

Recommended Best Practices for

Regional Fisheries Management Organizations EXECUTIVE SUMMARY

Report of an independent
panel to develop a
model for improved governance
by Regional Fisheries
Management Organizations



CHATHAM HOUSE

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EXECUTIVE SUMMARY

Regional Fisheries Management Organizations (RFMOs) are intergovernmental fisheries organizations or arrangements that have the authority to establish fisheries conservation and management measures on the high seas. RFMOs play a critical role in the global system of fisheries governance. They are the primary way to achieve cooperation between and among fishing nations that is essential for the conservation and effective management of international fisheries.

While the majority of marine fish stocks are under management by one or more RFMOs, there is growing concern over the state of world fisheries. There is also increasing international attention to the problem of illegal, unreported, and unregulated (IUU) fishing and its role in fish stock depletion. While a number of legal instruments aimed at addressing the problems of international fisheries governance have been introduced over the past twenty years, it is often suggested that RFMOs have generally failed to prevent depletion of high seas fish stocks and degradation of their marine ecosystems.

In response, the international community has made significant efforts in recent years to strengthen the conservation and management regimes of RFMOs, and to improve the performance of RFMOs in accordance with the demands of international fishery instruments.

In March 2006, the High Seas Task Force launched its final report, which included a proposal to develop a 'model' for improved governance by RFMOs. The UN Fish Stocks Review Conference in May 2006 agreed that RFMOs should undergo performance reviews on an urgent basis, including independent evaluation, and should ensure that results were publicly available. The December 2006 UN General Assembly Resolution on Sustainable Fisheries also called upon countries to develop and apply best practice guidelines for RFMOs, and to undertake performance reviews of RFMOs, based on transparent criteria.

In January 2007, an initiative began to develop a common methodology and set of criteria for the core functions of the five tuna RFMOs to guide the organizations through individual performance reviews. At the UN Food and Agriculture Organization (FAO) Committee on Fisheries meeting in March 2007, country members agreed on the need for all RFMOs to undertake performance reviews, recognizing that individually, RFMOs must determine the criteria, methodology, and frequency of such reviews.

The 'model' for improved governance by RFMOs, as proposed by the High Seas Task Force, was developed by a panel independent of the commissioning governments. Hosted by Chatham House in London and managed by a Director from the Round Table on Sustainable Development at the Organisation for Economic Cooperation and Development, the panel comprised experts from relevant disciplines of law, economics, science and policy. Representatives from the FAO and RFMOs were invited to participate in and comment on the work. Stakeholder and public consultations were also held.

The model RFMO report, entitled *Recommended Best Practices for Regional Fisheries Management Organizations*, outlines current ‘best practices’ that RFMOs can use to improve their performance in meeting the core challenges of global fisheries management. Although ‘best practices’ continue to evolve rapidly, the model is based on a comprehensive assessment of best practices of RFMOs worldwide and provisions of international instruments, particularly the UN Fish Stocks Agreement of 1995. It is also based on what are considered to be ‘practical steps’ in improving RFMO performance, such as greater coordination and cooperation between and among RFMOs. For example, RFMOs can significantly improve vessel compliance with conservation and management measures by consolidating vessel lists, coordinating port and market measures, and sharing vessel monitoring system information. This is especially important for RFMOs that deal with similar species.

The model RFMO standard is intended to complement ongoing work to improve RFMOs, including existing efforts to provide direction for performance reviews. For example, the core set of criteria for tuna RFMOs outlines ‘what’ (at a minimum) should be assessed in performance reviews, while the model RFMO outlines ‘how’ those organizations could make improvements based on best practices.

There is no doubt that RFMOs will continue to struggle with some prevailing issues, including excess capacity in the world’s fishing fleets, allocation of high seas fishing opportunities on an equitable and sustainable basis, and the adoption of ecosystem-based management approaches in their decision-making processes. The model RFMO standard will provide comprehensive guidance for RFMOs to address these and other issues by integrating a more systematic approach to the way they manage fish stocks under their governance. Ongoing internal and external performance reviews will also help RFMOs to continue to make improvements.

This executive summary is intended as a companion piece to the full report of the independent panel of experts. It provides, in brief, a summary of the recommended practices outlined in Chapter 12 of their report, which itself was drawn from Chapters 1–11. Its wording is not designed to replace the text explicitly used in Chapter 12; rather, it is intended as an overview of the expected best practices that RFMOs should be using. The full text of Chapter 12 can be found following this summary.

A model RFMO is guided by one overriding objective: the long-term conservation and sustainable use of fish stocks that it manages. This is the measure by which all RFMOs are ultimately judged. It also forms the basis for all the recommended best practices outlined in the 'model RFMO' report under nine main subject areas: general practice; conservation and management; allocation; compliance and enforcement; decision-making; dispute settlement; transparency; special requirements of developing countries; and institutional practices.

1. General Practice

Because there will always be a degree of uncertainty in fishery resource management, RFMOs should ensure that the precautionary approach is an integral part of their convention or decision-making processes. Allocation issues should also be dealt with expeditiously, and RFMOs should consider all possible ways to achieve acceptable economic benefits to their members, such as transfers or leasing fishing opportunities.

RFMOs should not consider new members until they have ratified or demonstrated their commitment to the principles of the UN Convention of the Law of the Sea (UNCLOS) or the UN Fish Stocks Agreement (UNFSA). Cooperating non-members that have a real interest in fishing in the RFMO area should be given transitional status, and assume the full rights and benefits of membership. RFMOs must therefore have the means to accommodate new members in a way that does not undermine conservation and sustainable use of their fishery resource. Once again, this could entail purchase or lease of fishing opportunities.

Ensuring the long-term conservation and sustainable use of fish stocks means that IUU fishing should be fought vigorously by all RFMOs. It also means that RFMOs must be equipped to withstand the effects of unpredictable events on their fisheries, such as environmental shocks.

As a general principle, RFMOs should actively cooperate with one another to ensure long-term conservation and sustainable use of fish stocks, greater consistency in the application of UNFSA, and the end of IUU fishing. RFMOs should also undertake regular performance review, based on widely recognized best practices and agreed indicators, the results of which should be made publicly available.

2. Conservation and Management Practices

To ensure long-term conservation and sustainable use of fish stocks, RFMOs must control fishing capacity and fishing effort; ensure adequate data collection and data sharing, including estimates of bycatch and IUU catch; and use the best available science when making their decisions. RFMOs must also apply the precautionary approach and integrate ecosystem considerations in their decision-making processes, including for the recovery of overfished stocks.

Conservation and management practices of RFMOs should thus have target and limit reference points for fishing mortality and population size that will ensure long-term sustainable resources. Stock assessments should take all sources of mortality into consideration, including non-fishery mortality and IUU fishing. RFMOs should identify the key prey species in their area and modify target and limit reference points to ensure that the needs of dependent predators will be met, as well as the needs of the fishery. RFMOs should also have agreed management strategies or decision rules that determine the catch and level of fishing in a way that does not violate the limit

reference point. Fishing mortality must be reduced, for example, if it exceeds the limit reference point, and a rebuilding plan within a specified timeframe must be initiated.

Regarding the development of new or exploratory fisheries, conservation and management strategies of RFMOs must err on the side of caution until there is sufficient information to determine how the organization can ensure long-term sustainable use. These strategies should also identify limits for bycatch of non-target fish and other species to ensure wastage is avoided and a balanced ecosystem is maintained. This is particularly important for protected or endangered species.

RFMO conservation and management strategies should also consider the impacts of fishing on fish habitats, restricting fishing or gear types in certain areas and/or at certain times where risk is determined to be high, establishing marine protected areas, or placing a moratorium on new fisheries in sensitive habitats until adequate management measures can be identified.

Finally, the conservation and management strategies of RFMOs should share data collection information with coastal States and other RFMOs through recognized international data management arrangements. RFMOs should also ensure that they have a scientific body to assess issues related to target species and the broader ecosystem. The work of this body should be periodically reviewed and made publicly available.

3. Allocation Practices

RFMOs should have a transparent allocation process which is separate from the decision-making process that determines total allowable catches. A key criterion for allocations should be compliance by members with the RFMO's conservation and management measures. The allocation process should have a pre-agreed formula as to how increases or decreases in catch or effort limits are distributed across members, and a timeframe for the review of participatory rights. To the extent practical, participatory rights should only be allocated where the membership of an RFMO includes all relevant coastal States and countries fishing on the high seas for relevant stocks. There should also be advance agreement as to how new members will be accommodated without increasing catch or effort on stocks that are fully or oversubscribed.

4. Compliance and Enforcement Practices

To ensure long-term conservation and sustainable use of fish stocks, RFMOs should have a comprehensive system of control to ensure compliance with their conservation and management measures. This system should outline the duties of flag States regarding the actions of their vessels, as well as the forms of punishment for States, vessels or nationals that violate the conservation and management measures. It should also require members to report on their follow-up actions against violators, such as fines, seizure of catch/gear, vessel sequestration, suspension of licence, or reduction/withdrawal of fishing opportunities.

RFMO systems of control should include a register of all fishing, transshipment and support vessels, and a centralized vessel monitoring system that reports high seas fishing operations to RFMO Secretariats in real time. RFMO member port State measures should only allow landing and transshipment in ports when the flag State confirms in writing that its vessel has complied with the RFMO's conservation and management measures. The RFMO system of control should also detail trade- and market-related measures, such as catch certification and trade documentation systems, particularly for high-value fisheries, to minimize the burden on enforcement officials.

RFMOs should also have systems in place to target non-parties fishing in contravention of their conservation and management measures, such as blacklisting of vessels and irresponsible flag States. There should also be ways for RFMOs to share surveillance information of IUU vessels with adjacent coastal States and other RFMOs.

RFMO control systems can, in addition, consider using tools such as observer programmes and inspection schemes to improve their compliance and enforcement practices.

5. Decision-Making Practice

In general, RFMOs should have transparent rules of procedure for taking decisions, and the resulting decisions should be made publicly available. Regular sessions should be held to make decisions through consensus, recorded vote or other agreed methods. Decisions on questions of substance should require a high quorum, and all RFMO members should be entitled to participate fully in decision-making. Where voting is the method for making decisions, each member should have one vote.

There should be specific RFMO procedures and rules in place for taking decisions on administrative, budgetary, membership, organizational and similar matters. Such decisions may be taken by a majority vote and issued in the form of resolutions, recommendations or decisions. The reports of RFMO subsidiary bodies should reflect the full range of views expressed. In particular, reports from the scientific advisory body to decision-makers should include the rationale for all findings and recommendations, including assumptions, uncertainties and areas of disagreement.

Decisions by RFMOs on questions of conservation or management of fish stocks, including allocation of catches or fishing effort, must be accepted and implemented by all members. RFMO rules should remind members of their duty to cooperate to reach consensus. If consensus cannot be reached after extended consultations, RFMO rules should provide for the assistance of a facilitator. There should be an independent review process where decisions are not acceptable to one or more members. The grounds for objection should be limited, i.e., the decision is contrary to UNCLOS, UNFSA or the RFMO's constitution, or the decision discriminates against that member. While objections are being considered, RFMOs should not permit action to be taken that may compromise stock sustainability.

6. Dispute Settlement Practices

While the decision-making process of RFMOs should allow for every possibility for reaching consensus, arrangements should also be in place to handle and resolve any differences over questions of law. The binding procedures for dispute settlement set out in UNCLOS and UNFSA provide a benchmark that should be applied by all RFMOs.

All RFMOs members should agree that in order to resolve a legal difference, each party in a dispute is entitled to submit it to an impartial expert panel or tribunal for a binding ruling. Members of such a panel should be recognized for their impartiality and experience in international fisheries or international law, and they should include technical or scientific experts when the dispute is technical or scientific in nature.

RFMO procedures should have provisional measures available during dispute proceedings that protect the rights of the parties, fish stocks and the marine environment. Procedures should also

be transparent; submissions by parties to the dispute and decisions of the settlement should thus be made public.

7. Transparency

The decision-making process, work of committees and other activities of RFMOs should be transparent. Websites should contain up-to-date summary statistics on catch, effort and trade, as well as all meeting documents, including background papers and reports.

RFMOs should also have processes in place for interested international governmental and non-governmental organizations to apply for long-term observer status so that they can participate in meetings on reasonable terms. Observers should have access to all official documents and at the same time as RFMO members. RFMOs should also minimize the closing of meetings to these observers.

8. Special Requirements of Developing Countries

RFMOs should have processes in place to evaluate the level of dependence by developing State members on managed stocks, and this should be taken into account in conservation and management decisions. Contribution formulae of RFMOs should take into account the ability of developing States to make financial contributions. The participation of developing States in the work of RFMOs should also be assured, either through RFMO-managed voluntary contributions or through guaranteed budgetary contributions.

The high seas allocation criteria of RFMOs should meet the objectives of UNFSA as it relates to the participation of developing States. RFMO strategies that permit developing States to develop their own fisheries for straddling and highly migratory fish stocks without compromising stock sustainability should also be adopted.

RFMOs should have ways to demonstrate to developing countries the value of better management of fish stocks. They should also have structured assistance programmes for developing States that are linked to agreed priorities of the RFMO. These could include, for example, enhancing the ability of developing countries to participate in catch documentation schemes and port State regimes, and to comply with obligations to supply statistical information.

9. Institutional Practices

RFMOs should have sufficiently forceful institutional structures to achieve their conservation and management objectives for long-term sustainable use of the fish stocks they manage. This means having strategic medium- and long-term operational plans for research and management, appropriately qualified RFMO Secretariat staff, application of management system standards, and financial regulations, rules and procedures. It also means having adequate financial resources to implement the plans and priorities of RFMO members.

Contribution formulae for RFMO budgets should be equitable, transparent and sustainable. The process for adopting an RFMO budget should also be transparent. Members should pay their contributions in full and on time, and sanctions should be in place to issue against members in the case of non-payment. This can include withdrawal of voting rights, interest payments and suspension of fishing rights.

Chapter 12

Summary of Recommended Best Practices for Regional Fisheries Management Organizations in Relation to the Conservation and Management of Fish Stocks

A. General Practice

1. In each RFMO, the members should:
 - (a) commit themselves to the overriding objective of ensuring the long-term conservation and sustainable use of straddling, highly migratory and discrete fish stocks subject to their governance;
 - (b) recognize that if the issue of allocations is not dealt with expeditiously, the stability of the RFMO will be threatened;
 - (c) consider, or be able to consider, the use of a wide range of possible mechanisms for achieving acceptable economic benefits to all parties from cooperation and compliance, such as transfers or the leasing of fishing opportunities;
 - (d) recognize the grave threat to the stability of the cooperative regime posed by IUU fishing and work vigorously towards the suppression and elimination of such fishing;
 - (e) ensure that any non-member having a real interest in fishing in the area of competence of the RFMO assumes the full rights and benefits of membership of the RFMO and that, for such non-members, the status of cooperating non-member is regarded as transitional;
 - (f) seek means of accommodating new members that will not undermine the long-term stability of the RFMO, such as by allowing new members to purchase or lease fishing opportunities from existing RFMO members;
 - (g) ensure that no prospective member will be considered for membership unless it has demonstrated its commitment to cooperation by, for example, ratifying either the UN Convention on the Law of the Sea or UNFSA or submitting a written declaration of its commitment to abide by the provisions of both UNCLOS and UNFSA;
 - (h) seek to ensure that the RFMO has the required resilience and flexibility to withstand the effects of unpredictable events on their fisheries, such as environmental shocks. The cooperative management agreements underpinning each RFMO should have built into them mechanisms for responding to such events;
 - (i) in recognition of the role of uncertainty in fishery resource management, ensure that the precautionary approach to resource management is an integral part of their convention or decision-making processes.

2. RFMOs should actively cooperate with one another in order to ensure that their broad objectives of long-term conservation and sustainable use are achieved, to promote greater consistency in the application of UNFSA and to suppress and eliminate opportunities for IUU fishing.
3. The members of RFMOs should ensure that there exists provision for regular performance assessment by each RFMO, whether through self-assessment, external review or a combined panel of internal and external reviewers, based on widely recognized best practices and agreed indicators. The results of these assessments should be made publicly available.

B. Conservation and Management Practices

In each RFMO, the members should ensure that:

1. The *overarching objective* of the RFMO includes optimal and sustainable long-term utilization, subject to the control of fishing capacity and fishing effort commensurate with these objectives. This control is informed by adequate data collection and sharing, use of the best available science and application of the precautionary approach and ecosystem considerations in decision-making, including the recovery of overfished stocks.
2. There are *target and limit reference points* for fishing mortality and population size for all target and commercially retained species and stocks (where stocks are known or are reasonably expected to exist).
3. Assessments and predictions of the status of species or groups of species *include all sources of mortality*, taking in non-fishery mortality and fishing mortality owing to retained catch, discarded catch and deaths that do not involve capture. Fishing mortality is from all fisheries, including those managed under other jurisdictions and illegal, unreported and unregulated fishing.
4. *Target reference points* are consistent with achieving long-term optimal utilization and with the ecological properties and role of the target species (for example, a key prey species), and that they have a low probability of violating the limit reference point in the context of the information available and the management arrangements in place.
5. *Key prey species* affected by fishing are identified and the reference points are modified to take account of the needs of dependent predators as well as those of the fishery. In the absence of detailed understanding of feeding dependencies and for animals low in the food chain the target biomass reference point should be greater than B_{MSY} , consistent with a precautionary approach (for instance, it might be 75 per cent of the unfished level).
6. The *limit reference point for fishing mortality* is no greater than the mortality giving maximum long-term sustainable yield, as specified in UNFSA.
7. The *limit reference point for stock size* is the size below which it is known or expected that there is a much greater probability of significantly reduced recruitment but at which the probability of significantly reduced low recruitment is still small. The limit reference point for stock size could be at a size that has been historically shown to be safe and/or below which stock dynamics are unknown.

8. There are agreed *management strategies or decision rules* to determine the catch, the level of fishing or other management measures that will be applied, depending on the status of the stock and the information available.
 - The management strategy is demonstrated to deliver, in the long term, a balanced probability of the stock being above or below the target and a very low probability of the stock violating the limit reference point.
 - The strategy has a high chance of success both in view of the information that is realistically expected to be available to assess stock status and for a reasonable range of stock and ecosystem productivity and variability.
 - The fishing mortality caused by the strategy decreases with increasing uncertainty about the present or predicted stock status and decreases as a limit reference point is approached.
9. As a part of the overall management strategy, there is a pre-agreed *rebuilding plan* that is triggered for stocks at or below a biomass limit reference point. The rebuilding plan has a very high chance of rebuilding the stock to a rebuilding target in a specified timeframe, for example, 10–30 years or one to two fish generation times. The recovery target is the stock size giving the maximum long-term yield, as specified in UNFSA. Targeted fishing is very low or ceases below a biomass limit reference point and any catches permitted for monitoring below the limit reference point do not significantly reduce recovery time.
10. As a part of the general management strategy there is pre-agreement on *fishing mortality reduction* to be triggered if fishing mortality is greater than its limit reference point. Fishing mortality may be higher than the limit reference point for an agreed period if it is a part of a planned reduction of biomass in order to attain the target biomass.
11. There is an agreed strategy for the *development of new or exploratory fisheries* that impact on species or ecosystems in ways that have not been fully assessed previously – for example, fisheries that target new species, use significantly modified gear or operate in new areas. These strategies ensure that fishery expansion does not outpace the information needed to determine the management measures for optimal and sustainable use. The strategy provides cautious conservation and management measures until there is sufficient information to allow identification of appropriate measures for incremental development and/or long-term utilization. The strategy includes, *inter alia*:
 - notification of new or exploratory fisheries;
 - precautionary limits on the catch, the fishing effort and the number of operators, further defined for particular sub-areas as appropriate;
 - requirements for information collection and assessment; and
 - specification of how this information and assessment is used to trigger decisions about subsequent fishery development.

12. There are identified limits for the acceptable impact on key non-target species (both fish and non-fish species), including associated or dependent species and especially protected or endangered species, and for bycatch of any non-target species as a whole. These limits are intended to ensure that populations and stocks are not excessively depleted, that wastage is avoided, that there is minimal impact on protected or endangered species and that the functional ecosystem of which fisheries are a part is maintained. The FAO international plans of action for relevant bycatch should be implemented. Measures to ensure that limits are not exceeded, and to minimize bycatch generally, are:

- risk-based impact assessment of the effect of fishing activities on non-target species, followed by explicit analytical assessments and/or action when risk is determined to be high;
- bycatch limits or caps for species and species groups;
- shifting fishing from times or areas with high and/or significant bycatch;
- preference for use of fishing gears including mesh sizes and types, that reduces bycatch;
- use of practices and equipment to reduce interactions and bycatch (for example, night fishing, tori poles, hook design, excluder devices, controlled or zero offal discharge and acoustic deterrents); and
- release of captured animals alive and unharmed whenever possible.

13. *Habitats* that are important to fishery production or for non-target species including associated or dependent species, and/or that are affected by fishing are recognized and that limits of acceptable impact are identified. Management measures to limit the impacts can include:

- risk-based impact assessment of the effect of fishing activities on habitats, followed by explicit analytical assessments and/or action when risk is determined to be high;
- restrictions on fishing in certain areas and/or at certain times (time/area closures);
- restrictions on gear types that could affect the habitat;
- establishment of other area-based management measures such as marine protected areas in order to protect and conserve habitats of special concern;
- moratoria on new fisheries in sensitive habitats until adequate management measures can be identified; and
- appropriate engagement in the management of land-based pollution and coastal development.

14. There is an identified level of *fishing capacity* that is commensurate with long-term optimal and sustainable utilization and that the capacity operating in the fishery is monitored. Authorization and other management measures should be used to limit capacity to the desired level.
15. There are effective provisions and mechanisms for the *collection and reporting of data* to the RFMO that are necessary for the monitoring and management of fishery operations and for tracking the status of the resources and ecosystems.
 - There are quality assurance and verification mechanisms to ensure that the data are sufficiently accurate and reliable to ensure optimal and sustainable utilization of the resources and ecosystem.
 - Economic and social information is collected that is relevant to allocation decisions, to measuring economic efficiency and to management for optimal utilization.
 - The provisions and mechanisms meet the requirements of UNFSA Annex I.
 - Scientific observer programmes are used as appropriate and particularly to gather information about the impact on the fishery non-target species and habitats.
 - There is coordinated data collection and sharing between RFMOs and coastal States, and among RFMOs, with management responsibility for relevant shared fisheries and/or ecosystem elements.
 - Data are shared through recognized international data management arrangements.
16. There are robust methods for measuring and monitoring so as to account for IUU fishing and catch, including bycatch.
17. There is a *scientific body* with appropriate technical expertise to assess issues related to the target species, the broader ecosystem and, as appropriate, the socio-economic impacts of fishing.
 - The advice of the scientific body includes management options and risks in relation to target and limit reference points. Fishery data are assessed on a timely basis consistent with the life history of affected species and the management strategy. The advice is publicly available.
 - When the advice of the scientific body is not followed by the RFMO's decision-making body, the reasons are given and are made publicly available.
 - There is periodic independent advice and peer review of the assessments, reference points and management strategies. The advice and review are made publicly available.

C. Allocation Practices

In each RFMO, the members should ensure that:

1. To the extent practicable, participatory rights are allocated only when the membership of an RFMO includes all relevant coastal States and States fishing on the high seas for the relevant stocks.
2. Decisions on total allowable catch or total allowable effort are insulated and separate from decisions on allocation. Participatory rights should be expressed as percentages of agreed allowable catch or effort rather than as absolute tonnages.
3. There is agreement in advance as to how new members will be accommodated in the scheme of participatory rights. Accommodating new members must not be allowed to result in increases of catch or effort with regard to stocks that are fully subscribed or oversubscribed.
4. There is a pre-agreed formula about how any increases or decreases in catch or effort limits will be distributed among members.
5. Strong measures exist to ensure the integrity of allocations, including penalties for breaches of national allocation and reductions in future allocations for breaches of other conservation measures. RFMO members' records of compliance with conservation and management measures should be an essential criterion for allocation.
6. The process through which allocations are negotiated and the basis for the allocation are transparent. When decisions on allocation require mandatory consensus, there is provision for a 'circuit breaker', such as the appointment of an ad hoc expert panel or a conciliator, that prevents any one member from exercising a *de facto* veto over the allocation of participatory rights.
7. There is an agreed process and timeframe for the review of participatory rights.
8. New RFMOs or RFMOs with no previous history of allocation consider establishing an advisory panel of external experts in order to facilitate reaching agreement on decisions about allocation.
9. The impacts of the allocated rights, including any measures on the transferability of those rights, are closely monitored for their potential to change fishing dynamics and to have unintended consequences on both target stocks and the broader marine ecosystem.

D. Compliance and Enforcement Practices

1. The RFMO has in place a comprehensive and cost-effective system of control consisting of at least the following elements:
 - A clear statement of general flag State duties similar to those set out in Article 18 of UNFSA;
 - A vessel register, which includes fishing vessels as well as transshipment and support vessels. Vessels not entered into the register should be deemed not authorized to operate in the RFMO's area of competence. Unique identification numbers, including IMO numbers and radio call signs, for all vessels on the register should be required;
 - A centralized vessel monitoring system for direct reporting in real time to the secretariat for all vessels involved in fishing operations on the high seas;
 - Prohibition of transshipment at sea or closer monitoring through a comprehensive compliance observer programme to supervise all transshipment operations at sea;
 - A scheme of port State measures taking into account at least the minimum requirements set out in the FAO's Model Scheme. Landing and transshipment in port should be allowed only when the flag State confirms in writing that the vessel has complied with all relevant measures;
 - Non-discriminatory trade- and market-related measures, such as catch certification and trade documentation systems, particularly for high-value fisheries. To be fully effective, RFMOs should make a greater effort to monitor patterns of trade, although this will be facilitated by the introduction of species-specific and product-specific trade codes. Trade- and market-related measures and systems need to be designed to minimize the burden on enforcement officials. Developing countries may need to be provided with assistance in order to meet the requirements of these schemes;
 - A system for punishing flag States and/or their vessels and nationals for violations of an RFMO's conservation and management measures, in addition to requirements for each member of the RFMO to follow up any violations by its flagged vessels. Overfishing should invariably lead to a loss of fishing opportunities in future years. Members should be required to report on domestic actions taken, including imposition of fines, seizure of catch/gear, sequestration of vessel, suspension of licence or reduction/withdrawal of fishing opportunities;
 - Schemes to target non-parties fishing in contravention of an RFMO's conservation and management measures, such as blacklisting non-party vessels and listing irresponsible flag States, followed by agreed actions against those vessels and States;
 - Schemes promoting compliance by nationals of its members, requiring the latter to ensure that natural and legal persons subject to their jurisdiction do not support or participate in IUU fishing; and
 - Mechanisms for sharing surveillance information with adjacent coastal States and with other RFMOs targeting non-members conducting IUU fishing.

2. RFMOs should also consider the following additional tools and, if they are applicable to the situation at hand, they should implement them:
 - Observer programmes, in particular where the areas of jurisdiction are vast and at-sea inspections are random or absent.
 - Inspection schemes, which include provision for reciprocal boarding and inspection (in accordance with articles 21 and 22 of UNFSA) as well as an obligation on the flag State to take immediate action against a vessel suspected of having committed a serious violation. Such action shall include stopping the vessel's fishing operations and requiring its immediate rerouting to port.

E. Decision-Making Practice

General

1. The RFMO has transparent procedures in place for taking decisions.
2. Rules of procedure have been adopted for all deliberative and decision-making organs and are publicly available.
3. The principal decision-making organ should hold regular sessions. In addition, it should be able to hold extraordinary or emergency meetings at short notice as provided for in the rules of procedure.
4. The rules should permit decision-making by consensus, a show of hands, a recorded vote, a roll-call vote or, in urgent situations, by post or electronic communication. All members are entitled to participate fully in decision-making. Where voting is provided for, each member should have one vote; and rules for the participation of Regional Economic Integration Organizations should be designed to avoid the possibility of 'double voting'. The rules should also provide for participation by observer organizations and specify their rights to participate in meetings of the RFMO's organs and to receive and submit documents in advance of meetings.
5. Consensus means adopting a decision without a vote and in the absence of a formal objection by a member when the decision is adopted.
6. The rules should require a high quorum for taking decisions on questions of substance.
7. The rules should provide for the public availability of official documents and reports of meetings and for data and information related to management decisions except for that which is truly proprietary. All documents and reports should be available online.

Administrative, budgetary and other decisions

1. The RFMO has procedures and rules in place for taking decisions on administrative, budgetary, membership, organizational and similar matters. These decisions may be taken by a majority vote and may be cast in the form of resolutions, recommendations or decisions, as appropriate.

2. Apart from decisions on conservation and management measures, decisions in subsidiary organs of an RFMO should be taken by a simple majority vote and should be reviewable by the principal organ. As far as possible, the reports of subsidiary bodies should reflect the full range of views expressed. Reports of the scientific advisory body to decision-makers should contain the rationale for all findings and recommendations, including attendant assumptions, uncertainties and areas of disagreement. The rules of procedure of the decision-making body should provide that the advice and recommendations of the scientific advisory body are taken fully into account.
3. Procedural decisions are taken by a simple majority vote. The decision whether an issue is one of procedure or of substance is treated as one of substance.

Decisions on questions of substance

1. Decisions about questions of conservation or the management of the stock(s), including the allocation of catches or fishing effort, are ones of substance. Decisions should be cast in the form of conservation measures, including fishing opportunities.
2. The rules should encourage members to keep in mind their duty to cooperate and thus to use their best efforts to reach consensus, but without thereby giving the equivalent of a veto to any member. Decisions should be deferred if necessary in order to permit further consultations.
3. If consensus still cannot be reached after extended consultations, the rules should provide for the assistance of a facilitator or a conciliator. This assistance should be available at the request of the presiding officer or any participant in the consultations.
4. When all efforts to reach consensus have been exhausted, decisions in an RFMO that has:
 - (a) fewer than five members may be taken by consensus, coupled with a right for a dissatisfied member which does not block consensus to request a review of the decision by a panel;
 - (b) more than five members should require a high majority for adoption such as two-thirds of the members voting for or against, rising to three-quarters in an RFMO with more than 12 members.¹
5. A member objecting to or intending to vote against the adoption of a proposal can request a review or enter an objection to the (proposed) decision within a short time limit. Objections should be reasoned and should be based on one of the following grounds:
 - (a) The decision is contrary to UNCLOS, UNFSA or the RFMO's constitutive instruments;
 - (b) The decision discriminates against that member in form or fact and there is no objective justification for the discrimination.

In such circumstances, decisions do not enter into force immediately, even if they are supported by the requisite majority. The default position, pending resolution of the objection or dispute, on decisions about conservation and management measures should not permit action to be taken that may compromise the sustainability of the stock(s) or undermine the objection procedures of the RFMO. Conversely, objection procedures should not be able to be used as to allow inaction.

¹The exception is that decisions on conservation and management measures that would apply within a coastal State's Exclusive Economic Zone should be taken by consensus.

6. Whenever an objection is submitted, a panel of independent experts shall review the objection without delay and report its conclusions to the appropriate organ of the RFMO. If the panel is not unanimous, all views shall be included in the report. If the panel endorses the decision, it shall enter into force for all members on a specified date. If the panel upholds the objection, the decision shall be reconsidered urgently by the RFMO in the light of the panel's report and a new decision shall be taken. If there are objections to this new decision, any legal differences should be submitted to the RFMO's procedures for the settlement of disputes without delay. Panels should be able to set provisional or interim measures.
7. Once taken, decisions are accepted and implemented by all members, including those voting against, subject to any pending legal disputes referred to the dispute settlement mechanism.
8. The general principles and the functions of RFMOs contained in articles 5 and 10 of UNFSA should be incorporated into the texts governing decision-making in individual RFMOs.

F. Dispute Settlement Practices

1. An RFMO should encourage members to cooperate in such a way as to prevent legal disputes from arising. Decision-making arrangements should give every possibility for reaching consensus through consultations, mediation, conciliation and expert review panels.
2. An RFMO should have arrangements in place for handling and resolving any differences within its membership over questions of law, including the interpretation or application of the organization's constitutive instrument, that cannot be settled by consultations or other agreed means.
3. These arrangements should take full account of Part XV of UNCLOS and Part VIII of UNFSA. They should be at least as effective as Part XV and Part VIII; in particular, they should not create any derogations from those two parts. In other words, the arrangements of an RFMO should not be cast in terms that prevent a member state that is a party to UNCLOS and/or UNFSA from submitting a dispute about the interpretation or application of UNCLOS or UNFSA to binding procedures of dispute settlement under Part XV or Part XIII, as the case may be.
4. An RFMO's procedures for resolving legal differences should, in principle, be open to all members, whatever their general status under international law. However, particular legal and political problems exist in relation to two categories. In the case of members which remain dependent territories, their administrative authorities should be urged to facilitate their participation in legal cases under appropriate conditions. A cooperating non-member of an RFMO should accept its arrangements for handling disputes as part of the wider arrangements for acquiring the status of cooperating non-member.

5. The procedures should be compulsory in the sense that all members agree in the constitutive treaty or in advance of a dispute that in the event of failure to resolve a legal difference, each party to the dispute is entitled to submit it to an impartial expert panel or tribunal for a binding ruling.
6. Procedures should be expeditious. Provisional measures should be available during the proceedings in order to protect the rights of the parties, the stocks and the marine environment generally.
7. Whenever there are technical or scientific issues in dispute, the procedures should permit the participation of technical or scientific experts.
8. The procedures should be transparent. Submissions by the parties to the dispute and decisions by the dispute settlement procedure should be made public. Other members of the RFMO and observers such as industry groups and conservation organizations should be entitled to submit a statement of their views, and these should also be publicly available.
9. The secretariat of the RFMO should assist the panel, court or tribunal by submitting documentation and information about the work of the RFMO.
10. The procedures should produce a result that is binding upon the parties. If not, the procedures should safeguard the application of section 2 of Part XV of UNCLOS.
11. The members of the panel should be recognized for their impartiality and their experience of international fisheries or international law. Decisions should be taken by a simple majority vote; if the panel is not unanimous, separate opinions should be permitted.
12. If a difference of a general nature arises, the members of an RFMO should agree to request from an international court or tribunal an advisory opinion on a stated legal question of direct relevance to its work.
13. If, in future, there should be judicial review by international courts and tribunals of the decisions of RFMOs, appropriate trade bodies and NGOs should be afforded an opportunity to submit information and argument to an extent similar to that in many national courts.

G. Transparency

In each RFMO, the members should ensure that:

1. The RFMO has given effect to article 12 of UNFSA, which requires transparency in decision-making processes and other activities of RFMOs, and that representatives from IGOs and NGOs should be afforded an opportunity to participate in meetings on reasonable terms.
2. The RFMO has adopted streamlined processes for applications for observer status that minimize lead times for applications and clearly specify the information required in support of the application and the justification for observer status.
3. The rules of procedure adopted by the RFMO provide for long-term approval of observer status instead of requiring an annual approval process.

4. Observers have access to all official documents in the same timeframes as members. Reasons of confidentiality should not be used as a means to unduly restrict access to documents. The basis upon which confidential documents are treated as confidential should be made available.
5. Rules of procedure minimize the capacity for RFMOs to selectively close meetings to observers. A decision to close a meeting requires the agreement of at least a majority of members.
6. The websites maintained by RFMOs are readily and publicly accessible. They should be kept up to date and contain summary statistics on catch, effort and trade as well as all meetings documents, including background papers and reports.
7. When committees have been established in order to provide advice on conservation and management measures for certain geographical areas or species, RFMOs should ensure that the nature of participation in them does not result in a lack of transparency. If membership of these committees is limited in scope, provisions should be in place to support attendance as observers by other members of the RFMO, particularly developing State members.
8. The rules of procedure for the conduct of committees, including those established to provide advice on conservation and management measures, do not provide for lower standards of transparency, including in regard to participation and access to meetings papers and reports, than those adopted by the Commission.

H. Special Requirements of Developing Countries

1. The RFMO has processes in place to evaluate developing State members' level of dependence on managed stocks, for example, vulnerability indices.
2. The RFMO has processes in place to demonstrate the value of the potential benefits to members, especially developing State members, from better management of stocks on the high seas and in areas under national jurisdiction.
3. Participation of developing States in the work of the RFMO is assured, either through RFMO-managed voluntary contributions or, preferably, through guaranteed budgetary contributions, as in the case of the Western and Central Pacific Fisheries Commission (WCPFC). Where appropriate, such participation should extend to observers as well as members. This is particularly relevant when developing countries are involved in trade in product subject to catch or statistical documentation schemes and when full membership may not be appropriate or necessary for application of the scheme.
4. Formulae for contributions to the budget of the RFMO take into account the ability of developing States to make financial contributions.
5. The RFMO has given effect to Part VII of UNFSA by structured programmes of assistance to developing States. The WCPFC provides an example of current best practice for the establishment of a special fund for this purpose.

6. Programmes of assistance, whether financed through voluntary contributions or otherwise, are linked to the agreed priorities and the strategic plan of the RFMO. Where appropriate, these programmes should include enhancing the ability of developing countries to participate in catch documentation schemes and port state regimes and to comply with their obligations to supply statistical information. RFMO secretariats may have an important role to play in the coordination and practical implementation of the programmes of assistance.
7. The RFMO has adopted strategies that permit developing States to develop their own fisheries for straddling and highly migratory fish stocks.
8. The RFMO has adopted high seas allocation criteria that meet the objectives of UNFSA Part VII as regards participation by developing States.

1. Institutional Practices

1. Institutional structures, whether the body concerned is an RFMO or an arrangement, must be sufficiently robust to achieve its core conservation and management objectives.
2. The financial resources allotted to the RFMO or arrangement are adequate to enable it to achieve its core objectives.
3. The RFMO has a transparent process in place for scrutinizing and adopting its budget.
4. The formula for the RFMO's members to assess contributions to its budget is equitable, transparent and sustainable.
5. Assessed contributions to the budget are paid in full and on time. There should be sanctions, for example withdrawal of voting rights, interest payments and suspension of fishing rights, in case of non-payment.
6. The RFMO is able to establish medium- and long-term operational plans identifying research and management priorities for use of the resources of the organization and for the alignment of voluntary contributions.
7. Voluntary (extra-budgetary) contributions are applied only to support the agreed priorities and strategic plan of the RFMO.
8. The staff of the secretariat are recruited according to merit, taking due account of the need for equitable geographic representation.
9. The secretariat is given both clear guidance about members' expectations of it and resources adequate for carrying out its work.
10. The secretariat applies appropriate generic management system standards, for example ISO 9000, to all aspects of its operations.
11. Financial regulations, rules and procedures and staff regulations covering the internal administration of the RFMO are in place.

12. RFMOs actively cooperate with one another and with other relevant regional organizations so as to ensure that their broad objectives of long-term conservation and sustainable use are achieved.
13. There exists provision for regular performance assessment by each RFMO, whether through self-assessment, external review or a combined panel of internal and external reviewers, based on widely recognized best practices and agreed indicators. The results of these assessments should be made publicly available.