Council holds one ordinary meeting each year and, in particular, keeps under review the implementation of the Convention and its protocols. The Council can adopt review and amend, as required, the annexes to this Convention and to its protocols. |
| Financial arrangements | XXX |
| Cooperation agreements with RFMOs and / or LMEs | With the ROPME Regional Sea Programme: In 1995, the Regional Organisation for the Protection of the Marine Environment (ROPME) and PERSGA agreed to coordinate their work through consultation on areas of common interest, information and expertise exchange, and to extend invitations to attend relevant meetings. |

13. ROPME Sea

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| Parties | Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates. |
| Mandate | Protection of the Marine Environment and the Coastal Areas. |
| Geographical coverage | According to its Article 2, the Convention applies "to the sea area in the Region bounded in the south by the following rhumb lines: from Ras Dharbat Ali (16°39'N, 53°3'30"E) to a position 16° 00'N, 53° 25'E; thence through the following positions: 17°00'N, 56° 30'E and 20° 30'N, 60° 00'E to Ras Al-Fasteh (25°04'N, 61°25'E). The Sea Area shall not include internal waters of the Contracting States unless it is otherwise stated in the present Convention or in any of its protocols". |
| Governing instruments | Action Plan: Action Plan for the Protection of the Marine Environment and the Coastal Areas of Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, adopted in April 1978. Framework Convention: the Regional Convention for cooperation on the protection of the marine environment from pollution, adopted in April 1978 and entered into force in July 1979 (known as the Kuwait Convention). Emergency Protocol: Protocol concerning regional cooperation in combating pollution by oil and other harmful substances in cases of emergency, adopted in April 1978 and entered into force in July 1979. Offshore Protocol: Protocol concerning marine pollution resulting from exploration and exploitation of the continental shelf, adopted in March 1989 and entered into force in February 1990. Land-based sources and activities Protocol: Protocol for the protection of the marine environment against pollution from land-based sources, adopted in February 1990 and entered into force on January 1993. Hazardous Wastes Protocol: Protocol on the control of marine transboundary movements and disposal of hazardous wastes and other wastes, adopted in March 1998, not yet in force. |
| Institutional framework | An Intergovernmental council composed of the Contracting States' representatives. A Secretariat , based in Kuwait. A Judicial Commission , which has (i) jurisdiction to settle disputes between the Contracting States, (ii) jurisdiction in disputes relating to the determination of civil liability and compensation for damage resulting from pollution of |

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| | the marine environment, (iii) jurisdiction to give an advisory opinion in all legal questions at the request of the Council. |
| Decision-making body | The Council is the decision-making body of the regional system. According to Article 17 of the Convention, the Council holds one ordinary meeting each year and, in particular, keeps under review the implementation of the Convention and its protocols. The Council can adopt review and amend, as required, the annexes to this Convention and to its protocols. |
| Financial arrangements | XXX |
| Cooperation agreements with RFMOs and / or LMEs | With PERSGA: In 1995, the Regional Organisation for the Protection of the Marine Environment (ROPME) and PERSGA agreed to coordinate their work through consultation on areas of common-interest, information and expertise exchange, and to extend invitations to attend relevant meetings. |

14. South Asian Seas

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| Parties | Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. |
| Mandate | Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region. |
| Geographical coverage | XXX |
| Governing instruments | Action Plan: Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region, adopted in March 1995. |
| Institutional framework | <p>A Governing Council, a deliberative and review body responsible for determining policies, strategies and programmes which is represented at the ministerial level and periodically meets to take decisions of strategic significance.</p> <p>A Consultative Committee, responsible for facilitating implementation of policies, strategies and programmes determined by the governing council.</p> <p>A Secretariat, provided by the South Asia Cooperative Environment Programme (SACEP), and based in Colombo, Sri Lanka.</p> |
| Decision-making body | The Governing Council is the decision body of the Action Plan. Annual country contributions from the member countries on an agreed scale of assessment. |
| Budget and financial arrangements | Hosting and support facilities provided from the Government of Sri Lanka as the host country of the secretariat. Contributions from bilateral and multilateral donors for specific projects. |
| Cooperation agreements with RFMOs and / or LMEs | XXX |

15. South-East Pacific

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| Parties | Chile, Colombia, Ecuador, Panama, Peru. |
| Mandate | Protection of the marine environment and coastal areas of the South-East Pacific. |
| Geographical coverage | XXX |
| Governing instruments | <p>Action Plan: Action Plan for the protection of the marine environment and coastal areas of the South-East Pacific, adopted in November 1981.</p> <p>Framework Convention: Convention for the protection of the marine environment and coastal areas of the South-East Pacific, adopted in November 1981 and entered into force in 1986 (known as the Lima Convention).</p> <p>Emergency Protocol: Agreement on regional cooperation in combating pollution in the South East Pacific by hydrocarbons and other harmful substances in cases of emergency, adopted in 1981, and complemented by the Protocol on the agreement for regional cooperation in combating pollution in the South East Pacific by hydrocarbons and other harmful substances in cases of emergency, adopted in July 1983 and entered into force in 1987.</p> <p>Land-based sources Protocol: Protocol for the protection of the South East Pacific against pollution from land-based sources, adopted in 1983 and entered into force in 1986.</p> <p>Protected Areas Protocol: Protocol for the conservation and management of protected marine and coastal areas of the South East Pacific, adopted in 1989 and entered into force in 1994.</p> <p>Radioactive Pollution: Protocol for the protection of the South East Pacific from radioactive pollution, adopted in 1989 and entered into force in 1995.</p> <p>El Nino Protocol: Protocol on the regional program for the study of the El Nino phenomenon in the South East Pacific (ERFEN), adopted in November 1992 and entered into force in XXX</p> <p>Other Protocols?</p> |
| Institutional framework | XXX |
| Decision-making body | XXX |
| Financial arrangements | XXX |
| Cooperation agreements with RFMOs and / or LMEs | XXX |

16. Western Indian Ocean

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| Parties | Comoros, France, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia, Tanzania, South Africa. |
| Mandate | Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean. |
| Geographical coverage | According to its Article 2-b, the amended Convention “covers the riparian, marine and coastal environment including the watershed of the Contracting Parties to this Convention. The extent of the watershed and of the coastal environment to be included within the Convention area shall be indicated in each protocol to this Convention”. |
| Governing instruments | <p>Action Plan: Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African region, adopted in 1981.</p> <p>Framework Convention: The Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, adopted in June 1985, entered into force in May 1996, amended in March 2010 and renamed Amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean, not yet in force (known as the Nairobi Convention).</p> <p>Protected Areas Protocol: Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region, adopted in June 1985 and entered into force in May 1996.</p> <p>Emergency Protocol: Protocol Concerning Co-operation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region, hereafter Protocol on Pollution Emergencies, adopted in June 1985 and entered into force in May 1996.</p> <p>Land-based sources and activities Protocol: Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities, adopted in March 2010, not yet in force. A Conference of Parties, held every two years.</p> |
| Institutional framework | <p>A Secretariat, located at UNEP’s Headquarters based in Nairobi, Kenya.</p> <p>A Regional Coordinating Unit, established in 1997 in Seychelles but not currently functional.</p> <p>The Meeting of Contracting Parties is the decision body of the Action Plan. According to Article 18 of the amended</p> |
| Decision-making body | <p>Convention, the meetings of the Contracting Parties, held every two years, review the implementation of this Convention and its related protocols. Protocols are adopted by the Contracting Parties, at a conference of plenipotentiaries (article 19).</p> <p>A regional trust fund, fed by States’ annual contribution.</p> |
| Financial arrangements | Contributions from bilateral and multilateral donors for specific projects. |
| Cooperation agreements with RFMOs and / or LMEs | XXX |

17. Western, Central and Southern Africa

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| Parties | Angola, Benin, Cameroon, Cape Verde, Congo, Cote d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Namibia, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo. |
| Mandate | Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West Central and Southern Africa Region. |
| Geographical coverage | According to its Article 1, the amended Convention covers "the marine environment, coastal zones and related inland waters falling within the jurisdictions of the States of the West, Central and Southern African region, from Mauritania to South Africa". |
| Governing instruments | <p>Action Plan: Action Plan for the Protection and Development of the Marine Environment and Coastal Areas of the West and Central African Region, adopted in 1981.</p> <p>Framework Convention: Convention for cooperation in the protection and development of the marine and coastal environment of the West and Central African Region, adopted in 1981, entered into force in 1984, amended in 2008 and renamed Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (known as the Abidjan Convention).</p> <p>Emergency Protocol: Protocol Concerning Cooperation in Combating Pollution in Cases of Emergency in the Western and Central African Region, adopted in 1981 and entered into force in 1984.</p> <p>Land-based sources and activities Protocol: Protocol concerning the Cooperation in the Protection and Development of marine and coastal environment from land-based sources and activities in the Western, Central and Southern African Region, adopted in June 2012, not yet in force.</p> |
| Institutional framework | <p>A Conference of Parties, held every two years.</p> <p>A Regional Coordinating Unit, based in Abidjan, Ivory Coast.</p> <p>A Regional Centre for Cooperation in Case of Emergency, whose institution was decided in 2010 but still to be established.</p> |
| Decision-making body | The meeting of Contracting Parties is the decision-making body of the regional system. According to Article 17 of the amended Convention, the meeting of the Contracting Parties, held every two years, reviews the implementation of this Convention and its related protocols. Protocols are adopted by the Contracting Parties, at a conference of plenipotentiaries (article 18). |
| Financial arrangements | <p>A regional trust fund, fed by States' annual contribution.</p> <p>Contributions from bilateral and multilateral donors for specific projects.</p> <p>In-kind contribution of the Ivory Coast, for hosting the Regional Coordinating Unit.</p> |
| Cooperation agreements with RFMOs and / or LMEs | XXX |

18. Wider Caribbean

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| Parties | Antigua & Barbuda, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, St. Kitts and Nevis, St. Lucia, St. Vincent & Grenadines, Suriname, Trinidad & Tobago, United States of America, Venezuela, France, the Netherlands. |
| Mandate | Protection and Development of the Marine Environment in the Wider Caribbean Region. |
| Geographical coverage | According to its Article 2-1, the Convention applies to “the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto, south of 30 deg north latitude and within 200 nautical miles of the Atlantic coasts of the States referred to in article 25 of the Convention”. |
| Governing instruments | <p>Action Plan: the Caribbean Action Plan, adopted in 1981.</p> <p>Framework Convention: the Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region, adopted in March 1983 and entered into force in October 1986 (known as the Cartagena Convention).</p> <p>Emergency Protocol: Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region, adopted in March 1983 and entered into force in October 1986.</p> <p>Protected Areas Protocol: Protocol Concerning Specially Protected Areas and Wildlife (SPA) in the Wider Caribbean Region, adopted in January 1990 and entered into force in June 2000.</p> <p>Land-based sources and activities Protocol: Protocol Concerning Pollution from Land-Based Sources and Activities, adopted in October 1999 and entered into force in August 2010.</p> <p>A Conference of Parties, held every two years, which, in particular, reviews the implementation of this Convention and its protocols.</p> |
| Institutional framework | <p>A Regional coordinating unit, i.e. the Caribbean Regional Co-ordinating Unit (CAR/RCU), located in Kingston, Jamaica and which serves as Secretariat to the Caribbean Environmental Programme (CEP).</p> <p>4 Regional Activity Centres: (i) the Regional Marine Pollution Emergency Information and Training Center for the Wider Caribbean (REMPEITC-Caribe), located in Willemstad, Curaçao; the Institute of Marine Affairs (IMA), located in Trinidad, Trinidad and Tobago; the Regional Activity Centre for Areas and Species Specially Protected (RAC/SPA), located in Basse-Terre, Guadeloupe, France; (iv) the Centre of Engineering and Environmental Management of Coasts and Bays (CIMAB), located in Havana, Cuba.</p> <p>The meeting of the Contracting Parties is the decision-making body of the regional system. According to Article 16 of</p> |
| Decision-making body | Convention, the meeting of the Contracting Parties reviews the implementation of this Convention and the protocols. According to Article 17, Protocols are adopted by the Contracting Parties at conference of plenipotentiaries. |
| Financial arrangements | XXX |
| Cooperation agreements with RFMOs and / or LMEs | XXX |

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ANNEX II: REGIONAL FISHERY BODIES

III.1 Atlantic Ocean

Fishery Committee for the Eastern Central Atlantic (CECAF)

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| Legal basis | The Fishery Committee for the Eastern Central Atlantic (CECAF) was established in 1967, by Resolution 1/48 adopted by the FAO Council at its Forty-eighth Session held in Rome under Article VI (2) of the FAO Constitution. The Rules of procedure were adopted by CECAF at its First Session held in Accra, Ghana (24-28 March 1969). They were amended in November 1992 and in October 2003. ²²⁹ |
| Policy instruments | As a body created under Article VI(2), of the FAO constitution, CECAF has only an advisory nature. In fact, even its advisory capacity, under a strict reading of the FAO constitution, would be rather limited, since the statutory objective of bodies created under Article VI(2) is only "to study and report on matters pertaining to the purpose of the Organization". In spite of this, CECAF has, throughout its history, not only studied the fisheries and the fished stocks in its area of competence, but it has, as well, formulated and recommended specific management measures to be implemented by its members, with the purpose of promoting the sustainable utilization of the living marine resources, in conformity with its Terms of Reference. ²³⁰ Although the CECAF area of competence does include a broad region in the high seas (in fact, its largest part), almost all CECAF activities have been restricted to the areas under national jurisdiction of the member States. The state of high seas stocks other than tunas, as well as any fisheries on those resources, is limited to monitoring activities within the framework of CECAF. ²³¹ |
| Cooperation agreements/MoUs | CECAF is a member of the Regional Fishery Body Secretariats Network that meets biennially. ²³² There are RFB's with an area of competence which overlaps that of CECAF: ATLAFCO/COMHAFAT, SRFC/CSRP, FCWC/CPCO, COREP and ICCAT. Their objectives are also, in general, very similar, consisting basically in policy harmonization (in fact, their main original motivation) as well as the promotion and strengthening of the regional or sub-regional cooperation in fisheries management and development. The main difference, relates to the technical work, including data gathering and stock assessment, which, to a large extent, is still being carried out only by CECAF, although some of those sub-regional bodies are increasingly becoming more involved with this kind of work, particularly through specific projects (e.g. SRFC/EU funded ISTAM22 Project). Although the work and mandate of the sub-regional fisheries bodies and CECAF should be, in theory, complementary, cooperation between them has been generally deficient. Cooperation between CECAF and the other sub-regional fisheries management organizations active in the region is non-existent or very poor to good, but requiring improvements. However, CECAF did play an important role in the creation of the mentioned sub-regional institutions. ²³³ The fact that some regional projects, such as GLCME, are also looking into the possibility of becoming an independent Commission, including a possible platform on fisheries, does raise the risk of further worsening the already complex situation stemming from the existing superposition and overlapping of functions. ²³⁴ |
| Mandate/objective/scope | To promote the sustainable utilization of the living marine resources within its area of competence by the proper management and development of the fisheries and fishing operations. ²³⁵ |
| Geographic coverage | High seas and national waters. The Eastern Central Atlantic between Cape Spartel and the Congo river. ²³⁶ |

²²⁹ <http://www.fao.org/fishery/rfb/cecaf/en>

²³⁰ <http://www.fao.org/docrep/meeting/024/an154e.pdf>, p. 7, para. 18.

²³¹ <http://www.fao.org/docrep/meeting/024/an154e.pdf>, p. 9, para. 21.

²³² <http://www.fao.org/fishery/rfb/cecaf/en>

²³³ <http://www.fao.org/docrep/meeting/024/an154e.pdf>, p. 16, paras. 37 and 39.

²³⁴ <http://www.fao.org/docrep/meeting/024/an154e.pdf>, p. 17, para. 40.

²³⁵ <http://www.fao.org/fishery/rfb/cecaf/en>

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| | <p>In spite of the fact that Angolan coast is not included in the area of competence of the Committee, the CECAF Scientific Sub-Committee and its Working Groups' meetings also cover Angolan fishery resources from the northern part of its marine coast with more a tropical affinities, and which are often shared with the countries to the north.²³⁷</p> <p>All waters of the Atlantic bounded by a line drawn as follows: from a point on the high water mark on the African Coast at Cape Spartel (Lat. 35°47'N, Long. 5°55'W) following the high water mark along the African Coast to a point at Pontal da Moita Seca (Lat. 6°07'S, Long. 12°16'E) along a rhumb line in a north-westerly direction to a point on 6° South latitude and 12° east longitude, thence due west along 6° South latitude to 20° west longitude, thence due north to the Equator, thence due west to 30° west longitude, thence due north to 5° north latitude, thence due west to 40° west longitude, thence due north to 36° north latitude, thence due east to 6° west longitude, thence along a rhumb line in a south easterly direction to the original point at Cape Spartel. Except for a few minor details, this area coincides with FAO Statistical Area 34.²³⁸</p> <p>In spite of the fact that Angola joined CECAF in 2006 and that the Scientific Sub-Committee and its Working Groups also cover Angolan fishery resources from the northern part of its marine coast, the issue of extending the southern boundary of CECAF area of competence has not been revisited as yet.²³⁹</p> |
| Species/stocks coverage | <p>All living marine resources within its area of competence.²⁴⁰</p> <p>About 90 species/stocks being assessed/monitored, in some degree, by CECAF, including around 10 pelagics/ north, 15 pelagics/ south, 25 demersals/ north and 40 demersals/ south. About two thirds of these stocks are shared by two or more countries.²⁴¹</p> |
| Parties | <p>CECAF presently has 34 members, including 22 coastal States, 11 non-coastal States, and a regional economic integration organization (the European Union). The Coastal States are: Angola, Benin, Cameroon, Cape Verde, Congo, Congo Democratic Republic, Côte d'Ivoire, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mauritania, Morocco, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, Spain and Togo; and the non-coastal States are: Cuba, France, Greece, Italy, Japan, Korea Republic, Netherlands, Norway, Poland, Romania and the United States of America.²⁴²</p> <p>The Committee is composed of Member Nations and Associate Members of the Organization selected by the Director-General. Such Member Nations and Associate Members of the Organization are selected from among Member Nations and Associate Members of the Organization in Africa whose territory borders the Atlantic Ocean from Cape Spartel to the mouth of the Congo River, and such other Member Nations and Associate Members fishing or carrying out research in the sea area concerned or having some other interest in the fisheries thereof, whose contribution to the work of the Committee the Director-General deems to be essential.²⁴³</p> |
| Secretariat | <p>The Secretariat is provided by the FAO Regional Office for Africa. It is based in the FAO Building, Regional Office for Africa (RAF), Accra, Ghana.²⁴⁴ The Secretariat is comprised of the Executive Secretary, helped by one staff member only.²⁴⁵</p> |
| Institutional framework | <p>The Committee, which is composed of all CECAF member States, is the central body in CECAF. Sessions of the Committee are normally held every two years.</p> <p>The Committee established a Scientific Sub-Committee in 1998. The main function of the Scientific Sub-Committee is to provide appropriate advice to the Committee for fisheries managing decisions.</p> <p>At its first meeting in Nigeria, 30-31 October 2000, the Scientific Sub-Committee proposed to establish the following working groups: Working Group for Small Pelagics; Working Group for Demersal Species, and; Working Group for Artisanal Fisheries.²⁴⁶</p> <p>Later, the Working groups for small pelagics and for demersal species were subdivided in 2 sub-groups each, the northern sub-group covering the area from Morocco to the southern border of Senegal, and the southern sub-group covering the area from Guinea Bissau to Angola, and including the islands states.²⁴⁷</p> |

²³⁶ <http://www.fao.org/fishery/rfb/cecaf/en>

²³⁷ http://www.fao.org/docrep/meeting/024/an154e.pdf_p.7, footnote 13.

²³⁸ http://www.fao.org/docrep/meeting/024/an154e.pdf_p.8, para. 19.

²³⁹ http://www.fao.org/docrep/meeting/024/an154e.pdf_p.8, para. 20.

²⁴⁰ <http://www.fao.org/fishery/rfb/cecaf/en>

²⁴¹ http://www.fao.org/docrep/meeting/024/an154e.pdf_p.10, para. 22.

²⁴² http://www.fao.org/docrep/meeting/024/an154e.pdf_p.10, para. 23.

²⁴³ <http://www.fao.org/fishery/rfb/cecaf/en>

²⁴⁴ <http://www.fao.org/fishery/rfb/cecaf/en>

²⁴⁵ http://www.fao.org/docrep/meeting/024/an154e.pdf_p.11, para. 26.

²⁴⁶ <http://www.fao.org/fishery/rfb/cecaf/en>

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| Decision-making | Decisions of the Committee are taken by a majority of the votes cast, unless otherwise provided. Each member has one vote. ²⁴⁸ One of the problems CECAF has faced along its history has been the relatively low attendance of its members in the meetings of both the Committee as well as of the Scientific Sub-Committee. During the last 5 sessions of the Committee (Fifteenth to Nineteenth), held during the past 10 years, the attendance by members varied from 13 (38%) (Sixteenth and Eighteenth Sessions; 2002 and 2006) to 24 (70.5%) (Seventeenth Session; 2004), and in 4 out of 5 occasions the CECAF meeting was held without observing its rule IV.6, which establishes that a majority of the members (18) shall constitute a quorum. In the case of the Scientific Sub-Committee, in the past 5 sessions, held from 2000 (First) to 2007 (Fifth), these figures have ranged from 15 (45%), in the first, to 21 (62%), in the third. Of CECAF's 34 members, 6 (18%) did not attend any meeting of either the Committee or the Scientific Sub-Committee in the past 10 years. ²⁴⁹ |
| Financial arrangements | The activities carried out by CECAF have been financed either directly by FAO, such as the work done by the Secretariat, or by extra-budgetary funds provided by international agencies, which in recent years comprise countries/agencies such as SIDA (Swedish International Development Cooperation Agency), NORAD (Norwegian Agency for Development Cooperation), Spain and the Netherlands, inter alia, or by specific projects (e.g. EAF-Nansen Project and Canary Current Large Marine Ecosystem - CCLME Project). ²⁵⁰ No regular contributions by member countries exist. The existence of several other organizations in the region, both at regional (ATLAFCO, ICCAT, SEAFO, etc.) and sub-regional (SRFC, FCWC, COREP) levels, which already require financial participation by members, was noted as an additional hindrance to CECAF members to contribute further to an autonomous budget of the Committee. ²⁵¹ |
| Expenditures | No autonomous budget, see above. |
| Further information | http://www.fao.org/fishery/rfb/cecaf/en ftp://ftp.fao.org/FI/DOCUMENT/cecaf/cecaf20/default.htm |

Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean (COMHAFAT)

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| Legal basis | The first Ministerial Conference took place 30 March-1 April 1989 and issued the Declaration of Rabat. The Convention establishing COMHAFAT, "The Atlantic Regional Convention for Fisheries Cooperation," adopted 5 July 1991 in Dakar and entered into force on 12 July 1995, sets the fields and modalities of regional fisheries cooperation among the member States. ²⁵² The legal basis for undertaking a reform process was approved in February 2010 during the 8 th Ministerial Conference of ATLAFCO held in Accra, Ghana. At that meeting the following major issues were discussed and adopted: Amendment to the ATLAFCO/COMHAFAT Protocol; An Organizational Structure for the ATLAFCO/COMHAFAT Secretariat; Staffing of the ATLAFCO/COMHAFAT Secretariat; A Financial Regulation; and Financial Contribution by member States The Government of Morocco and ATLAFCO in 2009 signed the Headquarters Agreement to give the Organization an international status. ²⁵³ |
| Policy instruments | Information not available. |
| Cooperation agreements/MoUs | MoU between COMHAFAT and LA BANQUE AFRICAINE DE DEVELOPPEMENT (BAD) MoU between COMHAFAT and L'ORGANISATION INTERGOUVERNEMENTALE D'INFORMATION ET DE COOPERATION POUR LA COMMERCIALISATION DES PRODUITS DE LA PECHE EN AFRIQUE (INFOPECHE) ²⁵⁴ |

²⁴⁷ <http://www.fao.org/docrep/meeting/024/an154e.pdf>, p. 6-7, para. 15.

²⁴⁸ <http://www.fao.org/fishery/rfb/cecaf/en>

²⁴⁹ <http://www.fao.org/docrep/meeting/024/an154e.pdf>, p. 11, para. 24.

²⁵⁰ <http://www.fao.org/docrep/meeting/024/an154e.pdf>, p. 12, para. 28.

²⁵¹ <http://www.fao.org/docrep/meeting/024/an154e.pdf>, p. 33, para. 91.

²⁵² <http://www.comhafat.org/def.asp?code langue=23&info=1159> ; <http://www.comhafat.org/def.asp?code langue=23&info=1160> ;

<http://www.fao.org/docrep/012/i1493e/i1493e.pdf>, p. 30 ²⁵³

<http://moa.gov.gh/site/?p=9424>

²⁵⁴ <http://www.atlafco.org/def.asp?code langue=23&info=1168&mere=1150>

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| Mandate/objective/scope | - The promotion and strengthening of regional cooperation on fisheries development; - The coordination and harmonization of efforts and capacities of stakeholders for the - Conservation and exploitation of fisheries resources. ²⁵⁵ |
| Geographic coverage | Atlantic Eastern Central and Atlantic Southeast: high seas and national waters. ²⁵⁶ |
| Species/stocks coverage | All living marine resources within its area of competence. ²⁵⁷ |
| Parties | 22 States (from south of Namibia to north of Morocco) Angola, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Morocco, Mauritania, Namibia, Nigeria, Sao Tome et Principe, Senegal, Sierra Leone and Togo. ²⁵⁸ |
| Secretariat | Since the establishment of ATLAFCO the Secretariat was hosted by the Ministry of Agriculture and Marine Fisheries of the Kingdom of Morocco. Since March 2012 a new building, donated by the Kingdom of Morocco and commissioned by Hon. Kwesi Ahwei (Minister for Food & Agriculture), is available to host the Secretariat in Rabat, Morocco. The Government of Ghana through the Ministry of Food & Agriculture has adopted and furnished a Meeting Room to be known as the GHANA ROOM at the Headquarters for use by the Secretariat. ²⁵⁹ In October, 2010 the Government of Morocco under the Cooperation Agreement, appointed a new Executive Secretary, Mr. Hachim El Ayoubi to head the ATLAFCO Secretariat. Moreover, a consultant was recruited to undertake a diagnostic analysis of the Secretariat and make proposal for restructuring, staffing, administrative and financial procedures. In September, 2011, the Special Meeting of the ATLAFCO Bureau examined the work of the Consultant and approved and adopted his work and recommendations. |
| Institutional framework | <ul style="list-style-type: none"> • La Conférence des Ministres qui est l'organe d'orientation et de décision en matière de coopération halieutique entre les Etats Membres ; • Le Bureau qui est l'organe de coordination et de suivi des activités de la Conférence; • Le Secrétariat exécutif qui a pour mission de dynamiser les activités de l'organisation en s'acquittant de toutes les tâches relatives aux aspects administratif, organisationnel et de coordination qui lui sont assignées par la Conférence des Ministres et le Bureau.²⁶⁰ |
| Decision-making | Information not available. |
| Financial arrangements | The signing of the Headquarters Agreement and adoption of an Amendment to ATLAFCO/COMHAFAT Protocol in February 2010 enabled ATLAFCO to contract a loan from the Overseas Fishery Cooperation Foundation (OFCF) of Japan in 2010 for the establishment of the Promotion Fund. ²⁶¹ This Fund for Fisheries Promotion in Africa is to finance development projects in the field of capacity building of the member States in fishing and aquaculture as well as that of assistance in the implementation of international regulations. ²⁶² |
| Expenditures | Information not available. |
| Further information | http://www.atlafco.org/def.asp?codelangue=23&info=1172 The website is partly not complete, partly not available/under construction (in English and French). |

Regional Fisheries Committee for the Gulf of Guinea (COREP)

²⁵⁵ <http://www.atlafco.org/def.asp?codelangue=30&po=2>

²⁵⁶ <http://www.fao.org/docrep/012/i1493e/i1493e.pdf>, pp. 30-31

²⁵⁷ <http://www.fao.org/docrep/012/i1493e/i1493e.pdf>, p. 31

²⁵⁸ <http://www.comhafat.org/def.asp?codelangue=23&info=1062&bis=1> ; <http://www.comhafat.org/def.asp?codelangue=23&info=1139>

²⁵⁹ <http://mofa.gov.gh/site/?p=9424>

²⁶⁰ <http://www.comhafat.org/def.asp?codelangue=23&info=1171> ²⁶¹

<http://mofa.gov.gh/site/?p=9424>

²⁶² <http://www.atlafco.org/def.asp?codelangue=30&po=2>

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| Legal basis | Established by the Convention Concerning the Regional Development of Fisheries in the Gulf of Guinea, signed at Libreville, Gabon, on 21 June 1984. The Convention was superseded by a new Convention of the same name. The new Convention comes into full effect once two-thirds of the states have signed it. Since 2008, the COREP is a specialized organization of the Economic Community of Central African States (ECCAS): ²⁶³ Decision N°9/CEEAC/CCEG/XIII/07, by the Conférence des Chefs d'Etat and the ECCAS Government, during the 13th Session Ordinaire, in Brazzaville, Congo, on 30 octobre 2007. |
| Policy instruments | The COREP has developed and endorsed a strategic plan of action (2009-2015) with support from FAO and based on the Code of Conduct for Responsible Fisheries. ²⁶⁴ |
| Cooperation agreements/MoUs | Relation (formal agreement unknown) with the Fishery Committee for the Eastern Central Atlantic. ²⁶⁵ MoU between the NEPAD Planning and Coordinating Agency (NEPAD Agency) and ECCAS, signed the 27 th of June 2011, which is aimed at strengthening fisheries governance in central Africa. The agreement aims to support the implementation of joint efforts between the NEPAD Agency and ECCAS in assisting the Regional Fisheries Commission (COREP) to strengthen its capacity to implement the regional fisheries strategy for central Africa. ²⁶⁶ |
| Mandate/objective/scope | Be informed about the situation of <i>fisheries</i> in the region covered by the Convention and gather all data referring to <i>fishing</i> resources; coordinate the fishery policies of the member states in the region. ²⁶⁷ |
| Geographic coverage | National waters and inland waters. The Gulf of Guinea and inland waters of parties. ²⁶⁸ |
| Species/stocks coverage | All living resources within the area of competence. ²⁶⁹ |
| Parties | Angola, Cameroun, Congo, Congo DR, Equatorial Guinea, Gabon, Sao Tomé and Principe. ²⁷⁰ |
| Secretariat | Located in Libreville, Gabon. ²⁷¹ The secretariat consists of 2 persons. ²⁷² |
| Institutional framework | It is foreseen that the COREP will be composed of: - a Council of Ministers: the governing body; - a Technical Committee : to provide advice on scientific and technical issues to the Council of Ministers; - a Scientific Sub-Committee: which issues scientific and technical advice to the Technical Committee and the Secretariat; and - an Executive Secretariat. ²⁷³ |
| Decision-making | The Council of Ministers will meet every 2 years. A special session can be organized on request by a majority of the parties. ²⁷⁴ Not |
| Financial arrangements | available. |
| Expenditures | Not available. |
| Further information | http://www.fao.org/fishery/rfb/corep/en http://www.un.org/depts/los/Links/COREPpage.htm http://www.ceeac-eccas.org/index.php?option=com_content&view=article&id=30&Itemid=53 |

²⁶³ <http://www.fao.org/fishery/rfb/corep/en>

²⁶⁴ <http://www.fao.org/fishery/rfb/corep/en>

²⁶⁵ <http://www.un.org/depts/los/Links/COREPpage.htm>

²⁶⁶ <http://www.nepad.org/fr/foodsecurity/news/2364/nepad-and-eccas-sign-mouagree-strengthen-fisheries-governance>

²⁶⁷ <http://www.un.org/depts/los/Links/COREPpage.htm>

²⁶⁸ <http://www.fao.org/fishery/rfb/corep/en>

²⁶⁹ <http://www.fao.org/fishery/rfb/corep/en>

²⁷⁰ http://www.ceeac-eccas.org/index.php?option=com_content&view=article&id=30&Itemid=53 , para. 3.

²⁷¹ http://www.ceeac-eccas.org/index.php?option=com_content&view=article&id=30&Itemid=53

²⁷² http://www.ceeac-eccas.org/index.php?option=com_content&view=article&id=30&Itemid=53

²⁷³ <http://www.fao.org/fishery/rfb/corep/en>

²⁷⁴ http://www.ceeac-eccas.org/index.php?option=com_content&view=article&id=30&Itemid=53 , para. 6.

Caribbean Regional Fisheries Mechanism (CRFM)

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| Legal basis | The Caribbean Regional Fisheries Mechanism (CRFM) was established in 2002 by the Conference of Heads of Government of the Caribbean Community (CARICOM) as a regional fishery body serving the Caribbean region. The CRFM was officially inaugurated on 27 March 2003, in Belize City, Belize, following the signing of the Agreement Establishing the CRFM on 4 February, 2002. The CRFM was registered with the Secretariat of the United Nations on 3 February, 2004. ²⁷⁵ |
| Policy instruments | The first CRFM Strategic Plan identified 9 priority programmes that were to be addressed through medium-term plans. ²⁷⁶ The Second Strategic Plan (2013-2021), includes a regional strategy and action plan to address climate change and disaster risk management in fisheries and aquaculture, as well as a Regional Lionfish Strategy. ²⁷⁷ Caribbean Large Marine Ecosystem (CLME) Project Strategic Action Program, a 4-year project funded by the Global Environmental Facility (GEF). |
| Cooperation agreements/MoUs | The CRFM is a member of the Regional Fishery Body Secretariats Network, which meets biennially. MoU (signed 11 October 2012) for 5 years between CRFM and the Australian National Centre for Ocean Resources & Security (ANCORS) ²⁷⁸ To |
| Mandate/objective/scope | promote and facilitate the responsible utilization of the region's fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region. ²⁷⁹ |
| Geographic coverage | Internal waters, territorial seas and exclusive economic zones (EEZs) of member states. ²⁸⁰ |
| Species/stocks coverage | All fisheries resources. ²⁸¹ |
| Parties | Anguilla, Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago and the Turks and Caicos Islands. ²⁸² Observers include: CARICOM, CNFO, FAO, OECS, UWI, Bermuda and the OECS Secretariat. ²⁸³ Other partners: Dominican Republic (Ministerio de Medio Ambiente y Recursos Naturales) ²⁸⁴ |
| Secretariat | The headquarters is located in Belize City, Belize, and there is a second office located in Kingstown, Saint Vincent and the Grenadines. The CRFM Secretariat is the technical unit responsible for: day-to-day coordination and execution of the work programmes; collaborating with national fisheries authorities; mobilizing resources; and managing the institutional networking to promote its optimal involvement and efficient functioning. ²⁸⁵ |
| Institutional framework | The Ministerial Council (ministers responsible for fisheries) has responsibility for, <i>inter alia</i> , policies, resource allocation, cooperative agreements and related decision-making. The Ministerial Council shall meet in regular session once a year and in such special sessions as may be necessary to perform its functions. The Caribbean Fisheries Forum (heads of national fisheries administrations) provides technical leadership to the CRFM, including the provision |

²⁷⁵ <http://www.fao.org/fishery/rfb/crfm/en>

²⁷⁶ <http://www.fao.org/fishery/rfb/crfm/en>

²⁷⁷ http://www.crfm.net/index.php?option=com_k2&view=item&id=171.new-chair-of-crfm-ministerial-council-urges-implementation-of-caribbean-declaration-on-liv-fishing-and-caricom-common-fisheries-policy&Itemid=179

²⁷⁸ http://www.caricom.org/jsp/community_news/CRFM_and_ANCORS_sign_MOU_oct_12.pdf

²⁷⁹ <http://www.fao.org/fishery/rfb/crfm/en>

²⁸⁰ <http://www.fao.org/fishery/rfb/crfm/en>

²⁸¹ <http://www.fao.org/fishery/rfb/crfm/en>

²⁸² http://www.crfm.net/index.php?option=com_k2&view=item&layout=item&id=1&Itemid=114

²⁸³ http://www.crfm.net/index.php?option=com_k2&view=item&layout=item&id=61&Itemid=229

²⁸⁴ http://www.crfm.net/index.php?option=com_k2&view=item&layout=item&id=147&Itemid=280

²⁸⁵ <http://www.fao.org/fishery/rfb/crfm/en>

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| | of scientific advice to the Ministerial Council, and oversight to the operations of the CRFM Secretariat. ²⁸⁶ The Forum is made up of one representative from each Member; each Associate Member and each Observer. ²⁸⁷ |
| Decision-making | Each Member of the Mechanism shall nominate a Minister of Fisheries to represent it on the Ministerial Council and such representative shall have one vote. ²⁸⁸ Unless otherwise provided, decisions of the deliberative organs of the Mechanism shall be reached by consensus. In the absence of consensus decisions shall be deemed adopted, if supported by a qualified majority of three-quarters (¾) of the Member States comprising the Mechanism. ²⁸⁹ |
| Financial arrangements | The CRFM is financed through Member States annual contributions and donor funding for specific projects. ²⁹⁰ |
| Expenditures | The Budget of the Mechanism shall be prepared by the Technical Unit and presented to the Ministerial Council for approval after examination and recommendation by the Forum. The Budget of the Mechanism shall be prepared by the Technical Unit and presented to the Ministerial Council for approval after examination and recommendation by the Forum. ²⁹¹ Summary Budget of the Annual Work Plan (AWP) for P.Y. 2012 / 2013 totals US\$1,875,738 (EC\$5,042,360) to be financed as follows: Member States Contribution US\$1,126,282 and International Development Partners US\$749,456. In addition, projected indirect financing of US\$2,176,345 by other International Development Partners and Collaborators is captured as inputs to the regional programme. These financial resources, although not directly under the management of the CRFM Secretariat, support our regional programme. ²⁹² |
| Further information | http://www.fao.org/fishery/rfb/crfm/en http://www.crfm.net/index.php?option=com_k2&view=item&layout=item&id=1&Itemid=114 |

Fishery Committee for the West Central Gulf of Guinea (FCWC)

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| Legal basis | The FCWC was established in July 2006 at the Ministerial Meeting in Abidjan. The Meeting issued a declaration to endorse the establishment of the Committee and approve the hosting of the Secretariat in Tema, Ghana. The first Ministerial Conference in Cotonou, Benin, November 2007 approved the Convention for the Establishment of the Fishery Committee as well as the rules of procedure. A legal framework gradually consolidated: 2006: Ministerial Declaration of Abidjan, establishing the Committee 2007: Adoption of Cotonou Convention, establishing the Committee 2008: Adoption of the structure of the Secretariat and a permanent funding mechanism to support the Committee's activities, 2009: Ministerial Declaration of Accra, combating illegal fishing and adoption of the regional action plan against illegal fishing. ²⁹³ |
| Policy instruments | The strategies which FCWC implements to achieve its strategic goals, as well as the elements of success for each area of interest, are presented in a table on its website. ²⁹⁴ |
| Cooperation | Information not available. |

²⁸⁶ <http://www.fao.org/fishery/rfb/crfm/en>

²⁸⁷ http://www.crfm.net/index.php?option=com_k2&view=item&layout=item&id=1&Itemid=114

²⁸⁸ <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=k2y%2b0jOz%2fY%3d&tabid=56>, Art. 7.

²⁸⁹ <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=k2y%2b0jOz%2fY%3d&tabid=56>, Art. 14(2).

²⁹⁰ <http://www.fao.org/fishery/rfb/crfm/en> ; <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=k2y%2b0jOz%2fY%3d&tabid=56> , Art. 15(1).

²⁹¹ <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=k2y%2b0jOz%2fY%3d&tabid=56> , Art. 16

²⁹² <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=z0C1HBCgjoA%3d&tabid=90> , p. 1.

²⁹³ <http://www.fao.org/fishery/rfb/fcwc/en> and http://www.fcwc-fish.org/index.php?option=com_content&view=article&id=74&Itemid=482

²⁹⁴ http://www.fcwc-fish.org/index.php?option=com_content&view=article&id=75&Itemid=484

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| Agreements/MoUs | |
| Mandate/objective/scope | To promote cooperation among the contracting parties with a view to ensuring, through appropriate management, the conservation and optimum utilization of the living marine resources covered by the Convention and encouraging sustainable development of fisheries based on such resources. ²⁹⁵ |
| Geographic coverage | All marine waters under national jurisdiction of the contracting parties as well as to all living marine resources, without prejudice to the management responsibilities and authorities of other competent fisheries management organizations or arrangements in the area. ²⁹⁶ |
| Species/stocks coverage | The Committee covers all living marine resources, without prejudice to the management responsibilities and authorities of other competent fisheries management organizations or arrangements within the area of competence. ²⁹⁷ |
| Parties | Liberia, Togo, Nigeria, Ghana, Cote d'Ivoire, Benin. ²⁹⁸ |
| Secretariat | Located in Tema, Ghana. ²⁹⁹ |
| Institutional framework | <p>The Conference of Ministers is the supreme body of the Committee. Each contracting party is represented at its meetings by the minister responsible for fisheries or his or her authorized representative. The Conference of Ministers is responsible for determining the course of cooperation between the member countries.</p> <p>Advisory Committee and Coordination (ACC) meets every year. Each contracting party has one member in the Advisory Coordinating Committee, who is the head of the department responsible for marine fisheries or his or her authorized representative. The tasks for the ACC are to supervise the activities of the Secretariat, provide technical and scientific advice to the Conference of Ministers, assist the coordinator and ensure implementation of the decisions of the Conference of Ministers. Recommendations of the ACC shall be adopted by consensus.</p> <p>The Secretariat is the executive body of the Committee, and the secretary general is the legal representative of the Committee. He or she directs the work of the Committee in accordance with the decisions of the Conference of Ministers and under the guidance of the ACC.</p> <p>When needed, working groups may be formed on specific topics or issues related to the Committee's objectives. The ACC is responsible for establishing such subcommittees or working groups. In 2009, the "FCWC ad hoc working group for improving information on status and trends of fisheries" was officially established.³⁰⁰</p> |
| Decision-making | The Conference of Ministers endeavors to take decisions by consensus. ³⁰¹ |
| Financial arrangements | |
| Expenditures | |
| Further information | http://www.fao.org/fishery/rfb/fcwc/en http://www.fcwc-fish.org/ |

International Commission for the Conservation of Atlantic Tunas (ICCAT)

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| Legal basis | Established by the International Convention for the Conservation of Atlantic Tunas, signed in Rio de Janeiro, Brazil, on 14 May 1966 and entered into force on 21 March 1969. The Convention was amended in 1984 and 1992. ³⁰² |
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²⁹⁵ <http://www.fao.org/fishery/rfb/fcwc/en>

²⁹⁶ <http://www.fao.org/fishery/rfb/fcwc/en> and http://www.fcwc-fish.org/index.php?option=com_content&view=article&id=74&Itemid=482

²⁹⁷ <http://www.fao.org/fishery/rfb/fcwc/en>

²⁹⁸ http://www.fcwc-fish.org/index.php?option=com_content&view=category&layout=blog&id=104&Itemid=483

²⁹⁹ http://www.fcwc-fish.org/index.php?option=com_content&view=article&id=74&Itemid=482

³⁰⁰ <http://www.fao.org/fishery/rfb/fcwc/en>

³⁰¹ <http://www.fao.org/fishery/rfb/fcwc/en>

³⁰² <http://www.fao.org/fishery/rfb/iccat/en>

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| Policy instruments | Not applicable, because the focus is on research. Through the Convention, it is established that ICCAT is the only fisheries organization that can undertake the range of work required for the study and management of tunas and tuna-like fishes in the Atlantic. Such studies include research on biometry, ecology, and oceanography, with a principal focus on the effects of fishing on stock abundance. The Commission's work requires the collection and analysis of statistical information relative to current conditions and trends of the fishery resources in the Convention area. |
| Cooperation agreements/MoUs | ICCAT can grant the status of Cooperators following the procedures outlined in the 2003 Recommendation by ICCAT on Criteria for Attaining the Status of Cooperating Non-Contracting Party, Entity or Fishing Entity in ICCAT. Currently, this status has been attained by the following: Chinese Taipei, Curaçao, Colombia, Suriname and El Salvador. ³⁰³ |
| Mandate/objective/scope | The conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas. ³⁰⁴ |
| Geographic coverage | High seas and national waters. All waters of the Atlantic Ocean and adjacent seas. ³⁰⁵ |
| Species/stocks coverage | About 30 species of tuna and tuna-like species are of direct concern to the ICCAT. Atlantic bluefin (<i>Thunnus thynnus thynnus</i>), skipjack (<i>Katsuwonus pelamis</i>), yellowfin (<i>Thunnus albacares</i>), albacore (<i>Thunnus atalunga</i>) and bigeye tuna (<i>Thunnus obesus</i>); swordfish (<i>Xiphias gladius</i>); billfishes such as white marlin (<i>Tetrapturus albidus</i>), blue marlin (<i>Makaira nigricans</i>), sailfish (<i>Istiophorus albicans</i>) and spearfish (<i>Tetrapturus pfluegeri</i>); mackerels such as spotted Spanish mackerel (<i>Scomberomorus maculatus</i>) and king mackerel (<i>Scomberomorus cavalla</i>); and, small tunas like black skipjack (<i>Euthynnus alletteratus</i>), frigate tuna (<i>Auxis thazard</i>), and Atlantic bonito (<i>Sarda sarda</i>). The Commission also undertakes work in the compilation of data for other fish species that are caught during tuna fishing ("bycatch", principally sharks) in the Convention area, and which are not investigated by another international fishery organization. ³⁰⁶ |
| Parties | The Commission may be joined by any government that is a member of the United Nations (UN), any specialized UN agency, or any intergovernmental economic integration organization constituted by States that have transferred to it competence over the matters governed by the ICCAT Convention. Instruments of ratification, approval, or adherence may be deposited with the Director-General of the Food and Agriculture Organization of the United Nations (FAO), and membership is effective on the date of such deposit. Currently, there are 48 contracting parties: Albania, Algeria, Angola, Barbados, Belize, Brazil, Canada, Cape Verde, China, Sierra Leone, Côte d'Ivoire, Croatia, Egypt, Equatorial Guinea, European Union, France (Saint Pierre et Miquelon), Gabon, Ghana, Guatemala, Guinea, Honduras, Iceland, Japan, Libya, Morocco, Mauritania, Mexico, Namibia, Nicaragua, Nigeria, Norway, Panama, Philippines, Republic of Korea, Russian Federation, Saint Vincent/Grenadines, Sao Tome and Principe, Senegal, South Africa, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, United Kingdom (Overseas Territories), United States of America, Uruguay, Vanuatu, Boliv Rep of Venezuela. ³⁰⁷ |
| Secretariat | Located in Madrid, Spain. It facilitates the work carried out by the Commission. It compiles and prepares the databases, makes preparatory data analyses, executes meeting arrangements, prepares publications, etc. ³⁰⁸ |
| Institutional framework | The Commission is the main decision-making body where each of the contracting parties is represented. The Commission holds annual meetings, alternating between regular meetings and special meetings every two years. Subsidiary Bodies: ■ Panels |

³⁰³ <http://www.iccat.int/en/contracting.htm>

³⁰⁴ <http://www.fao.org/fishery/rfb/iccat/en>

³⁰⁵ <http://www.iccat.int/Documents/Commission/BasicTexts.pdf>, Convention, Art. I.

³⁰⁶ <http://www.fao.org/fishery/rfb/iccat/en> ; <http://www.iccat.int/en/introduction.htm>

³⁰⁷ <http://www.iccat.int/en/contracting.htm> ; <http://www.fao.org/fishery/rfb/iccat/en>

³⁰⁸ <http://www.fao.org/fishery/rfb/iccat/en>

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| | <ul style="list-style-type: none"> ○ Tropical Tunas (yellowfin, skipjack and bigeye), ○ Northern Temperate Tunas (albacore and bluefin), ○ Southern Temperate Tunas (albacore and southern bluefin), ○ <p>Other Species;</p> <ul style="list-style-type: none"> ■ Standing Committee on Finance and Administration (STACFAD); ■ Standing Committee on Research and Statistics (SCRS); ■ Permanent Working for the Improvement of ICCAT Statistics and Conservation Measures (PWG); <p>Conservation and Management Measures Compliance Committee;</p> <ul style="list-style-type: none"> ■ Special Working Groups.³⁰⁹ |
| Decision-making | Decisions of the Commission shall be taken by a majority of the members of the Commission, except as are provided for in Article VIII, paragraph 1(b)(i) of the Convention. ³¹⁰ |
| Financial arrangements | Funding of the budget is by annual financial contributions made by the members of the Commission. The Madrid Protocol, which is in force since March 2005 is used for the calculation of the subsequent budget contributions. This scheme divides the Contracting Parties into four groups (essentially based on classification of market economies and per capita GNP, and on tuna catch and canned production), with every Contracting Party in each group being assigned a portion of the Commission's total budget. The intent of this scheme is to reduce the financial burden on less developed countries. ³¹¹ |
| Expenditures | The total Budget approved by the Commission for the year 2013 amounts to 3,025,600 Euros. ³¹² |
| Further information | http://www.fao.org/fishery/rfb/iccat/en http://www.iccat.int/en/introduction.htm |

International Council for the Exploration of the Sea (ICES)

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| Legal basis | The Council had been established in 1902 by exchange of letters between participating countries. In 1964, through an agreed Convention, ICES received a legal foundation and full international status. Established by the Convention for the International Council for the Exploration of the Sea, signed in Copenhagen, Denmark, 12 September 1964, the new Convention aimed to facilitate the implementation of its Programme. The Convention entered into force on 22 July 1968. ³¹³ |
| Policy instruments | ICES Strategic Plan ³¹⁴ |
| Cooperation agreements/MoUs | ICES cooperates with other scientific organizations on topics of mutual interest. The cooperation takes the form of Joint Working Groups, co-sponsored theme sessions at annual science meetings and co-sponsored science symposia. A Strategic Planning Framework was specifically established for the cooperation with the North Pacific Marine Science Organization (PICES), the sister organization in the North Pacific. |

³⁰⁹ <http://www.iccat.int/en/organization.htm> : <http://www.fao.org/fishery/rfb/iccat/en>

³¹⁰ <http://www.iccat.int/Documents/Commission/BasicTexts.pdf>, Rules of Procedure, Rule 9(2), p. 14.

³¹¹ <http://www.iccat.int/en/finances.htm>

³¹² <http://www.iccat.int/en/finances.htm>

³¹³ <http://www.fao.org/fishery/rfb/ices/en> and <http://www.ices.dk/explore-us/who-we-are/Pages/council.aspx>

³¹⁴ http://www.ices.dk/explore-us/who-we-are/Documents/ICES_Strategic_Plan_2008.pdf

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| | Science cooperation agreements are also in place with more than 20 with global and regional organizations including: IOC, FAO, CBD, AMAP and IASC. ³¹⁵ |
| Mandate/objective/scope | To coordinate and promote marine research on oceanography, the marine environment, the marine ecosystem, and on living marine resources in the North Atlantic. ICES is a scientific and research organization for the provision of information and advice to member countries and international bodies. ³¹⁶ |
| Geographic coverage | High seas and national waters. For fisheries advisory: North East Atlantic For scientific advice: Atlantic Ocean and its adjacent seas and primarily the North Atlantic. ³¹⁷ |
| Species/stocks coverage | All species in the area of competences. ³¹⁸ |
| Parties | Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Latvia, Lithuania, the Netherlands, Norway, Poland, Portugal, Russian Federation, Spain, Sweden, United Kingdom, and the United States of America. ³¹⁹ |
| Secretariat | Based in Copenhagen, Denmark. ³²⁰ |
| Institutional framework | <p>The Council is the decision and policy-making body. It is composed of two delegates appointed by each of the 20 member countries. The Council is chaired by the President, elected from among the Delegates for a term of three years.</p> <p>The bureau is ICES Executive Committee. It is composed of the President, the First Vice-President and 5 Vice-Presidents. The Bureau members are elected from the delegates for a three years term.</p> <p>The Finance Committee is composed of five Delegates. It examines (a) the audited Accounts of the Council for the preceding financial year; (b) the preliminary Accounts for the current financial year; (c) a Budget for the ensuing financial year and a Forecast Budget for the next following year.</p> <p>The Science Committee (SCICOM) oversees all aspects of ICES scientific work. The ICES Council has delegated its science authority to the Science Committee (SCICOM). This Committee establishes the mechanisms necessary to deliver the Science Plan.</p> <p>ICES Advisory Services provides advice to clients on marine ecosystem issues. The advisory Committee (ACOM) is the sole competent body for ICES for scientific advice in support of the management of coastal and ocean resources and ecosystems.</p> <p>The Committee works on the basis of scientific analysis prepared in the ICES expert groups and the advisory process includes peer review of the analysis before it can be used as basis for the advice. The advice is finalized by the Advisory Committee.</p> <p>The Advisory Committee has one member from each member country under the direction of an independent chair appointed by the Council.</p> <p>Expert groups are the foundation of ICES scientific programme. They are composed of national experts from the 20 member countries. ICES Working/Study Groups cover all aspects of the marine ecosystem from oceanography to seabirds and marine mammals. ICES has more than 100 Expert/Study Groups that cover most aspects of the marine ecosystem.³²¹</p> |
| Decision-making | Except as otherwise provided in the Convention, when a vote is taken in plenary sessions of the Council or in meetings of its Committees, a simple majority of the votes cast for or against shall be decisive. ³²² |

³¹⁵ <http://www.ices.dk/explore-us/how-we-work/Pages/Scientific-cooperation.aspx>

³¹⁶ <http://www.fao.org/fishery/rfb/ices/en>

³¹⁷ <http://www.fao.org/fishery/rfb/ices/en>

³¹⁸ <http://www.fao.org/fishery/rfb/ices/en>

³¹⁹ <http://www.ices.dk/explore-us/who-we-are/Pages/Member-Countries.aspx>

³²⁰ <http://www.fao.org/fishery/rfb/ices/en>

³²¹ <http://www.fao.org/fishery/rfb/ices/en> and <http://www.ices.dk/explore-us/how-we-work/Pages/default.aspx>

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| | Consult the website for the advisory process ³²³ and the type of resolutions. ³²⁴ |
| Financial arrangements | |
| Expenditures | |
| Further information | http://www.fao.org/fishery/rfb/ices/en http://www.ices.dk/Pages/default.aspx |

Northwest Atlantic Fisheries Organization (NAFO)

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| Legal basis | Established by the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, concluded at Ottawa, Canada, on 24 October 1978 and entered into force on 1 January 1979. On 28 September 2007, after a two-year process, the NAFO adopted the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. This constitutes the first formal step towards a reformed Convention for the NAFO. The adopted text has now to be ratified by at least three-fourths of the NAFO contracting parties to become legally binding. The ratification is still in progress. ³²⁵ In September 2012 five Contracting Parties have ratified the amended Convention through their own governments. These are: Norway, Canada, the European Union, Cuba and the Russian Federation. ³²⁶ |
| Policy instruments | No policy instruments, except for the Roadmap for developing an Ecosystem Approach to Fisheries (EAF) for NAFO. ³²⁷ Based on scientific advice from the Scientific Council, the NAFO adopts a comprehensive range of management and conservation measures. In addition, it also has in place a strong scheme to monitor, survey and control the international fisheries, which is administered by the Standing Committee on International Control (STACTIC). The NAFO's conservation and enforcement measures are updated annually by the Fisheries Commission. Since 2004 the NAFO has published a compliance report. Enforcement of the NAFO Fishery Regulations lies under national responsibility. ³²⁸ |
| Cooperation agreements/MoUs | The NAFO has a MoU with the International Council for the Exploration of the Seas (ICES). The cooperation with ICES is reflected in a joint shrimp stock assessment (NIPAG) and the shared working groups on "Harp and Hooded Seals", and on "Reproductive Potential". NAFO also works with NEAFC to manage the transboundary pelagic redfish stock in Subarea 2 and Div. 1F + 3K. The NAFO also co-sponsors joint scientific symposia, most recently with the ICES for Marine Mammals and ICES and PICES for Reproductive and Recruitment Processes. The NAFO is an active member of Coordinating Working Party of Fisheries Statistics (CWP), Fishery Resources Monitoring System (FIRMS/FIGIS), ASFA (Aquatic Sciences and Fisheries Abstracts), International Fisheries Commissions Pension Society (IFCPS), North Atlantic Fishery Management Organizations (NARFMO) and Regional Secretariats Network. Representatives from the NAFO are nominated at the Annual Meeting to attend meetings of other RFMOs. At times, special invitations are extended to the NAFO to partake in special UN and UN-related events. ³²⁹ |
| Mandate/objective/scope | To contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the Convention Area. |

³²² Rules of Procedures, Rule 5 i), available at http://www.ices.dk/explore-us/who-we-are/Documents/ICES_Rules_of_Procedure.pdf

³²³ <http://www.ices.dk/community/advisory-process/Pages/default.aspx>

³²⁴ <http://www.ices.dk/explore-us/how-we-work/Pages/resolutions.aspx>

³²⁵ <http://www.fao.org/fishery/rfb/nafo/en>

³²⁶ <http://www.nafo.int/>

³²⁷ Report of the NAFO Performance Review Panel 2011, p. 78, available at <http://www.nafo.int/about/frames/about.html>; Report of the NAFO Scientific Council WGEAFM, February 2010, NAFO SCS Doc. 10/19, p. 75-81, available at <http://archive.nafo.int/open/sc/2010/scs10-19.pdf>

³²⁸ <http://www.fao.org/fishery/rfb/nafo/en>

³²⁹ <http://www.fao.org/fishery/rfb/nafo/en>

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| | In the amended Convention adopted in 2007, still to be ratified, the objective had been revised as follows: "... ensure the long term conservation and sustainable use of the fishery resources in the Convention Area and, in so doing, to safeguard the marine ecosystems in which these resources are found". ³³⁰ |
| Geographic coverage | The international fisheries managed by the NAFO take place outside the 200-mile exclusive economic zone. This is called the NAFO Regulatory Area (NRA) and is 2,707,895 km ² . The NAFO Convention Area, however, is not restricted to international waters; it also covers the 200-mile zones under national jurisdiction. The total area under NAFO's Convention is 6,551,289 km ² . ³³¹ |
| Species/stocks coverage | The NAFO Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries applies to most fishery resources of the Northwest Atlantic except salmon, tunas/marlins, mammals as these are already under the responsibility of other intergovernmental regional fisheries management bodies. It also does not apply to sedentary species such as many shellfish over which coastal States exercise sovereign rights. The NAFO sets quotas and TACs for 19 stocks comprising 11 different species. The NAFO manages the pelagic redfish stock in Subarea 2 and Div. 1F +3K in conjunction with NEAFC. ³³² |
| Parties | Canada, Cuba, Denmark (Faroe Islands and Greenland), European Union, France (Saint Pierre et Miquelon), Iceland, Japan, Norway, Republic of Korea, Russian Federation, Ukraine, United States of America. ³³³ |
| Secretariat | The Secretariat, consisting of about 10 persons, provides administrative services to the Organization and is located in Dartmouth, Nova Scotia, Canada. Its chief administrative officer is the executive secretary who is appointed by the General Council. ³³⁴ |
| Institutional framework | The General Council supervises and coordinates the organizational, administrative, financial and other internal affairs of the Organization, including the relations among its constituent bodies and external relations of the Organization. Each contracting party is a member and appoints to the Council up to three representatives. The chairperson of the General Council also serves as president for the NAFO. The General Council has set up the Standing Committee, STACFAD (Finance and Administration). The amended Convention adopted in 2007, still to be ratified, merges the General Council and Fisheries Commission into the Commission. Fisheries Commission is responsible for the management and conservation of the fishery resources of the regulatory area (waters outside the EEZs). It annually decides on the NAFO fishery regulations, TACs and quotas (NAFO conservation and enforcement measures). Fisheries Commission has set up the Standing Committee STACTIC (International Control) which reviews and evaluates the effectiveness of and compliance with the conservation and enforcement measures. The Scientific Council and the science component of the NAFO are an integral parts of the Organization. Scientists from NAFO member States contribute to the assessment of fish and ecosystems in the NAFO Convention Area by conducting scientific surveys and evaluating other relevant information. The Scientific Council meets several times each year to discuss its findings, coordinate its research activities and prepare the scientific advice for the Fisheries Commission and coastal States. The information used by the NAFO scientists includes but is not limited to catch statistics from NAFO contracting parties as well as data gathered on commercial and research vessels and landing ports. Standing committees of the Scientific Council are STACFIS (fisheries science), STACPUB (publications), STACFEN (fisheries environment), and STACREC (research coordination). The Scientific Council also organizes workshops and symposia that are open to the scientific public worldwide. The most prominent scientific publication of the NAFO is the Journal of Northwest Atlantic Fishery Science. ³³⁵ |
| Decision-making | At meetings of the subsidiary bodies, decisions shall be taken by a majority of votes of all members of the relevant subsidiary body, present and casting |

³³⁰ <http://www.fao.org/fishery/rfb/nafo/en>

³³¹ <http://www.fao.org/fishery/rfb/nafo/en> and <http://www.nafo.int/>

³³² <http://www.fao.org/fishery/rfb/nafo/en>

³³³ <http://www.fao.org/fishery/rfb/nafo/en>

³³⁴ <http://www.fao.org/fishery/rfb/nafo/en> and NAFO Annual Report 2012, p. 13, available at <http://www.nafo.int/>

³³⁵ <http://www.fao.org/fishery/rfb/nafo/en> and <http://www.nafo.int/>

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| | affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two-thirds of all members of the relevant subsidiary body. ³³⁶ |
| Financial arrangements | The Standing Committee on Finance and Administration (STACFAD) put forward a budget proposal for the 2013 fiscal year of \$1.89 million. This represented an increase of only 0.8% over the 2012 approved budget. The NAFO Convention (Article XVI.3) establishes a three part cost sharing formula, including a proportion based on the nominal catches in the Convention Area. ³³⁷ |
| Expenditures | In 2012 the operating budget was set at \$1.875 million of which \$1.64 million was financed through contributions received from its Contracting Parties. ³³⁸ |
| Further information | http://www.fao.org/fishery/rfb/nafo/en http://www.nafo.int/ |

North Atlantic Marine Mammal Commission (NAMMCO)

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| Legal basis | Established by the Agreement on Cooperation in Research, Conservation and Management of Marine Mammals in the North Atlantic, signed in Nuuk, Greenland, on 9 April 1992 by the current members of the Commission. It entered into force on 7 July 1992. The establishment of the NAMMCO built upon a memorandum of understanding between the four member countries to establish an informal North Atlantic Committee for Cooperation on Research on Marine Mammals (NAC). ³³⁹ |
| Policy instruments | |
| Cooperation agreements/MoUs | |
| Mandate/objective/scope | To contribute through regional consultation and cooperation to the conservation, rational management and study of marine mammals in the North Atlantic. ³⁴⁰ |
| Geographic coverage | High seas and national waters ³⁴¹ |
| Species/stocks coverage | All species of cetaceans (whales and dolphins) and pinnipeds (seals and walrus) in the region, many of which have not before been covered by such an international agreement. ³⁴² |
| Parties | Faroe Islands, Greenland, Iceland, Norway. ³⁴³ |
| Secretariat | The Secretariat has three full-time staff members and is located at the Science Park in Tromsø, Norway. There have been recent changes in staffing of the Scientific Secretary position. The new appointee started in April 2013. It coordinates and facilitates the work of the Commission and subsidiary bodies. ³⁴⁴ |
| Institutional framework | The Council, the decision-making body of the Commission, meets on an annual basis to review advice requested from the Scientific Committee. It coordinates recommendations for further scientific research, reviews hunting methods for marine mammals in member countries and operates a joint control scheme for observation of whaling and sealing activities in member countries. Management committees make proposals for conservation and management and recommendations for scientific research with respect to |

³³⁶ Rules of Procedures for the General Council, Rule 2.3, available at <http://www.nafo.int/about/frames/about.html>

³³⁷ NAFO Annual Report 2012, p. 4, available at <http://www.nafo.int/>

³³⁸ NAFO Annual Report 2012, p. 4, available at <http://www.nafo.int/>

³³⁹ <http://www.nammco.no/webcronize/images/Nammco/659.pdf>

³⁴⁰ Agreement, Art. 2, available at <http://www.nammco.no/webcronize/images/Nammco/659.pdf>; <http://www.fao.org/fishery/rfb/nafo/en>

³⁴¹ <http://www.fao.org/fishery/rfb/nammco/en>

³⁴² <http://www.fao.org/fishery/rfb/nammco/en>

³⁴³ <http://www.fao.org/fishery/rfb/nammco/en>

³⁴⁴ <http://www.nammco.no/Nammco/Mainpage/Secretariat/>

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| | <p>stocks of marine mammals within their mandate. Currently, there are two management committees, one for cetaceans, and a second for seals and walrus.</p> <p>The Scientific Committee provides scientific advice in response to requests from the Council, utilizing to the extent possible existing scientific information. The Scientific Committee has had a number of working groups over the years that address specific issues as needed.</p> <p>The Hunting Methods Committee provides advice on hunting methods for the marine mammals relevant to NAMMCO member countries.</p> <p>The Committee on Inspection and Observation monitors the implementation of the Joint NAMMCO Control Scheme for the hunting of marine mammals. The Committee also provides advice on the implementation of the scheme upon request from the Secretariat.</p> <p>The Finance and Administration Committee has representatives from all member governments, and is responsible for making recommendations on budget to Council, and approving annual audited budgets for years-ended, and providing budgets for the current and future fiscal years for Council's approval.³⁴⁵</p> |
| Decision-making | <p>The Chairman may decide that unanimity is reached if he deems so. If no objection is made, the decision is thereby taken. A Contracting Party may call for a vote. Votes shall then be taken by show of hands or by roll call in the English alphabetical order. When a Contracting Party so requests the vote shall be conducted by secret ballot.</p> <p>Decisions of the Council shall be taken by the unanimous vote of those Contracting Parties present.³⁴⁶</p> |
| Financial arrangements | |
| Expenditures | <p>Audited account for 2010: total income: 4 540 313 total operating expenses: 4 235 748³⁴⁷</p> |
| Further information | <p>http://www.fao.org/fishery/rfb/nammco/en http://www.nammco.no/</p> |

North Atlantic Salmon Conservation Organization (NASCO)

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| Legal basis | Established by the Convention for the Conservation of Salmon in the North Atlantic Ocean, which was opened for signature in Reykjavik, Iceland, on 2 March 1982 and entered into force on 10 October 1983. ³⁴⁸ |
| Policy instruments | |
| Cooperation agreements/MoUs | |
| Mandate/objective/scope | To contribute, through consultation and cooperation, to the conservation, restoration, enhancement and rational management of salmon stocks subject to the Convention taking into account the best scientific evidence available to it. ³⁴⁹ |
| Geographic coverage | High seas and national waters. Atlantic Ocean north of 36°N throughout the species' migratory range. ³⁵⁰ |
| Species/stocks coverage | Salmon stocks that migrate beyond areas of fisheries jurisdiction of coastal States of the Atlantic Ocean north of 36°N throughout their |

³⁴⁵ <http://www.fao.org/fishery/rfb/nammco/en>; <http://www.nammco.no/> and <http://www.nammco.no/Nammco/Mainpage/AboutNammco/>

³⁴⁶ Rules of Procedures for the NAMMCO Council, Rule II(2) and II(4), p. 1, available at <http://www.nammco.no/webcronize/images/Nammco/867.pdf>

³⁴⁷ NAMMCO Annual Report 2011, Annex 4, p. 34, available at <http://www.nammco.no/webcronize/images/Nammco/976.pdf>

³⁴⁸ <http://www.fao.org/fishery/rfb/nasco/en> and <http://www.nasco.int/convention.html>

³⁴⁹ <http://www.fao.org/fishery/rfb/nasco/en>

³⁵⁰ <http://www.fao.org/fishery/rfb/nasco/en>

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| | migratory range. ³⁵¹ |
| Parties | Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union, Iceland, Norway, Russian Federation, United States of America. NASCO has 35 accredited NGOs that have observer status. ³⁵² |
| Secretariat | The secretary, appointed by the Council, is the chief administrative officer of the Organization. ³⁵³ |
| Institutional framework | The Council provides a forum for the study, analysis and exchange of information among the parties and for consultation and cooperation on matters concerning salmon stocks. It facilitates the coordination of the activities of the commissions, makes recommendations concerning the undertaking of scientific research and supervises the administrative, financial and other internal affairs of the Organization. The NASCO has three regional commissions, the functions of which include making recommendations to the Council on the undertaking of scientific research, providing a forum for consultation and cooperation, and proposing regulatory measures for fishing in the area of fisheries jurisdiction of a member of salmon originating in the rivers of other parties. North American Commission: °Canada °United States of America In addition, the European Union has the right to submit and vote on proposals for regulatory measures concerning salmon stocks originating in its territory. North-East Atlantic Commission: °Denmark (in respect of the Faroe Islands and Greenland): °European Union °Iceland (to 31 December 2009) °Norway °Russian Federation In addition, Canada and the United States of America have the right to submit and vote on proposals for regulatory measures concerning salmon stocks originating in their rivers and occurring off East Greenland. West Greenland Commission: °Canada°Denmark (in respect of the Faroe Islands and Greenland) °European Union °United States of America In 2001, the NASCO established an International Atlantic Salmon Research Board (IASRB) to promote collaboration and cooperation on research into the causes of marine mortality of Atlantic salmon and the opportunities to counteract this mortality. ³⁵⁴ |
| Decision-making | |
| Financial arrangements | |
| Expenditures | |
| Further information | http://www.fao.org/fishery/rfb/nasco/en http://www.nasco.int/index.html |

North East Atlantic Fisheries Commission (NEAFC)

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| Legal basis | Established by the Convention on Future Multilateral Cooperation in Northeast Atlantic Fisheries, open for signature in London on 18 November 1980 and entered into force on 17 March 1982. Amendments to the 1982 Convention have been adopted in 2004 and 2006 by NEAFC Commission. Contracting parties have agreed to use the “new” Convention ³⁵⁵ on a provisional basis pending ratification. ³⁵⁶ See: the |
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³⁵¹ <http://www.fao.org/fishery/rfb/nasco/en>

³⁵² <http://www.fao.org/fishery/rfb/nasco/en>

³⁵³ <http://www.fao.org/fishery/rfb/nasco/en>

³⁵⁴ <http://www.fao.org/fishery/rfb/nasco/en>

³⁵⁵ http://www.neafc.org/system/files/london_declaration_and_new_convention.pdf

³⁵⁶ <http://www.fao.org/fishery/rfb/neafc/en#Org-LegalFoundation>

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| | Declaration on the Interpretation and Implementation of the Convention on the Future Multilateral Cooperation in North-East Atlantic Fisheries. ³⁵⁷ |
| Policy instruments | |
| Cooperation agreements/MoUs | MoU's with ICES, OSPAR Commission, etc. |
| Mandate/objective/scope | To ensure the long-term conservation and optimal utilization of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits. ³⁵⁸ |
| Geographic coverage | High seas and national waters. Northeast Atlantic. ³⁵⁹ The NEAFC Convention Area covers the Atlantic and Arctic Oceans east of a line south of Cape Farewell - the southern tip of Greenland (42° W), north of a line to the west of Cape Hatteras - the southern tip of Spain (36° N) and west of a line touching the western tip of Novya Semlya (51°E). ³⁶⁰ |
| Species/stocks coverage | All fish, molluscs, crustaceans and including sedentary species, excluding, in so far as they are dealt with by other international agreements, highly migratory species listed in Annex I of the UNCLOS, and anadromous stocks. ³⁶¹ |
| Parties | Contracting parties: Denmark (in respect of the Faroe Islands and Greenland), European Union, Iceland, Norway, Russian Federation. Cooperating non-contracting parties: Canada, New Zealand, St Kitts and Nevis. ³⁶² |
| Secretariat | The management of the Commission is undertaken by an independent Secretariat based in London. The Secretariat was established in 1999 following changes in relevant international law. The current Secretariat is made up of three full-time and one part-time member of staff. The position of Secretary is a fixed-term appointment for three years, which can be extended. ³⁶³ |
| Institutional framework | The Commission has legal personality and enjoys in its relations with other international organizations and in the territories of the contracting parties such legal capacity as may be necessary to perform its functions and achieve its ends. Each contracting party appoints to the Commission not more than two representatives, who may be accompanied at any of its meetings by experts and advisers. The Commission holds annual sessions. The head of the Commission is the President, who is responsible for convening, presiding, opening and closing and running regular meetings of the contracting parties and ensuring that the business of the Commission is carried out effectively and in accordance with its decisions. Presidents are elected from among the contracting parties for three years. A President may serve more than once, but not for two consecutive terms. The Finance and Administration Committee (FAC) is comprised of representatives drawn from different contracting parties, with all contracting parties represented. It is responsible for advising the Commission on all aspects of the Commission's annual budget. The FAC also advises the Commission on staffing and administrative matters. The Permanent Committee on Control and Enforcement (PECCOE) is comprised of representatives of the contracting parties, with all contracting parties represented. The PECCOE is responsible for advising the Commission on issues relating to fishing controls and the enforcement of the Scheme. |

³⁵⁷ http://www.neafc.org/system/files/london-declaration_and_new_convention.pdf

³⁵⁸ <http://www.fao.org/fishery/rfb/neafc/en>

³⁵⁹ <http://www.fao.org/fishery/rfb/neafc/en>

³⁶⁰ <http://www.neafc.org/neafcguide>

³⁶¹ <http://www.fao.org/fishery/rfb/neafc/en>

³⁶² <http://www.neafc.org/neafcguide>

³⁶³ <http://www.fao.org/fishery/rfb/neafc/en> and <http://www.neafc.org/page/29>

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| | <p>The Permanent Committee on Management and Science (PECMAS) takes care of the contacts with the International Council for the Exploration of the Sea which provides science-based advice to the NEAFC. It advises the Commission on measures related to area management (areas closed to fisheries).</p> <p>Working groups are formed at the request of the Commission and continue to work in that area for as long as the Commission feels it is useful.</p> <ul style="list-style-type: none"> ■ Advisory Group for Data Communications (AGDC); ■ Working Group on the Future of NEAFC (WGFN); ■ Working Group on Blue Whiting; ■ Working Group on the Appraisal of Regulatory Measures for Deep-Sea Fisheries; ■ <p>Working Group on Fisheries Statistics.³⁶⁴</p> |
| Decision-making | Decisions of the Commission shall be taken by a simple majority or, if this Convention specifically requires a qualified majority, by a two-thirds majority of the votes of all Contracting Parties present and casting affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two thirds of the Contracting Parties. ³⁶⁵ |
| Financial arrangements | |
| Expenditures | |
| Further information | http://www.fao.org/fishery/rfb/neaft/en http://www.neafc.org/ |

Southeast Atlantic Fisheries Organization (SEAFO)

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| Legal basis | <p>The Convention on the Conservation and management of Fishery Resources in the South East Atlantic Ocean was signed on 20 April 2001 and entered into force on 13 April 2003.</p> <p>Certain provisions of the Convention require contracting parties to ensure compatibility and consistency with international conservation and management measures adopted for the highly migratory fish stocks and straddling fish stocks.³⁶⁶</p> |
| Policy instruments | Information not available. |
| Cooperation agreements/MoUs | Information not available. |
| Mandate/objective/scope | To ensure the long-term conservation and sustainable use of the fishery resources in the Convention Area through the effective implementation of this Convention. ³⁶⁷ |
| Geographic coverage | High seas. ³⁶⁸ |
| Species/stocks coverage | Economic important SEAFO fish species in the Convention Area include sedentary / discrete and straddling species such as alfonsino, orange roughy, oreo dories, armourhead, sharks, deepwater hake and red crab. The inclusion of discrete high seas stocks takes the SEAFO Convention beyond the scope of the UNFSA. ³⁶⁹ |

³⁶⁴ <http://www.fao.org/fishery/rfb/neaft/en> and <http://www.neafc.org/page/28>

³⁶⁵ Rules of Procedure, Rule 23, available at http://www.neafc.org/system/files/rulesofprocedure_28052009.pdf

³⁶⁶ <http://www.fao.org/fishery/rfb/seafo/en>

³⁶⁷ <http://www.fao.org/fishery/rfb/seafo/en>

³⁶⁸ <http://www.fao.org/fishery/rfb/seafo/en>

³⁶⁹ <http://www.seafo.org/>

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| Parties | Angola, European Union, Namibia, Norway. ³⁷⁰ |
| Secretariat | The Executive Secretary and the Secretariat perform the functions delegated to them by the Commission. Based in Swakopmund, Walvis Bay, Namibia. ³⁷¹ |
| Institutional framework | The Commission is the main authority of the Organisation. Each Contracting Party appoints one representative to the Commission who may be accompanied by alternate representatives and advisers. The Scientific Committee provides the Commission with scientific advice and recommendations for the formulation of conservation and management measures for fishery resources covered by this Convention, and encourages and promotes cooperation in scientific research in order to improve knowledge of the living marine resources of the Convention Area. ³⁷² |
| Decision-making | Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance. ³⁷³ |
| Financial arrangements | |
| Expenditures | |
| Further information | http://www.fao.org/fishery/rfb/seafo/en http://www.seafo.org/ |

Subregional Fisheries Commission (SRFC)

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| Legal basis | The Convention establishing the SRFC was signed by Cape Verde, Gambia, Guinea-Bissau, Mauritania, and Senegal in Dakar, Senegal, on 29 March 1985. Guinea became a member of the Commission in 1987 and Sierra Leone in 2004. ³⁷⁴ |
| Policy instruments | Information not available. |
| Cooperation agreements/MoUs | Information not available. |
| Mandate/objective/scope | To harmonize the long-term policies of member States in the preservation, conservation and exploitation of the fisheries resources for the benefit of the respective populations; and to strengthen cooperation among member States. ³⁷⁵ |
| Geographic coverage | National waters. Eastern Central Atlantic ocean off the coast of SRFC member countries. ³⁷⁶ |
| Species/stocks coverage | Marine fisheries resources. |
| Parties | Cape Verde, Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal, Sierra Leone. ³⁷⁷ |
| Secretariat | The Permanent Secretariat is an executive body, in charge of the implementation of the decisions taken by the Conference of Ministers. Based in Dakar, Senegal. ³⁷⁸ |
| Institutional framework | The Conference of Ministers of Member States is the decision-making structure of the SRFC. It is composed of the fisheries ministers of the |

³⁷⁰ <http://www.fao.org/fishery/rfb/seafo/en>

³⁷¹ <http://www.fao.org/fishery/rfb/seafo/en>

³⁷² <http://www.fao.org/fishery/rfb/seafo/en>

³⁷³ Rules of Procedures, Part II, available at <http://www.seafo.org/AURulesProcedures.html>

³⁷⁴ <http://www.fao.org/fishery/rfb/srhc/en>

³⁷⁵ <http://www.fao.org/fishery/rfb/srhc/en>

³⁷⁶ <http://www.fao.org/fishery/rfb/srhc/en>

³⁷⁷ <http://www.fao.org/fishery/rfb/srhc/en> and http://www.itios.org/itiosadmin/itios/documents/cases/case_no.21/Technical_Note_eng.pdf, p. 3

³⁷⁸ <http://www.fao.org/fishery/rfb/srhc/en>

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| | <p>member States. The Conference of Ministers holds ordinary sessions every two years and special sessions when needed.</p> <p>The Coordinating Committee is composed of directors of fisheries or any other official designated by the member States. Mandate is to set out recommendations at the Conference of Ministers on questions to be examined and to guide the work of the Permanent Secretariat in the organization of meetings and the implementation of the decisions of the Conference of Ministers.</p> <p>Ad hoc working groups could be established when needed.³⁷⁹</p> |
| Decision-making | |
| Financial arrangements | |
| Expenditures | |
| Further information | http://www.fao.org/fishery/rfb/srhc/en |

Western Central Atlantic Fishery Commission (WECAFC)

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| Legal basis | <p>The WECAFC was established in 1973 by Resolution 4/61 of the FAO Council under Article VI (1) of the FAO Constitution. Its statutes were amended by the FAO Council at its Seventy-fourth Session in December 1978 and by the Hundred and Thirty-first Session of the FAO Council in November 2006.³⁸⁰ See: Resolution 1/131 <i>Revised Statutes of the Western Central Atlantic Fishery Commission (WECAFC)</i>.³⁸¹</p> <p>Resolution of the members of the Western Central Atlantic Fishery Commission on strengthening the implementation of international fisheries instruments.³⁸²</p> |
| Policy instruments | |
| Cooperation agreements/MoUs | |
| Mandate/objective/scope | to promote the effective conservation, management and development of the living marine resources of the area of competence of the Commission, in accordance with the FAO Code of Conduct for Responsible Fisheries, and address common problems of fisheries management and development faced by members of the Commission. ³⁸³ |
| Geographic coverage | High seas and national waters. ³⁸⁴ |
| Species/stocks coverage | All living marine resources, without prejudice to the management responsibilities and authority of other competent fisheries and other living marine resources management organizations or arrangements in the area. ³⁸⁵ |
| Parties | <p>Membership is open to coastal States whose territories are situated wholly or partly within the area of the Commission or States whose vessels engage in fishing in the area of competence of the Commission that notify in writing to the Director-General of the Organization of their desire to be considered as members of the Commission.</p> <p>Current membership: Antigua and Barbuda, Bahamas, Barbados, Belize, Brazil, Colombia, Cuba, Dominica, Dominican Republic, European Union, France, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Jamaica, Japan, Mexico, Netherlands, Nicaragua, Panama, Republic of</p> |

³⁷⁹ <http://www.fao.org/fishery/rfb/srhc/en>

³⁸⁰ <http://www.fao.org/fishery/rfb/wecafc/en>

³⁸¹ <ftp://ftp.fao.org/EI/DOCUMENT/wecafc/statutes.pdf>

³⁸² <ftp://ftp.fao.org/EI/DOCUMENT/wecafc/resolution.pdf>

³⁸³ <http://www.fao.org/fishery/rfb/wecafc/en>

³⁸⁴ <http://www.fao.org/fishery/rfb/wecafc/en>

³⁸⁵ <http://www.fao.org/fishery/rfb/wecafc/en>

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| | Korea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent/Grenadines, Spain, Suriname, Trinidad and Tobago, United Kingdom, United States of America, Boliv Rep of Venezuela. ³⁸⁶ |
| Secretariat | The Secretariat is provided by FAO. It is based in the Subregional Office for the Caribbean (SLC) at Barbados. ³⁸⁷ |
| Institutional framework | <p>The main governing body is the Commission. It is composed of all members. Meetings of the Commission are normally held every two years.</p> <p>The Scientific Advisory Group (SAG) is constituted of five scientists with suitable scientific qualifications and experience in fisheries who serve in their personal capacity. The SAG provides scientific advice to the Commission and its ad hoc working groups, assesses and reports to the Commission on the status of stocks in the area covered by the Commission and assesses the situation, trends and prospects of fisheries in the region. The SAG meets every two years in the year when the Commission meets.</p> <p>Fishery management advice and recommendations, based on the best available scientific information, are provided to member countries for their implementation by dedicated Working Groups, established by the Commission. The Working Groups that were established or confirmed by the 14th session of the Commission in 2012 are the following:</p> <ol style="list-style-type: none"> 1. OSPESCA/WECAFC/CRFM/CFMC Working Group on Spiny Lobster 2. WECAFC/OSPESCA/CRFM/CFMC Working Group on Recreational Fisheries 3. CFMC/OSPESCA/WECAFC/CRFM Queen Conch Working Group 4. IFREMER/WECAFC Working Group on Development of Sustainable Moored Fish Aggregating Device (FAD) Fishing in the Lesser Antilles 5. CRFM/WECAFC Flying fish in the Eastern Caribbean Working Group 6. WECAFC Working Group on the management of deep-sea fisheries 7. CFMC/WECAFC Spawning Aggregations Working Group.³⁸⁸ |
| Decision-making | The Commission reviewed the draft revised Rules of Procedure proposed in Appendix 3 of Document WECAFC/XIV/2012/8. The proposed revisions aimed to revitalize the Commission through improved procedures and decision making and achieve clearer and more effective administration. Mindful that the required 2/3 of WECAFC members for amending the existing Rules of Procedure were not present at the Session, the Commission agreed in principle to the draft Rules of Procedure, but expressed concerns about the wording of some rules and recommended that they be considered for adoption at a meeting where the required number of members is present. ³⁸⁹ |
| Financial arrangements | |
| Expenditures | |
| Further information | http://www.fao.org/fishery/rfb/wecafc/en |

³⁸⁶ <http://www.fao.org/fishery/rfb/wecafc/en>

³⁸⁷ <http://www.fao.org/fishery/rfb/wecafc/en>

³⁸⁸ <http://www.fao.org/fishery/rfb/wecafc/en>

³⁸⁹ http://www.un.org/depts/los/general_assembly/contributions_fisheries/2012/English_Report_WECAFC_14.pdf

III.2 Indian Ocean

Bay of Bengal Programme Inter-Governmental Organization (BOBP-IGO)

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| Legal basis | The establishment of the BOBP-IGO was conceived during the early stages of the Third Phase of the BOBP (1994-2000) and finally endorsed through a resolution at the 24th Meeting of the Advisory Committee of the erstwhile BOBP, held at Phuket, Thailand, in October 1999 (Phuket Resolution). The BOBP-IGO Agreement was formally signed by the Governments of Bangladesh, India and Sri Lanka at Chennai, India, on 26 April 2003 and by the Government of Maldives at Chennai on 21 May 2003. ³⁹⁰ |
| Policy instruments | Information not available. |
| Cooperation agreements/MoUs | Information not available. |
| Mandate/objective/scope | Mandate/Objective: to enhance cooperation among member countries, other countries and organizations in the region and provide technical and management advisory services for sustainable coastal fisheries development and management in the Bay of Bengal region. ³⁹¹ Mission: To promote, facilitate and secure the long-term development and utilisation of coastal fisheries resources of the Bay of Bengal based on responsible fishing practices and environmentally sound management programs. Goal: To connect member countries to knowledge, experience and resources to help their fisher folk build a better life. Core objectives: -increase awareness and knowledge of the needs, benefits and practices of coastal fisheries management; -enhance skills through training and education; -transfer appropriate technologies and techniques for development of small-scale fisheries; -establish a regional information networking; and -promote women's participation in coastal fisheries development at all levels. ³⁹² |
| Geographic coverage | Bay of Bengal region (high seas and national waters). ³⁹³ |
| Species/stocks coverage | Fishery resources of the coastal zone of the Bay of Bengal area. ³⁹⁴ |
| Parties | Bangladesh, India, Maldives, Sri Lanka . ³⁹⁵ Discussions are continuing with other countries on the rim of the Bay of Bengal (Myanmar, Thailand, Indonesia) for their participation. ³⁹⁶ |
| Secretariat | Located in Chennai, Tamil Nadu, India. The Secretariat is headed by the director, appointed by the Governing Council. Staff members and consultants can be appointed by the director, but is at present limited to a Publication Officer. ³⁹⁷ |

³⁹⁰ http://www.fao.org/fishery/rfb/bobp_igo/en

³⁹¹ Agreement, Art. 3.

³⁹² <http://www.bobpigo.org/aboutbobp.htm>

³⁹³ http://www.fao.org/fishery/rfb/bobp_igo/en

³⁹⁴ Agreement, Preamble, Art. 1, Art. 3; http://www.fao.org/fishery/rfb/bobp_igo/en

³⁹⁵ <http://www.bobpigo.org/aboutbobp.htm>

³⁹⁶ <http://www.bobpigo.org/faq.htm>

³⁹⁷ <http://www.bobpigo.org/faq.htm> ; http://www.fao.org/fishery/rfb/bobp_igo/en; Agreement, Art. 12(1).

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| Institutional framework | The BOBP-IGO is a three-layered organization headed by the Governing Council drawn from the constituent ministry/department of fisheries of the member/countries. The Governing Council meets annually. The Governing Council appointed the Technical Advisory Committee (TAC) of the BOBP-IGO comprising leading marine/coastal fisheries research institutes/organizations of the respective member countries. The TAC meets once a year to draw up and evaluate the work plan and submits its recommendations to the Governing Council for review. ³⁹⁸ |
| Decision-making | Unless otherwise provided in the Agreement, decisions of the Governing Council shall be taken by a majority of the votes cast. ³⁹⁹ |
| Financial arrangements | Information not available. |
| Expenditures | Information not available. |
| Further information | http://www.bobpigo.org/ http://www.fao.org/fishery/rfb/hobp_igo/en |

South Indian Ocean Fisheries Agreement (SIOFA)

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| Legal basis | The Southern Indian Ocean Fisheries Agreement (SIOFA) was adopted at the Conference of Plenipotentiaries for the Adoption of the Southern Indian Ocean Fisheries Agreement, held on 7 July 2006 at the Headquarters of the FAO in Rome, Italy. The Agreement was open for signature as from 7 July 2006 and entered into force on 21 June 2012. ⁴⁰⁰ |
| Policy instruments | Information not available. |
| Cooperation agreements/MoUs | Information not available. |
| Mandate/objective/scope | To ensure the long-term conservation and sustainable use of the fishery resources through cooperation among the Contracting Parties, and to promote the sustainable development of fisheries, taking into account the needs of developing States bordering the area of application that are Contracting Parties to the Agreement, and in particular the least-developed among them and small island developing States. ⁴⁰¹ |
| Geographic coverage | High seas. The area of application of the Agreement is bounded by a line joining the following points along parallels of latitude and meridians of longitude, excluding waters under national jurisdiction: Commencing at the landfall on the continent of Africa of the parallel of 10° North; from there east along that parallel to its intersection with the meridian of 65° East; from there south along that meridian to its intersection with the equator; from there east along the equator to its intersection with the meridian of 80° East; from there south along that meridian to its intersection with the parallel of 20° South; from there east along that parallel to its landfall on the continent of Australia; from there south and then east along the coast of Australia to its intersection with the meridian of 120° East; from there south along that meridian to its intersection with the parallel of 55° South; from there west along that parallel to its intersection with the meridian of 80° East; from there north along that meridian to its intersection with the parallel of 45° South; from there west along that parallel to its intersection with the meridian of 30° East; from there north along that meridian to its landfall on the continent of Africa. ⁴⁰² |
| Species/stocks coverage | All resources of fish, molluscs, crustaceans and other sedentary species, but excluding: (i) sedentary species subject to the fishery jurisdiction of coastal States pursuant to Article 77(4) of the 1982 UNCLOS; and (ii) highly migratory species listed in Annex I of the 1982 UNCLOS. ⁴⁰³ |
| Parties | Australia , Cook Islands , European Union , Mauritius , Seychelles The following states have signed the Agreement, but did not ratify yet: Comoros, France, Kenya, Madagascar, Mozambique, New Zealand. ⁴⁰⁴ |

³⁹⁸ http://www.fao.org/fishery/rfb/hobp_igo/en; Agreement, Art. 8, Art. 11, available at <http://www.bobpigo.org/download/agreement.pdf>.

³⁹⁹ Agreement, Art. 8(6).

⁴⁰⁰ <http://www.fao.org/fishery/rfb/siofa/en>; http://www.fao.org/fileadmin/user_upload/legal/docs/1_035s-e.pdf

⁴⁰¹ Agreement, Art. 2, available at http://www.fao.org/fileadmin/user_upload/legal/docs/035t-e.pdf

⁴⁰² Agreement, Art. 3, available at http://www.fao.org/fileadmin/user_upload/legal/docs/035t-e.pdf; <http://www.fao.org/fishery/rfb/siofa/en>

⁴⁰³ Agreement, Art. 1(f).

⁴⁰⁴ http://www.fao.org/fileadmin/user_upload/legal/docs/1_035s-e.pdf

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| Secretariat | No seat or permanent secretariat, since SIOFA is a regional fishery arrangement. The Meeting of the Parties shall decide on arrangements for the carrying out of secretariat services, or the establishment of a secretariat, in which case its nature would change as it would become a RFB. ⁴⁰⁵ |
| Institutional framework | The main organ of SIOFA is the Meeting of the Parties, which takes place at least once a year and, to the extent practicable, back-to-back with meetings of the South West Indian Ocean Fisheries Commission. ⁴⁰⁶ The subsidiary organs are: -Scientific Committee, which shall meet at least once a year, and preferably prior to the Meeting of the Parties; -Compliance Committee, which shall meet, in conjunction with the Meeting of the Parties and shall report, advise and make recommendations to the Meeting of the Parties. The Meeting of the Parties might also establish temporary, special or standing committees and working groups. ⁴⁰⁷ |
| Decision-making | Unless otherwise provided in the Agreement, decisions of the Meeting of the Parties and its subsidiary bodies on matters of substance shall be taken by the consensus of the Contracting Parties present. Decisions on other matters shall be taken by a simple majority of the Contracting Parties present and voting. ⁴⁰⁸ |
| Financial arrangements | n/a |
| Expenditures | n/a |
| Further information | http://www.fao.org/fileadmin/user_upload/legal/docs/D35t-e.pdf http://www.fao.org/fishery/rfb/siofa/en |

Indian Ocean Tuna Commission (IOTC)

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| Legal basis | The Agreement for the Establishment of the Indian Ocean Tuna Commission was concluded under Article XIV of the FAO Constitution. It was approved by the FAO Council on 25 November 1993 and came into force on 27 March 1996. ⁴⁰⁹ IOTC is the direct inheritor of the work conducted under the Indo-Pacific Tuna Development and Management Programme (IPTP), which was set up in 1982 in Colombo, Sri Lanka, with funding from UNDP and execution by FAO. Since 1986, IPTP was funded totally by member country contributions. ⁴¹⁰ |
| Policy instruments | Information not available. |
| Cooperation agreements/MoUs | Information not available. |
| Mandate/objective/scope | To promote cooperation among its members with a view to ensuring, through appropriate management, the conservation and optimal utilization of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks. ⁴¹¹ |
| Geographic coverage | The Indian Ocean (defined for the purpose of the Agreement as being FAO Statistical Areas 51 and 57), and adjacent seas, north of the Antarctic Convergence, insofar as it is necessary to cover such seas for the purpose of conserving and managing stocks that migrate into or out of the Indian Ocean. ⁴¹² In 1999, the Commission extended the western boundary of the IOTC statistical area from 30°E to 20°E, thus eliminating the gap in between the areas covered by the IOTC and ICCAT. High seas and national waters. ⁴¹³ |

⁴⁰⁵ <http://www.fao.org/fishery/rfb/siofa/en>

⁴⁰⁶ Agreement, Art. 5(2).

⁴⁰⁷ Agreement, Art. 7.

⁴⁰⁸ Agreement, Art. 8.

⁴⁰⁹ <http://www.iotc.org/English/info/mission.php>

⁴¹⁰ <http://www.iotc.org/English/info/background.php>

⁴¹¹ <http://www.iotc.org/English/info/mission.php>

⁴¹² Agreement, Art. II, available at ftp://ftp.fao.org/FT/DOCUMENT/iotc/Basic/IOTCA_E.pdf

⁴¹³ <http://www.fao.org/fishery/rfb/iotc/en>

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| Species/stocks coverage | Tuna and tuna-like species in the Indian Ocean and adjacent seas. The species listed in Annex B of the Agreement are under the management mandate of the IOTC. In addition, the Commission has instructed the Secretariat to collate data on non-target, associated and dependent species affected by tuna fishing operations. ⁴¹⁴ |
| Parties | Members: Australia , Belize , China , Comoros , Eritrea , European Union , France , Guinea , India , Indonesia , Iran , Japan , Kenya , Madagascar , Malaysia , Maldives , Mauritius , Mozambique , Oman , Pakistan , Philippines , Republic of Korea , Seychelles , Sierra Leone , Sri Lanka , Sudan , Thailand , United Kingdom , Tanzania , Vanuatu . Cooperating Non-Contracting Parties: Senegal , South Africa . ⁴¹⁵ |
| Secretariat | The Secretariat of the Commission is based in Victoria, Seychelles. It consists of the Secretary and such staff appointed by him/her and under his/her supervision. Currently, the Secretariat consists of 5 international staff, 5 local staff and 1 seconded staff of the Seychelles Fishing Authority (SFA). The Secretary is responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. ⁴¹⁶ |
| Institutional framework | The governing body is the Commission, which is empowered to adopt conservation and management measures. Conservation and management measures binding on members of the Commission must be adopted by a two-thirds majority of members present and voting. Each member of the Commission has one vote. Individual members objecting to a decision are not bound by it. Non-binding recommendations concerning conservation and management of the stocks for furthering the objectives of the Agreement need only be adopted by a simple majority of its members present and voting. Sessions of the Commission are normally held annually. Subsidiary bodies include the following: Scientific Committee, Compliance Committee, Standing Committee on Administration and Finance and about 10 Working Parties. ⁴¹⁷ |
| Decision-making | Unless otherwise provided in the Agreement, decisions and recommendations of the Commission shall be taken by a majority of the votes cast. ⁴¹⁸ |
| Financial arrangements | The funding of the Commission comes from contributions of contracting parties. The scheme of contributions was adopted at the First Special Session of the Commission in 1997 and is divided into four components as follows: (i) 10 percent of the total budget of the Commission is divided equally among all the members; (ii) 10 percent of the total budget is divided equally among the members having fishing operations in the Area targeting species covered by the Commission; (iii) 40 percent of the total budget is allocated among the members on the basis of per caput GNP; (iv) 40 percent of the total budget is allocated among the members in proportion to their average catch in the three calendar years beginning with the year five years before the year to which the contributions relate, with developed countries paying more per unit catch. ⁴¹⁹ Administrative |
| Expenditures | expenditures (staff costs) 2012: 1,405,275 USD. Grand total expenditures (for staff as well as for activities) 2012: 2,344,778 USD. ⁴²⁰ |
| Further information | http://www.iotc.org/English/index.php http://www.fao.org/fishery/rfb/iotc/en |

Southwest Indian Ocean Fisheries Commission (SWIOFC)

⁴¹⁴ <http://www.iotc.org/English/info/mission.php>; <http://www.fao.org/fishery/rfb/iotc/en>; Agreement, Art. III. Annex B of the Agreement is included in the Agreement, which can be downloaded in full from the following site: <http://www.iotc.org/English/info/basictext.php>

⁴¹⁵ <http://www.iotc.org/English/info/comstruct.php>

⁴¹⁶ <http://www.iotc.org/English/info/contact.php>; <http://www.fao.org/fishery/rfb/iotc/en>; <http://www.iotc.org/English/info/staff.php>

⁴¹⁷ <http://www.fao.org/fishery/rfb/iotc/en>; <http://www.iotc.org/English/info/comstruct.php>; Agreement, Art. IX and XII.

⁴¹⁸ Agreement, Art. VI(2).

⁴¹⁹ <http://www.iotc.org/English/info/contributions.php>. The contribution scheme 2012 is available in the Report of the 16th session of the IOTC, 22-26 April 2012, Appendix XIII, p. 58: [http://www.iotc.org/files/proceedings/2012/s/IOTC-2012-S16-R\[E\].pdf](http://www.iotc.org/files/proceedings/2012/s/IOTC-2012-S16-R[E].pdf)

⁴²⁰ Report of the 16th session of the IOTC, 22-26 April 2012, Appendix XII, p. 57, available at: [http://www.iotc.org/files/proceedings/2012/s/IOTC-2012-S16-R\[E\].pdf](http://www.iotc.org/files/proceedings/2012/s/IOTC-2012-S16-R[E].pdf)

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| Legal basis | SWIOFC was established in 2004 by Resolution 1/127 of the FAO Council under Article VI 1 of the FAO Constitution. Its Rules of Procedures were adopted by the Commission at its First session in 2005. ⁴²¹ |
| Policy instruments | Information not available. |
| Cooperation agreements/MoUs | Information not available. |
| Mandate/objective/scope | Without prejudice to the sovereign rights of coastal States, the Commission shall promote the sustainable utilization of the living marine resources of the area of the Commission, by the proper management and development of the living marine resources, and address common problems of fisheries management and development faced by the Members of the Commission. ⁴²² |
| Geographic coverage | National waters. The area of competence of the Commission shall be all the waters of the South West Indian Ocean within the national jurisdiction of coastal States within the area of competence, being all waters of the Indian Ocean bounded by a line drawn as follows: from a point on the high water mark on the East African coast at latitude 10° 00 N, thence due east along this parallel to the longitude 65°00 E, thence due south along this meridian to the equator, thence due east along this parallel to the longitude 80° 00 E, thence due south along this meridian to a parallel 45° 00 S, thence due west along this parallel to the longitude 30° 00 E, thence due north along this meridian to the coast of the African Continent, as shown in the map in the Annex to the Statutes. ⁴²³ |
| Species/stocks coverage | All living marine resources without prejudice to the management and responsibilities and authority of other competent fisheries and other living marine resources management organizations or arrangements in the area of competence. ⁴²⁴ |
| Parties | Comoros, France, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Seychelles, Somalia, South Africa, Tanzania, Yemen. ⁴²⁵ The Secretariat is provided by FAO Subregional Office for Southern Africa (SFS). It is based in Harare, Zimbabwe. ⁴²⁶ |
| Secretariat | |
| Institutional framework | Meetings of the Commission shall be held at least once every two years. Meetings have taken place in 2005, 2006, 2007, 2009 and 2011. The Commission has established a Scientific Committee, and it may establish, on an <i>ad hoc</i> basis, such other committees or working parties. The Commission has established one working party on fisheries data and statistics. ⁴²⁷ |
| Decision-making | Decisions of the Commission shall be taken by a majority of the votes cast, unless otherwise provided in the Rules of Procedure. Upon the request of any Member of the Commission, voting shall be by roll-call, in which case the vote of each Member shall be recorded. When the Commission so decides, voting shall be by secret ballot. ⁴²⁸ |
| Financial arrangements | Information not available. |
| Expenditures | Information not available. |
| Further information | ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/inf4e.pdf http://www.fao.org/fishery/rfb/swiofc/en |

Regional Commission for Fisheries (RECOFI)

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| Legal basis | The Agreement for the Establishment of the Commission was concluded under Article XIV body of the FAO Constitution. It was approved by the FAO Council in November 1999 and came into force on 26 February 2001. The Rules of procedure were adopted at the Commission's First |
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⁴²¹ ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/inf4e.pdf ; <http://www.fao.org/fishery/rfb/swiofc/en>

⁴²² Statute, Art. 4, available at ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/inf4e.pdf

⁴²³ Statutes, Art. 1 and Annex I, available at ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/inf4e.pdf

⁴²⁴ <http://www.fao.org/fishery/rfb/swiofc/en>; Statutes, Art. 2.

⁴²⁵ <http://www.fao.org/fishery/rfb/swiofc/en>

⁴²⁶ <http://www.fao.org/fishery/rfb/swiofc/en>

⁴²⁷ Statutes, Art. 6; <http://www.fao.org/fishery/rfb/swiofc/en>; Rules of Procedure, Rule IV(1), available at ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/2e.pdf

⁴²⁸ Rules of Procedure, Rule 6, available at ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/2e.pdf

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| | <p>Session, October 2001.⁴²⁹</p> <p>RECOFI in effect replaces in terms of geographical area the former Committee for the Development & management of the Fisheries Resources of the Gulfs, a subsidiary body of the Indian Ocean Fishery Commission (IOFC). The Gulfs Committee was abolished by IOFC at its Eleventh Session in February 1999. IOFC was itself abolished by Resolution 116/1 of the council in June 1999.⁴³⁰</p> |
| Policy instruments | Information not available. |
| Cooperation agreements/MoUs | Information not available. |
| Mandate/objective/scope | To promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture. ⁴³¹ |
| Geographic coverage | <p>National waters.</p> <p>The Commission carries out its functions and responsibilities in the region, bounded in the south by the following rhomb lines: from Ras Dhabat Ali in (16° 39'N, 53° 3'30"E) then to a position in (16° 00'N, 53° 25'E) then to a position in (17° 00'N, 56° 30'E) then to a position in (20° 30'N, 60° 00'E) then to Ras Al-Fasteh in (25° 04'N, 61° 25'E).⁴³²</p> |
| Species/stocks coverage | All living marine resources in the Agreement area, with the exception of internal waters. |
| Parties | Bahrain, Iraq, Iran (Islamic Rep. of), Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates ⁴³³ |
| Secretariat | The Secretariat is currently provided by FAO. It is based at the seat of the FAO Regional Office for the Near East and North Africa in Cairo . ⁴³⁴ The |
| Institutional framework | <p>Commission is composed of all Members and is empowered to adopt conservation and management measures. The Commission normally meets every two years at the time and date the Commission determines.</p> <p>The Commission is empowered to establish temporary, special or standing committees to study and report on matters pertaining to the purposes of the Commission and working groups to study and recommend on specific technical problems. To date no committees have been constituted, only the following working groups:</p> <ul style="list-style-type: none"> -Working group on Aquaculture (WGA) -Working group on Fishery Statistics (WGS). At its Fourth Session, held in Jeddah, Kingdom of Saudi Arabia, from 7 to 9 May 2007, the Commission decided to expand its current Working Group on Fishery Statistics to a wider Working Group on Fisheries Management (WGFM).⁴³⁵ |
| Decision-making | Conservation and management measures binding on Members of the Commission must be adopted by a two-thirds majority of Members present and voting. Each Member has one vote. Any Member of the Commission may object to a decision: Members objecting to a decision are not bound by it. ⁴³⁶ |
| Financial arrangements | RECOFI's core budget is funded by the contributions of the Member countries of the Commission, which pay their share annually. The practice has been for Member countries to pay their share of the budget on an equal basis. Each Country Member's yearly share of contribution is \$ 5000 (USD). ⁴³⁷ |
| Expenditures | <p>Total expenditures 2003-May 2009: USD 260,958.</p> <p>Total expenditures 2007-May 2009: USD 190,132.⁴³⁸</p> |

⁴²⁹ <http://www.fao.org/fishery/rfb/recofi/en> ; ftp://ftp.fao.org/FT/DOCUMENT/RNE/recofi_agreement_text.pdf

⁴³⁰ <http://neareast.fao.org/Pages/PageCreator.aspx?lang=EN&I=104120&CIId=0&CMSId=787&DId=10002>

⁴³¹ <http://www.fao.org/fishery/rfb/recofi/en>

⁴³² <http://www.fao.org/fishery/rfb/recofi/en>; Agreement, Art. IV, available at ftp://ftp.fao.org/FT/DOCUMENT/RNE/recofi_agreement_text.pdf

⁴³³ ftp://ftp.fao.org/FT/DOCUMENT/RNE/recofi_agreement_text.pdf; <http://www.fao.org/fishery/rfb/recofi/en>

⁴³⁴ <http://www.fao.org/fishery/rfb/recofi/en>

⁴³⁵ <http://www.fao.org/fishery/rfb/recofi/en>; <http://neareast.fao.org/Pages/PageCreator.aspx?lang=EN&I=104120&CIId=0&CMSId=787&DId=10002>

⁴³⁶ <http://www.fao.org/fishery/rfb/recofi/en>

⁴³⁷ <http://www.fao.org/fishery/rfb/recofi/en>; <http://neareast.fao.org/Pages/PageCreator.aspx?lang=EN&I=104120&CIId=0&CMSId=787&DId=10002>

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| Further information | http://www.fao.org/fishery/rfh/recofi/en |
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Draft

⁴³⁸ RECOFI 5th Session, 12-14 May 2009, Administrative and Financial Reports, pp. 4 and 10, Financial statement and Appendix 4, available at <ftp://ftp.fao.org/docrep/fao/meeting/016/aj517e.pdf>

III.3 Mediterranean and Black Sea

General Fisheries Commission for the Mediterranean (GFCM)

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| Legal basis | The Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM), under the provisions of Article XIV of the FAO constitution, was approved by the FAO Conference in 1949 and entered into force in 1952. Amendments to this Agreement were approved in 1963, 1976 and 1997. The latter amendments were related to the change in name of GFCM previously "General Fisheries Council for the Mediterranean" and to new obligations for the Contracting Parties including their contributions to an autonomous budget for the functioning of the Commission. These new obligations came into force on 29 April 2004 for those countries that have accepted it. ⁴³⁹ Status of acceptance of the 1997 amendments to the GFCM Agreement: So far, 21 Members have deposited their instruments of acceptance (Appendix 3). Members that have not yet done so are Egypt (remitting its contribution) and Israel. Regarding the case of the Syrian Arab Republic, the Secretariat received a letter on 17 September 2010 from the Syrian Embassy in Rome notifying that Syria ratified the agreement on 12 July 2009. According to FAO Legal Office, this Letter could not be considered as a formal ratification since the specific standard model for the ratification process had not been used. The Syrian Embassy was informed accordingly. ⁴⁴⁰ |
| Policy instruments | n/a |
| Cooperation agreements/MoUs | - MoU between GFCM and IUCN; - MoU between GFCM and CIHEAM/IAMZ; - MoU between GFCM and UNEP/RAC-SPA. The following draft MoUs have been proposed to the Commission in May 2012 (report with decisions not available yet): - MoU between GFCM and UNEP-MAP (which would supersede the one concluded between GFCM and RAC/SPA) - MoU between GFCM and ACCOBAMS; - MoU between GFCM and BLACK SEA COMMISSION; - MoU between GFCM and MedPAN; - MoU between GFCM and RACMED; - MoU between GFCM and EUROFISH. ⁴⁴¹ |
| Mandate/objective/scope | To promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the Mediterranean, Black Sea and connecting waters. ⁴⁴² |
| Geographic coverage | Mediterranean, Black Sea and connecting waters. ⁴⁴³ |
| Species/stocks coverage | All living marine resources in the area covered by GFCM. ⁴⁴⁴ |

⁴³⁹ <http://www.gfcm.org/gfcm/about/en>

⁴⁴⁰ GFCM-CAF (2012) Third Session of CAF 14-19 May 2012, Report of the Secretariat on Administrative and Financial Issues, p. 5, section 23; p. 15, Appendix 3 Status of acceptance of the GFC Agreement as amended in 1997, available at http://151.1.154.86/GfcmWebSite/GFCM/36/CAF_III_2012_2_GFCM_XXXVI_2012_6-e_Rev_1.pdf; Status of Acceptance, available at <ftp://ftp.fao.org/EI/DOCUMENT/gfcm/web/GFCMStatusacceptance.pdf>

⁴⁴¹ ftp://ftp.fao.org/EI/DOCUMENT/gfcm/gfcm_32/infl0e.pdf; GFCM Framework for Cooperation with Party Organizations - Memoranda of Understanding, 36th Session of the Commission, 14-19 May 2012, p. 1-2, available at http://151.1.154.86/GfcmWebSite/GFCM/36/GFCM_XXXVI_2012_Inf5-e.pdf

⁴⁴² <http://www.gfcm.org/gfcm/about/en#Org.OrgsInvolved>

⁴⁴³ <http://www.gfcm.org/gfcm/about/en>

⁴⁴⁴ <http://www.gfcm.org/gfcm/about/en>

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| Parties | Albania, Algeria, Bulgaria, Croatia, Cyprus, Egypt, European Union, France, Greece, Italy, Israel, Japan, Lebanon, Libya, Malta, Monaco, Morocco, Romania, Montenegro, Slovenia, Spain, Syrian Arab Republic, Tunisia, Turkey. ⁴⁴⁵ |
| Secretariat | Located in Rome, Italy. The staff consists of 10 persons. ⁴⁴⁶ |
| Institutional framework | The GFCM holds its regular session annually and operates during the intersessional period by means of its committees, namely the Scientific Advisory Committee (SAC), the Committee on Aquaculture (CAQ), the Compliance Committee (CoC), the Committee of Administration and Finance (CAF) and their respective subsidiaries. ⁴⁴⁷ |
| Decision-making | By a majority of the votes cast, except as otherwise provided by the Agreement. ⁴⁴⁸ |
| Financial arrangements | Member contributions are based on the following factors for calculation: Membership: 10 percent Wealth component: 35 percent Catch component: 55 percent ⁴⁴⁹ Status of the 2011 contributions: 20 Members have deposited their instruments of acceptance and remitted their contributions; 1 Member (the Syrian Arab Republic) has neither yet deposited the formal instruments of acceptance nor remitted its contribution; 3 Members (Greece, Libya and Monaco) have deposited their instruments of acceptance but have not paid their contribution; 1 Member (Israel) has neither deposited its instrument of acceptance (nor participated in the vote for the selection of Executive Secretary), nor paid its contribution. ⁴⁵⁰ |
| Expenditures | The Commission adopted its 2011 autonomous budget at a value of US \$ 1 708 239. ⁴⁵¹ |
| Further information | http://www.gfcm.org/gfcm/about/en |

⁴⁴⁵ <http://www.gfcm.org/gfcm/about/en#Org-OrgsInvolved>

⁴⁴⁶ <http://www.gfcm.org/gfcm/about/en>

⁴⁴⁷ <http://www.gfcm.org/gfcm/about/en>

⁴⁴⁸ Agreement, Art. II(2).

⁴⁴⁹ GFCM Financial Regulations, Annex: Scheme for the calculation of contributions, available at <ftp://ftp.fao.org/EI/DOCUMENT/gfcm/web/GFCMFinancialRegulations.pdf>

⁴⁵⁰ GFCM-CAF (2012) Third Session of CAF 14-19 May 2012, Report of the Secretariat on Administrative and Financial Issues, p. 5, section 25, available at http://151.1.154.86/GfcmWebSite/GFCM/36/CAF_III_2012_2_GFCM_XXXVI_2012_6-e_Rev.1.pdf

⁴⁵¹ GFCM (2012), Report of the 35th session of the GFCM 9-14 May 2011, p. 29, section 98, available at <http://www.fao.org/docrep/015/i2576e/i2576e.pdf>

III.4 Pacific Ocean

Asia-Pacific Fishery Commission (APFIC)

| | |
|------------------------------------|---|
| Legal basis | Established under the Indo-Pacific Fisheries Commission Agreement (currently named 'Agreement for the Establishment of the Asia-Pacific Fishery Commission', or 'Asia-Pacific Fishery Commission Agreement') formulated at Baguio, Philippines, on 26 February 1948, came into force on 9 November 1948. The FAO Conference at its 4th session (held in Washington from 15 to 29 November 1948) approved the establishment of this body under the title "Indo-Pacific Fisheries Council (IPFC)" under Article XIV of the FAO Constitution. At its 17th session (1976), IPFC changed its title to "Indo-Pacific Fishery Commission" and amended the Agreement in order to change the functions of the body. The IPFC Agreement was further amended by the Commission at its 24th session in 1993 to be known as Asia-Pacific Fisheries Commission (APFIC). The amendments were approved by the FAO Council at its 10th session in November 1994. ⁴⁵² Last amended at the 25 th session of the Commission in Seoul on 15-24 October 1996, and approved by the FAO Council at its 112 th session in Rome on 2-7 June 1997. ⁴⁵³ |
| Policy instruments | APFIC Strategic Plan 2007-2012 ⁴⁵⁴ |
| Cooperation agreements/MoUs | APFIC will act as a Regional Consultative Forum that works in partnership with other regional organizations and arrangements and members. It provides advice, coordinates activities and acts as an information broker to increase knowledge of fisheries and aquaculture in the Asia Pacific region to underpin decision making. ⁴⁵⁵ |
| Mandate/objective/scope | To promote the full and proper utilization of living aquatic resources by the development and management of fishing and culture operations and by the development of related processing and marketing activities in conformity with the objectives of the APFIC members. ⁴⁵⁶ |
| Geographic coverage | Both marine and inland waters of the Asia-Pacific area, including areas within national jurisdiction and the high seas. ⁴⁵⁷ The members of the Commission shall, when accepting the Agreement, state explicitly to which territories their participation shall extend. In the absence of such a declaration, participation shall be deemed to apply to all the territories for the international relations of which the member is responsible. The scope of the territorial application may be modified by a subsequent declaration. ⁴⁵⁸ The abolition of the Indian Ocean Fishery Commission (IOFC) and its Committee (BOBC) in June 1999 resulted in closer involvement of APFIC in the Bay of Bengal, as the functions of BOBC were transferred to APFIC, as approved by FAO Council Resolution 1/116. ^{459 460} The practical description of the APFIC area was agreed as follows by the 71 st Meeting of the APFIC Executive Committee (Jakarta, 2007): - The EEZ waters of member countries in the Asian region and contiguous waters of northern Australia. - In particular, the Large Marine Ecosystem areas of: the Bay of Bengal, South China Sea, Yellow Sea and the Sulu-Sulawesi Marine Ecosystem and the Arafura-Timor sea. - Asian inland waters of the APFIC member countries. ⁴⁶¹ |
| Species/stocks coverage | Both marine and inland living aquatic resources of the Asia-Pacific area. ⁴⁶² |

⁴⁵² <http://www.fao.org/docrep/007/nd500e/nd500e0c.htm>; http://ftp.fao.org/EL/DOCUMENT/apfic/apfic_convention.pdf ;
http://sea.uoregon.edu/pages/view_treaty.php?i=1948-IndoPacificFisheries_AA19761105_EN.txt&par=view_treaty_html;
<http://www.fao.org/docrep/003/X6942F/x6942e06.htm>

⁴⁵³ <http://www.apfic.org/modules/wfdownloads/singlefile.php?cid=4&lid=42>

⁴⁵⁴ <http://www.apfic.org/uploads/APFIC%20strategy%202007-2012.pdf>

⁴⁵⁵ <http://www.apfic.org/modules/tinycontent/index.php?id=27>

⁴⁵⁶ Agreement, Art. IV; <http://www.apfic.org/modules/tinycontent/index.php?id=27>

⁴⁵⁷ Agreement, Art. VI, available at <http://www.apfic.org/modules/wfdownloads/singlefile.php?cid=4&lid=42>; <http://www.fao.org/fishery/rfb/apfic/en>

⁴⁵⁸ Agreement, Article XII.

⁴⁵⁹ <http://www.apfic.org/modules/tinycontent/index.php?id=27>

⁴⁶⁰ <http://www.fao.org/fishery/rfb/apfic/en>

⁴⁶¹ APFIC Strategic Plan 2007-2012, pp. 2-3.

| | |
|--------------------------------|--|
| Parties | Australia, Bangladesh, Cambodia, China, France, India, Indonesia, Japan, Malaysia, Myanmar, Nepal, New Zealand, Pakistan, Philippines, Republic of Korea, Sri Lanka, Timor Leste, Thailand, United Kingdom, United States of America, Vietnam. ⁴⁶³ |
| Secretariat | The secretariat is provided and supported by FAO. It is based in the FAO Regional Office for Asia and the Pacific, Bangkok, Thailand. ⁴⁶⁴ The secretariat officers also have regular functions as FAO officers. ⁴⁶⁵ |
| Institutional framework | APFIC is an Article XIV FAO Regional Fisheries Body established by FAO at the request of its members. The APFIC was originally established under the APFIC Agreement as the Indo-Pacific Fisheries Council in 1948 by the FAO. The Asia-Pacific Fishery Commission is the governing body of the APFIC. The Commission carries out its activities at intervals of 2 years. It is composed of all members. The Executive Committee advises the Commission. The Committee meets once a year between the Commission's sessions. It consists of a chair, vice chair, outgoing chair and two members elected by the Commission. The secretary is an ex-officio member without a vote. The Committee may establish temporary, special or standing committees and/or working parties. ⁴⁶⁶ There are none at present. ⁴⁶⁷ |
| Decision-making | Decisions are taken by a majority of the votes cast, unless a greater majority is required. ⁴⁶⁸ |
| Financial arrangements | Although the Commission is already able to lever considerable in-kind resources from the APFIC member countries as well as find co-financing and funding of activities from FAO's extra-budgetary programmes and other donor or partner initiatives, the FAO cash and in-kind contributions remain the most significant source of funding to the Commission. Future funding scenarios for the work of the Commission are uncertain. The operational budget for APFIC (combining both cash and in-kind contribution) for previous biennia 2004-2005 and 2006-2007 was respectively US\$257 000 and US\$307 000 and in the 2008-2009 has reached US\$482 000. Although this budget shows increasing resourcing, it is principally because of increased co-financing of activities by member countries, projects or other partners, which recognize the relevance of the Commission's workshops to their own programmes. ⁴⁶⁹ |
| Expenditures | Expenses of the Secretariat shall be determined and paid by the FAO within the limits of a biennial budget. Cooperative projects shall be submitted to the FAO Council prior to implementation. Contributions shall be paid into a trust fund established and administered by the FAO. ⁴⁷⁰ |
| Further information | Regional fishery body: http://www.apfic.org/ FAO factsheet: http://www.fao.org/fishery/rfb/apfic/en 2000 Performance review: http://www.apfic.org/apfic_downloads/pubs/APFIC/2000-05%20APFIC%20-%20its%20changing%20role.pdf |

Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (CCBSP)

| | |
|--------------------|--|
| Legal basis | The Convention was established on 16 June 1994 in Washington, D.C. On 16 June 1994, the Convention was signed by China, Republic of Korea, Russian Federation, and the United States of America. Japan and Poland signed it on 4 August 1994, and 25 August 25 1994, |
|--------------------|--|

⁴⁶² Agreement, Art. IV; <http://www.fao.org/fishery/rfb/apfic/en>

⁴⁶³ <http://www.apfic.org/modules/tinycontent/index.php?id=27>

⁴⁶⁴ <http://www.fao.org/fishery/rfb/apfic/en>

⁴⁶⁵ APFIC Strategic Plan 2007-2012, p. 9.

⁴⁶⁶ Agreement, Art. I-III, available at <http://www.apfic.org/modules/wdownloads/singlefile.php?cid=4&lid=42;http://www.apfic.org/modules/tinycontent/index.php?id=27>

⁴⁶⁷ <http://www.fao.org/fishery/rfb/apfic/en>

⁴⁶⁸ Agreement, Art. II (2); <http://www.apfic.org/modules/tinycontent/index.php?id=27>

⁴⁶⁹ Asia-Pacific Fishery Commission, Report of the Seventy Second APFIC Executive Committee, Seventy-third Session, Nha Trang, Viet Nam, 23-25 August 2011, APFIC:ExCo/11/INF 03, July 2011, which includes the Report of the Executive Committee, Seventy-second session, Seoul, Republic of Korea, 23-25 September 2009, RAP Publication 2009/20 Food and Agriculture Organization of the United Nations, Regional Office for Asia and the Pacific, Bangkok 2009, pp. 7-8, paras. 44-45. Available at http://www.apfic.org/uploads/2011%20EXCO73_inf.pdf

⁴⁷⁰ Agreement, Art. VIII.

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|------------------------------------|--|
| | respectively. The Convention entered into force on 8 December 1995, for China, Poland, Russian Federation and the United States of America, on 21 December 1995, for Japan, and on 4 January 1996, for Republic of Korea. ⁴⁷¹ |
| Policy instruments | n/a |
| Cooperation agreements/MoUs | n/a |
| Mandate/objective/scope | The objectives are: (1) to establish an international regime for conservation, management and optimum utilization of Pollock resources in the Convention area; (2) to restore and maintain the Pollock resources in the Bering Sea at levels which will permit their maximum sustainable yield; (3) to cooperate in the gathering and examining of factual information concerning Pollock and other living marine resources in the Bering Sea; and (4) to provide, if the Parties agree, a forum in which to consider the establishment of necessary conservation and management measures for living marine resources other than Pollock in the Convention Area as may be required in the future. ⁴⁷² |
| Geographic coverage | High seas. The high seas area of the Bering Sea beyond 200 nautical miles from the baselines from which the breadth of the territorial sea of the coastal States of the Bering Sea is measured, except as otherwise provided in the Convention. Activities under the Convention, for scientific purposes, may extend beyond the Convention Area within the Bering Sea. ⁴⁷³ |
| Species/stocks coverage | Pollock resources in the Convention area. ⁴⁷⁴ |
| Parties | China, Japan, Poland, Russian Federation, Republic of Korea, United States of America. ⁴⁷⁵ |
| Secretariat | No secretariat. ⁴⁷⁶ |
| Institutional framework | The Annual Conference of the Parties (COP) is the main decisional structure, and is held in rotation among the parties. At least one representative from each party participates in the Scientific and Technical Committee. ⁴⁷⁷ Since 2010 both the meetings of the COP and Committee are conducted via e-mail. These virtual conferences are still hosted by the parties on rotation basis. ⁴⁷⁸ |
| Decision-making | Each party has one vote in making decisions at the COP. Decisions of the Annual Conference on matters of substance shall be taken by consensus. A matter shall be deemed to be of substance if any party considers it to be of substance. Decisions on other matters shall be taken by a simple majority of votes of all parties. ⁴⁷⁹ |
| Financial arrangements | n/a |
| Expenditures | n/a |
| Further information | http://www.afsc.noaa.gov/REFM/CBS/convention_description.htm http://www.fao.org/fishery/rfb/cchsp/en |

Permanent Commission for the South Pacific (CPPS)

⁴⁷¹ <http://www.fao.org/fishery/rfb/cchsp/en>

⁴⁷² Convention, Art. II, available at <http://www.afsc.noaa.gov/REFM/CBS/Docs/Convention%20en%20Conservation%20a%20Pollock%20in%20Central%20Bering%20Sea.pdf>

⁴⁷³ Convention, Art. I.

⁴⁷⁴ Convention, Art. II; <http://www.fao.org/fishery/rfb/cchsp/en>

⁴⁷⁵ http://www.afsc.noaa.gov/REFM/CBS/convention_description.htm

⁴⁷⁶ <http://www.fao.org/fishery/rfb/cchsp/en>

⁴⁷⁷ Convention, Art. VI(1), Art. IX(1).

⁴⁷⁸ <http://www.afsc.noaa.gov/REFM/CBS/Docs/15th%20Annual%20Conference/CBS%20Virtual%20Meeting%20Process.pdf>
<http://www.afsc.noaa.gov/REFM/CBS/Default.htm>

⁴⁷⁹ Convention, Art. V.

| | |
|------------------------------------|--|
| Legal basis | <p>Established by the Convention on the Organization of the Permanent Commission of the Conference on the Use and Conservation of the Marine Resources of the South Pacific, signed by Chile, Ecuador and Peru at the First Conference on the Use and Conservation of the Marine Resources of the South Pacific, held in Santiago, Chile, on 18 August 1952. Colombia joined the CPPS on 9 August, 1979.</p> <p>The CCPS was established under the name of ' Permanent Commission for the Conference on Exploitation and Conservation of the Marine Resources in the South Pacific' , as a result of the Complementary agreement to the Declaration of Sovereignty over the 200 mile maritime zone (Declaration on the Maritime Zone), Lima, 4 December 1954.</p> <p>The legal framework of CPPS includes also 15 Agreements and Protocols on fishing management and research as well as 1 Declaration of the Presidents of the States Parties of CPPS and 7 Ministerial Declarations.⁴⁸⁰ The most relevant one for the purpose of this paper is:</p> <p>- Framework Agreement for the Conservation of the Living Marine Resources on the High Seas of the Southeast Pacific August 2000. Not in force.⁴⁸¹</p> |
| Policy instruments | Information not available. |
| Cooperation agreements/MoUs | Information not available. |
| Mandate/objective/scope | <p>Objective: To secure for the people of the States Parties of CPPS food supplies and provide the means of developing their economy through the sustainable exploitation of marine resources.⁴⁸²</p> <p>Vision: A maritime system and an effective strategic alliance in coordinating maritime policies between its Member States in order to secure a healthy and resilient marine area in the Southeast Pacific for current and future generations.</p> <p>Mission: To coordinate and promote maritime policies of its Member States for the conservation and responsible use of natural resources and its environment for the benefit and sustainable development of their people.⁴⁸³</p> |
| Geographic coverage | <p>High seas, national waters.</p> <p>The Agreement refers to the 200nm of national jurisdiction of CPPS member countries from the Pacific coast, including around islands.</p> <p>In 2000, the Ministries of Foreign Affairs of States Parts of CPPS reaffirmed the right of the States to take the appropriated measures to explore, exploit and manage living resources existing in their 200 miles zones, according to the instruments and practices globally accepted, with special reference to the United Nations Law of the Sea. Additionally, States reiterated their legitimate interest in the conservation and optimum utilization of the marine resources beyond their 200 miles zones, when these resources are part of the same populations of species existing in their 200 miles zones, or populations of species associated with them.⁴⁸⁴</p> |
| Species/stocks coverage | Fishing resources or any type of products and richness of common interest existing in the waters under jurisdiction of States Parts of CPPS and beyond. ⁴⁸⁵ |
| Parties | Chile, Colombia, Ecuador, Peru ⁴⁸⁶ |
| Secretariat | Located in Guayaquil, Ecuador. ⁴⁸⁷ |
| Institutional framework | <p>The Meeting of Ministers of Foreign Affairs of each Member State is the highest Authority of the Permanent Commission for the South Pacific. Its specific function is to determine global policies and establish guidelines for the activities carried out by the CPPS.</p> <p>The General Secretariat is the coordinating, promoting and executing organ of the CPPS, in compliance with the mandates set forth by the Meetings of Foreign Affairs Ministers and Assemblies.</p> |

Comment [PDR2]: Erik, did I interpret your comment correctly by putting it this way?

⁴⁸⁰ <http://www.fao.org/fishery/rfb/cpps/en>

⁴⁸¹ *Law of the Sea Bulletin*, 70-78, No. 45 (2001).

⁴⁸² <http://www.fao.org/fishery/rfb/cpps/en>

⁴⁸³ Information Brochure (2012), p. 2, available at <http://cpps.dyndns.info/cpps-docs-web/images/CPPS-2012-eng.pdf>

⁴⁸⁴ <http://www.fao.org/fishery/rfb/cpps/en>

⁴⁸⁵ <http://www.fao.org/fishery/rfb/cpps/en>

⁴⁸⁶ <http://cpps.dyndns.info/cpps-docs-web/images/CPPS-2012-eng.pdf>; <http://www.fao.org/fishery/rfb/cpps/en>

⁴⁸⁷ <http://www.fao.org/fishery/rfb/cpps/en>; <http://www.cpps-int.org/>

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|-------------------------------|---|
| | <p>The Under-Secretariat coordinates legal matters and promotes the nature of the CPPS as a regional maritime organization.</p> <p>The Scientific Directorate coordinates and fosters the development of scientific and technological activities, Programs and Projects concerning marine related matters of common interest to the Member States of the CPPS.</p> <p>The Economic Directorate is responsible for supporting and providing advisory assistance to the General Secretariat.⁴⁸⁸</p> <p>CPPS is also the Executive Secretariat of the Plan of Action for the Protection of the Marine Environment and Coastal Areas of the Southeast Pacific (Lima Convention, 1981).⁴⁸⁹</p> |
| Decision-making | Information not available. |
| Financial arrangements | Information not available. |
| Expenditures | Information not available. |
| Further information | <p>http://www.cpps-int.org/</p> <p>http://rpps.dyn dns.info/cpps-docs/web/images/CPPS-2012-eng.pdf</p> <p>http://www.fao.org/fishery/rfb/cpps/en</p> |

Forum Fisheries Agency (FFA)

| | |
|------------------------------------|--|
| Legal basis | Established by the South Pacific Forum Fisheries Agency Convention, signed in Honiara, Solomon Islands, on 10 July 1979, and entered into force on 9 August 1979. |
| Policy instruments | FFA Strategic Plan 2005-2020 ⁴⁹⁰ |
| Cooperation agreements/MoUs | <p>Agreement between the Government of the United States and the South Pacific Forum Fisheries Agency, done at Auckland (1992) and Suva (1993).⁴⁹¹ FFA administers and provides support for the implementation of the Multilateral Treaty on Fisheries Between Certain Governments of the Pacific Island States and the Government of the United States of America (US Treaty). The US Treaty first started in 1987 and it has been renewed on two occasions, with the last renewal in 2003 and to run for 10 years until 2013. The US Treaty enables US purse seine fishing vessels to fish in the waters of the 16 Pacific Island Parties which are: Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.⁴⁹²</p> <p>FFA administers and provides support for negotiations and meetings regarding the following fishing treaties and arrangements:</p> <p>The Federated States of Micronesia Arrangement for Regional Fisheries Access (FSM Arrangement): This arrangement was developed as a mechanism for domestic vessels of the PNA to access the fishing resources of other parties. It was signed on the 30 Nov 1994 and came into force on the 23 Sep 1995. Signatories are Federated States of Micronesia, Marshall Islands, Nauru, Palau, Papua New Guinea and Solomon Islands.⁴⁹³ Revised version adopted by FSMA13 on 9 May 2008, Koror, Palau.</p> <p>Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest: This is a subregional agreement on terms and conditions for tuna purse seine fishing licences in the region. The Parties to the Nauru Agreement are Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu. It has 3 Implementing Arrangements which set out specific rules for fishing in these countries.⁴⁹⁴</p> |

⁴⁸⁸ <http://www.fao.org/fishery/rfb/cpps/en>; <http://www.cpps-int.org/index.php/la-secretaria.html>

⁴⁸⁹ <http://www.fao.org/fishery/rfb/cpps/en>

⁴⁹⁰ http://www.ffa.int/system/files/FFA_STRATEGIC_PLAN_2005-2020_0.pdf

⁴⁹¹ Included in the US Treaty, pp. 45-46, available at <http://www.ffa.int/system/files/LISA.PI%20States%20Treaty%20on%20Fish.pdf>

⁴⁹² <http://www.ffa.int/taxonomy/term/441>

⁴⁹³ http://www.ffa.int/system/files/FSM%20Arrangement_0.pdf; <http://www.ffa.int/taxonomy/term/443>

⁴⁹⁴ <http://www.ffa.int/system/files/%252Ehome/ffaadmin/%252Efiles/ffa/Nauru%20Agreement.pdf>; http://www.ffa.int/nauru_agreement

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|--------------------------------|--|
| | <p>Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region: The Niue Treaty is an agreement on cooperation between FFA members about monitoring, control and surveillance of fishing - it includes provisions on exchange of information (about where the position and speed of vessels at sea, which vessels are without licences) plus procedures for cooperation in monitoring, prosecuting and penalising illegal fishing vessels.⁴⁹⁵</p> <p>The Palau Arrangement for the Management of the Western Pacific Purse Seine Fishery: This arrangement was developed by the Parties to the Nauru Agreement and entered into force in November 1995. The arrangement sets a limit on the number of purse seine vessels that could be licensed by the Parties and allocated these licences by fleet. Signatories to the Palau Arrangement are Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Papua New Guinea, Palau, Solomon Islands, Tuvalu.⁴⁹⁶</p> |
| Mandate/objective/scope | <p>Corporate mission: To enable Member Countries to manage, conserve and use the tuna resources in their Exclusive Economic Zones and beyond, through enhancing national capacity and strengthening regional solidarity. Vision statement: “We, the Member Countries of the Forum Fisheries Agency, will enjoy the highest level of economic and social benefits that is compatible with sustainable use of our tuna resources.”⁴⁹⁷</p> |
| Geographic coverage | High seas and national waters in the South Pacific region. No precise definition of the FFA’s area of competence. ⁴⁹⁸ Tuna |
| Species/stocks coverage | and tuna-like species ⁴⁹⁹ |
| Parties | Australia, Cook Islands, Republic of Fiji, Kiribati, Marshall Islands, Fed.States of Micronesia, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu. ⁵⁰⁰ |
| Secretariat | Located on Honiara, Solomon Islands. ⁵⁰¹ Approximately 80 staff support their national contact points in departments of foreign affairs and fisheries in each member jurisdiction. ⁵⁰² Organized in 6 divisions, led by an executive management unit headed by a director. ⁵⁰³ |
| Institutional framework | The governing body is the Forum Fisheries Committee (FFC). The FFC meets at least once every year for a regular session. At the request of at least 4 parties a special session might be held at any time. ⁵⁰⁴ The |
| Decision-making | FFC endeavours to take decisions by consensus. Where consensus is not possible each Party has one vote and decisions are to be taken by a two-thirds majority of the Parties present and voting. ⁵⁰⁵ |
| Financial arrangements | The budget is to be financed by contributions according to the shares set out in the Annex to the Convention as follows: Australia 1/3 Cook Islands 1/30 Fiji 1/30 Gilbert Islands 1/30 |

⁴⁹⁵ <http://www.ffa.int/system/files/0%252Ehome/ffaadmin/0%252Efiles/ffa/Niue%20Treaty.pdf>; <http://www.ffa.int/taxonomy/term/451>

⁴⁹⁶ <http://www.ffa.int/system/files/0%252Ehome/ffaadmin/0%252Efiles/ffa/Palau%20Arrangement.pdf>; <http://www.ffa.int/taxonomy/term/442>

⁴⁹⁷ <http://www.ffa.int/about>

⁴⁹⁸ <http://www.fao.org/fishery/rfb/ffa/en>

⁴⁹⁹ <http://www.fao.org/fishery/rfb/ffa/en>

⁵⁰⁰ <http://www.ffa.int/members>

⁵⁰¹ Convention, Art. I.

⁵⁰² <http://www.ffa.int/about>

⁵⁰³ <http://www.fao.org/fishery/rfb/ffa/en>

⁵⁰⁴ Convention, Art. IV.

⁵⁰⁵ Convention, Art. IV.

| | <p>Nauru 1/30 New Zealand 1/3 Niue 1/30 Papua New Guinea 1/30 Solomon Islands 1/30 Tonga 1/30 Tuvalu 1/30 Western Samoa 1/30 The Annex is subject to review from time to time by the FFC.⁵⁰⁶ The current shares are unknown.</p> | | | | | | | | | |
|----------------------------|---|----------------------------|------------------------|----------------------------|---------------|------------|------------|--------------------|------------|------------|
| Expenditures | <p>Unaudited Income and Expenditure statement, as at 30 May 2011⁵⁰⁷</p> <table> <thead> <tr> <th></th> <th>Revised Annual Budget:</th> <th>Total Actual + Commitments</th> </tr> </thead> <tbody> <tr> <td>Total income:</td> <td>17,869,971</td> <td>18,131,704</td> </tr> <tr> <td>Total expenditure:</td> <td>17,869,971</td> <td>12,091,910</td> </tr> </tbody> </table> | | Revised Annual Budget: | Total Actual + Commitments | Total income: | 17,869,971 | 18,131,704 | Total expenditure: | 17,869,971 | 12,091,910 |
| | Revised Annual Budget: | Total Actual + Commitments | | | | | | | | |
| Total income: | 17,869,971 | 18,131,704 | | | | | | | | |
| Total expenditure: | 17,869,971 | 12,091,910 | | | | | | | | |
| Further information | <p>http://www.ffa.int/ http://www.fao.org/fishery/rfb/ffa/en</p> | | | | | | | | | |

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⁵⁰⁶ FFA Convention, Art. 6 and Annex ftp://ftp.fao.org/Fl/DOCUMENT/RFB/ffa/FFA_Convention.pdf

⁵⁰⁷ FFA Annual Report 2010-2011, Part 2, pp. 64-65. Available at: http://www.ffa.int/system/files/Part_2_FFA_Annual_Report_2010-11_0.pdf

Inter-American Tropical Tuna Commission (IATTC)

| | |
|------------------------------------|---|
| Legal basis | Established by the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed by the Governments of the United States of America and Costa Rica in Washington on 31 May 1949, entered into force on 3 March 1950. In 2003 the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention (Antigua Convention) was opened to signature, and entered into force on 27 August 2010. ⁵⁰⁸ |
| Policy instruments | n/a |
| Cooperation agreements/MoUs | IATTC-WCPFC Memorandum of Cooperation on data exchange, signed on 11 December 2009. IATTC-WCPFC Memorandum of Understanding, signed in June 2006. ⁵⁰⁹ |
| Mandate/objective/scope | To ensure the long-term conservation and sustainable use of the fish stocks covered by the Convention. ⁵¹⁰ High |
| Geographic coverage | seas of the Eastern Pacific Ocean. The Convention Area is defined in Art. III of the Antigua Convention as follows: The area of the Pacific Ocean bounded by the coastline of North, Central, and South America and by the following lines: i. the 50°N parallel from the coast of North America to its intersection with the 150°W meridian; ii. the 150°W meridian to its intersection with the 50°S parallel; and iii. the 50°S parallel to its intersection with the coast of South America. ⁵¹¹ |
| Species/stocks coverage | Tunas and tuna-like species and other species of fish taken by vessels fishing for tunas and tuna-like species in the Convention Area. Members: |
| Parties | Belize , Canada , China , Colombia , Costa Rica , Ecuador , El Salvador , European Union , France , Guatemala , Japan , Kiribati , Korea , Mexico , Nicaragua , Panama , Peru , Chinese Taipei , United States of America , Vanuatu , Venezuela . Cooperating Non-Member: Cook Islands . ⁵¹² |
| Secretariat | Located in La Jolla, California, United States. The staff includes the Director, the Coordinator of Scientific Research and other administrative and scientific staff. ⁵¹³ |
| Institutional framework | The Commission is composed of national sections, each consisting of from one to four members, appointed by the governments of the respective high contracting parties. The Commission meets at least once each year. The Commission is responsible for pursuing the objectives of the Convention. The Antigua Convention established: -the Committee for the Review of Implementation of Measures adopted by the Commission; and -the Scientific Advisory Committee. ⁵¹⁴ |
| Decision-making | By consensus. ⁵¹⁵ |
| Financial arrangements | Each Member's contribution shall be calculated as follows: 10% of the total budget, minus any special contribution, divided equally among all the Members (base contribution); the remaining 90% is shared among the Members, weighted by Gross National Income (GNI) category, as follows: i. An operational component (10%); ii. The catches by their flag vessels (70%); iii. Their utilization of tuna from the Convention Area (10%). ⁵¹⁶ |
| Expenditures | Information not available. |

⁵⁰⁸ <http://www.fao.org/fishery/rfb/iattc/en>; <http://www.iattc.org/IATTCdocumentationENG.htm>

⁵⁰⁹ <http://www.iattc.org/IATTCDocumentsENG.htm>

⁵¹⁰ Convention, Art. II.

⁵¹¹ Convention, Art. III; <http://www.fao.org/fishery/rfb/iattc/en>

⁵¹² <http://www.iattc.org/IATTCdocumentationENG.htm>; <http://www.iattc.org/HomeENG.htm>, website last modified 13 June 2012.

⁵¹³ <http://www.iattc.org/StaffENG.htm>; Convention, Art. XII, Art. XIII.

⁵¹⁴ <http://www.iattc.org/CommissionersENG.htm>; Convention, Art. VI(2), Art. VIII(1), Art. X, Art. XI.

⁵¹⁵ Convention, Art. IX.

⁵¹⁶ Resolution C-12-04, Ad hoc financing for fiscal years 2013-2017 and beyond, p. 1, available at <http://www.iattc.org/PDFFiles2/Resolutions/C-12-04-Financing-formula.pdf>

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| Further information | http://www.iattc.org/HomeENG.htm http://www.iattc.org/IATTCDocumentsFNG.htm http://www.fao.org/fishery/rfb/iattc/en |
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International Pacific Halibut Commission (IPHC)

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| Legal basis | Established by the Convention for the Preservation of the Halibut Fishery, signed in Washington, DC, the United States of America, on 2 March 1923, which " authorized the formation of the International Fisheries Commission (later renamed the International Pacific Halibut Commission). The Convention was amended in 1930 and 1937. A new Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea was signed in Ottawa, Canada, on 2 March 1953 and entered into force on 28 October 1953. When the two countries extended their fishery jurisdictions, a Protocol Amending the Convention was signed in Washington, DC, the United States of America, on 29 March 1979 and entered into force on 15 October 1980. ⁵¹⁷ |
| Policy instruments | n/a |
| Cooperation agreements/MoUs | n/a |
| Mandate/objective/scope | The preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea. The 1979 amendment (termed a "protocol") included a general mandate for controlling national fleets "to develop the stocks of halibut in the Convention waters to those levels which will permit the optimum yield from the fishery and to maintain the stocks at those levels". ⁵¹⁸ High seas, |
| Geographic coverage | national waters. The Convention's area of application is off the west coasts of Canada and the United States, including the southern and western coasts of Alaska, within those nations' maritime areas in which either Party exercises exclusive fisheries jurisdiction , including any applicable internal waters (e.g., Puget Sound). ⁵¹⁹ The Canadian and U.S. governments have preferred to retain control over domestic allocation of halibut quota among user groups. This is allowed by the Convention, which states that each country may implement domestic management measures that are in addition to, and more restrictive than, IPHC regulations. ⁵²⁰ |
| Species/stocks coverage | Pacific halibut. |
| Parties | Canada, United States of America ⁵²¹ |
| Secretariat | Located in Seattle, United States of America. The Director and about 30 staff members at the secretariat are financially supported by Canada and the US. ⁵²² |
| Institutional framework | The IPHC has regulatory powers, and sets the total allowable catch of halibut in the Convention Area. Each year, the IPHC convenes an Interim Meeting in the late November to early December timeframe and an Annual Meeting in January. The purpose of the Interim Meeting is to present a preview of the stock assessment and a scan of research and financial status. The Annual Meeting centers on deliberations leading to decisions on catch limits, finalizing annual budgets, and confirming advice to member governments. Special topic-specific workshops, Commission retreats and more informal outreach by staff and Commissioners occur throughout the year. Under the current implementing legislation with the United States, the U.S. representatives must include an official from the National Oceanic and Atmospheric Administration, two individuals knowledgeable or experienced with the northern Pacific halibut fishery (one from Alaska, the |

⁵¹⁷ Performance Review of the IPHC (2012), p. 15, available at http://www.iphc.int/documents/review/FINAL_IPHC_Performance_Review-April30.pdf; <http://www.fao.org/fishery/rfb/iphc/en>; <http://www.iphc.int/publications/techrep/tech0026.pdf>

⁵¹⁸ <http://www.iphc.int/about-iphc.html>

⁵¹⁹ 1979 Protocol amending the Convention, Art. I(3), available at <http://www.iphc.int/publications/techrep/tech0026.pdf>

⁵²⁰ Performance Review of the IPHC (2012), p. 15-16, available at http://www.iphc.int/documents/review/FINAL_IPHC_Performance_Review-April30.pdf

⁵²¹ <http://www.iphc.int/about-iphc.html>

⁵²² <http://www.iphc.int/about-iphc.html>

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| | <p>other a non-resident of Alaska), and one of the three must also be a voting member of the North Pacific Fishery Management Council (NPFMC). Canadian Commissioners typically include a government representative and two non-government individuals. The non-government Commissioners may be individuals associated with the commercial fishing industry, First Nations or the recreational fishing sector.⁵²³</p> <p>Conference Board: established in 1931. It includes representatives of commercial, recreational, subsistence, and First nations/native American harvesters. Members are designated by union and vessel owner organizations from both nations.</p> <p>Processor Advisory Group: established in 1996. It represents halibut processors</p> <p>Research Advisory Board: established in 1999. It consists of both fishers and processors and offers suggestions to the IPHC Director and staff on research studies that should be conducted.⁵²⁴</p> <p>Seasonal-temporary employees are engaged each year to collect data on the landings and the fishery, and to participate in vessel research. The Commission also hires 20-25 samplers to go on about 15 vessels to complete the Standardized Stock Assessment surveys each year. The surveys occur between June and the end of August.⁵²⁵</p> |
| Decision-making | All decisions of the Commission shall be made by a concurring vote of at least two of the Commissioners of each Party. ⁵²⁶ |
| Financial arrangements | The funding levels in Fiscal Year 2011 (October 2010 to September 2011) from the United States and Canada were \$3,243,500 and \$848,720, respectively. ⁵²⁷ |
| Expenditures | Each Party shall pay the salaries and expenses of its own members. Joint expenses incurred by the Commission shall be paid by the two Parties in equal shares. However, upon recommendation of the Commission, the Parties may agree to vary the proportion of such joint expenses to be paid by each Party. ⁵²⁸ Historically, the majority of appropriated funds have been used to cover staff salaries, commercial fisheries data collection, and research. Funding for annual stock assessment surveys is provided through a cost recovery program of selling fish which are caught and sampled, only to the level necessary to make the program cost-neutral over the long term. ⁵²⁹ |
| Further information | http://www.iphc.int/ http://www.fao.org/fishery/rfb/iphc/en http://www.iphc.int/documents/review/FINAL_IPHC_Performance_Review-April30.pdf |

North Pacific Anadromous Fish Commission (NPAFC)

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| Legal basis | Established by the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, signed in Moscow, Russian Federation, on 11 February 1992 and entered into force on 16 February 1993. It replaced the International Convention for the High Seas Fisheries of the North Pacific (INPFC), which had been in force since 1952. ⁵³⁰ |
| Policy instruments | NPAFC Science Plan 2011-2015. ⁵³¹ |
| Cooperation | n/a |

⁵²³ Performance Review of the IPHC (2012), p. 15 http://www.iphc.int/documents/review/FINAL_IPHC_Performance_Review-April30.pdf

⁵²⁴ <http://www.fao.org/fishery/rfb/iphc/en>; <http://www.iphc.int/about-iphc.html>

⁵²⁵ Infosheet 'Who is the IPHC?', p. 2, available at <http://www.iphc.int/documents/annmeet/2012/infosheets/4-WhoisIPHC.pdf>

⁵²⁶ 1979 Protocol amending the Convention, Art. III(1), available at <http://www.iphc.int/publications/techrep/tech0026.pdf>

⁵²⁷ Infosheet 'Who is the IPHC?', p. 2, available at <http://www.iphc.int/documents/annmeet/2012/infosheets/4-WhoisIPHC.pdf>

⁵²⁸ 1979 Protocol amending the Convention, Art. III(1), available at <http://www.iphc.int/publications/techrep/tech0026.pdf>

⁵²⁹ Infosheet 'Who is the IPHC?', p. 2, available at <http://www.iphc.int/documents/annmeet/2012/infosheets/4-WhoisIPHC.pdf>

⁵³⁰ <http://www.fao.org/fishery/rfb/npafc/en>; <http://www.npafc.org/new/npnfc.html>

⁵³¹ [http://www.npafc.org/new/publications/Documents/PDE%202010/1255\(2011-2015%20Science%20Plan\).pdf](http://www.npafc.org/new/publications/Documents/PDE%202010/1255(2011-2015%20Science%20Plan).pdf)

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| agreements/MoUs | |
| Mandate/objective/scope | To promote the conservation of anadromous stocks in the Convention Area. ⁵³² |
| Geographic coverage | High seas. The waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees North Latitude beyond 200-miles zones of the coastal States. For scientific purposes the activities under the Convention may extend farther southward. ⁵³³ |
| Species/stocks coverage | The anadromous fish covered by the Convention are as follows: chum salmon, coho salmon, pink salmon, sockeye salmon, chinook salmon, cherry salmon and steelhead trout. ⁵³⁴ |
| Parties | Canada, Japan, Republic of Korea, Russian Federation, United States of America. ⁵³⁵ |
| Secretariat | Located in Vancouver, Canada. The 4 staff positions are: executive director, deputy director, administrative officer and secretary. ⁵³⁶ |
| Institutional framework | The main body is the North Pacific Anadromous Fish Commission. Each party may appoint not more than three representatives, who may be accompanied at the meetings of the Commission by experts and advisers. The Commission meets at least once annually. There are currently 3 committees, a sub-committee, 6 working groups and 1 ad hoc working group. ⁵³⁷ |
| Decision-making | By consensus on all important matters. By a simple majority of votes on all other matters. ⁵³⁸ |
| Financial arrangements | Each party shall pay the expenses incurred by its representatives, experts and advisers. Expenses incurred by the Commission shall be paid by the Commission through contributions made by the parties. The current Schedule of contributions is unknown. ⁵³⁹ |
| Expenditures | The budget shall be divided equally among the parties. ⁵⁴⁰ |
| Further information | Regional fishery body: http://www.npafc.org/new/index.html FAO fact sheet: http://www.fao.org/fishery/rfb/npafc/en 2010 Performance review: http://www.npafc.org/new/about/Performance%20Review%20Report/Performance%20Review%20Report%20(Final).pdf |

Pacific Salmon Commission

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| Legal basis | In 1985, after many years of negotiation, the Pacific Salmon Treaty was signed, setting long-term goals for the benefit of the salmon and the two countries. The Pacific Salmon Commission is the body formed by the governments of Canada and the United States to implement the Pacific Salmon Treaty. In June of 1999, the United States and Canada reached a comprehensive new agreement (the "1999 Agreement") under the 1985 Pacific Salmon Treaty. Among other provisions, the 1999 Agreement established two bilateral Restoration and Enhancement funds. ⁵⁴¹ |
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⁵³² Convention, Art. VIII(2).

⁵³³ http://www.npafc.org/new/about_convention.html; 2010 Performance Review Panel Report, p. 9, available at [http://www.npafc.org/new/about/Performance%20Review%20Report/Performance%20Review%20Report%20\(Final\).pdf](http://www.npafc.org/new/about/Performance%20Review%20Report/Performance%20Review%20Report%20(Final).pdf)

⁵³⁴ http://www.npafc.org/new/about_convention.html; Convention, Art. II(1) and Annex (I).

⁵³⁵ <http://www.fao.org/fishery/rfb/npafc/en>

⁵³⁶ http://www.npafc.org/new/about_secretariat.html

⁵³⁷ http://www.npafc.org/new/about_structure.htm; Convention, Art. VIII.

⁵³⁸ Convention, Art. VIII(10).

⁵³⁹ Convention, Art. XI(1)(2).

⁵⁴⁰ Convention, Art. XI(3).

⁵⁴¹ <http://www.psc.org/about.htm>

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| Policy instruments | |
| Cooperation agreements/MoUs | |
| Mandate/objective/scope | The fundamental role of the Pacific Salmon Commission is two-fold: 1. to conserve the Pacific Salmon in order to achieve optimum production: 2. to divide the harvests so that each country reaps the benefits of its investment in salmon management. ⁵⁴² |
| Geographic coverage | The Commission itself does not regulate the salmon fisheries but provides regulatory advice and recommendations to the two countries. It has responsibility for all salmon originating in the waters of one country which are subject to interception by the other, affect management of the other country's salmon or affect biologically the stocks of the other country. In addition, the Pacific Salmon Commission is charged with taking into account the conservation of steelhead trout while fulfilling its other functions. ⁵⁴³ |
| Species/stocks coverage | Pacific salmon. |
| Parties | Canada and United States |
| Secretariat | The Commission receives administrative support from its secretariat staff, headquartered in Vancouver, British Columbia. Secretariat staff members also provide technical information and advice concerning Fraser River sockeye and pink salmon harvest. The staff is actively involved in the day-to-day regulation of sockeye and pink fisheries throughout the Fraser River Panel area of Jurisdiction. ⁵⁴⁴ |
| Institutional framework | The Pacific Salmon Commission is a sixteen-person body with four Commissioners and four alternates each from the United States and Canada, representing the interests of commercial and recreational fisheries as well as federal, state and tribal governments. ⁵⁴⁵ |
| Decision-making | Each country has one vote in the Commission. The agreement of both is required for any recommendation or decision by the Commission. ⁵⁴⁶ |
| Financial arrangements | |
| Expenditures | |
| Further information | http://www.psc.org/ |

North Pacific Marine Science Organization (PICES)

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| Legal basis | Established by the Convention for a North Pacific Marine Science Organization (PICES), signed on 12 December 1990, entered into force on 24 March 1992. ⁵⁴⁷ |
| Policy instruments | PICES Strategic Plan, approved at the 2011 PICES Annual Meeting on 22 October 2011. ⁵⁴⁸ PICES Strategy on Capacity Development, final report from the Study Group on PICES Capacity Building approved in November 2003. ⁵⁴⁹ |
| Cooperation agreements/MoUs | None. |
| Mandate/objective/scope | To promote and coordinate marine research in the northern North Pacific and adjacent seas. And to promote the collection and exchange of information and data related to marine scientific research in the areas concerned. ⁵⁵⁰ |

⁵⁴² http://www.psc.org/about_role.htm

⁵⁴³ http://www.psc.org/about_role.htm

⁵⁴⁴ http://www.psc.org/about_org_secretariat.htm

⁵⁴⁵ http://www.psc.org/about_organizational_structure.htm

⁵⁴⁶ http://www.psc.org/about_org_commissioners.htm

⁵⁴⁷ <http://www.pices.int/about/convention.aspx>

⁵⁴⁸ http://www.pices.int/about/strategic_plan.aspx

⁵⁴⁹ http://www.pices.int/capacity/capacity_main.aspx

⁵⁵⁰ Convention, Art. III.

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| Geographic coverage | High seas, national waters. The temperate and sub-Arctic region of the North Pacific Ocean and its adjacent seas, especially northward from 30°N. Activities of the PICES, for scientific reasons, may extend farther southward in the North Pacific Ocean, temperate and sub-Arctic region of the North Pacific Ocean and its adjacent seas. ⁵⁵¹ |
| Species/stocks coverage | All living resources in the area of competence. ⁵⁵² |
| Parties | Canada, China, Japan, Republic of Korea, Russian Federation, United States of America. |
| Secretariat | Fisheries and Oceans Canada (DFO) hosts the PICES secretariat at the Institute of Ocean Sciences, Sidney, British Columbia, Canada. ⁵⁵³ The 4 staff functions are: Executive Secretary, Deputy Executive Secretary, Deputy Executive Secretary on Administration, Web and Database Administrator. ⁵⁵⁴ |
| Institutional framework | The Governing Council, with scientific and administrative functions, is the main body of the PICES and meets annually. Each contracting party has a member of the Council and can appoint up to 2 delegates, who may be accompanied by alternates, experts and advisers. The Science Board is an executive committee, which consists of the chairpersons of the scientific committees, technical committees, advisory panels of scientific programs, and a chairperson elected by the Science Board. At present, 4 scientific committees and 2 technical committees exist. In addition, several expert groups (sections, working groups, advisory panels, study groups, etc.) have been established as subsidiary bodies. Another executive committee is the Finance and Administration Committee. ⁵⁵⁵ |
| Decision-making | On the basis of consensus. If consensus is not possible, Council decisions may be adopted by a three-quarter majority vote, except for the matters specified in Article VII(4). ⁵⁵⁶ |
| Financial arrangements | The proposed budget for the fiscal year of 2012 is \$838,000. And it is proposed to set the 2012 fees at \$119,900 per Contracting Party. ⁵⁵⁷ |
| Expenditures | See the Statement of the PICES financial position in the Report of the Finance and Administration Committee 2011. ⁵⁵⁸ |
| Further information | http://www.pices.int/default.aspx http://www.fao.org/fishery/rfb/pices/en |

Southeast Asian Fisheries Development Center (SEAFDEC)

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| Legal basis | Established by the Agreement Establishing the Southeast Asian Fisheries Development Center on 28 December 1967, and entered into force on the same date. The Agreement was amended on 13 January 1968 and 18 November 1994. ⁵⁵⁹ |
| Policy instruments | SEAFDEC Program Framework, adopted in April 2009. ⁵⁶⁰ SEAFDEC Plan of Action on Sustainable Fisheries for Food Security for the Asian Region towards 2020, adopted 17 June 2011. ⁵⁶¹ |

⁵⁵¹ <http://www.fao.org/fishery/rfb/pices/en>; Convention, Art II.

⁵⁵² <http://www.fao.org/fishery/rfb/pices/en>

⁵⁵³ <http://www.pices.int/contact/default.aspx>

⁵⁵⁴ Convention, Art. VIII; http://www.pices.int/about/PICES_Officers.aspx; <http://www.pices.int/contact/staff.aspx>

⁵⁵⁵ Convention, Art. IV-VI; <http://www.fao.org/fishery/rfb/pices/en>; http://www.pices.int/about/organization_structure_3.aspx

⁵⁵⁶ Convention, Art. VII(2)(3).

⁵⁵⁷ Report of the Finance and Administration Committee 2011, p. 6, available at http://www.pices.int/publications/annual_reports/Ann_Rpt_11/2011-FA.pdf

⁵⁵⁸ Report of the Finance and Administration Committee 2011, p. 11-21.

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http://www.ecolex.org/ecolex/ledge/view/RecordDetails;document_Agreement%20establishing%20the%20Southeast%20Asian%20Fisheries%20Development%20Center.html?DIDPFDI?id=TRF-000587&index=treaties; <http://www.fao.org/fishery/rfb/seafdec/en>

⁵⁶⁰ <http://www.fao.org/fishery/rfb/seafdec/en>

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| Cooperation agreements/MoUs | ASEAN-SEAFDEC Strategic Partnership (ASPP), formalized in November 2007 in Bangkok. The ASPP intends to enhance the technical cooperation that existed since 1998 under the regional ASEAN-SEAFDEC Fisheries Consultative Group Mechanism (FCG) framework. ⁵⁶² SEAFDEC has many MoUs, agreements and arrangements with research institutes, universities, FAO, the Ministry of Fisheries of Peru, etc. ⁵⁶³ To |
| Mandate/objective/scope | <i>develop and manage the fisheries potential of the region by rational utilization of the resources for providing food security and safety to the people and alleviating poverty through transfer of new technologies, research and information dissemination activities.</i> ⁵⁶⁴ |
| Geographic coverage | High seas, national waters, inland waters. Marine and inland waters of member countries in Southeast Asia and contiguous high sea areas. ⁵⁶⁵ |
| Species/stocks coverage | All fishery resources. ⁵⁶⁶ |
| Parties | Brunei Darussalam , Cambodia , Indonesia , Japan , Lao People's Dem. Republic , Malaysia , Myanmar , Philippines , Singapore , Thailand , Vietnam . ⁵⁶⁷ |
| Secretariat | Located in Bangkok, Thailand. The Secretary-General coordinates the activities of the 4 technical departments and 3 coordination offices. ⁵⁶⁸ |
| Institutional framework | The Council of Directors is the supreme organ of SEAFDEC and meets annually. Each member country is represented on the Council by one director. ⁵⁶⁹ |
| Decision-making | All matters before the Council are decided by majority voting, except for the Plan of Operation, the Working Programme and the manner of disposal, which are to be decided by unanimous voting. ⁵⁷⁰ |
| Financial arrangements | The member countries provide SEAFDEC with an agreed amount of money, moveable assets and services. ⁵⁷¹ Information on the contribution from SEAFDEC member countries and other sources of funds is available in the annual reports. ⁵⁷² 2011 |
| Expenditures | unaudited total revenues: 9,656,328 USD 2011 unaudited total expenditures: 8,719,544 USD ⁵⁷³ |
| Further information | http://www.seafdec.org/ http://www.fao.org/fishery/rfb/seafdec/en |

Secretariat of the Pacific Community (SPC)

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| Legal basis | The South Pacific Commission was established under the Agreement establishing the South Pacific Commission (the Canberra Agreement), |
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⁵⁶¹ <http://www.seafdec.org/index.php/publications/finish/47-outputs-from-the-asean-seafdec-conference/176-resolution-and-plan-of-action-on-sustainable-fisheries-for-food-security-for-the-asean-region-towards-2020>

⁵⁶² <http://www.asspfisheries.net/>

⁵⁶³ http://www.seafdec.or.th/partner/SEAFDEC_MOUs.pdf

⁵⁶⁴ <http://www.seafdec.org/index.php/about>

⁵⁶⁵ <http://www.fao.org/fishery/rfb/seafdec/en>

⁵⁶⁶ <http://www.fao.org/fishery/rfb/seafdec/en>

⁵⁶⁷ <http://www.seafdec.org/index.php/about>

⁵⁶⁸ <http://www.fao.org/fishery/rfb/seafdec/en>; <http://www.seafdec.org/index.php/about/staffs>; <http://www.seafdec.org/index.php/about/structure>

⁵⁶⁹ Agreement, Art. 5-7.

⁵⁷⁰ Agreement, Art. 7 (2)(3).

⁵⁷¹ Agreement, Art. 11.

⁵⁷² SEAFDEC Annual Report 2011, p. 73, available at <http://www.seafdec.org/index.php/publications/finish/16-seafdec-annual-reports/701-annual-report-2011>

⁵⁷³ SEAFDEC Annual Report 2011, p. 72, available at <http://www.seafdec.org/index.php/publications/finish/16-seafdec-annual-reports/701-annual-report-2011>

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| | signed in Canberra, Australia, on 6 February 1947, entered into force on 29 July 1948, amended in 1952, 1954, 1964 and supplemented by Protocols of understanding in 1974 and 1976. The name, South Pacific Commission, was changed to the Pacific Community at the 50th anniversary conference in 1997 to reflect the organisation's Pacific-wide membership. ⁵⁷⁴ |
| Policy instruments | Fisheries, Aquaculture and Marine Ecosystems (FAME) Division Strategic Plan 2010-2013. ⁵⁷⁵ |
| Cooperation agreements/MoUs | MoU between SPC and the Secretariat of the Regional Environment Programme (SPREP), signed in June 2012, to facilitate the development of a regional strategy for disaster risk management and climate change by 2015. ⁵⁷⁶ |
| Mandate/objective/scope | Main objective of SPC: To encourage and strengthen international cooperation in promoting the economic and social welfare and advancement of the peoples of the South Pacific region. Vision of SPC: A secure and prosperous Pacific Community, whose people are healthy and manage their resources in an economically, environmentally and socially sustainable way. ⁵⁷⁷ Goal of FAME Division: The marine resources of the Pacific Islands region are sustainably managed for economic growth, food security and environmental conservation. Goal of the Oceanic Fisheries Programme: fisheries exploiting the region's resources of tuna, billfish and related species are managed for economic and ecological sustainability using the best available scientific information. Goal of the Coastal Fisheries Programme: coastal fisheries, nearshore fisheries and aquaculture in Pacific Island countries and territories are managed and developed sustainably. ⁵⁷⁸ |
| Geographic coverage | High seas, national waters. The territorial scope of the Commission comprises: (a) all those territories in the Pacific Ocean which are administered by the participating Government and which are wholly or in part south of the Equator and east of and including the Australian Territory of Papua and the Trust Territory of New Guinea; and Guam and the Trust Territory of the Pacific Islands; and (b) all the territory of any State, the Government of which accedes to this Agreement pursuant to the provisions of Article XXI, paragraph 66. ⁵⁷⁹ |
| Species/stocks coverage | Reef, coastal and oceanic fishery resources including tuna species. The SPC's activities are not restricted to fisheries and also cover agriculture and plant protection, climate change, forestry, biosecurity and trade, genetic resources, human development, education, health information and cultural changes. ⁵⁸⁰ |
| Parties | SPC programmes benefit 22 Pacific Island countries and territories: American Samoa, Cook Islands, Fed. States of Micronesia, Fiji, French Polynesia, Guam, Kiribati, Marshall Islands, Nauru, New Caledonia, Niue, Northern Mariana Is., Palau, Papua New Guinea, Pitcairn Islands, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, United Kingdom, Vanuatu, and Wallis and Futuna. The 26 members of the Pacific Community include the above island countries and territories, plus the four remaining founding countries: Australia, France, New Zealand, United States of America. ⁵⁸¹ |
| Secretariat | Located in Noumea, New Caledonia. ⁵⁸² The staff consists of a director-general and 2 deputy directors-general, as well as staff at 6 technical divisions and other (programme, facility, working group, operation and management, etc.). This staff is partly located at the headquarter in Noumea and partly at Suva. Regional offices are located in Pohnpei, Federated States of Micronesia and in Honiara, Solomon Islands. |

⁵⁷⁴ <http://www.spc.int/en/about-spc/history/341-history.html>;

⁵⁷⁵ http://www.spc.int/fame/doc/corporate_docs/FAME_StrategicPlan.pdf

⁵⁷⁶ <http://www.sprep.org/climate-change/sprep-and-spc-to-work-together-for-a-pacific-resilient-to-disasters-and-climate-change>

⁵⁷⁷ <http://www.fao.org/fishery/rfb/spc/en>

⁵⁷⁸ FAME Division Strategic Plan 2010-2013, p. 15-17, available at http://www.spc.int/fame/doc/corporate_docs/FAME_StrategicPlan.pdf

⁵⁷⁹ Canberra Agreement, Art. II(2).

⁵⁸⁰ <http://www.fao.org/fishery/rfb/spc/en>

⁵⁸¹ <http://www.spc.int/en/about-spc/members.html>

⁵⁸² <http://www.spc.int/en/contact-us.html>

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| | The Fisheries, Aquaculture and Marine Ecosystems (FAME) Division is located in Noumea. It has 2 programmes, Coastal Fisheries (CFP) and Oceanic Fisheries (OFP), and is host to the Coral Reef Initiatives for the Pacific (CRISP) programme . ⁵⁸³ In the last quarter of 2011 the FAME division had 86 staff: 7 at the director's office, 58 at OFP and 21 at CFP. |
| Institutional framework | The Conference of the Pacific Community, which is held every two years, is the governing body of SPC. The Committee of Representatives of Governments and Administrations (CRGA) meets annually, and in the years that the conference does not meet, is empowered to make decisions on the governance of SPC. The Secretariat is a consultative and advisory body to the participating governments in matters affecting the economic and social development of the countries and territories of the Pacific Islands, and the welfare and advancement of their peoples. All members are represented on the governing body, the Committee of Representatives of Governments and Administrations (CRGA), which meets annually, and the South Pacific Conference which meets every 2 years. |
| Decision-making | See Canberra Agreement, Art. V (majority voting, depending on the matter to be decided), but in practice usually by consensus. ⁵⁸⁴ |
| Financial arrangements | The total revised budget for the FAME division for 2011 was 13,016,300 CFP units (equivalent to approximately USD 14.5 million at current exchange rates). The breakdown between the two programmes and the Director's office is: 2,258,200 (director); 7,220,400 (OFP); and 3,551,800 (CFP). ⁵⁸⁵ The overall budget of the OFP in 2010 was approximately XPF 650 million (USD 7 million), with funding contributions from the SPC core budget (made up of the assessed contributions of SPC members), programme funding (made up of additional multi-year commitments made by the Governments of Australia, France and New Zealand) and by a range of projects. ⁵⁸⁶ |
| Expenditures | Information not available. |
| Further information | http://www.spc.int/ http://www.spc.int/fame/en/home-pages/fame http://www.fao.org/fishery/rfb/spc/en |

South Pacific Regional Fisheries Management Organisation (SPRFMO)

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| Legal basis | Established by the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, open for signature at Wellington on 1 February 2010, entered into force on 24 August 2012. ⁵⁸⁷ |
| Policy instruments | n/a |
| Cooperation agreements/MoUs | n/a |
| Mandate/objective/scope | The objective is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of fishery resources and, in so doing, to safeguard the marine ecosystems in which these resources occur. ⁵⁸⁸ |
| Geographic coverage | 1 The waters of the Pacific Ocean beyond areas of national jurisdiction in accordance with international law: (a) east of a line extending south along the 120° meridian of east longitude from the outer limit of the national jurisdiction of Australia off the south coast of Western Australia to the intersection with the 55° parallel of south latitude; then due east along the 55° parallel of south latitude to the intersection with the 150° meridian of east longitude; then due south along the 150° meridian of east longitude to the intersection with the 60° parallel of south latitude; (b) north of a line extending east along the 60° parallel of south latitude from the 150° meridian of east longitude to the intersection with the |

⁵⁸³ <http://www.spc.int/en/about-spc/structure.html>; <http://www.spc.int/fame/>

⁵⁸⁴ <http://www.spc.int/en/about-spc/history/341-history-.html>

⁵⁸⁵ SPC FAME Division, Annual Report 2011, p. 6, available at http://www.spc.int/FAME/doc/corporate_docs/FAME_annual_report_2011.pdf

⁵⁸⁶ <http://www.spc.int/OceanFish/en/about-ofp/the-oceanic-fisheries-programme>

⁵⁸⁷ <http://www.southpacificfimo.org/status-of-the-convention/>

⁵⁸⁸ Convention, Art. 2, available at <http://www.southpacificfimo.org/about-the-sprfimo/>

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| | <p>67° 16' meridian of west longitude;</p> <p>(c) west of a line extending north along the 67° 16' meridian of west longitude from the 60° parallel of south latitude to its intersection with the outer limit of the national jurisdiction of Chile then along the outer limits of the national jurisdictions of Chile, Peru, Ecuador and Colombia to the intersection with the 20° parallel of north latitude; and</p> <p>(d) south of a line extending west along the 20° parallel of north latitude (but not including the national jurisdiction of Ecuador (Galapagos Islands)) to the intersection with the 150° meridian of west longitude; then due north along the 150° meridian of west longitude to its intersection with 10° parallel of north latitude, then west along the 10° parallel of north latitude to its intersection with the outer limits of the national jurisdiction of the Marshall Islands, and then generally south and around the outer limits of the national jurisdictions of Pacific States and territories, New Zealand and Australia until it connects to the commencement of the line described in paragraph (a) above.</p> <p>2 The Convention shall also apply to waters of the Pacific Ocean beyond areas of national jurisdiction bounded by the 10° parallel of north latitude and the 20° parallel of south latitude and by the 135° meridian of east longitude and the 150° meridian of west longitude.⁵⁸⁹</p> |
| Species/stocks coverage | <p>Fishery resources, meaning all fish within the Convention Area, including: molluscs; crustaceans; and other living marine resources as may be decided by the Commission; but excluding:</p> <p>(i) sedentary species in so far as they are subject to the national jurisdiction of coastal States pursuant to Article 77 paragraph 4 of the 1982 Convention;</p> <p>(ii) highly migratory species listed in Annex I of the 1982 Convention;</p> <p>(iii) anadromous and catadromous species; and</p> <p>(iv) marine mammals, marine reptiles and sea birds.⁵⁹⁰</p> |
| Parties | <p>Australia, Belize, Republic of Chile, Cook Islands, Republic of Cuba, European Union, Kingdom of Denmark in respect of the Faroe Islands, Republic of Korea, New Zealand, Russian Federation, and Chinese Taipei.⁵⁹¹</p> |
| Secretariat | <p>The International Consultations on the Establishment of the SPRFMO have established an Interim Secretariat, which is located in Wellington, New Zealand. At present it consists of an Executive Secretary and a Data Manager.⁵⁹²</p> |
| Institutional framework | <p>Each Contracting Party is a member of the Commission, which will meet annually.⁵⁹³</p> <p>The first meeting of the Commission will take place from 28 January to 1 February 2013.⁵⁹⁴</p> <p>Subsidiary bodies: the Scientific Committee, the Compliance and Technical Committee, the Eastern Sub-regional Management Committee, the Western Sub-regional Management Committee and the Finance and Administration Committee. Additional subsidiary bodies may be established by the Commission taking into account cost implications.⁵⁹⁵</p> |
| Decision-making | <p>As a general rule, decisions by the Commission shall be taken by consensus.</p> <p>Except where this Convention expressly provides that a decision shall be taken by consensus, if the Chairperson considers that all efforts to reach a decision by consensus have been exhausted: (a) decisions of the Commission on questions of procedure shall be taken by a majority of the members of the Commission casting affirmative or negative votes; and (b) decisions on questions of substance shall be taken by a three-fourths majority of the members of the Commission casting affirmative or negative votes.⁵⁹⁶</p> |

⁵⁸⁹ Convention, Art. 5.

⁵⁹⁰ Convention, Art. 1(f).

⁵⁹¹ <http://www.southpacificfmo.org/>; <http://www.southpacificfmo.org/status-of-the-convention/>

⁵⁹² <http://www.southpacificfmo.org/new-meetingpage-Contacts/>

⁵⁹³ Convention, Art. 7(1)(3).

⁵⁹⁴ <http://www.southpacificfmo.org/meetings/>

⁵⁹⁵ Convention, Art. 6(2), Art. 9(1).

⁵⁹⁶ Convention, Art. 16.

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| Financial arrangements | A budget to fund the Commission and its subsidiary bodies will be adopted at the Commission's first meeting. Each member of the Commission shall contribute to the budget. The amount of the annual contributions due from each member of the Commission shall be a combination of a variable fee based on its total catch of such fishery resources as may be specified by the Commission and a basic fee and shall take account of its economic status. ⁵⁹⁷ |
| Expenditures | The Secretariat to be established shall be cost effective. The setting up and the functioning of the Secretariat shall, where appropriate, take into account the capacity of existing regional institutions to perform certain technical secretariat functions and more specifically the availability of services under contractual arrangement. ⁵⁹⁸ |
| Further information | http://www.southpacificfmo.org/ |

Western and Central Pacific Fisheries Commission (WCPFC)

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| Legal basis | The WCPFC was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC Convention) , open for signature as from 5 September 2000 and entered into force on 19 June 2004. |
| Policy instruments | WCPFC Strategic Research Plan of the Scientific Committee 2012-2016 ⁵⁹⁹ |
| Cooperation agreements/MoUs | The WCPFC has concluded a number of Memoranda of Understanding with the: <ul style="list-style-type: none"> -Inter-American Tropical Tuna Commission (IATTC); -Commission for the Conservation of Southern Bluefin Tuna (CCSBT); -Indian Ocean Tuna Commission (IOTC); -Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR); -Pacific Islands Forum Fisheries Agency (FFA); -Secretariat of the Pacific Community in respect of the Oceanic Fisheries Programme (SPC-OFP); -International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC); -Secretariat for the Pacific Regional Environment Programme (SPREP); -Agreement for the Conservation of Albatross and Petrels (ACAP); -North Pacific Fish Commission (NPAFC).⁶⁰⁰ |
| Mandate/objective/scope | To ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean. ⁶⁰¹ |
| Geographic coverage | High seas, national waters. The Convention Area is defined in article 3 of the Convention and comprises all waters of the Pacific Ocean bounded to the south and to the east by a line drawn from the south coast of Australia due south along the 141° meridian of east longitude to its intersection with the 55° parallel of south latitude; thence due east along the 55° parallel of south latitude to its intersection with the 150° meridian of east longitude; thence due south along the 150° meridian of east longitude to its intersection with the 60° parallel of south latitude; thence due east along the 60° parallel of south latitude to its intersection with the 130° meridian of west longitude; thence due north along the 130° meridian of west longitude to its intersection with the 4° parallel of south latitude; thence due west along the 4° parallel of south latitude to its intersection with the 150° meridian of west longitude; thence due north along the 150° meridian of west longitude. ⁶⁰² |

⁵⁹⁷ Convention, Art. 15(1)(2).

⁵⁹⁸ Convention, Art. 14(5).

⁵⁹⁹ <http://www.wcpfc.int/node/600>; <http://www.wcpfc.int/relations-with-other-organisations>

⁶⁰⁰ Question 2 at <http://www.wcpfc.int/frequently-asked-questions-and-brochures>

⁶⁰¹ Convention, Art. 2.

⁶⁰² <http://www.wcpfc.int/key-documents/convention-text>; Convention, Art. 3(1).

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| | Although the western boundary notionally extends to the east Asian seaboard, it is understood that the Convention Area does not include the South China Sea. In the east, the Convention Area adjoins, or overlaps, the area of competence of the Inter-American Tropical Tuna Commission. The southern boundary extends to 60 degrees south and the northern boundary extends to Alaska and the Bering Sea. ⁶⁰³ |
| Species/stocks coverage | All stocks of highly migratory fish within the Convention Area except sauries. ⁶⁰⁴ |
| Parties | Members: Australia, China, Canada, Cook Islands, European Union, Federated States of Micronesia, Fiji, France, Japan, Kiribati, Republic of Korea, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America, Vanuatu. Participating Territories: American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia, Tokelau, Wallis and Futuna. Cooperating Non-member(s): Belize, Democratic Peoples Republic of Korea, Ecuador, El Salvador, Indonesia, Mexico, Senegal, St Kitts and Nevis, Panama, Thailand, Vietnam. ⁶⁰⁵ |
| Secretariat | Located on Kolonia, Federated States of Micronesia. ⁶⁰⁶ The permanent Secretariat consists of an Executive Director, who also serves as the chief administrative officer of the Commission, and such other staff as the Commission may require. ⁶⁰⁷ |
| Institutional framework | The governing body of the Convention is the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The Commission holds an annual meeting. The Commission is comprised of representatives from members, cooperating non-members and participating territories (collectively, CCMs). The Commission supports three subsidiary bodies; the Scientific Committee, the Technical and Compliance Committee, and the Northern Committee, that each meet once during each year. The meetings of the subsidiary bodies are followed by a full session of the Commission. The work of the Commission is assisted by a Finance and Administration Committee. ⁶⁰⁸ |
| Decision-making | Decisions taken by the Commission are generally done by consensus. In cases where decisions have to be taken by vote, usually on substantive matters, a "two-chamber system" applies. The FFA members of the Commission comprise one chamber, while the non-FFA members form the other chamber. Decisions are taken by a three-fourths majority of those present and voting in each chamber and no proposal can be defeated by two or fewer votes in either chamber. ⁶⁰⁹ |
| Financial arrangements | WCPFC is financed by annual dues from member countries, based on the following formula: -Base fee: all members pay the same base fee which accounts for 10% of the approved annual budget; -National wealth: comprises 20% of the budget and is based on the country's Gross Domestic Product, taking into account a member's ability to pay; -Variable fee: based on the total catch taken within the exclusive economic zone of each member, and beyond areas of national jurisdiction by flagged vessels. A discount factor is applied to catch taken by developing States or territories in their own exclusive economic zone or by vessels flying its flag. ⁶¹⁰ |
| Expenditures | See the auditor's report of 2010. ⁶¹¹ |

⁶⁰³ Question 4 at <http://www.wcpfc.int/frequently-asked-questions-and-brochures>

⁶⁰⁴ Convention, Art. 3(3).

⁶⁰⁵ <http://www.wcpfc.int/about-wcpfc>; Status of the Convention, as at 7 November 2009, available at <http://www.wcpfc.int/doc/wcpfc2-2005-07-rev2/status-convention-34k>

⁶⁰⁶ <http://www.wcpfc.int/contact>

⁶⁰⁷ Convention, Art. 15(1)(3); <http://www.fao.org/fishery/rfb/wcpfc/en>

⁶⁰⁸ <http://www.wcpfc.int/about-wcpfc>; <http://www.fao.org/fishery/rfb/wcpfc/en>

⁶⁰⁹ Question 5 at <http://www.wcpfc.int/frequently-asked-questions-and-brochures>; WCPFC Rules of Procedure, as adopted at the Inaugural Session 9-10 December 2004, Rule 22, available at: <http://www.wcpfc.int/doc/commission-01/rules-procedure>

⁶¹⁰ Question 7 at <http://www.wcpfc.int/frequently-asked-questions-and-brochures>; WCPFC Financial Regulations, update April 2012, Regulation 5.2, available at <http://www.wcpfc.int/node/595>.

⁶¹¹ <http://www.wcpfc.int/doc/wcpfc8-2011-fac5-04/auditors-report-2010-and-general-account-fund-financial-statement-2010>

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| Further information | http://www.wcpfc.int/ http://www.fao.org/fishery/rfb/wcpfc/en |
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III.5 Trans-ocean and global

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

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| Legal basis | <p>The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) entered into force on 7 April 1982, as part of the Antarctic Treaty System, in pursuance of the provisions of Article IX of the Treaty.⁶¹²</p> <p>The Antarctic Treaty Consultative Meeting (ATCM) convened the Conference on the Conservation of Antarctic Marine Living Resources. That Conference resulted in the negotiation of the CAMLR Convention. The Convention forms an integral part of the Antarctic Treaty System. Provisions in the CAMLR Convention bind Contracting Parties to a range of obligations in the Antarctic Treaty.⁶¹³</p> |
| Policy instruments | CCAMLR Secretariat Strategic Plan 2012-2014. ⁶¹⁴ |
| Cooperation agreements/MoUs | Cooperative arrangements have been established, but information is not available which of these are underpinned by written agreements and/or MoUs. ⁶¹⁵ |
| Mandate/objective/scope | The conservation of Antarctic marine living resources, including rational use. ⁶¹⁶ |
| Geographic coverage | <p>High seas and national waters.</p> <p>The CCAMLR Convention area is located in the Southern Ocean, namely the area south of 60° South latitude and to the Antarctic marine living resources of the area between that latitude and the Antarctic Convergence which form part of the Antarctic marine ecosystem.</p> <p>Technical description of the Convention area: all waters bounded by the Antarctic Continent to the south, and to the north by a line starting at 50°S 50°W; thence due east to 30°E longitude; thence due north to 45°S latitude; thence due east to 80°E longitude; thence due south to 55°S latitude; thence due east to 150°E longitude; thence due south to 60°S latitude; thence due east to 50°W longitude; thence due north to the starting point.⁶¹⁷</p> |
| Species/stocks coverage | Antarctic marine living resources, which are the populations of fin fish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence. Excluded are whales and seals, which are the subject of other conventions - namely, the 1946 International Convention for the Regulation of Whaling and the 1972 Convention for the Conservation of Antarctic Seals. ⁶¹⁸ |
| Parties | <p>Members: Argentina, Australia, Belgium, Brazil, Chile, China, European Union, France, Germany, India, Italy, Japan, Namibia, New Zealand, Norway, Poland, Republic of Korea, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom, United States of America, Uruguay.</p> <p>States parties to the Convention but not members of the Commission: Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Pakistan, Peru, Vanuatu.⁶¹⁹</p> |
| Secretariat | <p>Located in North Hobart, Tasmania, Australia.⁶²⁰</p> <p>The staff consists of about 27 people.⁶²¹</p> |

⁶¹² <http://www.ccamlr.org/en/organisation/about-ccamlr>

⁶¹³ <http://www.ccamlr.org/en/organisation/relationship-antarctic-treaty-system>; <http://www.ccamlr.org/en/organisation/relationship-antarctic-treaty-system>

⁶¹⁴ <http://www.ccamlr.org/en/document/organisation/ccamlr-secretariat-strategic-plan-2012-2014>

⁶¹⁵ <http://www.ccamlr.org/en/organisation/cooperation-others>

⁶¹⁶ Convention, Art. 2(1)(2), available at <http://www.ccamlr.org/en/organisation/camlr-convention-text>

⁶¹⁷ Convention, Art. 1(1)(4), available at <http://www.ccamlr.org/en/organisation/camlr-convention-text>; <http://www.fao.org/fishery/rfb/ccamlr/en>; <http://www.ccamlr.org/en/organisation/convention-area-technical-description>

⁶¹⁸ Convention, Art. 1(2) and Art. VI, available at <http://www.ccamlr.org/en/organisation/camlr-convention-text>

⁶¹⁹ <http://www.ccamlr.org/en/organisation/membership>; <http://www.ccamlr.org/en/organisation/membership>; <http://www.fao.org/fishery/rfb/ccamlr/en>; <http://www.ccamlr.org/en/document/organisation/status-convention>

⁶²⁰ <http://www.ccamlr.org/>

⁶²¹ <http://www.ccamlr.org/en/organisation/staff-list>; <http://www.ccamlr.org/en/organisation/structure>

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| Institutional framework | The Commission meets annually to, among other matters, adopt conservation measures and other decisions which apply to harvesting activities within the Convention Area. The Commission is also responsible for the financial affairs and administration of the organisation. The Scientific Committee meets annually immediately prior to the Commission meeting. To facilitate its operation, the Scientific Committee has established 4 working groups and 1 specialist subgroup. Other subsidiary bodies are the Standing Committee on Implementation and Compliance (SCIC) and the Standing Committee on Administration and Finance (SCAF). ⁶²² |
| Decision-making | Decisions of the Commission on matters of substance are to be taken by consensus. The question of whether a matter is one of substance is treated as a matter of substance. Decisions on other matters are to be taken by a simple majority of the Members of the Commission present and voting. ⁶²³ |
| Financial arrangements | Each Member of the Commission contributes to the budget. Until the expiration of 5 years after the entry into force of the Convention, the contribution of each Member of the Commission was equal. Thereafter the contribution was determined in accordance with two criteria: the amount harvested and an equal sharing among all Members of the Commission. The Commission determines by consensus the proportion in which these two criteria apply. A Member of the Commission that fails to pay its contributions for two consecutive years does not, during the period of its default, have the right to participate in the taking of decisions in the Commission. ⁶²⁴ Total income 2011: AUD 4,716,120 ⁶²⁵ |
| Expenditures | Total expenditure 2011: AUD 4,559,444 ⁶²⁶ |
| Further information | http://www.ccamlr.org/ http://www.fao.org/fishery/rfb/ccamlr/en |

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⁶²² <http://www.ccamlr.org/en/science/scientific-committee>; <http://www.ccamlr.org/en/organisation/camlr-convention>

⁶²³ Convention, Art. XII (1)(2), available at <http://www.ccamlr.org/en/organisation/camlr-convention-text>

⁶²⁴ Convention, Art. XIX(3)(6), available at <http://www.ccamlr.org/en/organisation/camlr-convention-text>

⁶²⁵ Report of the 30th Meeting of the Commission, 24 October-4 November 2011, p. 122, Appendix II, Revised budget for the year ended 2011, downloadable from <http://www.ccamlr.org/en/meetings/26> (choose CCAMLR-XXX).

⁶²⁶ Report of the 30th Meeting of the Commission, 24 October-4 November 2011, p. 122, Appendix II, Revised budget for the year ended 2011, downloadable from <http://www.ccamlr.org/en/meetings/26> (choose CCAMLR-XXX).

Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

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| Legal basis | On 20 May 1994 the then existing voluntary management arrangement between Australia, Japan and New Zealand was formalised when the Convention for the Conservation of Southern Bluefin Tuna, which had been signed by the three countries in May 1993, came into force. The Convention created the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). ⁶²⁷ |
| Policy instruments | -CCSBT Strategic Plan for the Commission for the Conservation of Southern Bluefin Tuna, August 2011. ⁶²⁸ -CCSBT Compliance Plan, including a Three-Year Action Plan (2012-2014). ⁶²⁹ |
| Cooperation agreements/MoUs | MoU between CCSBT and the Western and Central Pacific Fisheries Commission (WCPFC). ⁶³⁰ |
| Mandate/objective/scope | To ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna. ⁶³¹ |
| Geographic coverage | High seas, national waters. The Convention does not define its area of competence. It applies to southern bluefin tuna in all oceans, including the spawning ground south of Java, Indonesia. Where the CCSBT overlaps with other RFMOs, the CCSBT has had agreements or Memorandum of Understanding with these RFMOs which clarify that the CCSBT has primary competence for the management of SBT. ⁶³² Both the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Indian Ocean Tuna Commission (IOTC) have formally recognised that the CCSBT has competence to manage SBT. The CCSBT has been unable to agree on arrangements with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) concerning SBT fishing in CCAMLR's convention area. ⁶³³ |
| Species/stocks coverage | Southern bluefin tuna. ⁶³⁴ |
| Parties | Members of the Extended Commission: Australia, the Fishing Entity of Taiwan, Indonesia, Japan, Republic of Korea and New Zealand. Cooperating Non-Members: the Philippines, South Africa and the European Union. ⁶³⁵ |
| Secretariat | Located in Canberra, Australia. ⁶³⁶ 3 full-time staff, 3 part-time staff. ⁶³⁷ A full-time compliance officer will be appointed in 2012. ⁶³⁸ |
| Institutional framework | Party shall be represented on the Commission by not more than 3 delegates who may be accompanied by experts and advisers. The Commission shall hold an annual meeting before 1 August each year. The Commission has created an Extended Commission, which provides for the participation of the Fishing Entity of Taiwan Province of China. The Extended Commission makes recommendations to the Commission for decision. The Scientific Committee has been established as an advisory body to the Commission. ⁶³⁹ Other subsidiary bodies are: |

⁶²⁷ http://www.ccsbt.org/site/origins_of_the_convention.php

⁶²⁸ http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/CCSBT_Strategic_Plan.pdf

⁶²⁹ http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/CCSBT_Compliance_Plan.pdf

⁶³⁰ <http://www.wcpfc.int/doc/wcpfc-ccsbt-memorandum-understanding>

⁶³¹ <http://www.ccsbt.org/site/Convention,Art.3>, available at http://www.ccsbt.org/userfiles/file/docs_english/basic_documents/convention.pdf

⁶³² <http://www.fao.org/fishery/rfb/ccsbt/en>; Report of the Performance Review Working Group, July 2008, p. 15, available at

http://www.ccsbt.org/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_15/report_of_PRWG.pdf

⁶³³ Report of the Performance Review Working Group, July 2008, p. 83.

⁶³⁴ Convention, Art. 1, available at http://www.ccsbt.org/userfiles/file/docs_english/basic_documents/convention.pdf

⁶³⁵ <http://www.ccsbt.org/site/>

⁶³⁶ http://www.ccsbt.org/site/origins_of_the_convention.php

⁶³⁷ Report of the Performance Review Working Group, July 2008, p. 17.

⁶³⁸ http://www.ccsbt.org/site/recent_news.php

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| | -the Ecologically Related Species Working Group -the Finance and Administration Committee -the Compliance Committee, which meets annually immediately prior to the annual meeting of the Extended Commission. ⁶⁴⁰ |
| Decision-making | Each Party shall have one vote in the Commission. Decisions of the Commission shall be taken by a unanimous vote of the Parties present at the Commission meeting. ⁶⁴¹ |
| Financial arrangements | The contributions to the annual budget from each Party are calculated on the following basis: (a) 30% of the budget shall be divided equally among all the Parties; and (b) 70% of the budget shall be divided in proportion to the nominal catches of southern bluefin tuna among all the Parties. ⁶⁴² The CCSBT's arrangements do not require cooperating non-members to make a financial contribution which is often a barrier to participation by developing states in RFMOs. ⁶⁴³ |
| Expenditures | Revised General Budget 2011: AUD \$1,800,886. ⁶⁴⁴ |
| Further information | http://www.ccsbt.org/site/ http://www.fao.org/fishery/rfb/ccsbt/en http://www.ccsbt.org/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_15/report_of_PRWG.pdf |

Latin American Organization for Fisheries Development (OLDEPESCA)

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| Legal basis | The Constitutional Agreement of the Latin American Organization for Fisheries Development - OLDEPESCA - was signed on 29 October 1982, and entered into force on 2 November 1984, date on which its first conference of ministers was also held. ⁶⁴⁵ |
| Policy instruments | <i>Estrategias para el desarrollo de la acuicultura marina en la region.</i> ⁶⁴⁶ |
| Cooperation agreements/MoUs | -MoU between OLDEPESCA and the Intern-American Convention for the Protection and Conservation of Sea Turtles (IAC), signed on 19 November 2004. ⁶⁴⁷ -MoU between OLDEPESCA and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (ACAP Secretariat), signed on 4 September 2009. ⁶⁴⁸ |
| Mandate/objective/scope | To meet Latin American food requirements adequately, making use of Latin American fishery resource potential for the benefit of Latin American peoples, by concerted action in promoting the constant development of the countries and the permanent strengthening of regional cooperation in this sector. ⁶⁴⁹ |
| Geographic coverage | National waters, inland waters. ⁶⁵⁰ |

⁶³⁹ Convention, Art. 6, Art. 9.

⁶⁴⁰ <http://www.fao.org/fishery/rfb/ccsbt/en>

⁶⁴¹ Convention, Art. 7.

⁶⁴² Convention, Art. 11(2).

⁶⁴³ Report of the Performance Review Working Group, July 2008, p. 81.

⁶⁴⁴ Report of the 18th Annual Meeting of the Commission, 10-13 October 2011, Annex I, available at http://www.ccsbt.org/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_18/report_of_CCSBT18.pdf

⁶⁴⁵ [http://www.oldepesca.com/convenio; http://www.eisif.org/index.php?sid=504212890&id=1826&t=link_details&ca=862](http://www.oldepesca.com/convenio;http://www.eisif.org/index.php?sid=504212890&id=1826&t=link_details&ca=862) ;

⁶⁴⁶ <http://ealink.net/~asilwildlife/OLDEPESCA.html>
⁶⁴⁶ <http://www.oldepesca.com/userfiles/file/Estrategias%20para%20el%20desarrollo%20de%20la%20Acuicultura%20Marina%20en%20la%20Regi%C3%B3n.pdf>

⁶⁴⁷ <http://www.iacseaturtle.org/eng-docs/MOU-OLDEPESCA.pdf>

⁶⁴⁸ <http://www.acap.org/resolutions>

⁶⁴⁹ <http://www.oldepesca.com/node/6>

⁶⁵⁰ [http://www.oldepesca.com/convenio; http://ealink.net/~asilwildlife/OLDEPESCA.html](http://www.oldepesca.com/convenio;http://ealink.net/~asilwildlife/OLDEPESCA.html)

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| Species/stocks coverage | All sea and freshwater fishery resources. ⁶⁵¹ |
| Parties | Belize, Bolivia, Costa Rica, Cuba, Ecuador, El Salvador, Guyana, Honduras, Mexico, Nicaragua, Peru, Venezuela. ⁶⁵² |
| Secretariat | Located in Lima, Peru. ⁶⁵³ |
| Institutional framework | The Conference of Ministers holds one annual meeting and expresses its will through Resolutions. The Governing Board is the technical body of OLDEPESCA, and its main task is to make recommendations to the Conference of Ministers. The Executive Management Board is the technical and administrative body of OLDEPESCA and is headed by an Executive Director. ⁶⁵⁴ |
| Decision-making | The Resolutions by the Conference of Ministers are to be adopted by a majority of no less than two thirds of the Member Countries present in the cases set out in subparagraphs (a), (c), (f), (j), (m) of Article 11. In other cases Resolutions are to be adopted by a majority of no less than one half plus one of the Member Countries present. The Resolutions by the Governing Board are to be adopted by a majority of no less than one half plus one of the Members present. ⁶⁵⁵ |
| Financial arrangements | financial assets of OLDEPESCA consist of the initial contribution and annual dues of its Members and all the property and rights it may acquire whether by purchase or by gift. The contribution of its Members are to be in accordance with the scheme of the Latin American Economic System as determined by the Conference of Ministers and may be changed in accordance with its needs. OLDEPESCA seeks additional sources of funds to finance its operation. ⁶⁵⁶ |
| Expenditures | The operations of OLDEPESCA shall be financed through annual contributions made by the Member Countries. ⁶⁵⁷ |
| Further information | http://www.oldepesca.com http://www.fao.org/fishery/rfb/oldepesca/en |

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⁶⁵¹ Agreement, Art. 4, available at <http://ealink.net/~asilwildlife/OLDEPESCA.html>

⁶⁵² <http://www.oldepesca.com/node/49>

⁶⁵³ <http://www.oldepesca.com/node/7>

⁶⁵⁴ <http://www.oldepesca.com/node/5>; Agreement, Art. 9, Art. 12, Art. 15, available at http://www.eisil.org/index.php?sid=504212890&id=1826&t=link_details&cat=862

⁶⁵⁵ Agreement, Art. 14 and Art. 19, available at <http://ealink.net/~asilwildlife/OLDEPESCA.html>

⁶⁵⁶ Agreement, Art. 26, Art. 27.

⁶⁵⁷ Agreement, Art. 27.

Central America Fisheries and Aquaculture Organization (OSPESCA)

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| Legal basis | Acta de San Salvador - Formalización de la Organización del Sector Pesquero y Acuícola del Istmo Centroamericano, signed on 18 December 1995 in El Salvador, San Salvador. ⁶⁵⁸ |
| Policy instruments | -Fisheries and Aquaculture Integration Policy for the Central American Isthmus. -The Central American Regional Fisheries Governance Model. ⁶⁵⁹ |
| Cooperation agreements/MoUs | About 15 Memoranda of Understanding with organizations such as WWF and Asociación Mar Viva. A full list is available at: http://www.sica.int/busqueda/busqueda_basica.aspx?idCat=25&idMod=3&IdEnt=47&Pag=1 Some examples: -Belize Declaration on CRFM-OSPESCA Cooperation for Sustainable Development of Fisheries and Aquaculture Resources, 3-4 September 2012. ⁶⁶⁰ -Memorandum of Understanding between the Central America Fishèries and Aquaculture Organization (OSPESCA) and The Caribbean Regional Fisheries Mechanism (CRFM), 4 September 2012. ⁶⁶¹ -Memorandum of Understanding between OSPESCA and <i>el Centro de Agua para el Trópico Húmedo</i> (CATHALAC). ⁶⁶² |
| Mandate/objective/scope | Mission: To encourage the development and the coordinated management of the regional activities of fisheries and aquaculture, helping to strengthen the Central American integration process. Objective: To coordinate the design, implementation and monitoring of policies, strategies and projects linked to the regional policy framework that will lead to the sustainable development of fishery and aquaculture activities. ⁶⁶³ |
| Geographic coverage | Inland waters and maritime zones of Member States, as well as any fishing vessel flying a Central American country flag. ⁶⁶⁴ |
| Species/stocks coverage | Marine capture, inland capture and aquaculture fish stocks of Member States. ⁶⁶⁵ |
| Parties | Members: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama. Associated State: Dominican Republic. ⁶⁶⁶ |
| Secretariat | OSPESCA is a part of the SICA General Secretariat and has a Regional Unit within the Secretariat for the purpose of coordinating common regional fisheries and aquaculture issues. ⁶⁶⁷ |
| Institutional framework | The Member State Ministers of Fisheries and Aquaculture comprise the highest level of decision-making. The executive level, with responsibility for the planning, implementation and monitoring of programs is comprised of a Committee of Deputy Ministers. Subsidiary bodies include: -Commission of Directors of Fisheries and Aquaculture (the scientific and technical body); -Working group comprised of the Fisheries Directors' assistants; -Working group comprised of Fisheries Administrations' legal advisers; -Regional Working Groups. |

⁶⁵⁸ ftp://ftp.fao.org/FI/DOCUMENT/OSPESCA/legal/acta_de_san_salvador.pdf

⁶⁵⁹ <http://www.fao.org/fishery/rfb/ospesca/en>

⁶⁶⁰ <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=alpXMfxnSf4%3D&tabid=37>

⁶⁶¹ ftp://ftp.fao.org/FI/DOCUMENT/OSPESCA/legal/crfm_ospesca_memorandum_en.pdf

⁶⁶² <http://www.cathalac.org/en/news-room/cathalac-news/latest-news/497-cathalac-and-sica-ospesca-sign-memorandum-in-support>

⁶⁶³ <http://www.fao.org/fishery/rfb/ospesca/en>

⁶⁶⁴ <http://www.fao.org/fishery/rfb/ospesca/en>

⁶⁶⁵ <http://www.fao.org/fishery/rfb/ospesca/en>

⁶⁶⁶ <http://www.sica.int/miembros/miembros.aspx?IdEnt=47>

⁶⁶⁷ <http://www.fao.org/fishery/rfb/ospesca/en>

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| | The execution of regional projects is a joint exercise between OSPESCA and the International Regional Organization for Agricultural Health (OIRSA) as the latter body has administrative facilities in all OSPESCA member States. ⁶⁶⁸ |
| Decision-making | Information not available. |
| Financial arrangements | Information not available. |
| Expenditures | Information not available. |
| Further information | http://www.sica.int/ospesca/ http://www.fao.org/fishery/rfb/ospesca/en |

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⁶⁶⁸ <http://www.fao.org/fishery/rfb/ospesca/en>