



# REGIONAL OCEANS GOVERNANCE

Making Regional Seas Programmes, Regional  
Fishery Bodies and Large Marine Ecosystem  
Mechanisms Work Better Together

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### **Context of the paper**

The development of regional governance for the protection of the environment and its biodiversity is unquestionably a cornerstone of international environmental law and policy. With regard to marine and coastal issues, regional oceans governance has mainly been taking place through: (i) Regional Seas programmes, many of them supported or coordinated by the United Nations Environment Programme (UNEP); (ii) regional fishery bodies (RFBs), some established under the framework of the United Nations Food and Agriculture Organization (FAO); and (iii) Large Marine Ecosystem (LME) mechanisms, including projects supported by the Global Environment Facility (GEF). Although based on a similar geographical approach, there are concerns regarding their coordination and efficiency, and possible overlaps in their aims.

### **Objectives of the paper**

This review of existing regional oceans governance mechanisms is intended to assist states that participate in such mechanisms, as well as those that are considering participating, by clarifying the key distinctions between the mandates of these mechanisms, highlighting their successes and the challenges they face, and outlining cooperation between them. Furthermore, options are identified for strengthening existing mechanisms and cooperation between them, as well as for the creation of new regional oceans governance mechanisms, with particular reference to the ecosystem approach.

### **Disclaimer**

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# **Regional Oceans Governance**

## **Making Regional Seas Programmes, Regional Fishery Bodies and Large Marine Ecosystem Mechanisms Work Better Together**

Raphaël Billé, Lucien Chabason, Petra Drankier, Erik J. Molenaar, Julien Rochette

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## List of Acronyms

|                    |  |
|--------------------|--|
| ABNJ               | Areas beyond national jurisdiction   |
| ACAP               | Agreement on the Conservation of Albatrosses and Petrels   |
| APFIC              | Asia-Pacific Fisheries Commission  |
| APFIC              | Asia-Pacific Fishery Commission  |
| ATCM               | Antarctic Treaty consultative meetings   |
| ATLAFCO            | Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic  |
| ATS                | Antarctic Treaty System  |
| 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 |
| BCC                | Benguela Current Commission  |
| BCLME              | Benguela Current Large Marine Ecosystem  |
| BOBP-IGO           | Bay of Bengal Programme Inter-Governmental Organization  |
| BP/RAC             | Blue Plan Regional Activity Centre   |
| CBD                | Convention on Biological Diversity   |
| CCAMLR             | Commission on the Conservation of Antarctic Marine Living Resources  |
| CCAMLR             | Commission for the Conservation of Antarctic Marine Living Resources   |
| CCAS               | Convention for the Conservation of Antarctic Seals   |
| CCBSP              | Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea   |
| CCLME              | Canary Current Large Marine Ecosystem  |
| CCRF               | FAO Code of Conduct for Responsible Fisheries  |
| CCSBT              | Commission for the Conservation of Southern Bluefin Tunas  |
| CEARAC             | Special Monitoring and Coastal Environment Assessment RAC  |
| CECAF              | Fishery Committee for the Eastern Central Atlantic   |
| CEP                | Committee on Environmental Protection  |
| CITES              | Convention on International Trade in Endangered Species of Wild Fauna and Flora  |
| CMS                | Convention on Migratory Species of Wild Animals  |
| COBSEA             | Coordinating Body of the Seas of East Asia   |
| COFI               | FAO Committee on Fisheries   |
| COMHAFAT           | Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean  |
| COP                | Conference of the Parties  |
| COREP              | Regional Fisheries Committee for the Gulf of Guinea  |
| CPPS               | Permanent Commission for the South Pacific   |
| CRFM               | Caribbean Regional Fisheries Mechanism   |
| CTMFM              | Joint Technical Commission of the Maritime Front   |
| DINRAC             | Data and Information Network RAC   |
| EAF                | Ecosystem approach to fisheries  |
| EAS                | East Asian seas  |

|          |  |
|----------|--|
| EBFM     | Ecosystem-based fisheries management   |
| EBM      | Ecosystem-based management   |
| EBSA     | Ecologically or Biologically Significant Marine Area   |
| EC\$     | East Caribbean Dollar  |
| EEZ      | Exclusive Economic Zone  |
| EIA      | Environmental Impact Assessment  |
| EU       | European Union   |
| FAO      | United Nations Food and Agriculture Organization   |
| FCWC     | Fishery Committee for the West Central Gulf of Guinea  |
| FFA      | Pacific Islands Forum Fisheries Agency   |
| FFEM     | Fonds Français pour l'Environnement Mondial  |
| GAIRAS   | Generally accepted international rules and standards   |
| GCC      | Guinea Current Commission  |
| GCLME    | Guinea Current Large Marine Ecosystem  |
| GEF      | Global Environment Facility  |
| GFCM     | General Fisheries Commission for the Mediterranean   |
| GOOS     | Global Ocean Observing System  |
| GPA      | Global Programme of Action for the Protection of the Marine Environment from Land-based Activities |
| GWP-Med  | Global Water Partnership – Mediterranean   |
| IATTC    | Inter-American Tropical Tuna Commission  |
| ICCAT    | International Commission for the Conservation of Atlantic Tunas                                    |
| ICES     | International Council for the Exploration of the Sea   |
| ICGCLME  | Interim Commission of the Guinea Current Large Marine Ecosystem                                    |
| ICRW     | International Convention for the Regulation of Whaling   |
| ICZM     | Integrated Coastal Zone Management   |
| IGM      | Intergovernmental Meeting  |
| IMO      | International Maritime Organization  |
| INFO/RAC | Information and Communication Regional Activity Centre   |
| IOC      | Intergovernmental Oceanographic Commission (UNESCO)  |
| IOTC     | Indian Ocean Tuna Commission   |
| IPHC     | International Pacific Halibut Commission   |
| IPOA     | International Plan of Action   |
| ISA      | International Seabed Authority   |
| IUU      | Illegal, unreported and unregulated (fishing)  |
| IW       | International Waters (GEF focal area)  |
| IWC      | International Whaling Commission   |
| IWRM     | Integrated Water Resources Management  |
| JPOI     | Johannesburg Plan of Implementation  |
| LBSA     | Land-based sources and activities  |
| LME      | Large Marine Ecosystem   |
| LMO      | Living modified organism   |
| MAP      | Mediterranean Action Plan  |
| MARPOL   | International Convention for the Prevention of Pollution from Ships                                |



|                |   |
|----------------|---|
| MCS D          | Mediterranean Commission on Sustainable Development   |
| MedPartnership | The Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem                    |
| MEDU           | MAP Coordinating Unit   |
| MERRAC         | Marine Environmental Emergency Preparedness and Response RAC                                  |
| MIO-ECSDE      | Mediterranean Information Office for Environment, Culture and Sustainable Development         |
| MOP            | Meeting of the Parties  |
| MoU            | Memorandum of Understanding   |
| MPA            | Marine Protected Area   |
| MSSD           | Mediterranean Strategy on Sustainable Development   |
| MSY            | Maximum sustainable yield   |
| MTF            | Mediterranean Trust Fund  |
| NAFO           | Northwest Atlantic Fisheries Organization   |
| NAFO           | North Atlantic Fisheries Organization   |
| NAMMCO         | North Atlantic Marine Mammal Commission   |
| NAP            | National Action Plan  |
| NASCO          | North Atlantic Salmon Conservation Organization   |
| NEAFC          | North-East Atlantic Fisheries Commission  |
| NFP            | National focal points   |
| NGO            | Non-governmental organisation   |
| nm             | Nautical mile   |
| NOAA           | United States National Oceanic and Atmospheric Administration                                 |
| NOWPAP         | Northwest Pacific Action Plan   |
| NPAFC          | North Pacific Anadromous Fish Commission  |
| NPFC           | North Pacific Fisheries Commission  |
| OFMP           | Pacific Islands Oceanic Fisheries Management Project  |
| OLDEPESCA      | Latin American Organization for Fisheries Development   |
| OPRC           | International Convention on Oil Pollution Preparedness, Response and Cooperation              |
| OSPESCA        | Central America Fisheries and Aquaculture Organization  |
| PAP/RAC        | Priority Action Programme Regional Activity Centre  |
| PCBs           | Polychlorinated Biphenyls   |
| PEMSEA         | Partnership in Environmental Management for the Seas of East Asia                             |
| PERSGA         | Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden |
| PICES          | North Pacific Marine Science Organization   |
| PMU            | Project Management Unit   |
| POMRAC         | Pollution Monitoring RAC  |
| POPs           | Persistent Organic Pollutants   |
| PRCM           | Programme Régional Côtier et Marin  |
| PSC            | Pacific Salmon Commission   |
| RAC            | Regional Activity Centre  |
| RAP            | FAO regional Office for Asia and the Pacific  |

|         |  |
|---------|--|
| RCFM    | Regional Consultative Forum Meeting  |
| RCU     | Regional Coordinating Unit   |
| RECOFI  | Regional Commission for Fisheries  |
| REMPEC  | Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea                          |
| RFB     | Regional Fishery Body  |
| RFMO    | Regional Fisheries Management Organisation   |
| ROMO    | Regional Oceans Management Organisation  |
| RSN     | Regional Fishery Body Secretariats Network   |
| RSP     | UNEP Regional Seas Programme   |
| SAP     | Strategic Action Programme   |
| SAP-Bio | Strategic Action Program for the Conservation of Mediterranean Marine and Coastal Biological Diversity |
| SAP-Med | Strategic Action Program to address pollution from land-based activities                               |
| SBSTTA  | Subsidiary Body on Scientific, Technical and Technological Advice (CBD)                                |
| SCP/RAC | Sustainable Consumption and Production Regional Activity Centre  |
| SCSLME  | South China Sea Large Marine Ecosystem   |
| SEAFDEC | Southeast Asian Fisheries Development Center   |
| SEAFO   | South East Atlantic Fisheries Organization   |
| SIDA    | Swedish International Development Agency   |
| SIOFA   | Southern Indian Ocean Fisheries Agreement  |
| SOCA    | UN Subcommittee on Ocean and Coastal Areas   |
| SOM     | Senior Officials Meeting   |
| SPA/RAC | Specially Protected Areas Regional Activity Centre   |
| SPC     | Secretariat of the Pacific Community   |
| SPCG    | Strategic Partnership Coordination Group   |
| SPRFMO  | South Pacific Regional Fisheries Management Organization   |
| SPSC    | Strategic Partnership Steering Committee   |
| SRFC    | Sub Regional Fisheries Commission  |
| SSC     | Scientific sub-committee   |
| SSGGRSP | Scientific Committee Steering Group on Regional Seas programmes  |
| SWIOFC  | Southwest Indian Ocean Fisheries Commission  |
| SWIOFP  | South West Indian Ocean Fisheries Project  |
| TAC     | Total allowable catch  |
| TDA     | Transboundary Diagnostic Analysis  |
| TDA-MED | Transboundary Diagnostic Analysis for the Mediterranean  |
| TROM    | Target resources-oriented management   |
| UfM     | Union for the Mediterranean  |
| UNCCD   | United Nations Convention to Combat Desertification  |
| UNCLOS  | United Nations Convention on the Law of the Sea  |
| UNDP    | United Nations Development Programme   |
| UNEP    | United Nations Environment Programme   |

|           |  |
|-----------|--|
| UNESCO    | United Nations Educational, Scientific and Cultural Organization |
| UNGA      | United Nations General Assembly                                  |
| UNIDO     | United Nations Industrial Development Organisation               |
| UNOPS     | United Nations Office for Project Services                       |
| US\$      | United States Dollar   |
| VME       | Vulnerable marine ecosystem                                      |
| WB        | The World Bank   |
| WCPFC     | Western and Central Pacific Fisheries Commission                 |
| WECAFC    | Western Central Atlantic Fishery Commission                      |
| WGLMEBP   | Working Group on Large Marine Ecosystems Best Practices          |
| WIOSEA    | Western Indian Ocean Sustainable Ecosystem Alliance              |
| WPEAOFM   | West Pacific East Asia Oceanic Fisheries Management project      |
| WWF       | World Wildlife Fund  |
| WWF MedPo | WWF Mediterranean Programme Office                               |
| YSLME     | Yellow Sea Large Marine Ecosystem                                |

## **Executive summary**

### *Introduction and Objective*

Oceans are of vital importance to the international community, not only for their living and non-living resources and the shipping and other maritime uses they facilitate, but also for the key role they play in the global climate and weather system. The marine environment, its resources, and its biodiversity are increasingly threatened by human activities, both maritime and terrestrial. Anthropogenic climate change, sea-based and land-based pollution, habitat destruction, introduction of alien species, over-exploitation of non-renewable resources, and destructive fishing practices are among the most serious threats. While each of these threats requires dedicated, separate attention, there is increasingly wide support for more holistic and integrated governance approaches that take account of the spatial dimension and functioning of ecosystems. This paper refers to such approaches as “ecosystem-based management” (EBM).

The following three types of regional oceans governance mechanisms are reviewed in this paper:

- (a) Regional Seas programmes, most of which are supported or coordinated by the United Nations Environment Programme (UNEP);
- (b) Regional fishery bodies (RFBs), some of which have been established under the framework of the United Nations Food and Agriculture Organization (FAO); and
- (c) Large Marine Ecosystem (LME) mechanisms, most of which are projects supported by the Global Environment Facility (GEF).

This review is intended to assist states that participate in existing regional oceans governance mechanisms, as well as those that are considering participating, by clarifying the key distinctions between their mandates, highlighting the successes and challenges of existing mechanisms, and outlining cooperation and coordination efforts. Options are identified for strengthening existing mechanisms and cooperation and coordination between them, as well as for the creation of new regional oceans governance mechanisms, with particular reference to EBM.

### *Global framework for the Law of the Sea*

Regional oceans governance mechanisms operate under the global framework for the law of the sea, the foundation of which is the United Nations Convention on the Law of the Sea (UNCLOS) and its two Implementing Agreements (on deep seabed mining and on straddling and highly migratory fish stocks). A new international legally-binding instrument on marine biodiversity in areas beyond national jurisdiction

(ABNJ) is currently being discussed under the auspices of the United Nations General Assembly (UNGA): negotiations for such an agreement started in 2016.

A large number of global and regional instruments and bodies implement or complement UNCLOS and its Implementing Agreements, some do both. Chapter 2 provides an overview of relevant key features of the UNCLOS and its Implementing Agreements as well as other related global instruments and bodies. Separate subsections focus on the protection and preservation of the marine environment, fisheries, conservation of marine biodiversity and EBM. Each devotes specific attention to obligations on regional cooperation in global instruments and their implementation.

#### *Analysis of existing regional oceans governance mechanisms*

An analysis of existing the Regional Seas programmes, RFBs and LME mechanisms is provided in Chapters 3 and 4, and its two Annexes. The two case studies in Chapter 4 –East Asia and West, Central and Southern Africa – as well as the detailed information on the Regional Seas programmes and the RFBs in Annexes I and II, provided inputs for the analysis in Chapter 3. This analysis focuses firstly on categorizing mechanisms and identifying their substantive mandates, objectives, geographical coverage, and participation. Table 1 contains a schematic overview of the comparative analysis of key features of the three types of regional oceans governance mechanisms.

#### *Successes and challenges of existing regional oceans governance mechanisms*

Each type of regional oceans governance mechanism can boast many successes, though a variety of challenges remain. While Regional Seas programmes and RFBs are well established and have gained widespread acceptance and participation, the key problems they seek to resolve remain as pressing as when they were founded. Land-based pollution and over-exploitation of target species – often due to overcapacity and subsidies – are among their most serious challenges, together with implementing a precautionary approach to fisheries management. Many Regional Seas programmes lack modern and well-funded institutions. While LME mechanisms have strengthened regional oceans governance, for instance by generating valuable scientific data and assessments and contributing to capacity building, their principal challenge is to ensure that their successes secure sufficient support by regional stakeholders and are fed into adequate governance mechanisms so that regional threats to the marine environment and its biodiversity are addressed.

**Table 1: Key Features of Regional Oceans Governance Mechanisms**

|                                   | <b>Regional Seas programmes</b>  | <b>RFBs</b>  | <b>LME mechanisms</b>   |
|-----------------------------------|--|--|---|
| <b>Geographical scope</b>         | Mostly coastal areas up to the limits of EEZ (4 cover areas beyond national jurisdiction (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.  | Mostly EEZ and territorial sea only; some in high seas.   |
| <b>Mandate</b>                    | From pollution to protection of marine biodiversity.<br><br>No mandate for activities covered by sectoral organisations such as IMO, <sup>1</sup> ISA, FAO/RFBs. | Advisory or not.<br><br>Specific (types of) species or “residual” within certain area.<br><br>Mostly only one human activity, namely fishing (and associated activities); sometimes also aquaculture and/or research.<br><br>Aimed at target species or EAF. | Multi-sectoral ecosystem-based assessment and management of LME goods and services.   |
| <b>Participation</b>              | Only coastal states (with the exception of the ATS).   | Depends on spatial scope: either exclusively coastal states or both coastal states and extra-regional states (mostly distant water fishing states).  | Only coastal states.  |
| <b>Institutional arrangements</b> | Secretariat/RCU, COP /inter-governmental meeting.<br><br>RACs in some; status depends on relationship to UNEP.   | Stand-alone bodies or FAO bodies.<br><br>International organisations (with secretariat) or Conference of the Parties/Meetings of the Parties (COPs/MOPs) (commonly without secretariat)  | Multi-agency partnership, under the leadership of an international organisation.<br><br>Few institutions established (Benguela Current Commission + Guinea soon). |

*Cooperation and coordination between existing regional oceans governance mechanisms*

Given that the three types of regional oceans governance investigated here were conceived and designed successively and independently from one another, rather than

<sup>1</sup> However, many Regional Seas programmes have adopted Oil spills / Emergency protocols, which are also a topic in the framework of IMO’s mandate. In some cases, RACs have been created to deal with this issue and are run or supported by IMO.

as a bundle of complementary tools, cooperation and coordination between them is a crucial challenge. In sections 3.5 and 3.6 and Chapter 4, attention is paid to cooperation and coordination between existing regional oceans governance mechanisms, which occurs both among mechanisms of the same type and between different types of mechanism.

Despite the absence of a general obligation or framework for cooperation, regional oceans governance mechanisms are increasing their efforts to ensure the coordination between their respective activities. Regional Seas programmes and RFBs enter into partnerships through memoranda of understanding (MoU) and other instruments. LME mechanisms entered this crowded governance arena aiming to support on-going efforts. Some of the Regional Seas programmes and the RFBs have managed to strengthen their activities making use of GEF LME projects. Nonetheless, the issue of their place in the governance landscape must be explicitly addressed if synergies are to be fully exploited.

The level of cooperation and coordination between regional ocean governance mechanisms varies from one region to another, as illustrated by the two case studies provided in Chapter 4. In the West, Central and Southern Africa Region, cooperation between RFBs and the Abidjan Convention seems to be on track, as demonstrated by the 2012 Decision of the Abidjan Convention Contracting Parties to work together with these organisations and develop cooperation. The Guinea Current Large Marine Ecosystem (GCLME) project has proven useful in the process of revitalising the Abidjan Convention. The Canary Current Large Marine Ecosystem (CCLME) project – currently being implemented – has established cooperative arrangements both with the Abidjan Convention and the Sub-Regional Fisheries Commission (SRFC). The decision to create the Guinea Current Commission (GCC) within the Abidjan Convention framework is a positive step and will facilitate cooperation between both mechanisms.

The East Asian region is a telling example of organisational complexity with regard to regional oceans governance. The two Regional Seas programmes and two RFBs in the region are complemented with a high density of LMEs, some of them still purely ecological concepts while are the subject of a GEF LME project producing a Transboundary Diagnostic Analysis (TDA) and a Strategic Action Programme (SAP). To further complicate matters, some GEF projects cover two LMEs (such as the South China Sea and Gulf of Thailand LME projects) and one is not part of the region (The Partnership in Environmental Management for the Seas of East Asia - PEMSEA). The potential Yellow Sea Commission, emerging from the Yellow Sea Large Marine Ecosystem (YSLME) project in addition to the pre-existing Northwest Pacific Action Plan (NOWPAP) and RFBs, is an example where additional institutional frameworks are of questionable utility.

Finally, it should be kept in mind when considering coordination between RFBs and Regional Seas programmes that these are often weak mechanisms. They are short of resources to effectively implement their mandates, and 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 individual mechanisms.

*Options for new and existing regional oceans governance mechanisms*

The concluding Chapter provides recommendations and options towards applying EBM in regional oceans governance. This means making the existing system more coherent, effective and efficient, including by a better use of scarce available resources (human, financial, logistical, etc.). Firstly, this may be done through:

- (a) Strengthening existing regional oceans governance mechanisms;
- (b) Creating new regional oceans governance mechanisms (including to replace existing ones) as necessary; and
- (c) Enhancing cooperation and coordination.

Attention must be drawn to three strategic dead-ends that should be avoided:

- (a) Bypassing existing regional oceans governance mechanisms in cases where they are deemed weak or unable to deliver change;
- (b) Developing action plans without seriously considering future implementation issues, means, resources and actors; and
- (c) Proclaiming the importance of regional oceans governance while failing to strengthen weak regional governance mechanisms.

Secondly, acknowledging that regional oceans governance mechanisms are highly heterogeneous and that this variety reflects the fragmentation of competences at the national level, it is suggested:

- (a) That the mandates of various regional oceans governance mechanisms are revised so as, *inter alia*, to fill gaps and facilitate implementation of the ecosystem approach to fisheries (EAF) by RFBs and EBM by Regional Seas programmes;
- (b) In parallel, that individual mechanisms are strengthened to improve their efforts to better coordinate with other mechanisms; and
- (c) That informal cooperation and coordination are promoted, as this is often more realistic than formal reorganisations for historical and institutional reasons. For instance merging the Regional Seas programmes and the RFBs into so-called Regional Oceans Management Organisations (ROMOs) may be the way forward in a few very specific cases but cannot



be a generally applicable pathway. In the same vein, the Benguela Current Commission (BCC) is suited to a specific context but should not be taken as a model since its generalisation would reinforce the institutional proliferation syndrome.

Finally, special attention is devoted to LME mechanisms and their role in regional oceans governance. Many of these were developed through GEF projects, which raises concerns as to their long-term prospects, while an increasing number of originally GEF-supported LME projects have also led to the establishment of formal, perennial organisations, which then raises other concerns about the role they will play in the crowded oceans governance landscape.

Whereas the added value of LME mechanisms with regard to TDAs and SAPs is widely acknowledged, there is also a widespread expert opinion that the governance dimension of LME mechanisms needs further consideration. We recommend that national and international agencies supporting LME mechanisms work together to develop and adopt an explicit and comprehensive strategy with regard to LME governance. Some guiding principles could include:

- (a) Governance, and its knowledge needs, should come first, driving scientific assessments in an iterative process;
- (b) LME mechanisms may form a platform for scientific assessments, capacity building and on-the-ground interventions, but these should be operated under existing regional oceans governance mechanisms wherever possible;
- (c) When a new international body is deemed necessary to implement the LME approach in an area within the competence of a Regional Seas programme, such a body should be established under umbrella of that Regional Seas programme;
- (d) Although considered a flagship governance outcome of the LME approach, replication of the BCC scenario should be based on a detailed and context-specific governance gap analysis rather than being considered a generally applicable pathway;
- (e) LME mechanisms should be used primarily as catalysers of change in existing regional oceans governance mechanisms; and
- (f) To allow a clearer governance strategy to be developed, several terms and concepts should be clarified.

## 1. Introduction

### 1.1. Challenges for regional oceans governance

Governance can be defined as “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” (IEG-World Bank 2007). The 2012 FAO report on governance performance of regional fishery bodies (RFBs) (FAO 2012), highlights key governance challenges, such as: transparency (e.g. regarding the rules for observers); relationships with non-contracting parties; cooperation with other international organizations and other RFBs, especially those targeting the same species; and special requirements of developing states. Although similar performance reviews for regional seas programmes and LME mechanisms are lacking, it is clear that effective regional oceans governance is not only about what should be done, but also who should be engaged and how this could be organized within and between various (international) organizations. Cooperation between organizations is not only needed because of overlapping convention areas and/or straddling fish stocks and the interconnection between ecosystems, but also because of different responsibilities regarding a wide range of activities that take place in and around the oceans.

Oceans play a key role in the global climate and weather system, but they also accommodate uses such 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 these functions, as well as the intrinsic value of the environment, is healthy, productive and resilient 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 and other chemical spills, nuclear accidents, and invasive alien species from ballast water,<sup>2</sup> among others.

Overfishing is a particularly tough challenge because of the difficulties of (at-sea) enforcement of deep-sea bottom trawl fishing regulations (UNEP 2006; 24). However, coastal areas and exclusive economic zones (EEZs) also have particular challenges, such as the lack of interaction between the fisheries sector and other socio-economic sectors (as further explained in section 3.6.2).

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<sup>2</sup> UNCSD Secretariat, RIO 2012 Issues Briefs. No. 4 Oceans, pp. 3-4.

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 needs”.<sup>3</sup> A sustainable approach is a systems-based approach that seeks to understand the interactions that 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.<sup>4</sup>

Agenda 21, developed at the 1992 United Nations Conference on Environment and Development (UNCED or Rio Summit), explicitly promotes a holistic approach to oceans management. Chapter 17 observes that the marine environment, including the oceans and all seas and adjacent coastal areas, form an integrated whole. For this reason, marine and coastal area management requires an approach that is integrated at the national, (sub-) regional and global levels.

Such an integrated approach requires the involvement of all sectors for efficient coordination between organizations, compatibility between policies and activities, as well as a balance of uses.<sup>5</sup> Since management measures are in many cases sectoral in nature, coordination is required internally as well as with the competent organizations.

Chapter 17.1 further provides that international law as reflected in the provision of the United Nations Convention on the Law of the Sea (UNCLOS)<sup>6</sup> provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources. At Rio+10 in Johannesburg, 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.<sup>7</sup>

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<sup>3</sup> Sustainable Development – concept and action, available at [http://www.unece.org/oes/nutshell/2004-2005/focus\\_sustainable\\_development.html](http://www.unece.org/oes/nutshell/2004-2005/focus_sustainable_development.html)

<sup>4</sup> Sustainability Primer, available at [http://www.epa.gov/ncer/rfa/forms/sustainability\\_primer\\_v7.pdf](http://www.epa.gov/ncer/rfa/forms/sustainability_primer_v7.pdf)

<sup>5</sup> Earth Summit. Agenda 21: The United Nations Action Programme from Rio, para. 17.5(a). Available at: <http://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>

<sup>6</sup> Montego Bay, 10 December 1982. In force 16 November 1994, 1833 *United Nations Treaty Series* 396; <[www.un.org/Depts/los](http://www.un.org/Depts/los)>.

<sup>7</sup> 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](http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/WSSD_PlanImpl.pdf)

At Rio+20, held 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’.<sup>8</sup>

## **1.2. Institutional framework**

States frequently participate in three different types of regional oceans governance mechanism: Regional Seas programmes, RFBs and LMEs. 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 UNEP Governing Council endorsed a regional cooperation approach to address marine pollution, and in 1974 the UNEP Regional Seas Programme (RSP) was established. The RSP covers 18 marine and coastal regions worldwide. 14 Regional Seas programmes were established under the auspices of UNEP: 7 are directly administered by UNEP further to a decision by the states participating in the relevant regional seas convention or action plan, while 7 are administered by other regional organisations that host and/or provide the Secretariat, including the management of the financial, budgetary and administrative services. These latter programmes received initial support from UNEP in setting up the relevant conventions or action plans for the respective regions. Finally, 4 Regional Seas programmes were established independently and act as independent programmes. However, they are invited to participate in the global meetings of the RSPs, 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 and framework conventions, and protocols were therefore developed to support the parties in the achievement of their common objectives. The work of the RSP is coordinated by UNEP’s 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.

### **1.2.2. Regional Fishery Bodies**

RFBs are regional mechanisms through which states or entities<sup>9</sup> cooperate on the sustainable use and conservation of marine living resources (fish as well as marine

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<sup>8</sup> UN doc. A/CONF.216/L.1, of 19 June 2012.

<sup>9</sup> I.e. the European Union (EU) and Chinese Taipei (Taiwan).

mammals) and/or the development of marine capture fisheries.<sup>10</sup> As will be explained in subsection 3.3.2, different types of RFBs exist due to diverging mandates, which can be specified geographically, in terms of species, in terms of functions, or a combination. The most important distinction is that there are 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”,<sup>11</sup> 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 therefore no Secretariat – and may also be non-legally binding.

As explained in section 1.4.1, the geographical scope of this paper is confined to the marine environment, subject to some exceptions. This does not include RFBs whose mandate is confined to inland waters, thus “RFB” is understood here to exclude such “inland waters-RFBs”. Regional bodies whose mandate consists of sustainable use as well as conservation of marine mammals are not excluded from this definition e.g. the North Atlantic Marine Mammal Commission (NAMMCO). However such bodies aimed solely at conservation, and not also at sustainable use, are excluded from the scope of this paper.<sup>12</sup>

Currently, there are 41 marine RFBs worldwide, comprising 21 RFMOs and 20 advisory RFBs (3 scientific; 17 management advisory). Other RFBs are in the planning or development stages, contributing to the aim of global high seas coverage of RFBs. Some RFBs have been modernised in recent years and have updated their constitutive instruments or replaced them with new ones. However, the mandates of some RFBs are considered by the FAO as out-dated, since they do not adequately address contemporary fisheries management approaches and issues, such as impacts on non-target species and the broader marine ecosystem.<sup>13</sup>

### **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 and delimited (Sherman and Hempel 2008). Since its establishment in 1991, the Global Environment Facility (GEF) has adopted the LME concept as the marine component

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<sup>10</sup> Excluded are therefore regional bodies aimed exclusively at the conservation of marine species, e.g. regional bodies established in the framework of the Convention on the Conservation of Migratory Species of Wild Animals (CMS; Bonn, 23 June 1979. In force 1 November 1983, 1651 *United Nations Treaty Series* 355; <[www.cms.int](http://www.cms.int)>).

<sup>11</sup> 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 UNFSA), New York, 4 August 1995. In force 11 December 2001, 2167 *United Nations Treaty Series* 3; <[www.un.org/Depts/los](http://www.un.org/Depts/los)>), whose main conditions are consistency with international law and a purpose that falls within the scope of the UNFSA. This does not prevent states from establishing an Arrangement with a purpose that extends beyond the scope of the UNFSA, 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.

<sup>12</sup> E.g. those established pursuant to the CMS, note 10 supra...

<sup>13</sup> FAO (2012), *The State of World Fisheries and Aquaculture 2012*, p. 92. Available at: <http://www.fao.org/docrep/016/i2727e/i2727e00.htm>

of its International Waters (IW) focal area, and has instituted 21 LME projects amounting to US\$3.1 billion and involving 110 states as well as intergovernmental organizations such as UNEP, the UN Development Programme (UNDP), the Intergovernmental Oceanographic Commission (IOC) of the UN Educational, Scientific and Cultural Organization (UNESCO), FAO, the World Bank and regional development banks (Sherman 2013). LME projects 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.<sup>14</sup>

### **1.3. Ecosystem management concepts**

This section first 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, specifically: EBM, ecosystem management and the ecosystem approach to fisheries (EAF). EAF relates exclusively to the fisheries sector, while the other two concepts have been developed and matured in various forums. The most relevant international forums with respect to regional oceans management are also mentioned, i.e. UNEP with respect to EBM, and the Conference of the Parties (COP) to the Convention on Biological Diversity (CBD),<sup>15</sup> the 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 services are managed sustainably in order to ensure the well-being of people as well as a good condition of the natural environment (UNEP 2011; 10). Ecosystem services are the benefits provided by ecosystems that contribute to making human life both possible and worth living, including products (such as food and water) and non-material benefits (such as recreational benefits in natural areas).<sup>16</sup> The impact of an activity or process on one component of an ecosystem may have consequences on other components of the same system. The traditional approaches to environmental management according to sectors or biomes<sup>17</sup> have a number of shortcomings, such as disregarding the interdependence of ecosystem services and human needs (UNEP 2009; 10). For this reason, holistic decision-making is required for sustainable ecosystem management, preferably through participation of all relevant stakeholders.<sup>18</sup>

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<sup>14</sup> [http://www.lme.noaa.gov/index.php?option=com\\_content&view=article&id=47&Itemid=41](http://www.lme.noaa.gov/index.php?option=com_content&view=article&id=47&Itemid=41)

<sup>15</sup> Convention on Biological Diversity, Nairobi, 22 May 1992. In force 29 December 1993, 1760 *United Nations Treaty Series* 143 (1993); <[www.biodiv.int](http://www.biodiv.int)>.

<sup>16</sup> UK National Ecosystem Assessment, available at <http://uknea.unep-wcmc.org/EcosystemAssessmentConcepts/EcosystemServices/tabid/103/Default.aspx>

<sup>17</sup> Biomes can be defined as geographically and climatically linked natural communities (UNEP 2009; p. 10).

<sup>18</sup> *Ibid.*

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 (FAO 2003; 3-4). Inland fisheries management has developed as an extension of such wildlife management. However, FAO argues that the possibility of marine environment management is limited to controlling human activities, such as fisheries (FAO 2003; 3-4). The latter is also the view of UNEP and many scientists with regard to EBM, which would focus on the management of human activities, rather than on the management of entire ecosystems (including human activities) preferred by UNEP.<sup>19</sup>

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 acronym EAF (FAO 2003; 6; UNEP 2001). 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 (UNEP 2011; 10-12). Finally, the different ecosystem management concepts all follow an area-based approach. Rather than jurisdictional boundaries, ecosystems themselves represent the spatial scopes of the management radius. Regional-scale management is an especially important part of ecosystem management (UNEP 2011; 10-11).

Since its establishment in 1974, the RSP has adapted itself to address the changing needs of its participating states, initially addressing pollution, monitoring and capacity building, the priorities have shifted towards integrated ecosystem management. The Regional Seas programmes have therefore been requested to cover a wider range of issues related to the sustainable development of marine and coastal areas. This is reflected in the revised versions and new titles of some of the regional seas conventions and protocols.<sup>20</sup> Moreover, rather than mere “protection”, the focus also expanded to encompass “management”. This, too, was reflected in the titles of amended conventions.<sup>21</sup>

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<sup>19</sup> 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.

<sup>20</sup> 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](http://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](http://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](http://www.ospar.org)>).

<sup>21</sup> 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 similar development can be seen within the fisheries sector, where RFBs are moving from focusing exclusively on target species towards pursuing multiple objectives under the broader concept of EAF. For example, the International Commission on the Conservation of Atlantic Tunas (ICCAT) has a tuna mandate, but is also looking at sharks in ecological risk and stock assessments.<sup>22</sup> However, implementation is a challenge and is only taking place in a few regions, so much greater commitment and action will be needed in the coming decades to ensure global application.

The basic purpose of the LME approach is promoting the ecosystem approach and management through a Transboundary Diagnostic Analysis (TDA) and a Strategic Action Programme (SAP), addressing together all aspects of marine and coastal development. Primarily oriented toward large-scale assessment and monitoring of the marine environment, LME projects have started to incorporate policy and governance issues, moving towards the establishment of permanent institutional structures, mainly in the form of LME commissions.

### **1.3.2. Ecosystem-Based Management**

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 (UNEP 2011; 10). The EBM approach is developed and applied by many actors, but notable are UNEP's extensive guidelines "Taking Steps toward Marine and Coastal Ecosystem-Based Management – An Introductory Guide" (2011).

Most EBM definitions are based on the one prepared in 2005 by 70 United States scientists and policy experts. Their Scientific Consensus Statement on Marine Ecosystem-Based Management defines EBM as follows:<sup>23</sup>

*[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.*

For the purpose of this paper, however, the definition as provided by UNEP will be used (UNEP 2006; 5):

*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,*

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<sup>22</sup> See [www.iccat.int/en/assess.htm](http://www.iccat.int/en/assess.htm) and [www.iccat.int/Documents/Meetings/Docs/SCRS/SCRS-08-138\\_Cortes\\_et\\_al.pdf](http://www.iccat.int/Documents/Meetings/Docs/SCRS/SCRS-08-138_Cortes_et_al.pdf).

<sup>23</sup> 2005 Scientific Consensus Statement, note 19 supra, at p.1.



*learning-based process that applies the principles of the scientific method to the processes of management.*

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 ecosystem functioning, it is important to apply adaptive management (UNEP 2011; 12-13 and 29).

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 (UNEP 2011; 15). 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.<sup>24</sup>

### **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”.<sup>25</sup> The definition used by UNEP is almost the same, but leaves out the term “conservation” and instead includes “sustainable delivery of ecosystem services” (UNEP 2011; 13).

Relating the ecosystem approach to ocean management, the 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.<sup>26</sup> The UNGA has since reiterated this position in its annual resolutions on oceans and the law of the sea.

Pursuant to the CBD, the ecosystem approach is a normative framework that needs to be translated into methods for further application tailored to the needs of specific users. “One-size-fits-all” solutions for the ecosystem approach are neither feasible nor desirable. Therefore, parties to the CBD are invited to develop guidelines for the

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<sup>24</sup> 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>

<sup>25</sup> COP Decision V/6 on Ecosystem Approach (2002), para. A (1).

<sup>26</sup> UNGA Resolution 61/222 (doc. A/RES/61/222, of 16 March 2007), p. 20, para. 119(b).

application of the ecosystem approach for specific bio-geographical regions and circumstances, building upon existing efforts where applicable.<sup>27</sup>

In 2000, the 5<sup>th</sup> COP to the CBD (COP-5) adopted 12 complementary and interlinked principles of the ecosystem approach, as well as 5 operational guidelines for its application.<sup>28</sup> They recognize that management of natural resources calls for increased inter-sectoral communication and cooperation at a range of levels.<sup>29</sup> 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.<sup>30</sup> 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 organizations, in accordance with international law, including the UNCLOS.<sup>31</sup>

Within the context of UNEP, the term ecosystem approach has for several years been incorporated into 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” (UNEP 2007). The UNEP Medium-term Strategy 2010-2013 identifies ecosystem management as one of its six cross-cutting thematic priorities.<sup>32</sup> It is foreseen that ecosystem management will continue to be a priority in the Medium-term Strategy 2014-2017.<sup>33</sup>

#### **1.3.4. Ecosystem Approach to Fisheries (EAF)**

The EAF is perceived by FAO as the amalgamation of two related paradigms: ecosystem management and fisheries management (FAO 2003; 6 and 11). The latter is also known as “target resources-oriented management” (TROM) (FAO 2003; 11). Both paradigms have different objectives, based on different perspectives, processes and institutions. However, the FAO considers that the EAF “is not a departure from the past fisheries management paradigms; it is, rather, a new phase in a process of continuous evolution” (FAO 2003; 73).

Although the FAO Code of Conduct for Responsible Fisheries (CCRF),<sup>34</sup> 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

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<sup>27</sup> COP Decision IX/7 (2008), para. 2(f).

<sup>28</sup> COP Decision V/6, note 25 supra, at para. A (1).

<sup>29</sup> *Ibid.*, para. 12.

<sup>30</sup> COP Decision IX/20 (2008), pp. 1 and 7-12.

<sup>31</sup> See COP Decision X/29 (2010), para. 26.

<sup>32</sup> 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>

<sup>33</sup> <http://uncsd.iisd.org/news/unep-preparing-draft-medium-term-strategy/>

<sup>34</sup> 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](http://www.fao.org/fishery/code/en)>.

Conference a major step was taken by trying to identify means by which ecosystem considerations could 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.<sup>35</sup>

*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.*

This emphasises the institutional aspect, which must be strengthened and improved in order to successfully incorporate 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 (FAO 2003; 14):

*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.*

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” (FAO 2003; 6). It was emphasized by FAO that the existing management controls and measures 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 (FAO 2003; 29).

Additional papers which elaborated on the EAF include: Putting into Practice the Ecosystem Approach to Fisheries (2005);<sup>36</sup> Best Practices in Ecosystem Modelling for Informing an Ecosystem Approach to Fisheries (2008);<sup>37</sup> The Human Dimension of the Ecosystem Approach to Fisheries (2009);<sup>38</sup> and Marine Protected Areas and Fisheries (2011).<sup>39</sup>

Some RFBs already have chosen to orient their management mandate towards EAF. However, in general EAF is still an evolving practice, with the pace of its incorporation varying significantly by region and RFB. Challenges include the reduction of fragmentation in policies, sectors, institutions and sciences; institutionalization of the implementation process; and simplification of regulatory frameworks (CBD 2007; 12-16). It has been emphasized by FAO that EAF does not

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<sup>35</sup> Available at: <http://www.fao.org/docrep/meeting/004/Y2211e.htm>

<sup>36</sup> Available at: <ftp://ftp.fao.org/docrep/fao/008/a0191e/a0191e00.pdf>

<sup>37</sup> Available at: <http://www.fao.org/docrep/011/i0151e/i0151e00.htm>

<sup>38</sup> Available at: <http://www.fao.org/docrep/010/i0163e/i0163e00.htm>

<sup>39</sup> Available at: <http://www.fao.org/docrep/015/i2090e/i2090e.pdf>

replace or diminish the need to control fish mortality on target and bycatch species, nor the need to control fishing capacity (FAO 2003; 26).

#### **1.4. Objectives of this report**

The review of existing regional oceans governance mechanisms in this paper is intended to assist states and other stakeholders that participate in existing mechanisms, as well as those that may be considering participating in the future, by clarifying the key distinctions between the mandates and scope of these mechanisms, highlighting successes and challenges, and assessing the cooperation between them. Furthermore, options are identified for strengthening existing mechanisms and cooperation between them, as well as for the creation of new regional oceans governance mechanisms, with particular reference to the ecosystem approach.

##### **1.4.1. 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 ABNJ (see section 2.2). Also included, however, are regional oceans governance mechanisms whose geographical mandate 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.

##### **1.4.2. Structure**

This first Chapter briefly addressed the challenges for regional oceans governance and the institutional framework with respect to RSPs, RFBs and LME mechanisms. Both the institutional framework and challenges will be further elaborated upon in Chapters 4 and 3 respectively. Chapter 1 described the various ecosystem-based concepts which have been discussed and promoted by countries and are guiding the action of relevant organisations. Chapter 2 provides an overview of the global framework for the law of the sea. The key 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.

Chapter 3 analyses existing regional oceans governance mechanisms, drawing from the two Annexes that provide an overview of Regional Seas programmes and RFBs, including information on their legal basis, institutional frameworks and financial arrangements. The first focus of chapter 3 is on the instruments and bodies of the various Regional Seas programmes, RFBs and LME mechanisms. Attention is then paid to cooperation and coordination between regional oceans governance mechanisms. The Chapter 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 Southern Africa Region with a particular focus on the mandates, institutional arrangements, cooperation mechanisms, financial arrangements and best practices of effective governance pursuing the ecosystem approach.

The final chapter offers a rationale and options for new regional oceans governance mechanisms or possible adjustments to existing mechanisms. In developing these options, various considerations are taken into account, such as avoiding duplication and overlap, enhancing coherence and efficiency, and incorporating the ecosystem approach.

## **2. The global framework for the Law of the Sea**

### **2.1. UNCLOS and its Implementing Agreements**

The UNCLOS and its two Implementing Agreements – the Part XI Deep-Sea Mining Agreement<sup>40</sup> and the Fish Stocks Agreement (UNFSA)<sup>41</sup> – set out the legal framework within which all activities in the oceans and seas must be carried out and, as reaffirmed by the UNGA in its Resolution No. 66/231, is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector. At the time of writing, there were 166 parties to the UNCLOS, including the EU.

The UNCLOS establishes a delicate balance between the rights and duties of states in the various maritime zones as well as between the need for economic and social development through the use of the oceans and their resources and the need to protect and preserve the marine environment, and conserve and manage those resources. From that perspective, it can be considered to embody the concept of sustainable development.

Divides the oceans into a number of maritime zones where states have different rights and obligations, the UNCLOS includes provisions on: navigation; conservation and management of marine living resources; exploration and exploitation of mineral resources in the Area; the protection and preservation of the marine environment; marine scientific research, transfer of marine technology; and dispute settlement mechanisms.

### **2.2. Maritime zones**

Seaward from the baselines, the zones under national sovereignty or jurisdiction are: the territorial sea (up to 12 nautical miles (nm)); the contiguous zone (up to 24 nm); the EEZ (up to 200 nm); and the continental shelf (up to 200 nm but which can extend further up to 350 nm or 100 nm from the 2,500-metre isobaths, subject to a number of

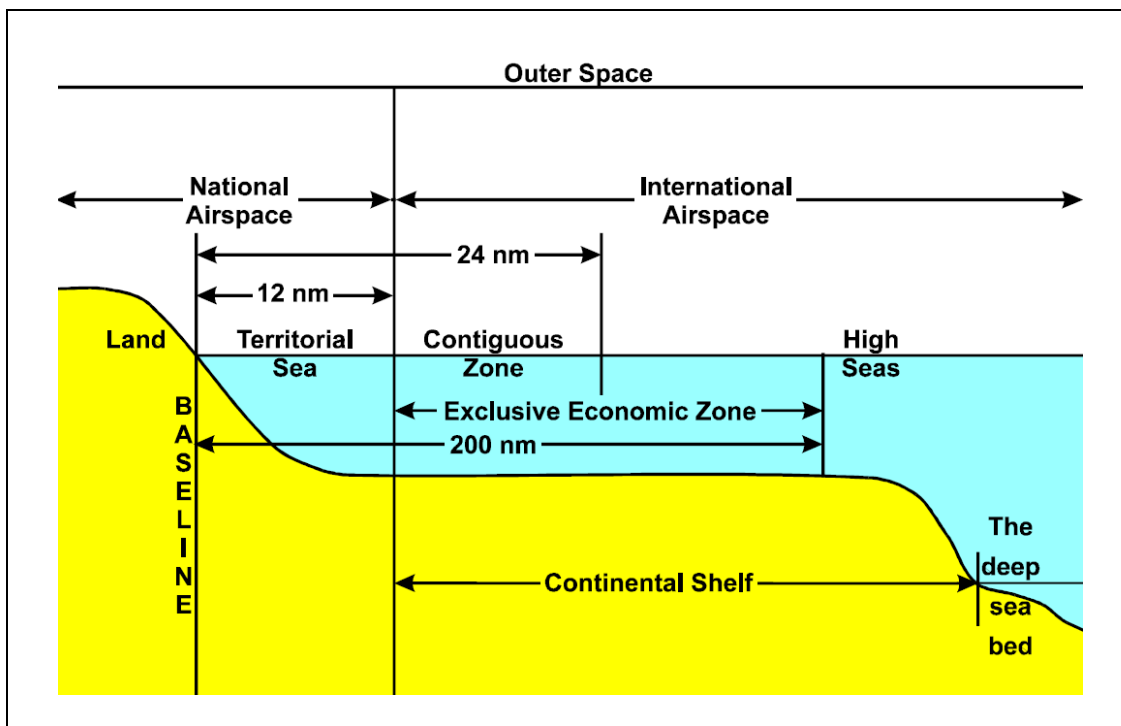
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<sup>40</sup> Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, New York, 28 July 1994. In force 28 July 1996, 1836 *United Nations Treaty Series* 42 (1994); <[www.un.org/Depts/los](http://www.un.org/Depts/los)>.

<sup>41</sup> See note 11 supra.

conditions as set out in article 76 of the UNCLOS). The zones beyond areas of national jurisdiction are the high seas and the Area (see Figure 1)

**Figure 1: Maritime zones**



The sovereignty of a coastal state extends beyond its land territory and internal waters and, in the case of an archipelagic state, its archipelagic waters, to the territorial sea. This sovereignty extends to the seabed and subsoil.

In the contiguous zone, the coastal state may exercise control for preventing and punishing infringement of its laws and regulations concerning customs, fiscal, immigration or sanitary matters within its territory or territorial sea, as well as removal of archaeological and historical objects found at sea.

In the EEZ, the coastal state has: (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superadjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of this zone, such as the production of energy from the water, currents and winds; (b) jurisdiction with regard to the establishment and use of artificial islands, installations and structures, marine scientific research and the protection and preservation of the marine environment; and (c) other rights and duties provided for in the UNCLOS. A number of coastal states have chosen not to establish an EEZ and instead, some of them claim, or continue to claim, exclusive fishery zones or ecological protection zones, although the UNCLOS does not provide for such zones.

Coastal states exercise sovereign rights over the continental shelf, which comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea, for the purpose of exploring it and exploiting its natural resources. Such rights do not depend on occupation, effective or notional, or on any express proclamation. The natural resources consist of mineral and other non-living resources of the seabed and subsoil, together with living organisms belonging to sedentary species. Such species are defined as organisms that, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

The high seas are governed by the regime of the freedom of the high seas, guaranteeing all States: freedom of navigation; freedom of overflight; freedom to lay submarine cables and pipelines, subject to Part VI of the UNCLOS; freedom to construct artificial islands and other installations permitted under international law, subject to Part VI of the UNCLOS; freedom of fishing, subject to the conditions laid down in section 2 of Part VII of the UNCLOS on the conservation and management of the living resources of the high seas; and freedom of scientific research, subject to Parts VI and XIII of the UNCLOS. The Area and its resources have the status of common heritage of mankind and are subject to the regime laid down in Part XI of the UNCLOS and in the Part XI Deep-Sea Mining Agreement.

### **2.3. Relevant global instruments and bodies**

#### **2.3.1. Introduction**

The UNCLOS serves as a unifying framework for a growing number of more detailed international instruments on marine environmental protection and the utilization, conservation and management of marine resources, which implement or further develop its general provisions. Global instruments include the International Convention for the Prevention of Pollution from Ships (MARPOL),<sup>42</sup> the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention)<sup>43</sup> and its Protocol,<sup>44</sup> the CBD and its Cartagena and Nagoya Protocols,<sup>45</sup> the Global Programme of Action for the Protection of the Marine

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<sup>42</sup> 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.

<sup>43</sup> 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>.

<sup>44</sup> 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>.

<sup>45</sup> 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.int>); Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Nagoya, 29 October 2010. Not in force; Doc. UNEP/CBD/COP/DEC/X/1, of 29 October 2010; <www.biodiv.int>).

Environment from Land-based Activities (GPA),<sup>46</sup> as well as the FAO Compliance Agreement,<sup>47</sup> the CCRF, and several International Plans of Action.

Both the UNCLOS and its Implementing 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. While pre-existing international bodies are occasionally mentioned by name,<sup>48</sup> it is more common for the UNCLOS to use non-specific references to “competent” international organisations. This 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.<sup>49</sup>

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. Regarding 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”.<sup>50</sup> The primary competent international organisation is in this case the International Maritime Organization (IMO)<sup>51</sup> and “generally accepted international rules and standards” (GAIAS) are at any rate those laid down in legally binding IMO instruments that have entered into force (Molenaar 1998; 140-167). Rules of reference relating to fisheries (for other than marine mammals) are intended to refer primarily to FAO and RFBs.<sup>52</sup> The UNEP is also regarded as a competent international organisation for a number of relevant provisions in the UNCLOS.<sup>53</sup>

The UNGA is the global institution with the competence to undertake an annual consideration and review of developments relating to ocean affairs and the law of the sea (UNGA resolution 68/70). It has established processes to address specific issues. For example, since 2011, the Working Group established in 2004 by the UNGA to study the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction has embarked on a process to ensure that the legal framework effectively addresses the issue, including through the implementation of existing instruments and the possible development of an international instrument under the UNCLOS.

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<sup>46</sup> Washington D.C., 3 November 1995. Doc. UNEP (OCA)/LBA/IG.2/7, of 5 December 1995; <[www.gpa.unep.org](http://www.gpa.unep.org)>.

<sup>47</sup> 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](http://www.fao.org/legal)>.

<sup>48</sup> E.g. the International Civil Aviation Organization (ICAO) in art. 39(3) (a) of the UNCLOS.

<sup>49</sup> 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.

<sup>50</sup> Art. 211(2) of the UNCLOS.

<sup>51</sup> See the 1996 Study, note 49, 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”.

<sup>52</sup> See, *inter alia*, art. 61(3) of the UNCLOS and the 1996 Study note 49.

<sup>53</sup> See the 1996 Study, note 49.



In light of the commitment made in Rio+20 to address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including by taking a decision on the development of an international instrument under the UNCLOS, the UNGA, in resolution 68/70, mandated the Working Group to provide it with recommendations on the scope, parameters and feasibility of an international instrument under the UNCLOS. Finally, in 2015, States took by UNGA Resolution 69/292 the historic step to open the negotiations for such a new legally binding instrument.

### **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 (see above), and provides that states have the sovereign right to exploit their natural resources pursuant to their policies and in accordance with their duty to protect and preserve the marine environment.

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 environment are laid down in UNEP's non-legally binding GPA. More general instruments on land-based pollution include the global Watercourses Convention<sup>54</sup> (not yet in force) and the Stockholm Convention on Persistent Organic Pollutants (POPs Convention)<sup>55</sup>;
- (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;<sup>56</sup>
- (d) Pollution by dumping: Only one global instrument exists, namely the London Convention as modified by its Protocol;

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<sup>54</sup> Convention on the Non-Navigational Uses of International Watercourses, New York, 21 May 1997. Not in force; doc. UNGA Res. 51/229 (1997).

<sup>55</sup> Convention on Persistent Organic Pollutants, Stockholm, 22 May 2001. In force 17 May 2004; text at <chm.pops.int>.

<sup>56</sup> Available at <www.isa.org.jm>.

- (e) Vessel-source pollution: Regulatory activity predominantly takes place at the global level within IMO. Relevant instruments include the MARPOL, the Anti-fouling Convention,<sup>57</sup> the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC),<sup>58</sup> the Ship Recycling Convention,<sup>59</sup> 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 Protocol, and the regulation of vessel-source air pollution through Annex VI to MARPOL. As regards activities on land, reference can be made to the United Nations Framework Convention on Climate Change (UNFCCC)<sup>60</sup> and its 1997 Kyoto Protocol,<sup>61</sup> and, on ozone, the Vienna Convention<sup>62</sup> and its Montreal Protocol<sup>63</sup>.

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.<sup>64</sup>

### 2.3.3. 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),<sup>65</sup> which is aimed at the conservation and management of large whales. The International Whaling Commission (IWC) has for that purpose adopted a moratorium on commercial whaling, which is currently in force.

<sup>57</sup> 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.

<sup>58</sup> 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).

<sup>59</sup> Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, Hong Kong, 15 May 2009. Not in force, IMO doc. SR/CONF/14, of 19 May 2009.

<sup>60</sup> 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>.

<sup>61</sup> Kyoto Protocol, Kyoto, 11 December 1997. In force 16 February 2005, 2303 *United Nations Treaty Series* 214 (2005); <unfccc.int>.

<sup>62</sup> 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>.

<sup>63</sup> 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>.

<sup>64</sup> 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>.

<sup>65</sup> 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>.

In addition to the UNCLOS and the UNFSA, the UNGA has contributed to international fisheries law through Resolutions, through which it has contributed to the phase-out of large-scale pelagic driftnet fishing and imposed innovative restrictions on bottom-fisheries on the high seas, among other things.<sup>66</sup> Both initiatives were predominantly aimed at the conservation of non-target species and vulnerable marine ecosystems (VMEs).

The UNCLOS provides the overarching international legal framework for the conservation and management of marine living resources. In terms of the sovereign right of coastal states to explore and exploit their natural resources, and in particular the living resources in the EEZ, the UNCLOS provides that the coastal state has the obligation to ensure that living resources, including fishery resources, are not endangered by overexploitation, taking into account the best scientific evidence available to it and with a view to promoting the optimum utilization of such resources. To this end, the coastal state is entitled to enforce its fisheries laws and regulations in the EEZ against foreign fishing vessels by taking such measures as boarding and inspection, arrest, and judicial proceedings. Conservation measures are to be aimed at maintaining or restoring populations of harvested species at levels that can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors.

The UNFSA aims at implementing the relevant provisions of the UNCLOS by setting out a more detailed legal framework for the conservation and management of straddling fish stocks and highly migratory fish stocks. The Agreement stipulates that its general principles, as well as the application of the precautionary approach and its provisions on compatibility of conservation and management measures, also apply within areas under national jurisdiction. The Agreement gives full consideration to the special requirements of developing states in respect of the conservation and management of straddling fish stocks and highly migratory fish stocks. The UNFSA and other FAO instruments are implemented through fisheries regulations carried out by states individually or collectively, including through RFBs (see section 3.3).

Under the UNCLOS, responsibility for ensuring the long-term sustainability of living resources in the waters of the EEZ rests with the coastal state. Pursuant to the rights and obligations set out in Part V of the Convention, the coastal state is obligated to determine the total allowable catch (TAC) of the living resources in its EEZ (article 61), and its capacity to harvest those resources (article 62). When a coastal state does not have the capacity to harvest the entire TAC of the living resources of its EEZ, it is required to give other states access to the surplus of the allowable catch, through agreements or other arrangements, having particular regard to the right of land-locked states (article 69) and the right of geographically disadvantaged states (article 70), especially in relation to developing states (article 62). In giving access to other states to its EEZ, the coastal state must take into account all relevant factors, including the

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<sup>66</sup> See e.g. UNGA Res. 46/215 (1991) and UNGA Res. 61/105 (2006), paras 80-89.

significance of the living resources of the area to its economy and other national interests (article 62(3)).

Nationals of other states who fish in the EEZ are required to comply with the conservation measures established in the laws and regulations of the coastal state. These laws and regulations must be consistent with the UNCLOS and may relate, *inter alia*, to regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used (article 62(4)).

The UNCLOS also requires states to take, or cooperate with other states in taking, measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas (article 117) and to cooperate with each other in the conservation and management of living resources in the high seas (article 118). Obligations to cooperate on transboundary fish stocks are also contained in other provisions of the UNCLOS, *inter alia*, in articles 63-64 and 66-67. Many RFBs have been established pursuant to these provisions. Table 2 below sets out the different categories of fish stocks that are distinguished in international fisheries law.

**Table 2: Categories of fish stocks**

| <b>Category</b>           | <b>Definition</b>  |
|---------------------------|--|
| Discrete inshore stocks   | Occur exclusively in the maritime zones (or inland waters) of one single state                             |
| Joint (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:

*[...] 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. 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 indicates that

other organisations than the IWC may have competence as well. Consequently, not only the NAMMCO but also the COPs of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),<sup>67</sup> and the Convention on the Conservation of Migratory Species of Wild Animals (CMS) are relevant under article 65.

The UNFSA only applies to straddling and highly migratory fish stocks. The conservation and management of such stocks must be based on the precautionary approach and the best scientific evidence available. The Agreement also elaborates on the fundamental principle established in the Convention that states should cooperate in taking the measures necessary for the conservation of these resources. Under the UNFSA, RFMOs are the primary vehicles for cooperation between coastal states and high seas fishing states in the conservation and management of straddling fish stocks and highly migratory fish stocks.

The UNFSA also incorporated new principles, norms and rules that constitute a progressive development of the relevant provisions of the Convention and are aimed at addressing new challenges affecting high seas fisheries. Conservation and management measures that are adopted for areas under national jurisdiction and established in the high seas are required to be compatible. In addition, mechanisms are provided for the compliance and enforcement of measures on the high seas. The UNFSA further recognizes the special requirements of developing states, including in the development of their own fisheries and in their participation in high seas fisheries for straddling and highly migratory fish stocks.

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 Agreement and the Port State Measures Agreement.<sup>68</sup> The Compliance Agreement addresses the problem of reflagging and the need for flag state 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 UNFSA with more practical guidance on a broad range of fisheries management issues, including aquaculture development. The CCRF is complemented by Technical Guidelines for Responsible Fisheries,<sup>69</sup> Guidelines to Reduce Sea Turtle Mortality in Fishing Operations (2009), and four International Plans of Action (IPOAs), namely on:

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<sup>67</sup> 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](http://www.cites.org)>.

<sup>68</sup> 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](http://www.fao.org/Legal)>.

<sup>69</sup> Available at <[www.fao.org/fishery/code/en](http://www.fao.org/fishery/code/en)>. Noteworthy is Supplement 2 to the Technical Guidelines on "Fisheries management", entitled "The ecosystem approach to fisheries" (2003).

reducing incidental catch of seabirds in longline fisheries (1999); management of fishing capacity (1999); management and conservation of sharks (1999); and 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), the Voluntary Guidelines for Flag State Performance (2013) and the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (2014).

#### **2.3.4. The global legal and policy regime for the conservation of marine biodiversity**

The provisions in the UNCLOS – and its Implementing 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 marine species and habitats, and addressing specific threats to marine biodiversity.

The CBD and its Cartagena and Nagoya Protocols are the principal global instruments on the conservation of biodiversity in general. Article 22(2) of the CBD specifies that its Parties shall implement it with respect to the marine environment consistently with the rights and obligations of states under the law of the sea. Article 4 stipulates that the CBD is fully applicable to coastal state maritime zones, but beyond these zones only the CBD provisions on processes and activities carried out under the jurisdiction or control of states are applicable.

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 environmental impact assessments (EIA).<sup>70</sup> 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 CBD’s COP in 2010<sup>71</sup> and endorsed at Rio+20<sup>72</sup> – 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. The Nagoya Protocol aims to provide a legally binding framework to implement the provisions of the CBD on access to genetic resources and the fair and equitable use of benefits arising thereof.

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<sup>70</sup> Arts 5, 7-9 and 14 of the CBD.

<sup>71</sup> COP Decision X/2 (2010).

<sup>72</sup> “The Future We Want”, note 8 *supra*, at para. 198.

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,<sup>73</sup> which are integrated into the Thematic Programmes. Progress within these is consolidated by means of the 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 identification of EBSAs.

As regards the conservation of specific species and habitats, the main global instruments are the CITES,<sup>74</sup> the CMS, the Ramsar Convention<sup>75</sup> (wetlands) and the World Heritage Convention.<sup>76</sup> 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.<sup>77</sup> Both the Ramsar Convention and the World Heritage Convention impose obligations with respect to the conservation and use of designated areas.

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.<sup>78</sup> 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 International Council for the Exploration of the Sea (ICES) Code of Practice on the Introductions and Transfers of

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<sup>73</sup> Listed at <[www.cbd.int](http://www.cbd.int)>.

<sup>74</sup> 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](http://www.cites.org)>.

<sup>75</sup> 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](http://www.ramsar.org)>.

<sup>76</sup> 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](http://www.unesco.org)>.

<sup>77</sup> E.g. on sturgeons and paddlefish and Queen conch 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 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.

<sup>78</sup> 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”.

Marine Organisms (2005). As regards international shipping, the IMO's 2004 Ballast Water Management Convention<sup>79</sup> (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.

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.

## **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 mechanisms – 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 provide detailed overviews of the Regional Seas programmes, the RFBs and the LME mechanisms. Section 3.5 investigates cooperation and coordination between all three regional oceans governance mechanisms.

### **3.2. Regional Seas instruments and bodies**

#### **3.2.1. Introduction**

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”.<sup>80</sup> At its first session, UNEP made the oceans a priority action area.<sup>81</sup> Its RSP was then initiated in 1974,<sup>82</sup>

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<sup>79</sup> 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.

<sup>80</sup> UNGA, Resolution 2997 (XXVII), of 15 December 1972.

<sup>81</sup> UNEP, Report of the governing council on the work on its first session, 12-22 June 1973, United Nations, New York, 1973.



“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” (UNEP 1982). As of today, almost 150 states across 18 regions participate in the RSP.

### **3.2.2. Types of Regional Seas programme**

There are different types of the Regional Seas programme (see Table 3 and Annex 1). Some 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, Caspian Sea, Western Indian Ocean, and Wider Caribbean regions.<sup>83</sup> Others were developed independently but are associated with the UNEP RSP. Some of their regional activities are linked to 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, ROPME<sup>84</sup> Sea, South Asian Seas and South-East Pacific regions. The RSP network also includes independent programmes which have not been established under the auspices of UNEP but which are invited to participate in the global meetings of the RSP. The UNEP RSP is also invited to participate in the respective meetings of these Regional Seas programmes. It concerns the Antarctic, Arctic, Baltic Sea and North-East Atlantic regions.

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<sup>82</sup> UNEP, Report of the governing council on the work on its second session, 11-22 March 1974, United Nations, New York, Decision 8(II).

<sup>83</sup> UNEP, through its Regional Office for Europe, serves on an interim basis as the secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention), following a formal request by the respective Conference of Parties.

<sup>84</sup> 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.

**Table 3: Regional Seas programmes**

| Type of Regional Seas programme                  | Main features  | Regions concerned  |
|--|--|--|
| <b>UNEP administered Regional Seas programme</b> | Secretariat, administration of the Trust Fund and financial and administrative services provided by UNEP.  | Caspian Sea <sup>85</sup><br>East Asian Seas<br>Mediterranean<br>North-West Pacific<br>Western, Central and Southern Africa<br>Western Indian Ocean<br>Wider Caribbean |
| <b>Associated Regional Seas programme</b>        | Secretariat not provided by UNEP.<br>Financial and budgetary services managed by the programme itself or hosting regional organisations.<br>UNEP support / collaboration were or are provided.   | Black Sea<br>North-East Pacific<br>Pacific<br>Red Sea and Gulf of Aden<br>ROPME Sea<br>South Asian Seas<br>South-East Pacific  |
| <b>Independent Regional Seas programme</b>       | Regional framework not established under the auspices of UNEP.<br>Invited to participate in regional seas coordination activities of UNEP through the global meetings of the RSP.<br>UNEP is also invited to participate in their respective meetings. | Antarctic<br>Arctic<br>Baltic Sea<br>North-East Atlantic   |

### 3.2.3. Substantive mandates and objectives

The Regional Seas programmes generally have an Action Plan that serves as the basis for regional cooperation. Moreover, 15 of them also have a framework convention complemented by issue-specific protocols.<sup>86</sup> As a basis for action, the convention 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 that

<sup>85</sup> On an ad interim basis, at the request of the COP.

<sup>86</sup> There are no framework conventions and protocols in the East Asian Seas, 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.

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, 1976;<sup>87</sup> Western, Central and Southern Africa, 1981;<sup>88</sup> Red Sea & Gulf of Aden, 1982;<sup>89</sup> Caribbean, 1983;<sup>90</sup> Western Indian Ocean, 1985<sup>91</sup>), as well as reducing pollution from land-based sources and activities (Mediterranean, 1980;<sup>92</sup> Black Sea, 1982;<sup>93</sup> South-East Pacific, 1983<sup>94</sup>) were adopted. This dynamic gradually expanded to encompass biodiversity conservation, particularly through the creation of marine protected areas (Western Indian Ocean, 1985;<sup>95</sup> South-East Pacific, 1989;<sup>96</sup> Caribbean, 1990<sup>97</sup>). While it was 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 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 (ICZM),<sup>98</sup> and it is with a similar ambition that Western Indian Ocean states are currently negotiating an ICZM Protocol (Rochette and Billé, 2012b).

In terms of institutional structure, all Regional Seas programmes have at least a Secretariat (called RCUs for UNEP-administered the Regional Seas programmes). These mainly play an administrative and diplomatic role of coordination. In the case of the UNEP-administered Regional Seas programmes, there is a programmatic link. In its relationship with the regional seas conventions and action plans, UNEP promotes coherence of policies, enhanced cooperation and coordination as well as increased efficiency. The integration of UNEP work with the regional seas conventions and action plans in turn increases the overall effectiveness of the global environmental policy while at the same time supports an efficient delivery at the regional level. The Regional Seas Programme is embedded in the UNEP structure and programme of work, provides the global overview and world context in which the

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<sup>87</sup> 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.

<sup>88</sup> Protocol concerning cooperation in combating pollution in cases of emergency, 23 March 1981.

<sup>89</sup> Protocol concerning cooperation in combating pollution by oil and other harmful substances in cases of emergency, 23 April 1978.

<sup>90</sup> Protocol concerning cooperation in combating oil spills, 24 March 1983.

<sup>91</sup> Protocol concerning cooperation in combating marine pollution in cases of emergency, 21 June 1985.

<sup>92</sup> Protocol for the protection of the Mediterranean Sea against pollution from land-based sources, 17 May 1980.

<sup>93</sup> Protocol on protection of the Black Sea marine environment against pollution from land-based sources, 21 April 1992.

<sup>94</sup> Protocol for the protection of the South-East Pacific against pollution from land-based sources, 23 September 1986.

<sup>95</sup> Protocol concerning protected areas and wild fauna and flora in the Eastern African Region, 21 June 1985.

<sup>96</sup> Protocol for the conservation and management of protected marine and coastal areas of the South-East Pacific, 21 September 1989.

<sup>97</sup> Protocol concerning specially protected areas and wildlife to the Convention for the protection and development of the marine environment of the Wider Caribbean Region.

<sup>98</sup> Protocol on Integrated Coastal Zone Management (ICZM) in the Mediterranean, Madrid, 21 January 2008.

regions are inserted. Such a global framework furnishes the coherence needed for the regions to more easily insert themselves in the global seas and oceans structure and agenda, and thus better respond to the global ocean mandates while maintaining their regional specificities. As such, the different regional seas conventions and action plans continue to be shaped according to the needs and priorities of specific regions – as identified and decided by the relevant participating governments – while being part of a global UNEP Programme, whose overall and world strategy is ultimately defined by the UNEP governing body.

Some programmes also count on other institutional structures, which aim at providing states with assistance and support for the implementation of regional legal instruments, mainly the protocols to the framework conventions. In this regard, Regional Activity Centres (RACs) play a major role by carrying out three main tasks (Rochette and Billé 2012a):

1. Providing states with relevant data, through publications, white papers and reports, so that they can adopt science-based decisions;
2. Strengthening regional cooperation in a specific field, by organising conferences and workshops; and
3. Providing legal and technical assistance for the implementation of conventions, protocols and action plans.

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 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, or Specialised Committees aimed at supporting the work of the Secretariat and assist governments in the implementation of the relevant regional instruments (e.g. in the Arctic, Baltic Sea, Black Sea, West, Central and Southern Africa region, etc.).

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 the Arctic, East Asian Seas, Mediterranean and North-East Pacific.

The Antarctic regional system stands out as a special Regional Seas programme. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is considered by UNEP as an independent Regional Seas programme, however, it has two distinguishing features: its mandate, which covers fisheries management; and its Contracting Parties, 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 RFB (UNEP, 2001) 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 often 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 (ATS) 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 species”.<sup>99</sup>

#### **3.2.4. Geographical mandates**

Most of the Regional Seas programmes have a geographical mandate restricted to areas within the jurisdiction of Contracting Parties. As of today, only four regional systems – namely the Antarctic, Mediterranean,<sup>100</sup> North-East Atlantic and South Pacific – have the specific mandate to develop activities in ABNJ (Druel et al. 2012). It is also worth noting that, in the South East Pacific; Member States of the Permanent Commission for the South Pacific (CPPS) met in Galapagos on 17 August 2012 and committed themselves to promote a coordinated action of Member States “regarding their interests on living and non-living resources in marine areas beyond national jurisdiction”.<sup>101</sup> In the same way, Contracting Parties to the Abidjan Convention decided in 2014 to “to set up a working group to study all aspects of the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction within the framework of the Abidjan Convention”.<sup>102</sup>

#### **3.2.5. Participation**

Participation in the Regional Seas programmes is so far restricted to the coastal states of the marine region and sometimes to regional economic groupings such as the European Union. As a “quasi-RFMO”, CCAMLR is however open to “any State interested in research or harvesting activities in relation to the marine living resources to which this Convention applies” (Article XXIX).

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<sup>99</sup> CCAMLR Performance Review Panel, Report, 1 September 2008, p. 7.

<sup>100</sup> 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).

<sup>101</sup> Permanent Commission for the South Pacific, VIII Meeting of Ministers of Foreign Affairs, Puerto Ayora, Galápagos, Ecuador, 17 August 2012.

<sup>102</sup> Decision CP. 11/10. Conservation and Sustainable use of the Marine Biodiversity of the Areas Located beyond National Jurisdictions, March 2014.

### 3.3. Regional fishery instruments and bodies

#### 3.3.1. Introduction

As noted in subsection 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 have been created for that purpose. Table 4 below contains the bodies listed on FAO's webpages on RFBs on 2 July 2014<sup>103</sup> except inland waters-RFBs,<sup>104</sup> the IWC and the Agreement on the Conservation of Albatrosses and Petrels (ACAP).<sup>105</sup> This list contains a few more RFBs than those listed in Annex II to this paper.<sup>106</sup>

A few observations are offered here. First, there is no generally accepted formal definition of RFBs or RFMOs. Inclusion on FAO's RFBs list can also not be regarded as multilateral recognition of a body's status as an RFB or RFMO. States and entities may therefore have different positions as to whether or not a regional body is an RFB or RFMO.

Second, CCAMLR and PERSGA are included on the FAO's RFBs list but are at the same time also regarded by UNEP as the Regional Seas programmes. The inclusion of PERSGA seems to be mainly motivated by the expectation that 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 (see also discussion further below).<sup>107</sup>

Third, FAO's RFBs-list includes NAMMCO but not the Convention for the Conservation of Antarctic Seals (CCAS)<sup>108</sup> – which is part of the ATS – and the stand-alone Polar Bear Agreement.<sup>109</sup> This despite the fact that both regional marine mammal instruments pursue sustainable use as well as conservation, and both have culminated in Meetings of the Parties (MOPs), even though these were largely informal and have not occurred on a regular basis (Bankes 2013; Mossop 2013). The Arctic region also has several bilateral instruments and bodies that deal with sustainable use and conservation of marine mammals, including the Joint Commission (Bankes 2013).

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<sup>103</sup> See the list at <[www.fao.org/fishery/rfb/en](http://www.fao.org/fishery/rfb/en)>.

<sup>104</sup> The Commission on Aquatic Bioresources of the Caspian Sea (see note 77 supra) is not listed on FAO's RFB website either.

<sup>105</sup> Agreement on the Conservation of Albatrosses and Petrels, Canberra, 19 June 2001. In force 1 February 2004, 2588 *United Nations Treaty Series* 257 (2005); as amended, consolidated version at <[www.acap.aq](http://www.acap.aq)>. Consistent with the definition of RFB in subsection 1.2.2, the IWC has not been included because it is a global body and ACAP because it is not concerned with sustainable utilization of fish or marine mammals.

<sup>106</sup> Namely: the Joint Technical Commission of the Maritime Front (CTMFM); the Joint Norwegian-Russian Fisheries Commission (Joint Commission); the North Pacific Fisheries Commission (NPFC); and the Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA). The first version of Annex II was submitted in October 2012.

<sup>107</sup> Information kindly provided by A.S.M. Khalil (PERSGA) to E.J. Molenaar on 24 November 2013).

<sup>108</sup> 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](http://www.ats.aq)>.

<sup>109</sup> Agreement on the Conservation of Polar Bears, Oslo, 15 November 1973. In force 26 May 1976; 13 *International Legal Materials* 13 <[pbsg.npolar.no](http://pbsg.npolar.no)>.

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 the Northwest Atlantic Fisheries Organization (NAFO)). This process is currently still on-going for some RFBs, for instance the Indian Ocean Tuna Commission (IOTC)<sup>110</sup> and the ICCAT.<sup>111</sup>

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<sup>110</sup> See, *inter alia*, the Report of the 2011 IOTC Meeting (available at <[www.iotc.org](http://www.iotc.org)>), at 35 and 105; and UNGA Res 67/79, of 11 December 2012, para. 114.

<sup>111</sup> The ICCAT Working Group on Convention Amendment had its first meeting in July 2013 (information available at <[www.iccat.int](http://www.iccat.int)>).

**Table 4: RFBs<sup>112</sup>**

|                  |   |             |   |
|------------------|---|-------------|---|
| 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  | NPFC*       | North Pacific Fisheries Commission  |
| CECAF            | Fishery Committee for the Eastern Central Atlantic  | OLDEPESCA   | Latin American Organization for Fisheries Development   |
| COMHAFAT         | Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean | OSPESCA     | Central America Fisheries and Aquaculture Organization  |
| COREP            | Regional Fisheries Committee for the Gulf of Guinea   | PERSGA**    | Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden |
| CPPS             | Permanent Commission for the South Pacific  | PICES       | North Pacific Marine Science Organization   |
| CRFM             | Caribbean Regional Fisheries Mechanism  | PSC         | Pacific Salmon Commission   |
| CTMFM            | Joint Technical Commission of the Maritime Front  | RECOFI      | Regional Commission for Fisheries   |
| FCWC             | Fishery Committee of the West Central Gulf of Guinea  | SEAFDEC     | Southeast Asian Fisheries Development Center  |
| FFA              | Pacific Islands Forum Fisheries Agency  | SEAFO       | South East Atlantic Fisheries Organization  |
| GFCM             | General Fisheries Commission for the Mediterranean  | SIOFA (MOP) | Southern Indian Ocean Fisheries Agreement   |
| IATTC            | Inter-American Tropical Tuna Commission   | SPC         | Secretariat of the Pacific Community  |
| ICCAT            | International Commission on the Conservation of Atlantic Tunas                                    | SPRFMO      | South Pacific Regional Fisheries Management Organization                                      |
| ICES             | International Council for the Exploration of the Sea  | SRFC        | Sub regional Fisheries Commission   |
| IOTC             | Indian Ocean Tuna Commission  | SWIOFC      | Southwest Indian Ocean Fisheries Commission   |
| IPHC             | International Pacific Halibut Commission  | WCPFC       | Western and Central Pacific Fisheries Commission  |
| Joint Commission | Joint Norwegian-Russian Fisheries Commission  | WECAFC      | Western Central Atlantic Fishery Commission   |
| NAFO             | Northwest Atlantic Fisheries Organization   |             |   |

\* To be established

\*\*Once MoU for Regional Cooperation in Management of Fisheries and Aquaculture in the Red Sea and Gulf of Aden is adopted

<sup>112</sup> For more information on these RFBs see - apart from CTMFM, Joint Commission, NPFC and PERSGA - Annex II.



### 3.3.2. Types of RFBs

An analysis of the characteristics of the RFBs included in Annex II 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 such as WCPFC) or a body with an advisory mandate. Advisory bodies can either primarily provide scientific advice (e.g. ICES), primarily management advice, or both (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 specific target species within a loosely defined geographical area (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 Constitution<sup>113</sup> (e.g. CECAF) or article XIV (e.g. IOTC). The differences mainly relate to issues of finance, mandate and autonomy whereby article XIV-bodies are more autonomous than the article VI-bodies;<sup>114</sup>
- (d) Establish an international organisation (e.g. CCAMLR) or another institutional body, for instance a COP or a MOP (e.g. CCBSP); and
- (e) Relate to marine fisheries (e.g. SEAFO) or inland waters fisheries. This paper, however, devotes no attention to inland waters-RFBs.

The distinctions highlighted under (a) between RFMOs and advisory RFBs are reflected in Table 5, which lists RFMOs, and Table 6, which lists advisory RFBs. There are currently 41 RFBs in total (Table 4), excluding inland waters-advisory RFBs. There are 21 RFMOs; Table 5 lists the 5 tuna RFMOs separate from the 16 non-tuna RFMOs, in order to reflect the discussion under (b) above. There are 20 advisory RFBs; Table 6 lists the three scientific advisory RFBs separate from the 17 management advisory RFBs.

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<sup>113</sup> 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](http://www.fao.org/Legal)>.

<sup>114</sup> Cited from <[www.fao.org/fishery/topic/16918/en](http://www.fao.org/fishery/topic/16918/en)>.

**Table 5: RFMOs**

| <b>Tuna RFMOs</b> | <b>Non-Tuna RFMOs</b> |       |             |
|-------------------|-----------------------|-------|-------------|
| CCSBT             | CCAMLR                | NAFO  | RECOFI      |
| IATTC             | CCBSP (COP)           | NASCO | SEAFO       |
| ICCAT             | CTMFM                 | NEAFC | SIOFA (MOP) |
| IOTC              | GFCM                  | NPAFC | SPRFMO      |
| WCPFC             | IPHC                  | NPFC* |             |
|                   | Joint Commission      | PSC   |             |

\* To be established

**Table 6: Advisory RFBs**

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

Discussions as to whether or not a regional body classifies as an RFMO have arisen within CCAMLR. While it has been argued that CCAMLR is not an RFMO but a component of the ATS,<sup>115</sup> there was broad agreement in 2002 that CCAMLR has “the attributes of an RFMO within the context of the UN and its subsidiary bodies”.<sup>116</sup> Broad agreement also seems to exist among CCAMLR Members that CCAMLR’s competence is in principle limited to fishing, associated activities (e.g. transshipment and bunkering), and research, but does not extend to any other human activity.<sup>117</sup> It seems that this understanding applies to other RFMOs as well, except for GFCM and NASCO, which also have competence to adopt legally binding conservation and management measures relating to aquaculture.<sup>118</sup>

<sup>115</sup> Report of the 14<sup>th</sup> (1995) Annual CCAMLR Meeting, at p. 70 (para. 15.2).

<sup>116</sup> Report of the 21<sup>st</sup> (2002) Annual CCAMLR Meeting, at p. 88 (para. 15.2). This notwithstanding, the Report of the 31<sup>st</sup> (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”.

<sup>117</sup> 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 living resources”, while Art. II (2) clarifies that “the term ‘conservation’ includes rational use”. The Preamble and many provisions indicate that CCAMLR’s competence is in principle limited to fishing, associated activities, and research (e.g. Arts II (3), V, VI, IX and XXIX (1)). Moreover, CCAMLR has taken measures to prevent impacts by fishing vessels and scientific research vessels on Antarctic marine living resources by adopting measures relating to maritime safety, vessel-source pollution and the introduction of alien species (see, e.g. CCAMLR Conservation Measures 26-01 (2009) and para. 6 of 91-04 (2011) and CCAMLR Resolutions 20/XXII (2003), 23/XXIII (2004), 28/XXVII (2008), 29/XXVIII (2009), 33/XXX (2011) and 34/XXXI (2012)). At the 2<sup>nd</sup> Special CCAMLR Meeting in July 2013, Bremerhaven, disagreement existed on CCAMLR’s mandate with respect to MPAs (Preliminary Report, paras 3.18 and 3.60).

<sup>118</sup> 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 transgenic (e.g. the 2003 Williamsburg Resolution (as amended; doc. CNL(06)48 (available at <www.nasco.int>)).

A similar argument could be made for other 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’ scientific advice can be commissioned by entities other than fisheries management authorities. Moreover, upon the adoption of the envisaged MoU for Regional Cooperation in Management of Fisheries and Aquaculture in the Red Sea and Gulf of Aden, PERSGA could be categorized as “more than a RFB” but also as “more than a Regional Seas programme”. While the former would not be incorrect, the latter would be more fitting because PERSGA was originally established to implement the Regional Seas programme for the Red Sea and Gulf of Aden. The CPPS can be used as a final example here: its evolution is more complex than that of PERSGA, thus it is not evident that classifying it as “more than a RFB” would be more fitting than “more than a Regional Seas programme”.

### 3.3.3. Substantive mandates and objectives

The substantive mandates and objectives of RFBs depend first of all on the type 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 concluded that the mandates of most RFMOs are limited to fishing, associated activities (e.g. transshipment and bunkering) and fisheries related research, 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. While 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. For example ICCAT focuses exclusively on the “populations of tuna and tuna-like fishes found in the Atlantic Ocean”,<sup>119</sup> while SPRFMO’s objective, pursuing an EAF, is as follows:<sup>120</sup>

*The objective of this Convention 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.*

Other RFBs whose constitutive instruments explicitly stipulate an EAF include CCAMLR, NAFO, NEAFC, SEAFO and WCPFC.

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<sup>119</sup> 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](http://www.iccat.int)>.

<sup>120</sup> 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](http://www.southpacificrfmo.org)>.

### 3.3.4. Geographical mandates

Considerable differences also exist in the geographical mandates of RFBs. To illustrate this in relation to RFMOs, three basic groups are distinguished as follows:

1. Both high seas and coastal state maritime zones.  
This group includes the five tuna RFMOs and some non-tuna RFMOs, namely CCAMLR, GFCM, IPHC, Joint Commission and NASCO. As regards CCAMLR, a special regime exists for the coastal state maritime zones off sub-Antarctic islands.<sup>121</sup> Also, as regards WCPFC, several Members take the view that its mandate does not extend to marine internal waters, territorial seas and archipelagic waters;<sup>122</sup>
2. Only or mainly high seas.  
Most non-tuna RFMOs belong to this group, namely CCBSP, NAFO, NEAFC, NPAFC, NPFC,<sup>123</sup> SEAFO, SIOFA and SPRFMO. 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);<sup>124</sup> and
3. Only coastal state maritime zones.  
CTMFM, PSC and RECOFI belong to this group.

### 3.3.5. Participation

States or entities (i.e. EU and Chinese Taipei) generally participate in RFBs as a coastal state or as a high seas fishing state/distant water fishing state (extra-regional state). 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 by non-coastal states can be based on the freedom of fishing on the high seas pursuant to article 116 of the UNCLOS or – with respect to straddling and highly migratory fish stocks – on a “real interest in the fisheries concerned” pursuant to article 8(3) of the UNFSA. As regards straddling and highly migratory fish stocks, coastal states can also fish for the relevant transboundary fish

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<sup>121</sup> 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”.

<sup>122</sup> 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.

<sup>123</sup> To be established.

<sup>124</sup> 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](http://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).

stock in the adjacent high seas and thereby act in the same capacity as a high seas fishing state. Furthermore, a coastal state that participates in a RFB that manages straddling or highly migratory fish stocks, may authorize distant water fishing states that also participate in that RFB, to fish in that coastal state's maritime zones.

All this means that participation in RFBs in the first two groups discussed in the previous subsection is usually – except for IPHC, Joint Commission, NASCO and NEAFC – a mix of coastal states and high seas fishing states. Conversely, participation in the RFBs in the third group 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 transshipment or bunkering, but not the right to participate in decision-making. This new participatory category is 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).<sup>125</sup> Third, in view of the lack of a definition of the concept of “real interest” laid down in article 8(3) of the UNFSA, a state could argue its case for membership of an RFB on the basis of, for instance, concerns on impacts of fisheries, associated activities and fisheries related research on target and non-target species or the broader marine ecosystem. It is unclear whether membership of an RFB has ever been granted on this basis.

Finally, mention should be made here of the limited “openness” of many RFBs with competence over straddling, highly migratory and discrete high seas fish stocks. For instance, applications for membership of several RFBs is subject to approval by all (e.g. WCPFC) or most (e.g. NEAFC) existing members, and several RFBs have indicated that new members cannot expect allocations of fishing opportunities for “existing” fisheries (e.g. NAFO and NEAFC) (Serdy 2011; Lugten 2010; 26-27; Molenaar 2003).

### **3.3.6. Fisheries conservation and management measures**

As noted earlier, global fisheries instruments often have a framework character and usually do not contain concrete fisheries conservation and management measures. Such measures are commonly 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;

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<sup>125</sup> Cf. art. VII (2) (b) of the CAMLR Convention. Belgium, Germany, India, Italy and Sweden belong to this group.

- (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, bird-scaring 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).

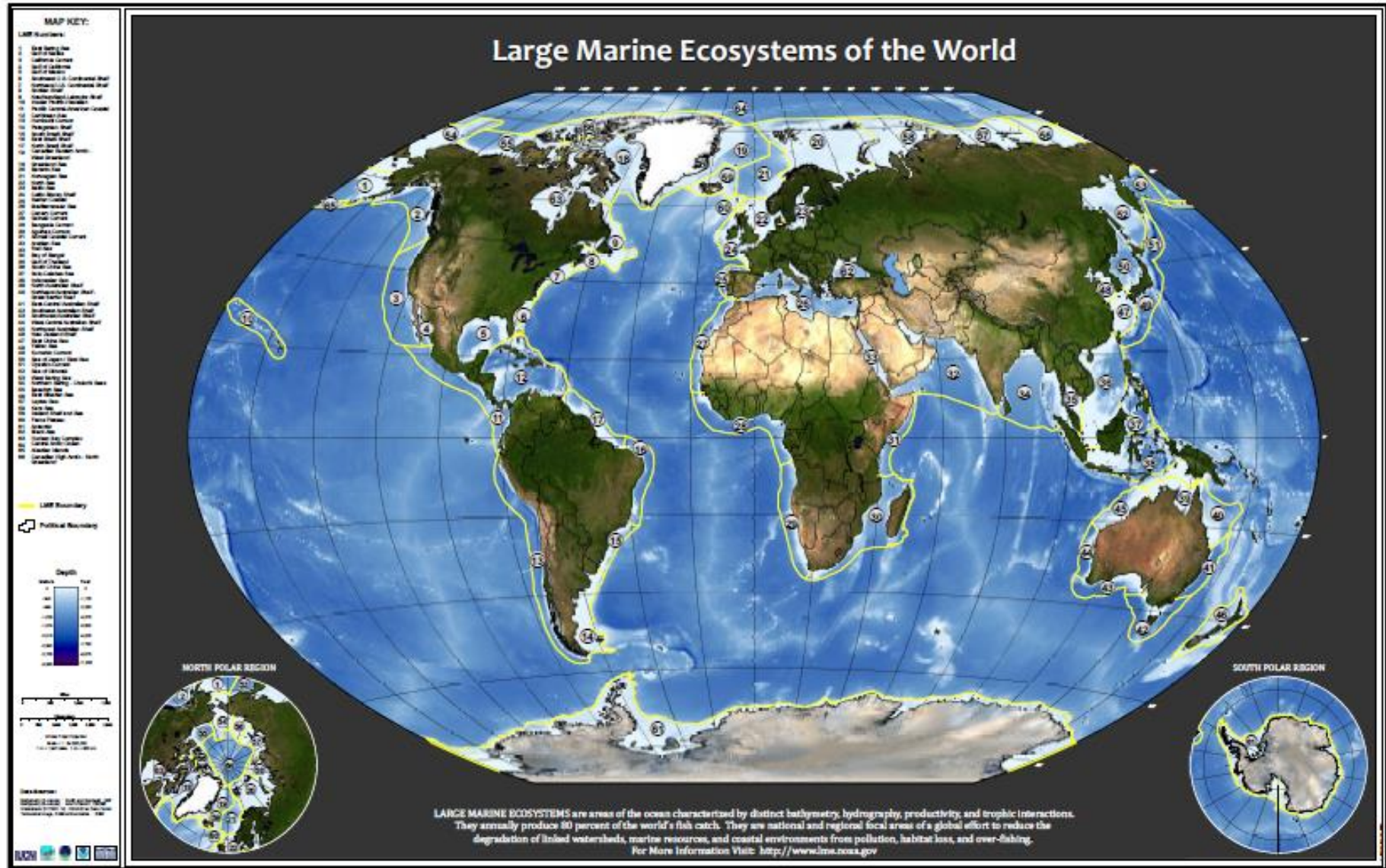
These are often complemented by measures aimed at ensuring compliance, for instance boarding and inspection schemes and port state measures.

### **3.4. LME mechanisms**

#### **3.4.1. Introduction**

Based on a concept developed by NOAA, LME mechanisms aim at implementing the ecosystem approach to the marine and coastal environment, from knowledge to management. The US government has itself used this approach for its 10 LMEs since 1995, though it is the GEF that has been instrumental in implementing the LME concept as a basis for its engagement in the marine and coastal sub-component of its IW program. It is a *sui generis* approach, which makes it fundamentally different from the other GEF-funded activities where the GEF is the financial mechanism for the implementation of a global convention (Climate Change, Biodiversity, Desertification, Ozone, Chemicals). With regard to IW, the GEF decided to build its own vision and methodology making use of the LME concept and delimitation (see Figure 3). The total GEF funding for 21 LME projects in 110 countries amounts to US\$3.1 billion (Sherman 2013). A total of 36 TDAs and 30 SAPs have already been completed as of 2013.

Figure 2: The 66 LMEs



### 3.4.2. Types of LME mechanism

LMEs are based on ecological delimitations in the marine environment, and intend to bring together science and management of human activities (E.g. fisheries, logging, mining, oil and gas exploitation, urban sprawl) and their impacts (E.g. maritime and land-based sources of pollution). Since these are also addressed by a variety of regional and sectoral frameworks (such as Regional Seas programmes, RFBs, IMO, etc.), each LME project has to build *ad hoc* partnerships for the preparation of TDAs, SAPs and other activities. Such partnerships usually take the form of regional steering committees (these include governments, UN and donor agencies, as well as the Regional Seas programmes and, in some cases, RFBs) or national interministerial committees to ensure cross-sectoral coordination at the domestic level.

Three types of approaches have been tested to govern LMEs beyond their initial project cycle:

1. **Creation of a specific governance mechanism for the LME:** An example is the Benguela Current LME bringing together Angola, Namibia and South Africa. The Benguela Current Convention, signed by these three countries in March 2013, establishes the BCC – in existence since 2007 – as a permanent inter-governmental organisation. Its mandate covers marine waters under national jurisdiction and a large range of issues including pollution and fisheries. How it fits within the broader regional governance framework (especially the Abidjan Convention and relevant RFBs) remains to be defined. In the same vein the PEMSEA, originally a GEF/UNDP/IMO project on marine pollution initiated in 1993, gained legal personality as an international organisation in 2009, with a geographical scope covering 5 LMEs.
2. **Establishment of an LME Commission in the framework of an existing body:** This is the case with the Guinea Current Commission<sup>126</sup> (GCC) that will be established by the adoption and entry into force of a dedicated protocol under the Abidjan Convention. This raises a particular challenge with respect to fisheries, which are not part of the Abidjan Convention mandate.
3. **Cooperative governance:** A third case is found for instance in the Mediterranean, where existing international organisations (UNEP, the World Bank) are given the responsibility to implement the two SAPs (SAP-Bio and SAP-Med) in partnership with regional bodies (MAP, GFCM...). The proposed Western Indian Ocean Sustainable Ecosystem Alliance (WIOSEA) built in the context of the Agulhas and Somalia Current LME project (ASCLME) in cooperation with the South West Indian Ocean Fisheries Project (SWIOFP) is another innovative,

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<sup>126</sup> An interim GCC was set up under the GCLME project. Its Ministerial Committee then agreed through the Abidjan Declaration that the interim commission would become the GCC through a protocol to the Abidjan Convention.



cooperative governance approach, taking into account existing organisations and their mandates.

### **3.4.3. Substantive mandates and objectives**

An 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 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, see Figure 3). The latter 2 indicators are sometimes qualified as “the human dimensions” of LMEs (Hennessy and Sutinen 2005). However it is widely acknowledged, “some modules received more attention than others, with the socioeconomics and governance module being the less developed” (Mahon et al. 2009. See also Bensted-Smith and Kirkman 2010).

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 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 therefore is a document that describes objectives on which participating countries collectively agree, as well as necessary actions by the countries and various organisations to achieve these objectives. It also addresses 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. In concrete terms, LME mechanisms develop activities on the five modules mentioned above, with emphasis on region-specific priority topics.

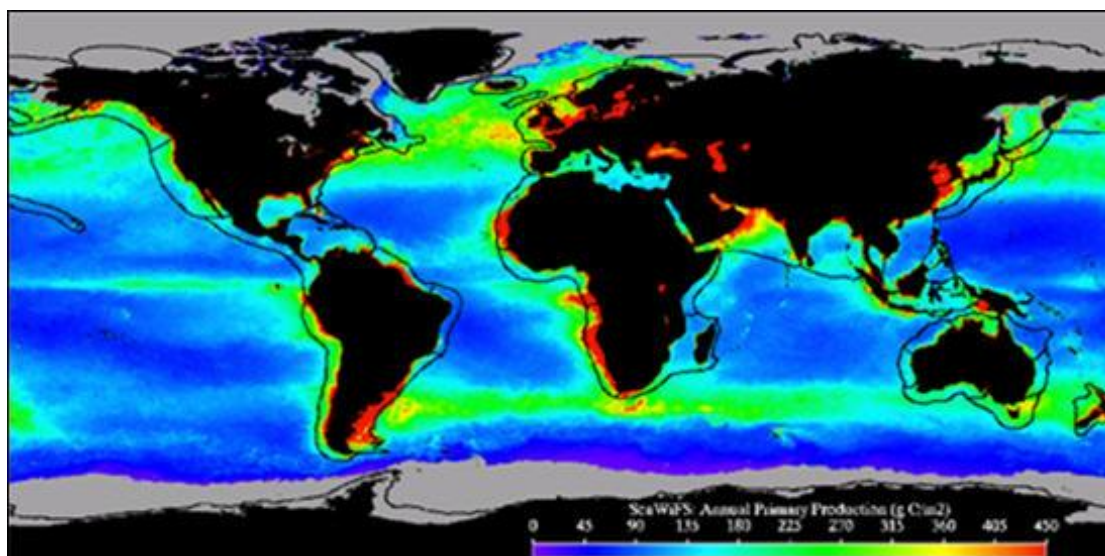
**Figure 3: The five-module approach**



#### 3.4.4. Geographical Mandates

LMEs are relatively vast areas of oceans of approximately 200,000 km<sup>2</sup> or greater, adjacent to the continents in coastal waters where primary productivity is generally higher than in open ocean areas (see Figure 4). The physical extent of an LME and its boundaries are based on four linked ecological, rather than political or economic, criteria: (i) Bathymetry, (ii) Hydrography, (iii) Productivity, and (iv) Trophic relationships. Based on these criteria, 64 distinct LMEs have been delineated around the coastal margins of the Atlantic, Arctic, Indian and Pacific oceans.

**Figure 4: Global map of average primary productivity and the boundaries of the 66 LMEs of the world<sup>127</sup>**



### **3.4.5. Participation**

LME mechanisms are usually projects rather than organisations or agencies, so in general there is no formal membership or process to become a contracting party, in contrast to the Regional Seas programmes and RFBs. LME projects bring together coastal states of the LMEs, international agencies and regional bodies. In cases where a formal organisation was established (e.g. PEMSEA), membership included all relevant coastal states.

## **3.5. Cooperation and coordination between regional oceans governance mechanisms**

### **3.5.1. Introduction**

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 cooperation and coordination between regional and global ocean governance mechanisms (discussed under subsection 3.5.8 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.

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<sup>127</sup> Available at [www.lme.noaa.gov](http://www.lme.noaa.gov).

### 3.5.2. Cooperation and coordination among Regional Seas Programmes

There are several formal and informal mechanisms aimed at ensuring cooperation and coordination between the Regional Seas programmes. First, the RSP is a long-term programme of UNEP that provides a framework for coordination and institutional support to the Regional Seas programmes. Furthermore, it provides programmatic support and assistance in the implementation of the conventions and action plans of the UNEP-administered regional seas programmes. Moreover, global meetings of the Regional Seas programmes are regularly organised, giving the opportunity for the regions to share their experiences and adopt Global Strategic Directions.<sup>128</sup> Some formal agreements have also been concluded between the 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 exchange.<sup>129</sup> Finally, and more informally, experiences between the Regional Seas programmes are sometimes exchanged through the participation of staff members from one programme in meetings of another programme. For instance, a 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.

### 3.5.3. 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.<sup>130</sup> 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. The five tuna RFMOs continue to meet, even though on a less formal basis.<sup>131</sup> 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

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<sup>128</sup> The global strategic directions for the Regional Seas programmes for 2013-2016 are listed at <[www.unep.org/regionalseas/about/strategy/default.asp](http://www.unep.org/regionalseas/about/strategy/default.asp)>.

<sup>129</sup> 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).

<sup>130</sup> Information available at <[www.fao.org/fishery/rfb/meetings/en](http://www.fao.org/fishery/rfb/meetings/en)>.

<sup>131</sup> As indicated by G. Lugten (FAO) in comments dated 26 March 2014 on an earlier version of this paper. 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](http://tuna-org.org)>), p. 9. Also, while meetings of the North Atlantic RFMO group have occurred in the past (Lugten 2010; 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).

other observer status and to send designated representatives to each other's meetings.<sup>132</sup> Finally, cooperation and coordination can also focus on specific issues, such as shared stocks<sup>133</sup> and fisheries in areas where two convention/regulatory areas overlap.<sup>134</sup>

#### **3.5.4. Cooperation and coordination between LME mechanisms**

Cooperation, exchange of information and dissemination of good practices among LMEs occurs through four pathways. First is the annual Consultative Meeting on LMEs jointly organised by the IOC, IUCN and NOAA, which provides an opportunity to address issues of common interest for LME mechanisms. 15 such meetings have already taken place. Second are the bi-annual IW Conferences organised by the GEF Secretariat which are opportunities to present the state of implementation and results of GEF projects related to IW, including LME projects. Third is the GEF IW: LEARN website,<sup>135</sup> a platform which allows for exchanging, learning and providing resources between GEF IW projects, including LMEs. Fourth are *ad hoc* regional initiatives: in the North-East Atlantic, North Sea, Arctic and Baltic Sea, an ICES initiative on LME cooperation is carried out through the Working Group on Large Marine Ecosystems Best Practices (WGLMEBP) which operates under the Scientific Committee Steering Group on Regional Seas programmes (SSGRSP); in Africa the African LME caucus encourages collaboration and synergies between African LMEs and publishes a newsletter to exchange information and experiences.

#### **3.5.5. Cooperation and coordination between Regional Seas Programmes and RFBs**

Cooperation and coordination between the Regional Seas programmes and the 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” (UNEP 2001). It is stimulated and encouraged by UNEP and FAO, for instance by means of UNEP's Global Strategic Directions for Regional Seas programmes.<sup>136</sup> It is an already longstanding concern as evidenced by its consideration at the 2000 UN Subcommittee on Ocean and Coastal Areas (SOCA) and the 2001 joint UNEP-FAO initiative. The latter led to a substantial report that provides various options to enhance cooperation and coordination between the Regional Seas programmes and the RFBs (UNEP 2001, p. 25). This Report recalls 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

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<sup>132</sup> Many examples of these are included in Annex III.

<sup>133</sup> 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).

<sup>134</sup> 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.

<sup>135</sup> [www.iwlearn.net](http://www.iwlearn.net)

<sup>136</sup> Listed under No. 3 at <[www.unep.org/regionalseas/about/strategy/default.asp](http://www.unep.org/regionalseas/about/strategy/default.asp)>.

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 the RFBs have formalized their cooperation by means of MoUs (e.g. the Nairobi Convention and SWIOFC), have standing agenda-items on cooperation, accord each other observer status and send designated representatives to each other’s meetings.<sup>137</sup> Finally, reference can also be made to the on-going cooperation and coordination between the various components of the 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 different mandates. This has among other things become evident during the course of CCAMLR’s efforts to establish a representative network of MPAs.<sup>138</sup>

### **3.5.6. 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 its Global Strategic Directions for Regional Seas programmes.<sup>139</sup>

Since its establishment, the GEF has addressed the IW component differently to the way it approaches global conventions such as the UNFCCC, the CBD, the United Nations Convention to Combat Desertification (UNCCD) or the POPs Convention. Formally, the GEF is not a financial instrument for the implementation of 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” (GEF 2010). It is worth noting that existing binding agreements, especially the Regional Seas conventions and their protocols, are not mentioned here.

When it comes to SAP implementation, the GEF IW Strategy stipulates the following under Objective 1: “GEF will support further development and implementation of regional policies and measures identified in agreed SAPs, which through collaborative

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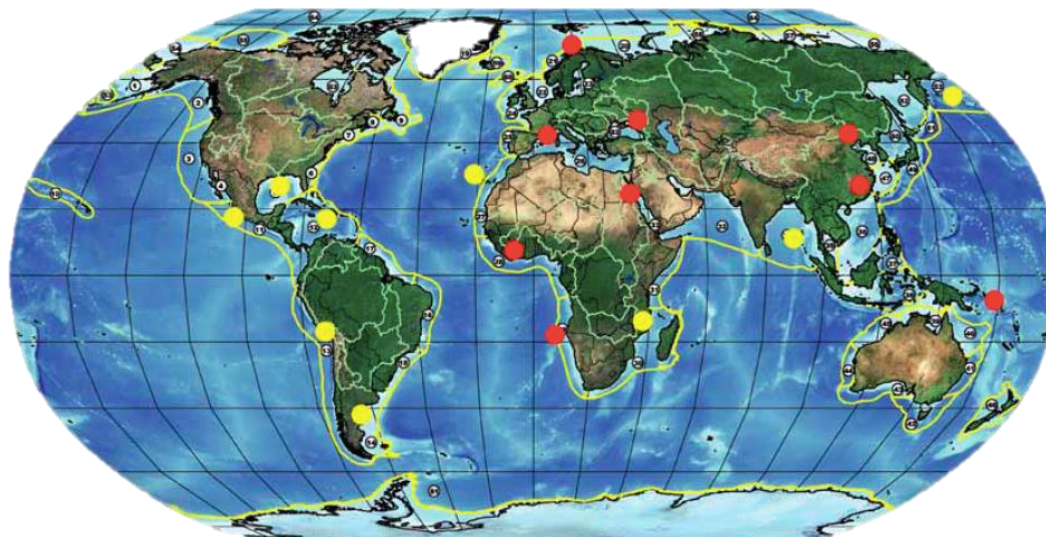
<sup>137</sup> Examples of relevant MOUs are those between NEAFC and OSPAR, and SPC and SPREP. See also the Decision by COP 10 of the Abidjan Convention on “Cooperation with Regional Fisheries Bodies (RFBs)” (Decision-/CP.10/15).

<sup>138</sup> See, *inter alia*, Scott 2013; 113-137 and the discussion on MPAs in note 117 *supra*.

<sup>139</sup> Listed under No. 3 at <[www.unep.org/regionalseas/about/strategy/default.asp](http://www.unep.org/regionalseas/about/strategy/default.asp)>.

action would promote sustainable functioning of already existing joint legal and institutional frameworks or help establish new ones”.

**Figure 5: Map of GEF LME projects in Regional Seas (source: UNEP)<sup>140</sup>**



Red: Approved GEF-LME Projects in Regional Seas; Yellow: Projects in the preparation stage.

Sherman and Hempel (2008) mention the partnership that “links the global Regional Seas Programme, coordinated by UNEP, with the Large Marine Ecosystem approach... the joint initiative assists developing countries in using LMEs as operational units for translating the Regional Seas Programme into concrete actions”.<sup>141</sup> Though at the beginning of the implementation of the IW component there was the opportunity to commence with a “clean slate”, this did not occur in practice (Figure 5). GEF-funded LME projects had to cope with the legal and political reality in countries involved which were also Contracting Parties either to an existing regional marine convention (e.g. the Barcelona or Abidjan Convention) or to an action plan with no legally binding instrument (e.g. Coordinating Body of the Seas of East Asia – COBSEA).

Cooperation therefore took different forms, 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, the GCLME project was instrumental in strengthening the Abidjan Convention through the adoption of a Protocol on Land-Based Sources and Activities (LBSA) and an Emergency Protocol to the Convention. Examples of more uncertain cooperation and coordination between Regional Seas programmes and LME mechanisms include the (permanent but autonomous) BCC, which is supposed to cooperate with relevant organisations including both Regional Seas programmes and RFBs.<sup>142</sup>

<sup>140</sup> [http://www.unep.org/regionalseas/publications/brochures/pdfs/LMEs\\_brochure.pdf](http://www.unep.org/regionalseas/publications/brochures/pdfs/LMEs_brochure.pdf)

<sup>141</sup> Note that as the LME approach is not embodied by a particular organisation, there are questions as to whom UNEP is actually in partnership with.

<sup>142</sup> Cf. Art. 18 of the Benguela Current Convention.

### 3.5.7. Cooperation and coordination between RFBs and LME mechanisms

Interactions between RFBs and LME mechanisms are necessarily more limited than between the Regional Seas programmes and the LME mechanisms for at least two reasons:

1. Legal: LMEs as delimited under NOAA guidance mainly consist of coastal states maritime zones. On the other hand, while some RFBs have geographical mandates covering coastal waters, mandates of most non-tuna RFMOs cover only or mainly high seas; and
2. Substantive: With most LME mechanisms being driven primarily by environmental concerns, RFBs and national fisheries authorities have not always been actively involved in LME discussions and decisions, despite fisheries often being the main issue at stake.

On the whole, LME mechanisms have mainly been oriented towards *sui generis* initiatives such as the BCC whose mandate covers fisheries. Nevertheless there has been some limited but tangible cooperation between LME mechanisms and RFBs, such as:

- Involving RFBs as partners in the coordinating process of LME projects: e.g. the Baltic Sea Fishery Commission (no longer operational) was involved in the Baltic Sea Regional Project and the GFCM in the GEF Mediterranean LME project;
- Supporting RFBs' projects (Tanstad 2013): for instance, the GEF South China Sea LME Project was instrumental in the decision of the Southeast Asian Fisheries Development Center (SEAFDEC) to establish regional fisheries refuges for transboundary fisheries management. In the Pacific, after the WCPFC entered into force,<sup>143</sup> the GEF funded the Pacific Islands Oceanic Fisheries Management Project (OFMP) that aimed to strengthen the capacity of small islands to implement fisheries management rules, especially WCPFC decisions. This project fits exactly with GEF's role as the financial instrument of the Rio conventions: it helps developing countries to comply with their international obligations in terms of environmental protection and the sustainable use of living resources. The same applies e.g. to the West Pacific East Asia Oceanic Fisheries Management Project (WPEAOFM).

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<sup>143</sup> The establishment of the WCPFC is presented by GEF IW-Learn website as a result of the GEF IW programme ("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"). In fact, the decision to launch the negotiation for the establishment of the WCPFC was taken in 1994, before the adoption of the IW component by the GEF.



In addition, FAO is currently co-implementing two LME projects (Bay of Bengal and Canary Current) and is, or has, been involved in different capacities in other LME projects.

### **3.5.8. Cooperation and coordination between regional and global oceans governance mechanisms**

In view of the primacy accorded by the UNCLOS and its Implementing 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 in order to safeguard the latter's primacy.

This has for instance led to the adoption of MoUs between the OSPAR Commission and the IMO and ISA. 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 in the North-East Atlantic. These efforts resulted in the “Madeira process” and the adoption of 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”.<sup>144</sup>

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.<sup>145</sup>

## **3.6. Analysis**

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

Table 7 provides a summary of key features of regional oceans mechanisms.

#### **3.6.1.1. *Geographical scope***

While there are frequent geographical overlaps between RFBs, overlaps in their species mandates are not so frequent and special arrangements are in such cases often made to ensure complementarity and avoid actual incompatibility or conflict.<sup>146</sup> The geographical scopes of Regional Seas programmes and RFBs have been determined by a mix of scientific and political considerations and opportunistically, rather than by

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<sup>144</sup> The final version - adopted by NEAFC as well as the OSPAR Commission - is included in doc. OSPAR 14/103-Edoc. JL 13/5/1. The phrase “cooperation and coordination” was included in the title in order to clarify that there is no intention to engage in “joint management”. The first meeting under the collective arrangement is scheduled for 2015.

<sup>145</sup> For more information see <[www.sargassoalliance.org](http://www.sargassoalliance.org)>.

<sup>146</sup> See note 134 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 2013; p. 256).

a systematic scheme to encompass all the oceanic regions of the world (Warner et al. 2013). By contrast LMEs were designed through a natural sciences approach, though this does not mean that these delimitations are the only possible ones from an ecological perspective.

### 3.6.1.2. *Mandates*

The substantive mandates of the Regional Seas programmes and the 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”. For instance, fighting against marine and land-based pollution can favour fish stocks replenishment.

As with geographical scopes, 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”.<sup>147</sup> 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. Though these overlaps are real and result from the Council’s broad competence, they have not led to actual incompatibility or conflict with the output of other bodies with an overlapping mandate. In many instances, this was avoided because the Council simply did not exercise 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 other things 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. Given that their substantive coverage include, in principle at least, sectors and issues covered by the regulatory mandates of regional and/or global organisations and conventions, LMEs can only overlap with existing governance mechanisms, except in areas where a geographical gap exists (a marine area where there is no RFB nor Regional Seas programme). In some cases, there is a risk of ineffectiveness since they were not designed with a clear governance component in mind.

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<sup>147</sup> “Declaration on the Establishment of the Arctic Council, Ottawa, 19 September 1996” (available at <[www.arctic-council.org](http://www.arctic-council.org)>), art. 1(a), which contains the following footnote “The Arctic Council should not deal with matters related to military security”.

**Table 7: Key features of regional oceans governance mechanisms**

|                                   | <b>Regional Seas programmes</b>  | <b>RFBs</b>  | <b>LME mechanisms</b>   |
|-----------------------------------|--|--|---|
| <b>Geographical scope</b>         | Mostly coastal areas up to the limits of EEZ (with CCAMLR, Barcelona, OSPAR and SPREP conventions 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.  | Most in EEZ and territorial sea only; some in high seas.  |
| <b>Mandate</b>                    | From pollution to protection of marine biodiversity.<br><br>No mandate for activities covered by sectoral organisations such as IMO, <sup>148</sup> ISA, FAO/RFBs. | Advisory or not.<br><br>Specific (types of) species or “residual” within certain area.<br><br>Mostly only one human activity, namely fishing (and associated activities); sometimes also aquaculture and/or research.<br><br>Aimed at target species or EAF. | Multi-sectoral ecosystem-based assessment and management of LME goods and services.   |
| <b>Participation</b>              | Only coastal states (with the exception of the ATS).   | Depending on spatial scope, either exclusively coastal states or both coastal states and extra-regional states (mostly distant water fishing states).  | Only coastal states.  |
| <b>Institutional arrangements</b> | Secretariat/RCU, COP/inter-governmental meeting.<br><br>RACs in some, depending on relationship to UNEP.   | Stand-alone bodies or FAO bodies.<br><br>International organizations (with secretariat) or COPs/MOPs (commonly without secretariat).   | Multi-agency partnership, under the leadership of an international organisation<br>Very few institutions established (Benguela Current Commission + Guinea soon). |

### 3.6.1.3. *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

<sup>148</sup> However, many Regional Seas programmes have adopted Oil spills / Emergency protocols, which are also a topic in the framework of IMO’s mandate. In some cases, RACs have been created to deal with this issue and are run or supported by IMO.

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.

#### **3.6.1.4. *Institutional arrangements***

The variety of institutional arrangements reflects the fact that they are usually designed to match specific contexts and objectives. This applies equally to the Regional Seas programmes, the RFBs and the LME mechanisms.

### **3.6.2. Successes and challenges of existing regional oceans governance mechanisms**

#### **3.6.2.1. *Advantages of the regional approach in general***

It is often noted that “not every international environmental problem needs to be dealt with on a global level” (Alheritiere 1982), and 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 the Regional Seas programmes, RFBs and more recently within LME mechanisms. 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.

#### **3.6.2.2. *Successes and challenges of the Regional Seas programmes***

Since it was launched in 1974, the UNEP RSP has been proven to be attractive. With 150 states participating across 18 regions, it is 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, the 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 8 provides an overview of what Regional Seas programmes consider their most significant accomplishments.

The review further remarks, “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 RSP.

“Many of the problems identified decades ago have not been resolved, and some are worsening (...). Although many Regional Seas 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 the Regional Seas programmes in tackling marine and coastal challenges. Table 3 provides an overview of what Regional Seas programmes consider their main shortcomings.

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 problem.<sup>149</sup> Many reasons, often cumulative, can explain this situation, including the lack of political will, political instability in some states or weak enforcement mechanisms. The First Inter-Regional Programme Consultation<sup>150</sup> 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).

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<sup>149</sup> 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 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.

<sup>150</sup> The Hague, 24-26 June 1998.

**Table 8: Major accomplishments of the 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                 |

Although it is hazardous to generalise, many Regional Seas programmes are facing important financial shortfalls. In East Asia for instance, COBSEA's "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 difference".<sup>151</sup> In the Mediterranean, a "serious financial deficit... had accumulated over the years":<sup>152</sup> 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, was discussed during the last COP to the Barcelona Convention in December 2013.

<sup>151</sup> 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.

<sup>152</sup> 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.

In the same manner, 6 of the 10 Contracting Parties to the Nairobi Convention did not contribute to the Regional Trust Fund in 2012.<sup>153</sup> 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 activities”.<sup>154</sup> This lack of adequate funding often holds up the implementation of agreements and activities.

As a result, and 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, secretariats are almost completely occupied by administrative issues and are unable to provide the necessary coordination, assistance and support to states (Ehler 2006). This hampers crucial, higher level strategic and political work as well as the provision of technical and legal assistance – one of the reasons for weak implementation of some regional agreements (Rochette and Billé 2013).

**Table 9: Major shortcomings of the 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                 |
| Lack of Information Exchange and Coordination                 | 2                 |

Regardless of the level of support provided by the regional frameworks, implementation is largely in the hands of states. However a number of states face structural difficulties, especially in the developing world. In many cases public administrations, be they national or local, do not have the capacity or the means to design and implement strong environmental policies, hampering the effectiveness of

<sup>153</sup> 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.

<sup>154</sup> 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.

regional governance. Where states and administrations are relatively stronger, lack of coordination and even conflicting policies between sectoral policies are common obstacles to implementation. Last, national capacities have not always been fully utilised by regional bodies.

### 3.6.3. Successes and challenges of RFBs

RFBs have become the primary vehicle for the conservation and management of transboundary and discrete high seas fish stocks. As regards straddling and highly migratory fish stocks, this was confirmed by article 8(1) of the UNFSA. 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 UNFSA to establish new RFMOs towards ensuring full coverage of the high seas with RFMOs.

The most recent negotiations to establish RFMOs related to the South Pacific, leading to the establishment of the SPRFMO, and the North Pacific, which is expected to result in the establishment of the NPFC in the near future. At the time of writing, the Arctic Ocean coastal states are also preparing for the signature of a declaration on central Arctic Ocean fisheries as well as the commencement of a broader process with the involvement of non-Arctic states and entities, aimed at the adoption of an instrument on central Arctic Ocean fisheries.<sup>155</sup> Gaps in full high seas coverage with RFMOs nevertheless remain, among other things in the Central and South-West Atlantic. Some regions also lack RFBs with a mandate over joint stocks, for instance in the Red Sea and the Gulf of Aden.<sup>156</sup>

Other successes of RFBs are the proactive efforts of many RFBs to address the impacts of bottom fisheries on the marine environment and to more broadly consider impacts of fisheries on ecosystems as a whole – rather than just target species – and to also formally embrace the EAF by adjusting their constitutive instruments.

RFBs face a considerable number of challenges, which are listed below.<sup>157</sup> So-called “root challenges” are listed separate from other challenges. Some of these are more generic problems that international bodies are often confronted with. 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.<sup>158</sup>

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<sup>155</sup> See the Chairman’s Statement on the “Meeting on Arctic Fisheries” held at Nuuk, Greenland, 24-26 February 2014, available at <naalakkersuisut.gl/en/Naalakkersuisut/Press-Statements/2014/02/Arktisk-hoejsoefiskeri>.

<sup>156</sup> See note 107 above.

<sup>157</sup> See; *inter alia*, UNGA Res 67/79, of 11 December 2012; “The Future We Want”, note 8 above, paras 168-173; and Lugten 2010; 7.

<sup>158</sup> RFBs that have undertaken such performance assessments have commonly made the reports available on their websites. See “The Future We Want”, note 8 above, at para. 172; and “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)).



### **3.6.3.1. Challenges**

- Over-exploitation of target species and implementing a precautionary approach to fisheries management, among other things due to overcapacity and subsidies;
- Allocating fishing opportunities and the so-called “conservation burden” (Hanich and Ota 2013);
- Illegal, unreported and unregulated (IUU) fishing, including dealing with new entrants, monitoring, control and surveillance (MCS) and ensuring compliance;
- Scientific research, data gathering and data sharing on target species and on what is necessary to pursue EAF;
- Implementing EAF, among other things in relation to bycatch 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 (ghost fishing);
- Cooperation and coordination with other RFBs;
- Limited budgets of RFB secretariats, where relevant; and
- 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).

### **3.6.3.2. Root challenges and problems**

- Fish stocks are common resources that move around freely, unhindered by maritime boundaries;
- Similar to other transboundary issues, the conservation and management of transboundary fish stocks – and discrete high seas 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

- In particular developing states do not have sufficient resources (financial and otherwise) to discharge their international obligations and commitments.

#### **3.6.4. Successes and challenges of LME mechanisms**

Mahon *et al.* (2009) note that the LME concept had a global impact on how projects are developed and funded, and that it 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 useable 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 urgently needed. For instance, more than 80 capacity building workshops were organized within the framework of the GCLME project (Susan and Honey 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 may include 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 experiences.

Although it is difficult to evaluate precisely, it seems that LME mechanisms may have played a catalysing role in some cases, especially by pushing the 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 EAF. For example SAP-Med and SAP-Bio in the Mediterranean led to internalization of these actions in the MAP and to a wider partnership of actors implementing these strategic action programmes. The CCLME project also supported action by the SRFC and CECAF.

On the other hand, LME mechanisms today face a number of crucial challenges, and the “modules” approach generates a range of problems, e.g. (Mahon *et al.* 2009):

- “[L]ack 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”; and
- “It perpetrates the perception that governance cannot take place without first carrying out a great deal of scientific research”.

As noted by Bensted-Smith and Kirkman (2010), “most GEF LME projects invest predominantly in applied research, feasibility assessments, plans and management recommendations, and in training”. Funding for more concrete, game-changing activities leading to changes in actual practices has been scarcer, which is a limit especially in least developed countries where governance is weak and domestic sources of funding meagre. As of today multiple phases of GEF funding are usually needed.

Second, while proponents of the LME approach, notably the GEF Secretariat and NOAA, state that the projects are “country driven” (Sherman and Hempel 2008), they have nonetheless been 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’s scientists, while the progressive funding of LME projects by the GEF under its IW focal area follows a somewhat mechanical approach: the formal and procedural requirements and procedures, such as official endorsement by recipient countries, do not guarantee that national demand and ownership receive the attention and weight they deserve. For instance, the terminal evaluation of the GCLME project notes that “despite strong political support for the GCLME project and creation of the GCC, the evaluation has identified country cravenness and ownership as a weakness in this project, associated with lack of empowerment of national structures, and low visibility of the project in countries without a demonstration project or RAC” (Humphrey and Gordon 2012). 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. The issue of financial sustainability of the LME approach therefore needs to be raised. 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”. Thus it is necessary to enquire what happens in practice once an LME project ends. While there is a tendency to follow up with second phases, it is not yet clear what the future of the LME approach is in regions where two consecutive GEF projects (lasting for 10 years) have already been funded. Given the nature of the GEF, successive funding phases cannot be a general answer to the financial sustainability issue. There is therefore a real risk of TDAs becoming obsolete after the completion of the GEF project. The necessary processes to update existing knowledge and analyses cannot be ensured in a systematic way if no governance mechanism is clearly established. This issue is even more serious in the case of SAPs, where the

responsibility to implement each action identified is usually not allocated to a particular agency or stakeholder.

A fourth challenge is therefore to identify who may take over once the TDA and SAP have been produced and the project terminated. Some issues addressed by TDAs and SAPs are handled by existing regional bodies whose mandates are fragmented and whose geographical scopes do not necessarily fit with LMEs delimitations (with some exceptions such as in the Mediterranean). Therefore, there may be a temptation to create new regional bodies with an integrated mandate that enables them to implement the ecosystem approach. Yet setting up new bodies through international political and legal processes is complex and may take many years, which is not necessarily compatible with the GEF project approach. The creation of the BCC shows that it is nevertheless possible, though planned funding by members will need to be scrutinized. The appropriation of the TDA by the Mediterranean Regional Seas programme is another interesting option.

The governance issue is fundamental because of the progressive shift from an essentially scientific approach primarily oriented towards the needs of NOAA, towards what is nowadays closer to an investment guide for a variety of international and national agencies (Bensted-Smith and Kirkman, 2010). The situation is therefore radically different from that of the Regional Seas programmes, where implementation of agreed action plans and work programmes is coordinated and monitored by an existing, designated secretariat or coordinating unit.

On the whole, the LME mechanisms offer a robust scientific basis for action but face critical governance and implementation challenges – the same challenges already faced by the Regional Seas programmes and the RFBs. The LME concept was developed and put forward by scientists (mainly oceanographers) who do not seem to have fully anticipated governance and policy issues. This explains the relative strength of scientific components over governance issues, and suggests that focus should be put on the latter in the coming years.

### **3.6.5. Conclusions**

It should first be highlighted that regional oceans mechanisms are generally sector-specific. This is clearly the case for RFBs, which are sectoral by design, while Regional Seas programmes, however multi-sectoral in principle, are not competent over key economic sectors (notably fisheries, mining and maritime transport) and must coordinate with other competent international organisations such as FAO, RFBs, ISA and IMO. While LME mechanisms aim to be cross-sectoral, practically they often do not entail a governance component, or their competences are limited by the existence of competing international bodies at the global or regional level. In this context the implementation of EBM is challenging and cumulative impacts are usually not taken into account. The objectives of each mechanism can therefore be undermined by other sectors/human activities. Cooperation and coordination are thus crucial if integrated governance based on sectoral mechanisms is to be achieved. The

Madeira process initiated by the OSPAR Commission provides an example of how this may work.

Second, effectiveness of some regional oceans governance mechanisms is compromised by insufficient universal support. RFBs are an exception because the UNFSA recognizes them as the primary vehicle for regional fisheries management.

Third, there are high inter-regional discrepancies, with some regions covered by much more powerful governance mechanisms than others and with considerable differences in funding. There are therefore 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 regulations. Strong efforts in just a few regions will still not prevent loss of marine biodiversity at the global level.

### **3.7. 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 many 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, LME mechanisms have entered this rather over-crowded governance arena without disturbing on-going efforts. Some of the Regional Seas programmes and the 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 fully exploited.

More generally, it is clear that the main challenge of cooperation and coordination 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 the bundle of complementary tools that they should eventually become. 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”. As Ehler (2006) puts it, “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 optimise economic interests; or the 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 the Regional Seas programmes on land-based sources of pollution, which negatively affect fisheries. The protracted negotiations around the so-called Collective Arrangement between OSPAR and NEAFC show that

in practice such organisations often promote conflicting interests (Freestone et al., 2014). Here the absence of an obligation to cooperate and a clear framework to do so (beyond MoUs) is particularly problematic.

Finally, it must be recalled that RFBs and Regional Seas programmes are often individually weak mechanisms: they are short of resources to effectively implement their mandate, and 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 mechanism for its own sake. For example, even if the mandate to lead SAPs implementation were to be given to an increasing number of the Regional Seas programmes, some would hardly have the means and capacity to do so effectively.

## **4. Case studies**

### **4.1. East Asia Region**

#### **4.1.1. East Asian regional oceans governance mechanisms**

##### **4.1.1.1. *East Asian Regional Seas programmes***

###### ***Coordinating Body of the Seas of East Asia (COBSEA)***

COBSEA is the coordinating body of the Action Plan for the Protection and Development of the Marine and Coastal Areas of the East Asian Region (the East Asian Seas Action Plan), adopted in 1981. Though it is a UNEP-administered Regional Seas programme, it was not established by an international convention. Its secretariat is based in Bangkok. Its members are Cambodia, China, Indonesia, Republic of Korea, Malaysia, Philippines, Singapore, Thailand and Vietnam.<sup>159</sup>

COBSEA adopted in 2007 a New Strategic Direction for 2008-2012. During these five years, it focused on the thematic areas of marine and land-based pollution, coastal and marine habitat conservation and management and response to coastal disasters. COBSEA addressed these areas through four inter-linked strategies: information management; national capacity building; strategic and emerging issues; and regional cooperation. The work of the COBSEA Secretariat includes:

- 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 organisations;
- Acting as a supervisory body in the implementation and assessment of projects and activities carried out under the purview of the COBSEA; and
- 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 organizations.

Besides some limited activities supported by UNEP and the Swedish International Development Cooperation Agency (SIDA), and a small secretariat established thanks to member countries contributions, COBSEA has helped raising funds for a number of regional projects, but appears to be one of the weakest Regional Seas programmes, to the point that Bensted and Kirkman (2010) qualify its very existence as “tenuous”. Its website has not been updated for many years.<sup>160</sup>

###### ***Northwest Pacific Action Plan (NOWPAP)***

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<sup>159</sup> Australia joined in 1994 and later withdrew.

<sup>160</sup> [www.cobsea.org](http://www.cobsea.org)

The Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (the Northwest Pacific Action Plan, NOWPAP) was adopted in 1994 by four states, namely the China, Japan, the Republic of Korea and the Russian Federation, as a UNEP-administered Regional Seas programme. Its overall goal is “the wise use, development and management of the coastal and marine environment so as to obtain the utmost long-term benefits for the human populations of the region, while protecting human health, ecological integrity and the region’s sustainability for future generations”. The implementation of NOWPAP is financed mainly by contributions from the Members, which are all developed or emerging countries or countries with economies in transition.

The Intergovernmental Meeting (IGM), convened annually, is the high-level governing body of NOWPAP that provides policy guidance and makes decisions. At the Sixth Intergovernmental Meeting, the NOWPAP Members agreed in principle to establish a co-hosted NOWPAP Regional Coordinating Unit (RCU) in Toyama, Japan, and in Busan, Republic of Korea, established in November 2004.<sup>161</sup>

The RCU directs and promotes NOWPAP activities, and has overall responsibility for the implementation of Member decisions regarding the operation of the Action Plan. The RCU maintains close contact with, and supports the work of, the RACs. Establishing cooperative relationships with other international organisations is also an important mission of the RCU.

NOWPAP member countries established four RACs in 2000-2002:

1. The Special Monitoring and Coastal Environment Assessment RAC (CEARAC, Toyama, Japan);
2. The Data and Information Network RAC (DINRAC, Beijing, China);
3. The Marine Environmental Emergency Preparedness and Response RAC (MERRAC, Daejeon, Republic of Korea); and
4. The Pollution Monitoring RAC (POMRAC, Vladivostok, Russian Federation).

The NOWPAP Regional Oil Spill Contingency Plan was adopted in 2003. The Memorandum of Understanding on Regional Cooperation regarding Preparedness and Response to Oil Spills in the Marine Environment of the Northwest Pacific Region was signed in 2004/2005. The NOWPAP Regional Action Plan on Marine Litter was adopted in 2007.

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<sup>161</sup> The NOWPAP Members reached an agreement regarding responsibilities for both the Toyama and Busan Offices at the Seventh Intergovernmental Meeting.



#### 4.1.1.2. *East Asian RFBs*

##### *Southeast Asian Fisheries Development Center (SEAFDEC)*

SEAFDEC is an autonomous inter-governmental body established in 1967 by the Agreement Establishing the Southeast Asian Fisheries Development Center. The Agreement was amended in 1968 and 1994.<sup>162</sup> The mandate of SEAFDEC as endorsed by the 41st Meeting of the SEAFDEC Council is “to 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”. It covers all fishery resources in the high seas, national waters and inland waters of member countries in Southeast Asia and contiguous high sea areas.<sup>163</sup>

SEAFDEC comprises 11 Member Countries: Brunei Darussalam, Cambodia, Indonesia, Japan, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

The Center operates through the Secretariat located in Bangkok, Thailand, is mandated to coordinate and oversee the general policy and planning of the Center, and act as the focal point for channelling and implementing the decisions and resolutions of the SEAFDEC Council of Directors. The Secretariat has four Technical Departments: Training; Marine Fisheries Research; Aquaculture; Marine Fishery Resources Development and Management. The Council of Directors is the decision-making body of SEAFDEC and meets annually; each member country is represented on the Council by one Director. The Secretariat also organises regular SEAFDEC meetings to obtain directives and guidance from the Member Countries on the operation of the organization, as well as regional technical consultations and meetings on issues as recommended by the Member Countries. SEAFDEC activities are guided by its Program Framework, adopted in April 2009,<sup>164</sup> and the Plan of Action on Sustainable Fisheries for Food Security for the Asian Region towards 2020, adopted in 2011.<sup>165</sup>

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<sup>162</sup> See

[www.ecolex.org/ecolex/ledge/view/RecordDetails;document\\_Agreement%20establishing%20the%20Southeast%20Asian%20Fisheries%20Development%20Center.html?DIDPFDSI?id=TRE-000587&index=treaties](http://www.ecolex.org/ecolex/ledge/view/RecordDetails;document_Agreement%20establishing%20the%20Southeast%20Asian%20Fisheries%20Development%20Center.html?DIDPFDSI?id=TRE-000587&index=treaties) .

<sup>163</sup> <http://www.fao.org/fishery/rfb/seafdec/en>

<sup>164</sup> <http://www.fao.org/fishery/rfb/seafdec/en>

<sup>165</sup> <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>

### ***Asia-Pacific Fishery Commission (APFIC)***

The Asia-Pacific Fishery Commission (APFIC) is an FAO Article XIV advisory body. Its purpose is to promote the full and sustainable use of living aquatic resources through economically viable and environmentally sustainable policies, practices and operations and finding solutions to emerging regional fisheries issues that affect the member countries. This is done through awareness raising, policy formulation and advice, promoting sustainable fisheries management tools, preparing studies on the status and trends of the fish resources, implementing projects and training and building partnerships. The mandate includes marine, fresh and brackish water species, including coastal and high seas stocks.

The FAO regional Office for Asia and the Pacific (RAP) based in Bangkok, Thailand hosts the Secretariat for the APFIC, while the FAO Senior Fisheries Officer (based at RAP) is the Secretary of the Commission. The Commission's biennial session is complimented with the Regional Consultative Forum Meeting (RCFM), attended by government officials of the member countries, project staff, regional and intergovernmental fisheries bodies, and other UN organizations. The deliberations and recommendations of the RCFM feed into the decision-making and prioritization processes of the APFIC session.

APFIC's area of competence is the Asia-Pacific area, including the Bay of Bengal. It has 21 contracting governments: 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, and Vietnam.<sup>166</sup>

#### ***4.1.1.3. East Asian LME mechanisms***

The East Asia region is home to 5 LMEs:<sup>167</sup> Yellow Sea, South China Sea, Sulu Celebes Sea, East China Sea, and Indonesia Sea.

#### ***Yellow Sea Large Marine Ecosystem (YSLME)***

The first phase of the GEF YSLME project, entitled "Reducing Environmental Stress in the yellow Sea Large Marine Ecosystem", was approved in 2002 and implemented by UNDP. It focused on transboundary issues and aimed at achieving ecosystem-based, environmentally sustainable management and use of the YSLME and its watershed by reducing development stress and promoting sustainable exploitation of the ecosystem. The areas of activity included making fishing more sustainable, curbing pollution, protecting biodiversity and building capacity for ecosystem-based

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<sup>166</sup> <http://www.apfic.org/modules/tinycontent/index.php?id=27>

<sup>167</sup> The region is however at the crossroads of 14 LMEs: LME #34: Bay of Bengal, LME #36: South China Sea, LME #37: Sulu-Celebes Sea, LME #38: Indonesian Sea, LME #39: North Australian Shelf, LME #40: Northeast Australian Shelf/Great Barrier Reef, LME #41: East-Central Australian Shelf, LME #42: Vietnam Shelf, LME #43: Southw est Australian Shelf, LME #44: West-Central Australian Shelf, LME #45: Northwest Australian Shelf, LME #47: East China Sea, LME #48: Yellow Sea, LME #49: Kuroshio Current.

management. Involving China, the Republic of Korea and Japan, it delivered a TDA and SAP. A distinctive characteristic is a coordination mechanism, known as the Yellow Sea Partnership, gathering UNDP and 12 other organisations, including non-governmental organisations (NGOs) and international bodies.

The GEF Council approved the second phase of the YSLME project in November 2012. The Project Framework Document submitted by UNDP was entitled “Reducing Pollution and Rebuilding Degraded Marine Resources in the East Asian Seas through Implementation of Intergovernmental Agreements and Catalysed Investments”. It will receive a GEF project grant of USD 20 million of which the YSLME project will receive USD 8.2 million.

### ***South China Sea and Gulf of Thailand***

The UNEP/GEF LME project entitled “Reversing Environmental Degradation Trends in the South China Sea and Gulf of Thailand” (SCSLME project) involved 7 coastal states bordering the South China Sea (Cambodia, China, Indonesia, Malaysia, Philippines, Thailand, and Vietnam). Planning commenced in 1996, the project became fully operational in February 2002, and ended in 2009. A consensus on the TDA and SAP was reached in 2002 but three more years were spent further developing the SAP by forming national committees responsible for the four components of the project: loss and degradation of coastal habitats; over-exploitation of fisheries; land-based pollution; and inadequate regional coordination.

### ***Sulu-Celebes Sea***

The UNDP/GEF “Sulu-Celebes Sea Regional Fisheries Management” project involves Indonesia, Malaysia and Philippines. It aims to improve the condition of fisheries and their habitats in the Sulu-Celebes Sea (Sulu-Sulawesi Marine Ecoregion) through an integrated, collaborative and participatory management at the local, national and tri-national levels. The goal of the project is to have economically and ecologically sustainable marine fisheries in the region for the benefit of communities who are dependent on these resources for livelihood and for the global community who benefit in the conservation of highly diverse marine ecosystems and its ecosystems services. The five expected outcomes of the project are:

1. Achievement of a regional consensus on transboundary priorities and their immediate and root causes by updating an earlier Transboundary Diagnostic Analysis (TDA) for the region and focusing on unsustainable exploitation of fisheries;
2. Agreement on regional and national legal, policy and institutional reforms for improved fisheries management through the formulation of a Strategic Action Program (SAP); this will build on the existing Conservation Plan for the Sulu-Sulawesi Marine Ecoregion;

3. Strengthening of institutions and introduction of reforms to catalyse implementation of policies on reducing overfishing and improving fisheries management. The primary target for institutional strengthening is the Sulu-Sulawesi Marine Ecoregion Tri-National Committee and its Sub-Committees, in particular the Sub-Committee on Sustainable Fisheries;
4. Increased fish stocks of small pelagic through the implementation of best fisheries management practices in demonstration sites; and
5. Capture, application and dissemination of knowledge, lessons and best practices within the region and other LMEs.

The project began in June 2010 with the Project Management Office located at the National Fisheries Research and Development Institute-Bureau of Fisheries and Aquatic Resources, Quezon City, Philippines.

### ***East China Sea***

The East China Sea LME has not yet been the subject of a GEF LME project and therefore does not have a TDA or SAP.

### ***Indonesia Sea***

The Indonesia Sea LME has also not yet been the subject of a GEF LME project.

### ***Partnerships in Environmental Management for the Seas of East Asia (PEMSEA)***

PEMSEA is a partnership arrangement involving various stakeholders of the Seas of East Asia, including national and local governments, civil society, the private sector, research and education institutions, communities, international agencies, regional programmes, financial institutions and donors. It is the regional coordinating mechanism for the implementation of the Sustainable Development Strategy for the Seas of East Asia.

Originally a GEF/UNDP/IMO project on marine pollution prevention initiated in 1993 (hence not an LME project *per se*), later supported by consecutive phases of GEF funding, PEMSEA eventually gained legal personality as an international organisation in 2009. This formally solves the sustainability issue related to the original project approach, but does not provide means for PEMSEA's financial sustainability beyond the third phase of GEF support.

The objectives of PEMSEA are to:

- Strengthen consensus among partners on approaches and strategies for addressing the identified threats to the environment and sustainable development of the Seas of East Asia;

- Build confidence among partners through collaborative projects and programmes;
- Achieve synergies and linkages in implementing the SDS-SEA among partners; and
- Reduce in-country and regional disparities in capacities for sustainable coastal and ocean development and management.

Geographic coverage includes the LMEs of the East Asian region (Yellow Sea, East China Sea, South China Sea, Sulu Sea, Celebes Sea and Indonesian Sea). They are semi-enclosed with a total sea area of 7 million km<sup>2</sup>, a coastline of 234,000 km and a total watershed area of about 8.6 million km<sup>2</sup>.

As a summary, Table 10 identifies the main features of the regional oceans governance mechanisms in the East Asian Region.

**Table 10: Main features of the regional oceans governance mechanisms in the East Asian Region**

|                                 | <b>Name</b>   | <b>Contracting Parties / Participating Countries</b>  | <b>Status</b>                             | <b>Mandate</b>  | <b>Geographical coverage</b>   |
|---------------------------------|---------------|---|---|---|--|
| <b>Regional Seas Programmes</b> | <b>COBSEA</b> | Australia, Cambodia, China, Indonesia, Republic of Korea, Malaysia, Philippines, Singapore, Thailand, Vietnam | UNEP-administered Regional Seas programme | East Asian Seas Action Plan<br>Strategic Direction for 2008-2012: marine- and land-based pollution, coastal and marine habitat conservation and management and response to coastal disasters.   | East Asia Seas Region  |
|                                 | <b>NOWPAP</b> | China, Japan, Republic of Korea, Russian Federation   | UNEP-administered Regional Seas programme | Northwest Pacific Action Plan<br>Overall goal: "the wise use, development and management of the coastal and marine environment so as to obtain the utmost long-term benefits for the human populations of the region, while protecting human health, ecological integrity and the region's sustainability for future generations".<br><br>Regional Oil Spill Contingency Plan<br><br>Memorandum of Understanding on Regional Cooperation regarding Preparedness and Response to Oil Spills in the Marine Environment of 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 |

|                                |                |  |  |  |   |
|--------------------------------|----------------|--|--|--|---|
|                                |                |  |  | Northwest Pacific Region<br>Regional Action Plan on<br>Marine Litter   |   |
| <b>Regional Fishery Bodies</b> | <b>SEAFDEC</b> | Brunei Darussalam,<br>Cambodia,<br>Indonesia, Japan,<br>Lao PDR, Malaysia,<br>Myanmar,<br>Philippines,<br>Singapore, Thailand,<br>and Vietnam  | Autonomous inter-<br>governmental body | Develop and manage the<br>fisheries potential of the region<br>by rational utilization of the<br>resources for providing food<br>security and safety to the<br>people and alleviating poverty<br>through transfer of new<br>technologies, research and<br>information dissemination<br>activities. | All fishery resources<br>in the high seas,<br>national waters and<br>inland waters of<br>member countries in<br>Southeast Asia and<br>contiguous high sea<br>areas. |
|                                | <b>APFIC</b>   | Australia,<br>Bangladesh,<br>Cambodia, China,<br>France, India,<br>Indonesia, Japan,<br>Malaysia, Myanmar,<br>Nepal, New Zealand,<br>Pakistan,<br>Philippines,<br>Republic of Korea,<br>Sri Lanka, Timor<br>Leste, Thailand,<br>United Kingdom,<br>United States,<br>Vietnam | FAO Article XIV<br>advisory body       | Promote the full and sustainable<br>utilization of living aquatic<br>resources through economically<br>viable and environmentally<br>sustainable policies, practices<br>and operations and finding<br>solutions to emerging regional<br>fisheries issues that affect the<br>member countries.      | Asia-Pacific area,<br>including the Bay of<br>Bengal  |

|  |   |  |  |  |   |
|--|---|--|--|--|---|
| <b>Large Marine Ecosystem mechanisms</b> | <b>YSLME</b>                                    | China, Republic of Korea, Japan  | UNDP / GEF project 2002-2007<br>2 <sup>nd</sup> phase about to start | Achieving ecosystem-based, environmentally sustainable management and use of the YSLME and its watershed by reducing development stress and promoting sustainable exploitation of the ecosystem.                                 | Marine and coastal areas of the China, Republic of Korea, Japan   |
|  | <b>South China Sea and Gulf of Thailand LME</b> | Cambodia, China, Indonesia, Malaysia, Philippines, Thailand, and Vietnam   | UNEP/GEF LME project 2002-2009                                       | Reversing Environmental Degradation Trends in the South China Sea and Gulf of Thailand   | Coastal and marine areas of Cambodia, China, Indonesia, Malaysia, Philippines, Thailand, and Vietnam                          |
|  | <b>Sulu-Celebes Sea LME</b>                     | Malaysia, Philippines, Indonesia   | UNDP / GEF LME project 2010- ?                                       | Improve the condition of fisheries and their habitats in the Sulu-Celebes Sea (Sulu-Sulawesi Marine Ecoregion) through an integrated, collaborative and participatory management at the local, national and tri-national levels. | Coastal and marine areas of Malaysia, Philippines, Indonesia  |
|  | <b>PEMSEA</b>                                   | Brunei Darussalam, Cambodia, PR China, DPR Korea, Indonesia, Japan, Lao PDR, Malaysia, Myanmar, Philippines, Republic of Korea, Singapore, Taiwan, Thailand, Timor-Leste and Vietnam | International organisation since 2009                                | Regional coordinating mechanism for the implementation of the Sustainable Development Strategy for the Seas of East Asia   | The LMEs of the East Asian region: the yellow Sea, East China Sea, South China Sea, Sulu Sea, Celebes Sea and Indonesian Seas |



#### **4.1.2. Cooperation and coordination between East Asian regional oceans governance mechanisms**

##### ***4.1.2.1. Cooperation and coordination between East Asian Regional Seas programmes and RFBs***

While little information is available on this issue, it is worth noting that NOWPAP members have explicitly requested that NOWPAP RCU not get involved in fisheries issues, thus there is little incentive for NOWPAP to work more closely with SEAFDEC and APFIC.

##### ***4.1.2.2. Cooperation and coordination between East Asian Regional Seas programmes and LME mechanisms***

The institutional complexity in the region translates into a cooperation and coordination deficit between the two Regional Seas programmes and the LME mechanisms. For instance PEMSEA's geographical definition of the Seas of East Asia is different from that of COBSEA. In addition, despite NOWPAP and YSLME having worked in collaboration, the envisaged creation of a Yellow Sea Commission is a challenge to NOWPAP who will have to find and negotiate its role in this new institution.

In the case of the GEF South China Sea LME project, COBSEA played a key role in securing USD 32 million grants but was hardly involved at the beginning, although cooperation seems to have increased as the project was implemented. Nevertheless, the final report of the SCSLME project mentioned that COBSEA may take responsibility for oversight of the implementation of the SAP, though no concrete plans were put in place (Bensted and Kirkman, 2010).

##### ***4.1.2.3. Cooperation and coordination between East Asian RFBs and LME mechanisms***

An example of good cooperation is the concept of "fisheries refugia" (Paterson et al. 2013) developed and promoted by the SCSLME project, in partnership with FAO and SEAFDEC, culminating in the publication of regional guidelines for their establishment as part of the ASEAN/SEAFDEC regional guidelines for implementing FAO's CCRF.

#### **4.1.3. Lessons learned and conclusion**

The East Asian region is a telling example of organisational complexity with regard to regional ocean governance. The two Regional Seas programmes and two RFBs are complemented with a high density of LMEs, some of them still being purely ecological concepts while others have been the subject of a GEF LME project producing a TDA and SAP. Furthermore, some GEF projects covered two LMEs with one not being part of the region in the PEMSEA sense (like the South China Sea and Gulf of Thailand LME project), while PEMSEA was originally a GEF coastal management project and not an LME project, and eventually became an additional international organisation. The potential Yellow Sea Commission, emerging from the YSLME project with NOWPAP and RFBs pre-existing, is an additional example of questionable addition of layers of institutions.

The East Asian region also shows that TDAs and SAPs are liable to abandonment where there is no second phase planned for a GEF LME project. The South China Sea and Gulf of

Thailand LME project based its sustainability strategy on the assumption that once information would be available and an action plan ready, implementation would follow. This did not materialize, especially not within the framework of a weak Regional Seas programme such as COBSEA.

## **4.2. West, Central and Southern Africa Region**

### **4.2.1. West, Central and Southern Africa regional oceans governance mechanisms**

#### **4.2.1.1. *The Regional Seas programme for Western, Central and Southern Africa***

The Convention for cooperation in the protection and development of the marine and coastal environment of the West and Central African Region was adopted in 1981. It was amended in 2008 to include the Republic of South Africa, and was renamed the 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 (the Abidjan Convention). A Protocol concerning cooperation in combating pollution in cases of emergency was adopted in 1981, and entered into force in 1984, and a Protocol concerning the Cooperation in the Protection and Development of the Marine and Coastal Environment from LBSA in the Western, Central and Southern Africa Region was adopted in June 2012.

The region went through a period during which implementation of the Convention and the protocol were held up by a number of factors, mostly relating to a lack of adequate funding and political commitment. The Convention has since been revitalized and several activities are currently being undertaken, including a project to elaborate a new protocol dedicated to the prevention of the pollution from offshore oil and gas activities.

The Abidjan Convention applies to the waters within the jurisdiction of regional states,<sup>168</sup> from Mauritania to South Africa. 16 countries have ratified the Convention to date: Benin, Cameroon, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Nigeria, Senegal, Sierra Leone, Republic of Congo, South Africa and Togo.

#### **4.2.1.2. *RFBs***

##### ***Fishery Committee for the Eastern Central Atlantic (CECAF)***

The Fishery Committee for the Eastern Central Atlantic (CECAF) was established in 1967, by Resolution 1/48 adopted by the FAO Council. As a body created under Article VI (2), of the FAO constitution, CECAF has only an advisory mandate. In spite of this, CECAF has, throughout its history, not only studied the fisheries and the fished stocks in its area of competence, but has also formulated and recommended specific management measures to be implemented by its members. The Secretariat is provided by the FAO Regional Office for Africa, based in Accra, Ghana. The Convention applies to the Eastern Central Atlantic between Cape Spartel and the Congo River, covering both waters under national jurisdiction and high seas.

CECAF is composed of a Committee and a scientific sub-committee (SSC) that should meet alternately every two years. The SSC is supported by several *ad-hoc* working groups,

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<sup>168</sup> Article 1.

supported through extra-budgetary funding. Although technical working groups have continued to meet in recent years, the Committee and SSC have not met since 2011 due to budgetary and institutional constraints. Despite its current institutional problems, throughout history CECAF has played an important role in regional cooperation and capacity development for fisheries management in the West African region, providing catch statistics through FAO, advice on the state of stocks and fisheries, harmonized management measures etc.

CECAF has 34 members, including 22 regional coastal states – Angola, Benin, Cameroon, Cape Verde, Congo, Congo Democratic Republic, Côte d’Ivoire, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mauritania, Morocco, Nigeria, São Tomé and Príncipe, Senegal, Sierra Leone, Spain and Togo – and 11 states from outside the region – Cuba, France, Greece, Italy, Japan, Republic of Korea, Netherlands, Norway, Poland, Romania and the United States – and the EU.

### ***The Sub Regional Fisheries Commission (SRFC)***

The Convention establishing the Sub Regional Fisheries Commission (SRFC) as an advisory body was adopted in 1985 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 members.<sup>169</sup> The Permanent Secretariat, based in Dakar, Senegal, is the executive body in charge of the implementation of the decisions taken by the Conference of Ministers.

SRFC has developed legally binding agreements to which the members have individually become signatory parties, e.g. in relation to minimum standards for access agreements, which contains also binding measures in relation to fisheries management in general.

The Convention applies to the marine waters under national jurisdiction of the 8 Contracting Parties: Cape Verde, Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal, and Sierra Leone.<sup>170</sup>

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

The Fishery Committee for the West Central Gulf of Guinea (FCWC) was established in July 2006. The Convention for the Establishment of the Fishery Committee was then adopted in 2007 and a Secretariat, based in Tema, Ghana, was established in 2008.

The Convention applies to the marine waters under national jurisdiction of the 6 Contracting Parties – Liberia, Togo, Nigeria, Ghana, Côte d’Ivoire, and Benin<sup>171</sup> – and to all living marine resources, without prejudice to the management responsibilities and authorities of other competent fisheries management organizations or arrangements in the area.<sup>172</sup>

### ***Regional Fisheries Committee for the Gulf of Guinea (COREP)***

Established by the Convention concerning the regional development of fisheries in the Gulf of Guinea adopted in June 1984, the Regional Fisheries Committee for the Gulf of Guinea

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<sup>169</sup> <http://www.fao.org/fishery/rfb/srhc/en>

<sup>170</sup> <http://www.fao.org/fishery/rfb/srhc/en>

<sup>171</sup> [http://www.fcwc-fish.org/index.php?option=com\\_content&view=category&layout=blog&id=104&Itemid=483](http://www.fcwc-fish.org/index.php?option=com_content&view=category&layout=blog&id=104&Itemid=483)

<sup>172</sup> <http://www.fao.org/fishery/rfb/fcwc/en>

(COREP) aims at collecting scientific data and harmonizing fisheries policy and legal frameworks of parties.

The Convention applies to the national waters and inland waters of the 7 Contracting Parties: Angola, Cameroon, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, São Tomé and Príncipe.<sup>173</sup>

### ***Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic (ATLAFCO)***

The Atlantic Regional Convention for Fisheries Cooperation establishing the Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic (ATLAFCO) was adopted in July 1991 in order to promote and strengthen the regional cooperation on fisheries development and the coordination and harmonisation of efforts and capacities of stakeholders for the conservation and exploitation of fisheries resources. The Secretariat is based in Rabat, Morocco.

The Convention applies both to high seas and waters under national jurisdiction. Contracting Parties are 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, São Tomé and Príncipe, Senegal, Sierra Leone and Togo.<sup>174</sup>

### ***Other RFBs***

Beyond the abovementioned RFBs, there are also organisations that have a specific mandate in areas of high seas bordering national waters of West, Central and Southern African countries – including the SEAFO, the WECAFC, and the ICCAT.

#### **4.2.1.3. LME mechanisms**

### ***Guinea Current Large Marine Ecosystem (GCLME)***

Launched following a pilot phase that ended in 1999, the GCLME project was funded by the GEF and implemented by UNEP and UNDP from 2003 to June 2012.<sup>175</sup> Aimed at combating depletion of living resources and coastal area degradation in the region covering Angola, Benin, Cameroon, Republic of Congo, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Ghana, Guinea, Guinea Bissau, Liberia, Nigeria, São Tomé and Príncipe, Sierra Leone and Togo, the project had 5 components:

1. Finalizing the SAP and developing sustainable financing mechanism for its implementation;
2. Recovery and sustainability of depleted fisheries and living marine resources including mariculture;

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<sup>173</sup> <http://www.fao.org/fishery/rfb/corep/en>

<sup>174</sup> <http://www.comhapat.org/def.asp?codelangue=23&info=1062&his=1>

<sup>175</sup> “The project was intended to be implemented over five years. It was extended four times, with the final extension to June 2012 leading to an operational phase of seven and a half years. The project was suspended between 2007 and 2008 as a result of irregularities” (Humphrey and Gordon 2012).

3. Planning for biodiversity conservation, restoration of degraded habitats and developing strategies for reducing coastal erosion;
4. Reducing land and sea-based pollution and improve water quality; and
5. Regional coordination and institutional sustainability.

The LME covered the EEZ of the participating countries.<sup>176</sup>

An Interim Commission of the Guinea Current Large Marine Ecosystem (ICGCLME) was established in 2006 and a Regional Coordinating Unit created to serve as a Secretariat. Six Regional Activity Centres (RACs), addressing marine productivity, fisheries, environmental information management, pollution, risk, and oil spill contingency and emergency response, were also created. However, the final evaluation of the LME project highlighted “the weak performance of RACs” and, more broadly, identified “country drivenness and ownership as a weakness in this project, associated with lack of empowerment of national structures, and low visibility of the project in countries without a demonstration project or RAC” (Humphrey and Gordon 2012).

In order to continue the efforts made during the project, the Ministerial Committee of the ICGCLME decided in May 2012 to establish the Guinea Current Commission (GCC) by a protocol to the Abidjan Convention. In this context, Contracting Parties to the Abidjan Convention adopted in 2012 Decision CP/10.14, urging the Secretariat of the Convention, in collaboration with UNEP, FAO, UNDP, UNIDO and any interested Parties, to begin preparations, and with the support of the eventual GCLME SAP Implementation Project, and develop a draft protocol establishing the GCC.

### ***Canary Current Large Marine Ecosystem (CCLME)***

Funded by the GEF and implemented by FAO and UNEP, the CCLME project is operational for five years (2007-2016) in seven participating countries: Cape Verde, Guinea, Guinea Bissau, Mauritania, Morocco, Senegal and The Gambia. The project has 3 components:<sup>177</sup>

1. “Multi-country process and frameworks for understanding and addressing priority transboundary concerns”, which will lead to the elaboration of a TDA;
2. “Strengthened policies and management, based on improved knowledge and demonstration actions, to address priority transboundary concerns on declining marine living resources of the CCLME”, which mainly deals with fisheries management (shared small pelagic stocks in North West Africa; shrimp trawling; migratory coastal species of importance to artisanal fisheries); and
3. “Strengthened knowledge, capacity and policy base for transboundary assessment and management of habitat, biodiversity and water quality critical to fisheries”, includes demonstration projects on MPAs and mangrove restoration actions.

<sup>176</sup> GCLME, Transboundary Diagnostic Analysis, February 2006.

<sup>177</sup> <http://www.canarycurrent.org/about/proj-components>

The CCLME extends from the Atlantic coast of Morocco to the Bijagos Archipelago of Guinea Bissau and westwards to the Canary Islands (Spain), corresponding approximately with the EEZs of the coastal states.<sup>178</sup>

A Regional Coordinating Unit based in Dakar, Senegal, is responsible for the coordination of the project and the implementation of the work plan, both at regional and national levels.

### ***Benguela Current Large Marine Ecosystem (BCLME)***

Funded by the GEF and implemented by UNDP and the United Nations Office for Project Services (UNOPS), the project “Integrated Management of Benguela Current Large Marine Ecosystem (BCLME)” was implemented from 2000 to 2007 in Angola, Namibia and South Africa. The global objectives of the project were:

- Recovering and sustaining depleted fisheries;
- Restoring degraded habitats; and
- Reducing land and ship-based pollution by establishing a regional management framework for sustainable use of living and non-living resources in the region.

Specific activities included an assessment of mining and drilling impacts, the development of mariculture, the protection of vulnerable species and habitats, the improvement of water quality,<sup>179</sup> and fisheries (in particular through assessment of mortalities caused by longline fishing gear on non-target species), which were a major focus of the project.<sup>180</sup>

This project led to the creation of the Benguela Current Commission (BCC) in 2007, with the mandate to promote the integrated management, sustainable development and protection of the regional ecosystem. The BCC institutional arrangement includes: (i) a Ministerial Conference, which is the decision-making body; (ii) a Management Board, consisting of national delegations from Angola, Namibia and South Africa which coordinates and advances the common interests of the three countries; (iii) a Secretariat, based in Swakopmund, Namibia; and (iv) an Ecosystem Advisory Committee, which provides the best available scientific, management, legal and other information.

Adopted on 18 March 2013, the Benguela Current Convention established the BCC as a permanent intergovernmental organisation, the first to be based on a LME concept. The Convention comprises the waters within sovereignty and jurisdiction of the three Contracting Parties.<sup>181</sup> The mandate of the BCC is very broad, covering all human activities, aircrafts and ships likely to have adverse impacts on the environment.<sup>182</sup>

As highlighted in Table 10 below, there are 3 LMEs, 1 Regional Seas programme and 5 RFBs in the Western, Central and Southern African Region. The respective mandates of the Regional Seas Programme and the RFBs are clearly identified and separated: RFBs deal with

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<sup>178</sup> Canary Current Large Marine Ecosystem (CCLME), Project Document. Available at: [http://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC8QFjAA&url=http%3A%2F%2Fwww.learn.net%2Fwww-projects%2F1909%2Fproject\\_doc%2Fclme-project-document%2Fat\\_download%2Ffile&ei=1JKoUsWEJ8uU7QahoYHICg&usq=AFOjCNEzvD88b\\_zzOufNfpRxA0DTamFS0A&sig2=oB0oxHby382tCSkSyogpzA&bvm=bv.57799294,d.ZGU](http://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC8QFjAA&url=http%3A%2F%2Fwww.learn.net%2Fwww-projects%2F1909%2Fproject_doc%2Fclme-project-document%2Fat_download%2Ffile&ei=1JKoUsWEJ8uU7QahoYHICg&usq=AFOjCNEzvD88b_zzOufNfpRxA0DTamFS0A&sig2=oB0oxHby382tCSkSyogpzA&bvm=bv.57799294,d.ZGU)

<sup>179</sup> <http://www.ao.undp.org/BCLME%20Project.htm>

<sup>180</sup> <http://www.benguelacc.org/index.php/en/about/the-history-of-the-bcc/the-bclme-programme>

<sup>181</sup> Article 3-1.

<sup>182</sup> Article 3-2.

fisheries and the Abidjan Convention with environmental issues. LME mechanisms have a wider scope, addressing both environmental protection and fisheries issues. In some cases, they even have ambitions similar to those of an RFB; for instance, the IGCC had the objective to “promote the harmonisation of policies and the legal framework for fisheries legislation and fisheries management plans”,<sup>183</sup> typical of an RFB mandate.

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<sup>183</sup> GCLME, Strategic Action Programme, September 2008.

**Table 11: Main features of the regional oceans governance mechanisms in the Western, Central and Southern African Region**

|   |  |   |   |   |   |
|---|--|---|---|---|---|
| <p style="text-align: center;"><b>Regional Seas programme</b></p> | <p style="text-align: center;"><b>Abidjan Convention</b></p> | <p>The Convention applies from Mauritania to South Africa. Contracting Parties are: Benin, Cameroon, Côte d’Ivoire, Gabon, Gambia (The), Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Nigeria, Senegal, Sierra Leone, Republic of Congo, South Africa and Togo.</p>   | <p style="text-align: center;">UNEP administered<br/>Regional Sea programme</p> | <p>A Protocol on combating pollution in cases of emergency</p> <p>A Protocol Concerning Pollution from Land-Based Sources and Activities</p> <p>A project to develop a Protocol on offshore oil and gas activities</p> <p>Several activities in various areas, including biodiversity preservation, adaptation to climate change, capacity building, etc.</p> | <p style="text-align: center;">Waters within national jurisdiction of Contracting Parties</p> |
| <p style="text-align: center;"><b>Regional Fishery Bodies</b></p> | <p style="text-align: center;"><b>CECAF</b></p>              | <p>22 coastal states – Angola, Benin, Cameroon, Cape Verde, Republic of the Congo, Congo Democratic Republic, Côte d’Ivoire, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mauritania, Morocco, Nigeria, São Tomé and Príncipe, Senegal, Sierra Leone, Spain and Togo –<br/>11 non-coastal states – Cuba, France, Greece, Italy, Japan, Republic of Korea,</p> | <p style="text-align: center;">An advisory body</p>                             | <p style="text-align: center;">All living marine resources</p>  | <p style="text-align: center;">High seas and waters within national jurisdiction</p>          |



|                                |                |  |   |  |  |
|--------------------------------|----------------|--|---|--|--|
|                                |                | Netherlands, Norway, Poland, Romania and the United States – and the EU  |   |  |  |
|                                | <b>SRFC</b>    | Cape Verde, Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal, Sierra Leone   | A management body.  | Marine fisheries resources.  | Waters within national jurisdiction of Contracting Parties     |
|                                | <b>FCWC</b>    | Liberia, Togo, Nigeria, Ghana, Côte d'Ivoire, Benin  | A management body   | All living marine resources  | Waters within national jurisdiction of Contracting Parties     |
|                                | <b>COREP</b>   | Angola, Cameroun, Republic of the Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, São Tomé and Príncipe   | A management body   | All living marine resources  | Waters within national jurisdiction of Contracting Parties     |
|                                | <b>ATLAFCO</b> | Angola, Benin, Cameroon, Cape Verde, Republic of the Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Morocco, Mauritania, Namibia, Nigeria, São Tomé and Príncipe, Senegal, Sierra Leone and Togo | A management body   | All living marine resources  | High seas and waters within national jurisdiction              |
| <b>Large Marine Ecosystems</b> | <b>GCLME</b>   | Angola, Benin, Cameroon, Republic of the Congo, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Ghana,  | A project funded by the GEF and implemented by UNEP and UNDP from 2003 to June 2012<br>Proposal to establish the Guinea Current | Wide range of activities, from biodiversity preservation, habitats restoration and sustainable use of fisheries. | Waters within national jurisdiction of participating countries |

|  |              |   |  |   |  |
|--|--------------|---|--|---|--|
|  |              | Guinea, Guinea Bissau, Liberia, Nigeria, São Tomé and Príncipe, Sierra Leone and Togo | Commission (GCC) by a protocol to the Abidjan Convention   |   |  |
|  | <b>CCLME</b> | Cape Verde, Guinea, Guinea Bissau, Mauritania, Morocco, Senegal, The Gambia           | A project funded by the GEF and implemented by UNEP and FAO (2007-2015)  | Diverse components, embracing various environmental issues including biodiversity conservation and fisheries management | Waters within national jurisdiction of participating countries |
|  | <b>BCLME</b> | Angola, Namibia, South Africa   | A project supported by the GEF from 2000 to 2007<br><br>A intergovernmental organisation – the BCC – established by a Convention adopted in 2013 | All human activities likely to have adverse environmental impacts   | Waters within national jurisdiction of Contracting Parties     |

## **4.2.2. Cooperation and coordination between regional oceans governance mechanisms**

### **4.2.2.1. *Cooperation and coordination between the Abidjan Convention and RFBs***

The Abidjan Convention has established formal and informal relations with RFBs and seeks to strengthen the collaboration with these organisations. During its 2012 COP, Contracting Parties to the Abidjan Convention decided:

1. “To give a priority role to the Regional Fisheries Bodies (RFBs) to work together with the Secretariat of the Abidjan Convention, in the elaboration and implementation of sustainable fisheries management policies, programmes and projects;
2. To strengthen coordination and cooperation with the RFBs whose competence areas overlap with or are adjacent to that of the Abidjan Convention to achieve common goals in relation to ecosystems supporting sustainable use of natural resources, by:
  - Participating in the meetings of RFBs and facilitating participation of RFBs in relevant meetings of the Abidjan Convention;
  - Exploring fields of cooperation (e.g. environmental policies and legislation; ecosystem approach; data collection and information sharing and exchange; capacity building; marine protected areas; illegal, unreported and unregulated fishing etc.);
  - Concluding MOUs with the different RFBs”.<sup>184</sup>

### **4.2.2.2. *Cooperation and coordination between LME mechanisms and the Abidjan Convention***

The 3 LMEs cover the whole geographical area of the Abidjan Convention. Since 2 of them – GCLME and BCLME – were initiated in a period during which the Abidjan Convention was not very active due to the constraints explained above, the African states bordering the Atlantic Ocean supported LME projects as tools for the revitalization and the successful implementation of the Regional Seas programme.<sup>185</sup> This particular situation explains that many relations have been built between the LME mechanisms and the Abidjan Convention.

In particular:

- One of the key objectives of the GCLME project was to encourage effective implementation of the Abidjan Convention and its Protocol concerning cooperation in combating pollution, in cases of emergency; the IGCC provided regional communication to coordinate efforts to control marine pollution, minimize impacts and promote cost-effective solutions.<sup>186</sup> Furthermore, the participating countries wish to establish the Guinea Current Commission by a protocol to the Abidjan Convention, which demonstrates the ambition to build strong synergies between the two bodies.
- The Abidjan Convention is an executing agency of the CCLME project; the Abidjan Convention Secretariat therefore supported the project preparation. Moreover, a key component of the CCLME project is to “develop a sustainable legal framework based on the combined foundation of SRFC and the Abidjan Convention, thus bringing together the fisheries and environmental sectors of the coastal states of the

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<sup>184</sup> Decision CP.10/15.

<sup>185</sup> GCLME, Strategic Action Programme, September 2008.

<sup>186</sup> GCLME, Strategic Action Programme, September 2008.

CCLME”.<sup>187</sup> To that purpose, the activities are implemented in close collaboration with the SRFC (component 1 and 2 of the project) and the Abidjan Convention Secretariat (component 3).<sup>188</sup>

- In the BCLME, the project supported “the funding of a number of projects within the BCLME Region” (Currie et al. 2007) and promoted the implementation “of the convention by the BCLME countries” (Cooke 2008). Furthermore, the newly created BCC has the ambition “to develop cooperative relationships and may enter into agreements with organisations that can contribute to its work”.<sup>189</sup>

#### **4.2.2.3. Cooperation and coordination between LME mechanisms and RFBs**

LME projects have developed cooperation and coordination with some RFBs present in the region. In particular:

- The final evaluation of the GCLME project highlighted that the project “has played a contributing role in developing regional fishery agreements (Output 2.4) including assisting in negotiations, endorsement and ratification for sustainable use of fisheries resources. A series of MoUs have been signed with regional fisheries organisations (2011) such as Regional Fisheries Committee for the Gulf of Guinea (COREP) and Fishery Committee for the West Central Gulf of Guinea (FCWC)” (Humphrey and Gordon 2012);
- In the CCLME, components 1 and 2 of the project are implemented “in close collaboration with the SRFC” and CECAF;<sup>190</sup> and
- The final evaluation of the BCLME project noted that the relationship between the project and “SEAFO appears to have been maintained... SEAFO is a young organisation and BCLME has been helpful in providing information and the basis for extension of the large marine ecosystem approach into the SEAFO area. SEAFO expects to collaborate actively with the BCC in the future” (Cooke 2008).

Collaboration between LME mechanisms and CECAF is more difficult. A 2011 Performance Review of CECAF indeed recommended “a more structured coordination between CECAF and the other RFBs as well as the major on-going field projects (GCLME, CCLME) in order... to avoid duplication of efforts... undesirable competition and to prevent the waste of resources”.<sup>191</sup>

#### **4.2.3. Lessons learned and conclusions**

As highlighted by the 2012 CECAF performance review, the lack of cooperation and coordination between RFBs remains a matter of concern in the Western, Central and Southern African Region: strengthening the cooperation between fisheries bodies, whatever their status, should therefore be considered as a regional priority.

The cooperation between RFBs and the Abidjan Convention seems to be on track, as demonstrated by the 2012 Decision of the Abidjan Convention Contracting Parties to work

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<sup>187</sup> FAO/GEF Project Document, Protection of the Canary Current Large Marine Ecosystem (CCLME)

<sup>188</sup> [http://www.canarycurrent.org/about/copy\\_of\\_project-structure-1](http://www.canarycurrent.org/about/copy_of_project-structure-1)

<sup>189</sup> Article 18 of the Benguela Current Convention.

<sup>190</sup> [http://www.canarycurrent.org/about/copy\\_of\\_project-structure-1](http://www.canarycurrent.org/about/copy_of_project-structure-1)

<sup>191</sup> Fishery Committee for the Eastern Central Atlantic, Twentieth Session, CECAF performance review, 2012, 33p.

together with these organisations and develop fields of cooperation: competent organisations must now make this cooperation effective through formal mechanisms and joint activities, especially by creating linkages between fisheries management and biodiversity conservation.

The ecosystem approach, as promoted by LME mechanisms, is widely recognised and taken into account by RFBs and the Abidjan Convention. The GCLME has proven useful in the process of revitalising the Abidjan Convention, especially in the field of oil spills, land-based pollution and mangroves conservation. The CCLME has also established collaborations both with the Abidjan Convention and SRFC. The decision to create the GCC within the Abidjan Convention framework through a protocol to the convention is a positive approach in terms of governance and will certainly facilitate the creation of synergies between both mechanisms. Last, modalities of cooperation between the Abidjan Convention and the BCC, created as an independent intergovernmental organisation, remain to be worked out.

### 4.3. Mediterranean Region

#### 4.3.1. Regional Oceans Governance mechanisms in the Mediterranean

##### 4.3.1.1. *The Regional Seas programme: the Mediterranean Action Plan*

###### *Establishment*

The first United Nations Conference on the Human Environment, held in Stockholm in 1972, led to the creation of UNEP, through Resolution No. 2997 of the UNGA. During its first sessions, UNEP made the oceans a priority action area and advocated the adoption of a regional approach, specifically mentioning the Mediterranean Sea.<sup>192</sup> It is in this context that the Mediterranean Action Plan (MAP) was drawn up in 1975 and the Convention for the protection of the Mediterranean Sea against pollution adopted on 16 February 1976 in Barcelona, Spain (Barcelona Convention). The Convention was ratified by 16 states<sup>193</sup> and entered into force on 12 February 1978.

From the mid-1990s, changes in the international policy framework further to the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, in 1992, and to the entry into force of UNCLOS in 1994, led the Mediterranean states to consider adjusting the cooperation system (Scovazzi, 1996). In 1995, the Action plan for the protection of the marine environment and the sustainable development of the coastal areas of the Mediterranean (MAP Phase II) was then adopted to replace the Mediterranean Action Plan of 1975.<sup>194</sup> The same year, the Convention was also amended and renamed Convention for the protection of the marine environment and the coastal region of the Mediterranean. Contracting Parties currently include the EU and all Mediterranean coastal states.<sup>195</sup>

###### *Geographical coverage and participation*

According to 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(2) states, “the application of the Convention may be extended to coastal areas as defined by each Contracting Party within its own territory” and Article 1-3 that “any Protocol to this Convention may extend the geographical coverage to which that particular Protocol applies”. These articles therefore make possible the development of regional actions from coastal zones to areas beyond national jurisdiction (ABNJ).<sup>196</sup>

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<sup>192</sup> UNEP, Governing Council Decision 8 (II), 11-22 March 1974.

<sup>193</sup> Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Morocco, Spain, Syria, Tunisia, Turkey and Yugoslavia.

<sup>194</sup> Following Decision IG.21/16 Assessment of the Mediterranean Action Plan, adopted during COP 18 held in Istanbul, Turkey, a process has been launched to assess MAP Phase II.

<sup>195</sup> Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Morocco, Montenegro, Slovenia, Spain, Syria, Tunisia and Turkey.

<sup>196</sup> The situation of the Mediterranean Sea is particular in that there is no point located at a distance of more than 200 nautical miles from the closest land or island. 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 (EEZ)” (Scovazzi, 2011). Despite an increasing phenomenon of jurisdictionalisation, this is not the case so far: there is still ABNJ in the Mediterranean Sea.

## *Legal framework*

The Convention reflects the signatory states' acknowledgement that the Mediterranean Sea is a "common heritage"<sup>197</sup> and that specific rules must be adopted to protect it. As a framework Convention, it provides general obligations and an overall direction for countries to follow: for instance, it binds Contracting Parties to "individually or jointly take all appropriate measures... to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to protect and enhance the marine environment".<sup>198</sup>

However important such general obligations are, they remain insufficient and too general to lead to decisive actions. This is why the Parties are required to negotiate and adopt "protocols, prescribing agreed measures, procedures and standards for the implementation of this Convention".<sup>199</sup> Today, seven sectoral protocols translate the principles set out in the Convention in various strategic fields (Table 12):

- Dumping;
- Prevention and emergency;
- LBSA;
- Specially protected areas and biodiversity;
- Offshore activities;
- Hazardous wastes; and
- ICZM.

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<sup>197</sup> Preamble.

<sup>198</sup> Article 4-1.

<sup>199</sup> Article 4-5.

**Table 12: The Mediterranean legal framework**

|   |  |
|---|--|
| <b>Framework Convention</b>                       | Convention for the protection of the Mediterranean Sea against pollution, adopted in 1976, entered into force in 1978, amended in 1995 and renamed Convention for the protection of the marine environment and the coastal region of the Mediterranean.  |
| <b>Dumping Protocol</b>                           | Protocol for the prevention of pollution in the Mediterranean Sea by dumping from ships and aircraft, adopted in 1976, entered into force in 1978, amended in 1995 and recorded as the 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).                                       |
| <b>Prevention and emergency</b>                   | Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency, adopted in 1976, entered into force in 1978 and replaced in 2002 by the Protocol concerning cooperation in preventing pollution from ships and, in cases of emergency, combating pollution of the Mediterranean Sea (entered into force in 2004). |
| <b>Land-based sources and activities (LBSA)</b>   | Protocol for the protection of the Mediterranean Sea against pollution from land-based sources, adopted in 1980, entered into force in 1983, amended in 1996 and recorded as the amended and recorded as the Protocol for the protection of the Mediterranean Sea against pollution from land-based sources and activities (entered into force in 2008).                                     |
| <b>Specially protected areas and biodiversity</b> | Protocol concerning Mediterranean specially protected areas, adopted in 1982, entered into force in 1986 and replaced in 1995 by the Protocol concerning specially protected areas and biological diversity in the Mediterranean (entered into force in 1999).   |
| <b>Offshore activities</b>                        | 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 in 1994 and entered into force in 2011.  |
| <b>Hazardous Wastes</b>                           | Protocol on the prevention of pollution of the Mediterranean Sea by transboundary movements of hazardous wastes and their disposal, adopted in 1996 and entered into force in 2008.  |
| <b>ICZM</b>                                       | Protocol on integrated coastal zone management in the Mediterranean, adopted in 2008 and entered into force in 2011.   |



### *Institutional structure*

The COP, held every two years, is the decision-making body of the MAP. During the COPs Contracting Parties review the implementation of the Convention and the protocols.

The daily work of the Mediterranean system is coordinated by a Secretariat, known as the MAP Coordinating Unit (MEDU). In 1982 a Host Country Agreement was signed between Greece and UNEP, providing for the Secretariat to be hosted in Athens. It performs diplomatic, political and communication roles, organises major meetings, coordinates programmes and supervises the RACs.

The Mediterranean is the most advanced region in the use of RACs, with 6 RACs instituted to date:

1. The Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), created in 1976 and based in Valletta, Malta;
2. The Priority Action Programme Regional Activity Centre (PAP/RAC), created in 1977 and based in Split, Croatia;
3. The Blue Plan Regional Activity Centre (BP/RAC), created in 1979 and based in Nice, France;
4. The Specially Protected Areas Regional Activity Centre (SPA/RAC), created in 1985 and located in Tunis, Tunisia;
5. The Sustainable Consumption and Production Regional Activity Centre (SCP/RAC), created in 1996 and based in Barcelona, Spain; and
6. The Information and Communication Regional Activity Centre (INFO/RAC) created in 2005 and based in Rome, Italy.

The creation of a RAC is formalised by an agreement or MoU between UNEP and the host national government. The procedure of developing a work programme and budget approval involves the MEDU, national focal points (NFP) and the COP. All RACs share a common objective, namely helping Contracting Parties to implement the Convention and protocols. Beyond this common mission, RACs are highly diverse in terms of legal status, financial and human resources (Table 13)

The Mediterranean Sea institutional framework also includes 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 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. Following a decision adopted at COP 18, held in December 2013 in Istanbul, Turkey, the MSSD is currently under revision.<sup>200</sup>

A Compliance Committee was created in 2008 during COP 15, held in Madrid, Spain.<sup>201</sup> It is an official subsidiary body of the Convention and its protocols. The Compliance Committee aims to provide advice and assistance to Contracting Parties on compliance with their obligations under the Convention and its protocols, and to generally facilitate, promote, monitor and secure such compliance.

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<sup>200</sup> Decision IG.21/11 Review of the Mediterranean Strategy on Sustainable Development (MSSD), proposed by the MCSD Steering Committee.

<sup>201</sup> Decision IG 17/2: Procedures and mechanisms on compliance under the Barcelona Convention and its Protocols.

Last, the MED POL Programme is responsible for the follow up work related to the implementation of the LBSA, Dumping and Hazardous Wastes protocols. In particular it assists Mediterranean countries in the formulation and implementation of pollution monitoring programmes, including pollution control measures and the drafting of action plans aiming to eliminate pollution from land-based sources.

### ***Funding***

MAP's activities are primarily financed by the Contracting Parties through their contributions to the Mediterranean Trust Fund (MTF). Other sources of funding to support specific projects and activities include voluntary contributions from the EU, UN agencies, and the GEF. A 2012 study identified the various sources of funding for the RACs functioning and activities (Rochette and Billé, 2012): these include allocation from the MTF, in-kind contributions from the hosting government (premises, operational costs, etc.) and resources from multilateral and bilateral partners.

MAP's core funding for the biennium 2014-2015 amounts to €12,891,880: €11,081,142 come from the MTF, €1,197,138 from EU voluntary contributions and €613,600 Euros from a Greek host government contribution.<sup>202</sup> Further external funding secured in December 2013 for the programme of work amounts to €5,268,379.<sup>203</sup>

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<sup>202</sup> By comparison, the budget was €12,839,880 for the biennium 2012-2013.

<sup>203</sup> UNEP MAP, Report of the 18<sup>th</sup> 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 Istanbul (Turkey), 3-6 December 2013, Annex III: MAP Programme of Work and Budget for the 2014-2015 biennium.

**Table 13: Main features of the Mediterranean Regional Activity Centres<sup>204</sup>**

| <b>Name</b>     | <b>Date of creation</b> | <b>Location</b>  | <b>Working Area</b>                           | <b>Legal status</b>   | <b>Annual budget (2012)</b> | <b>Staff (2012)</b>         |
|-----------------|-------------------------|------------------|---|---|-----------------------------|-----------------------------|
| <b>REMPEC</b>   | 1976                    | Valletta, Malta  | Marine pollution                              | International organization                                  | US\$1,300,000               | 12, seconded staff included |
| <b>PAP/RAC</b>  | 1977                    | Split, Croatia   | ICZM  | Non-profit, public institution with legal personality       | US\$1,800,000               | 9                           |
| <b>BP/RAC</b>   | 1979                    | Nice, France     | Foresight                                     | Non-profit, non-governmental association                    | US\$3,400,000               | 25, seconded staff included |
| <b>SPA/RAC</b>  | 1985                    | Tunis, Tunisia   | Coastal and marine protected areas            | Non-profit, public institution with legal personality       | US\$1,300,000               | 12, seconded staff included |
| <b>SCP/RAC</b>  | 1996                    | Barcelona, Spain | Cleaner production                            | Hosted by the Catalan Waste Agency, an entity of public law | US\$2,800,000               | 11                          |
| <b>INFO/RAC</b> | 2005                    | Rome, Italy      | Information, communication, awareness raising | Not available   | Not available               | Not available               |

<sup>204</sup> Source: Rochette and Billé, 2013.

## *Successes and challenges*

On the eve of its 40<sup>th</sup> anniversary, the MAP has established itself as one of the most dynamic Regional Seas programmes. The overall legal framework is among the most comprehensive in the Regional Seas family. It is also one of the few that makes the creation of high seas MPAs possible (Rochette et al., 2014) and establishes common rules and principles for the management of coastal zones (Rochette et al., 2012). Moreover, while many Regional Seas programmes still have the same institutional framework they had when they were created, the Mediterranean institutional structure expanded over the last decades. RACs, in particular, have proven their added-value, particularly by (i) providing states with relevant data, through publications, white papers and reports, so they can adopt science-based 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, acting as “lungs” to keep the regional legal agreements alive (Rochette and Billé, 2013).

The MAP nonetheless faces important challenges. First, diplomatic tensions between Mediterranean states regularly freeze regional cooperation. Second, the implementation of the Convention and its protocols is far from comprehensive and systematic.<sup>205</sup> Many reasons, often cumulative, can explain this situation, including the lack of political will, funding issues, political instability in some states, lack of capacity and weak enforcement mechanisms – all weaknesses in the enabling conditions for an effective implementation of legal instruments. Last, the regional system is experiencing a financial crisis, due to a “serious deficit that had accumulated over the years”.<sup>206</sup> “Austerity measures” were taken in recent years, such as the drop of 20% in the MTF contribution to RACs activities (Rochette and Billé, 2012),<sup>207</sup> as well as the adoption of a Resource mobilisation strategy.<sup>208</sup> Even though the situation is improving, the MTF currently “remains in a vulnerable position”.<sup>209</sup> During COP 18, it was decided to create a “working capital reserve” within the MTF, aimed at ensuring “continuity of operations in the event of a temporary shortfall of cash as well as to provide for potential losses on exchange”.<sup>210</sup>

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<sup>205</sup> During COP 18 for instance, the Compliance Committee expressed its concern related to the failure of many Contracting Parties to submit national reports on their implementation of the Convention and its protocols: UNEP MAP, 18th 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 Istanbul (Turkey), 3-6 December 2013, Activity report of the Compliance Committee (2012-2013 biennium), UNEP(DEPI)/MED IG.21/8.

<sup>206</sup> 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.

<sup>207</sup> 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.

<sup>208</sup> Decision IG.20/13 Governance, Annex III.

<sup>209</sup> Decision IG.21/17MAP Programme of Work and Budget for the 2014-2015 biennium.

<sup>210</sup> Decision IG.21/15 Financial Regulations and Rules and Procedures for the Contracting Parties, its subsidiary bodies and the Secretariat of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean – Annex Financial Rules and Procedures for the funds of the Barcelona Convention.

#### **4.3.1.2. Regional fishery bodies**

Two RFBs have competence in the Mediterranean Sea: GFCM and ICCAT.

### **GFCM**

#### ***Establishment***

The constitutive instrument of the GFCM was adopted in 1949 but has been amended several times.<sup>211</sup> The 38<sup>th</sup> Session of the GFMC (2014) adopted an amended GFCM Agreement that reflects the progressive development of international fisheries law (2014 GFCM Agreement).<sup>212</sup> The GFCM was established pursuant to Article XIV of the FAO Constitution and is therefore one of the FAO-RFBs. As an RFMO the GFCM is empowered to impose legally binding conservation and management measures on its Members.

#### ***Mandate***

In terms of target species, the GFCM has competence over all “living marine resources”,<sup>213</sup> but as regards tuna and tuna-like species occurring within the GFCM’s regulatory area and the fisheries that target these, it has so far deferred to ICCAT by endorsing the latter’s decisions.<sup>214</sup> In addition to fish target species, it has also exercised competence over non-fish target species such as coral.<sup>215</sup> The GFCM’s efforts aimed at the conservation of non-target fish species (e.g. sharks and rays), marine mammals, seabirds, sea turtles and deep sea benthic habitats - by regulating fishing activities - clearly show that it pursues a precautionary and a *de facto* ecosystem approach to fisheries. This is also reflected in the Preamble as well as Article 5 of the 2014 GFCM Agreement, entitled “General Principles”. Finally, the GFCM is one of the few RFMOs with competence to adopt legally binding conservation and management measures relating to the sustainable development of aquaculture.<sup>216</sup>

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<sup>211</sup> Agreement for the establishment of a General Fisheries Council for the Mediterranean (Rome, 24 September 1949. In force 20 February 1952, 126 United Nations Treaty Series 239); Agreement for the Establishment of the General Fisheries Commission for the Mediterranean, as amended last in 1997 and in force on 29 April 2004 for those states that have accepted the amendments. Consolidated version available at <[www.gfcm.org](http://www.gfcm.org)>.

<sup>212</sup> The 2014 GFCM Agreement is included in GFCM Report No. 38, at Appendix E. It was not yet in force at the time of writing.

<sup>213</sup> Art. 2(2) of the 2014 GFCM Agreement.

<sup>214</sup> See the *Compendium of GFCM Decisions* (doc. COC:VII/2013/Inf.6), section 1.4 “ICCAT Recommendations relevant to the Mediterranean”.

<sup>215</sup> *Ibid.*, e.g. Rec. CM-GFCM/36/2012/1 “On further measures for the exploitation of red coral in the GFCM Competence Area”.

<sup>216</sup> Art. 2(2) of the 2014 GFCM Agreement. See also the *Compendium of GFCM Decisions*, note 214 *supra*.

## ***Geographical coverage and participation***

The geographical competence of the GFCM extends to all marine waters of the Mediterranean Sea and the Black Sea,<sup>217</sup> thus comprising both high seas and coastal state maritime zones. This is unlike most non-tuna RFMOs, whose spatial competence is commonly limited to the high seas. There are currently 24 Members of the GFCM, including the EU.<sup>218</sup> Among these, Japan is the member from outside the region. Three Mediterranean Sea coastal states or entities are not Members: Bosnia and Herzegovina, Palestine and the United Kingdom. Three Black Sea coastal states are not Members: Georgia, the Russian Federation and Ukraine. In view of the exclusive competence of the EU in the domain of the conservation and management of marine capture fisheries, EU Member States are not generally Members of RFMOs where they are already represented by the EU. The GFCM is one of the exceptions in this regard (Molenaar 2002, 159-161). Finally, similar to many other RFMOs, the GFCM has created the status of “cooperating non-Contracting Party”.<sup>219</sup>

## **ICCAT**

### ***Establishment***

The ICCAT was established pursuant to the 1966 ICCAT Convention.<sup>220</sup> In 2013, the ICCAT Working Group on Convention Amendment began its task of ensuring that the progressive development of international fisheries law would be incorporated in the ICCAT Convention by means of amendments. Its second meeting was held in 2014. In contrast to the GFCM, ICCAT is a “stand-alone” RFB that has not been established under the framework of the FAO.

### ***Mandate***

In terms of target species, the competence of ICCAT is limited to tuna and tuna-like species. As one of the five tuna-RFMOs, the ICCAT has exercised competence over around 30 tuna and tuna-like species occurring in the ICCAT Convention area. In view of the exclusive competence of the Commission for the Conservation of Southern Bluefin Tunas (CCSBT) over southern Bluefin tuna throughout their migratory range, the ICCAT defers to this body with respect to southern Bluefin tuna and fisheries targeting these in the ICCAT Convention area. As noted above, the GFCM defers to the ICCAT as regards tuna and tuna-like species occurring within the GFCM’s regulatory area and the fisheries that target these there. Even though the Preamble to the ICCAT Convention still embraces a target-species mandate, during recent years the ICCAT has been gradually taking more and more ecosystem considerations into account; for instance on sharks, seabirds and sea turtles.<sup>221</sup> It seems

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<sup>217</sup> Art. 3(1) of the 2014 GFCM Agreement. The existing GFCM Agreement refers to “the Mediterranean and Black Sea and connecting waters” in the Preamble.

<sup>218</sup> Albania, Algeria, Bulgaria, Croatia, Cyprus, Egypt, EU, France, Greece, Israel, Italy, Japan, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Romania, Slovenia, Spain, Syria, Tunisia and Turkey.

<sup>219</sup> See REC.MCS-GFCM/30/2006/5 “Criteria for obtaining the status of cooperating non-contracting party in GFCM area” included in the Compendium of GFCM Decisions, note 214 supra. While this status does not seem to have been granted explicitly to any state so far, the three Black Sea coastal states are regarded as having this status (based on email by N. Ferri (FAO) to E.J. Molenaar on 16 September 2014).

<sup>220</sup> 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>.

<sup>221</sup> See the *Compendium. Management Recommendations and Resolutions Adopted by ICCAT for the Conservation of Atlantic Tunas and Tuna-Like Species*, (2014 version; available at <www.iccat.int>), under BYC.

therefore likely that the newly amended ICCAT Convention will contain a precautionary and (*de facto*) ecosystem approach to fisheries.

### ***Geographical coverage and participation***

The geographical competence of the ICCAT extends to “all waters of the Atlantic Ocean, including the adjacent Seas”.<sup>222</sup> Both the Caribbean Sea and the Mediterranean Sea are generally accepted to be included in the ICCAT Convention area. Also, as a reference to maritime zones is not included, both high seas and coastal state maritime zones are covered. There are currently 49 Members of the ICCAT, including the EU.<sup>223</sup> A considerable number of these are states from outside the region, both developing and developed. As noted above, EU Member States generally refrain from joining RFMOs where they are represented by the EU, but a general exception allows them nevertheless to become Members in respect of their territories that are not subject to the EU’s Common Fisheries Policy (Molenaar, 2002).<sup>224</sup> In view of the enormous geographical extent of the ICCAT Convention area, a considerable number of states with coasts in the region are not yet Members. Two of these - El Salvador and Suriname - currently have the status of Non-Contracting Party, Entity or Fishing Entity with the ICCAT. Bolivia and Chinese Taipei (Taiwan) currently have this status as well.

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<sup>222</sup> Article 1 of the ICCAT Convention.

<sup>223</sup> Albania, Algeria, Angola, Barbados, Belize, Brazil, Canada, Cape Verde, China, Curaçao (Netherlands on behalf of), Côte d’Ivoire, Egypt, Equatorial Guinea, EU, France (St. Pierre et Miquelon), Gabon, Ghana, Guatemala, Guinea, Honduras, Iceland, Japan, Republic of Korea, Liberia, Libya, Mauritania, Mexico, Morocco, Namibia, Nicaragua, Nigeria, Norway, Panama, Philippines, Russian Federation, St. Vincent & the Grenadines, São Tomé and Príncipe, Senegal, Sierra Leone, South Africa, Syria, Trinidad and Tobago, Tunisia, Turkey, United Kingdom (Overseas Territories), United States, Uruguay, Vanuatu and Venezuela.

<sup>224</sup> France and the United Kingdom have become Members on this basis. Curiously, Curaçao is also listed as a Member in its own right even though it is part of the Kingdom of the Netherlands. This suggests that the Netherlands should have become a Member in respect of Curaçao.

#### **4.3.1.3. The Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem (MedPartnership)**

##### ***Establishment***

Launched in August 2009,<sup>225</sup> the 6-year MedPartnership project is a continuation of and builds upon a previous GEF project run by UNEP/MAP from 1997 to 2005, which led to the Transboundary Diagnostic Analysis for the Mediterranean (TDA-MED) adopted in 1997 and updated in 2005,<sup>226</sup> and to the elaboration of two Strategic Action Programs (SAPs): (i) a SAP to address pollution from land-based activities (SAP-Med), adopted in 1997<sup>227</sup>; and (ii) a SAP for the conservation of Mediterranean marine and coastal biological diversity<sup>228</sup> (SAP- Bio), adopted in 2003.

MedPartnership aims to ensure a coordinated and strategic approach to catalyse the policy, legal and institutional reforms, and the investments necessary to reverse the degradation trends affecting the Mediterranean LME, including its coastal habitats and biodiversity.<sup>229</sup> Specifically, the MedPartnership has the following objectives:<sup>230</sup>

- Assist countries in the implementation of the SAPs and National Action Plans (NAPs) to reduce pollution from land-based sources, and preserve the biodiversity and ecosystems of the Mediterranean from degradation;
- Support countries in the implementation of the ICZM Protocol;
- Leverage long-term financing; and
- Ensure through the Barcelona Convention and MAP systems the sustainability of activities initiated within the project beyond its specific lifetime.

##### ***Geographical coverage and participation***

The Project is being carried out in the following GEF eligible countries and entities: Albania, Algeria, Bosnia and Herzegovina, Croatia, Egypt, Lebanon, Libya, Morocco, Montenegro, Palestine, Syria, Tunisia and Turkey.

##### ***Components and activities***

Technical and policy support is led by UNEP/MAP (the “Regional Project”), while project financing is led by the World Bank (the “Investment Fund Project”).

The Regional Project, which includes 134 activities and 78 demonstration projects in the 13 participating countries (Galbiati, 2014), is composed of four components:

1. Integrated approaches for the implementation of the SAPs and NAPs: ICZM, Integrated Water Resources Management (IWRM) and management of coastal aquifers;
2. Pollution from land based activities, including Persistent Organic Pollutants (POPs): Implementation of SAP-Med;

<sup>225</sup> The project started 15 months after approval by the GEF CEO.

<sup>226</sup> GEF, MAP, Transboundary Diagnostic Analysis for the Mediterranean Sea, 2005.

<sup>227</sup> UNEP, MAP, Strategic Action Programme to address pollution from land-based activities, MAP Technical Reports Series N° 119, Athens, 1998.

<sup>228</sup> UNEP MAP, RAC/SPA, Strategic Action Programme for the Conservation of biological diversity in the Mediterranean Region, Tunis, 2003.

<sup>229</sup> Source: <http://www.unepmap.org/index.php?module=content2&catid=001026>

<sup>230</sup> Source : <http://www.themedpartnership.org/med/pfpublish/p/doc/11cc8045a0127468effc426640f9e259>



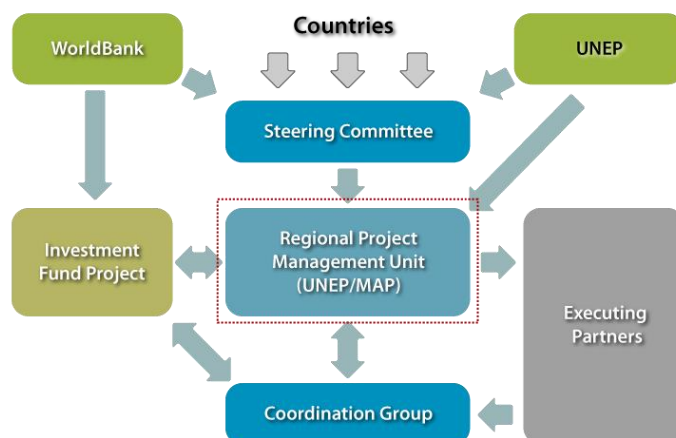
3. Conservation of biological diversity: Implementation of SAP-Bio and related NAPs; and
4. Project coordination, NGO involvement, replication and communication strategies, management.<sup>231</sup>

The Investment Fund Project, led by the World Bank and co-financed by the GEF, aims to accelerate transboundary pollution reduction, improve water resources management, and biodiversity conservation measures in priority hotspots (locations with high pollution or degradation levels) around the Mediterranean Sea. Established in 2007, it first funded three projects.<sup>232</sup> In 2009, the Investment Fund evolved into a larger-scale program, the Environmental Mediterranean Sustainable Development Programme (Sustainable MED) that aims to incorporate environmental management into the economic development agenda of Southern and Eastern Mediterranean countries. Sustainable MED helps attract additional investments to address priority hot spots in the Mediterranean, as well as facilitate future interventions in other areas, such as solid and hazardous waste management, land degradation, biodiversity and climate change.

### *Institutional frameworks*

The MedPartnership's institutional structure is composed of several organisations and structures (Figure 6).

**Figure 6: MedPartnership institutional structure**



The Project Management Unit (PMU) is located in UNEP/MAP, Athens, Greece.

<sup>231</sup> UNEP, GEF Project document, Project identification.

<sup>232</sup> See: <http://www.themedpartnership.org/med/pfpublish/p/doc/9de104b33ac991a38e7c5ee41758b231>

The Regional Project is led by UNEP/MAP and executed by 11 organisations, namely: FAO; Global Water Partnership - Mediterranean (GWP-Med); Mediterranean Information Office for Environment, Culture and Sustainable Development (MIO-ECSDE); PAP/RAC; SCP/RAC; INFO/RAC; SPA/RAC; MEDPOL; UNESCO International Hydrological Programme (UNESCO/IHP); United Nations Industrial Development Organization (UNIDO); and WWF Mediterranean Programme Office (WWF MedPO).

The Strategic Partnership Steering Committee (SPSC) acts as the main policy body overseeing the execution of the project. It meets annually and is composed of the MedPartnership NFPs from all GEF-eligible countries, representatives of the implementing agencies (UNEP and the World Bank) and the executing agency (UNEP/MAP), the GEF Secretariat, the co-executing agencies and the EU, the Project Manager, the President of the Bureau of Contracting Parties to the Barcelona Convention, major donors and one NGO representing a network of NGOs in the Mediterranean. The SPSC is co-chaired by the President of the Bureau of the Barcelona Convention and the Coordinator of UNEP/MAP.

The Strategic Partnership Coordination Group (SPCG) is responsible for the overall coordination of the MedPartnership, in particular ensuring effective exchanges and synergy between the Regional Project and the Investment Fund Project. It comprises the MAP Coordinator; representatives of the GEF Secretariat; the Project Manager of the Regional Project; representatives of FAO, UNIDO, INFO/RAC and UNEP/GEF Coordination Office; World Bank-GEF Regional Coordinators and World Bank Task Managers.

### ***Funding***

The total cost of the project amounts to US\$47,488,700, including US\$12,591,000 from the GEF and US\$35,597,700 of co-financing from various sources (MTF, EU, MAVA Foundation, FFEM, participating countries, etc.).

### ***Successes and challenges***

Beyond its cooperation and coordination with MAP activities (see 3.2), one of the main success of the MedPartnership is the wide range of issues the project aims to address, e.g. climate variability and change, ICZM, MPAs, Polychlorinated Biphenyls (PCBs) disposal, etc. According to the MedPartnership Project Manager, “major results have been achieved already, in developing ICZM strategies, and joint River Basin and groundwater management plans, in the industries that have successfully reduced their resource uses (energy and water) and pollution loads, in the inventories of PCBs now established, in a number of new MPAs created and increased capacity of existing MPAs, in terms of management plans and tools” (Galbiati, 2014).

An evaluation conducted in July 2013, however, highlighted the “weaknesses in project design and preparedness... important challenges faced by the PMU and project partners during implementation of the project... delays and interruption of activities as a result of insecurity associated with the Arab Spring... the shortfall in funding for the Strategic Partnership Investment Fund which created some disappointment among partners... the lack

of coordination at country level with little progress on the establishment of country support programmes and interministerial committees” (Table 14).<sup>233</sup>

**Table 14: Summary of ratings based on performance criteria**<sup>234</sup>

| <b>Criterion</b>   | <b>Rating</b>             |
|--|---------------------------|
| <b>A. Attainment of project objectives and results</b>           | Moderately Satisfactory   |
| 1. Effectiveness (See A3)  | Moderately Satisfactory   |
| 2. Relevance (See A2)  | Satisfactory              |
| 3. Efficiency (See A4)   | Moderately Satisfactory   |
| <b>B. Sustainability of project outcomes (See B1)</b>            | Moderately Likely         |
| 1. Socio-political   | Moderately Likely         |
| 2. Financial   | Moderately Likely         |
| 3. Institutional framework                                       | Likely                    |
| 4. Environmental   | Likely                    |
| <b>C. Catalytic role (See B2)</b>                                | Satisfactory              |
| <b>D. Stakeholder involvement (See C3)</b>                       | Moderately Satisfactory   |
| <b>E. Country ownership / drivenness (See C4)</b>                | Moderately Unsatisfactory |
| <b>F. Achievement of outputs and activities (See A1)</b>         | Moderately Satisfactory   |
| <b>G. Preparation and readiness (See C1)</b>                     | Moderately Satisfactory   |
| <b>H. Implementation approach (See C2)</b>                       | Moderately Satisfactory   |
| <b>I. Financial planning and management (See C5)</b>             | Moderately Satisfactory   |
| <b>J. Monitoring and Evaluation (See C7)</b>                     | Moderately Satisfactory   |
| 1. M&E Design  | Moderately Satisfactory   |
| 2. M&E Plan Implementation                                       | Moderately Satisfactory   |
| 3. Budgeting and funding for M&E activities                      | Moderately Satisfactory   |
| <b>K. UNEP &amp; UNIDO Supervision and backstopping (See C6)</b> | Moderately Satisfactory   |

<sup>233</sup> Mid Term Evaluation of the UNEP GEF Project: Strategic Partnership for the Mediterranean Large Marine Ecosystem – Regional Component: Implementation of Agreed Actions for the Protection of the Environmental Resources of the Mediterranean Sea and its Coastal Areas (“MedPartnership”), July 2013.

<sup>234</sup> Source: Mid Term Evaluation of the UNEP GEF Project: Strategic Partnership for the Mediterranean Large Marine Ecosystem – Regional Component: Implementation of Agreed Actions for the Protection of the Environmental Resources of the Mediterranean Sea and its Coastal Areas (“MedPartnership”), July 2013.

#### **4.3.1.4.        *The Union for the Mediterranean***

##### ***Establishment***

The Union for the Mediterranean (UfM) was launched on 13 July 2008 at the Paris Summit,<sup>235</sup> as a continuation of the Euro-Mediterranean Partnership (Euro-Med) also known as the Barcelona Process, established in 1995. The UfM is a multilateral partnership aiming at increasing the potential for regional integration and cohesion among Euro-Mediterranean countries. In this sense, it constitutes a framework for political, economic and social relations between the EU and the Southern and Eastern Mediterranean countries. It is inspired by the goals set out in the 1995 Barcelona Declaration, namely working towards the creation of an area of peace, stability, security and shared economic prosperity, as well as full respect of democratic principles, human rights and fundamental freedoms, and promotion of understanding between cultures and civilisations in the Euro-Mediterranean region.

##### ***Geographical coverage and participation***

The UfM comprises the 28 EU Member States, the European Commission and 15 other Mediterranean countries. The 43 members states are: Albania, Algeria, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Jordan, Latvia, Lebanon, Lithuania, Luxemburg, Malta, Mauritania, Monaco, Montenegro, Morocco, Palestine, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Syria, The Czech Republic, The Netherlands, The United Kingdom, Tunisia and Turkey. The League of Arab States also participates in all UfM meetings.

##### ***Activities***

The mandate and mission of the UfM Secretariat were defined in the 2008 Paris and Marseille Declarations<sup>236</sup> as well as in the statutes adopted on 3 March 2010. The mandate of the UfM Secretariat focuses on identifying, processing, promoting and coordinating regional projects that enhance and strengthen cooperation and positively impact the lives of citizens. The Paris Declaration identifies 6 priority areas, three of which deal with marine and coastal issues: (i) De-pollution of the Mediterranean; (ii) Maritime and land highways; (iii) civil protection initiatives to combat natural and man-made disasters.<sup>237</sup>

A number of projects are currently developed under the component “Water and environment” of the UfM. They specifically aim at protecting the marine environment and implementing the Horizon 2020 initiative to depollute the Mediterranean.<sup>238</sup>

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<sup>235</sup> Joint Declaration of the Paris Summit for the Mediterranean, Paris, 13 July 2008.

<sup>236</sup> Final Statement, Marseille, 3-4 November 2008.

<sup>237</sup> The other priority areas identified by the Paris Declaration are alternative energies, higher education and research, business Initiative.

<sup>238</sup> See: <http://ufmsecretariat.org/environment-water/>

### ***Institutional structure***

The members of the UfM meet on a regular basis at the level of Senior Officials from the Ministries of Foreign Affairs of the 43 countries, EU institutions and the League of Arab States. The Senior Officials Meetings (SOMs) oversee and coordinate the UfM work. They approve the budget and the work programme of the Secretariat. They also discuss the project proposals submitted by the Secretariat for approval and endorsement. Senior Officials take decisions by consensus.

The meetings of the UfM are chaired by a co-presidency, one from the EU and the other from the Mediterranean. The co-presidency applies to all levels: summits, ministerial meetings, and officials' level meetings. The EU assumed its co-presidency of the UfM after the decision of the Council of EU Ministers of Foreign Affairs on 27<sup>th</sup> February 2012. Jordan has assumed the other co-presidency role since June 2012.

A headquarters agreement for hosting the Secretariat was signed between the UfM and the Government of Spain on 4<sup>th</sup> May 2010, granting the Secretariat the privileges and immunities of an international organisation under Spanish law. Located in Barcelona, the Secretariat receives the project proposals and ensures that every project strive to contribute to the stability and peace in the whole Euro-Mediterranean region, maintains the legitimate interests of any member of the UfM, takes into account the principle of variable geometry and respect the decision of member countries involved in an ongoing project when it is subject to further development. The Secretariat is currently composed of approximately 60 staff members.

Since the Secretariat is not a financial institution and thus does not grant loans or finance projects directly, its added-value lies in the support it extends to promoters in developing financing plans to secure funds, in establishing a solid network of partners among donors, financial institutions and private sponsors and in approaching, together with promoters, potential partners. Some of UfM financial partners include: the Arab Gulf States, the European Commission, the European Investment Bank, the Government of France, the Government of Norway, the Intesa SanPaolo Spa, the Spanish Agency for International Development Cooperation, the Swedish International Development Agency, and the UniCredit Spa.<sup>239</sup>

### ***Funding***

The UfM Secretariat's operational budget amounts to around €6 million. It is financed up to 50% by the European Commission and, for the other half, by contributions from its member states.

### ***Successes and challenges***

The UfM has the great ambition of building bridges between the EU and the Southern and Eastern Mediterranean, and consolidating the cooperation between the 43 participating countries. The 2008 Paris Declaration also has the merit of integrating the degradation of the environment among the common challenges facing the Euro-Mediterranean region.

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<sup>239</sup> <http://ufmsecretariat.org/partners/>

It is however important to note that, despite the labelling of several projects, including the flagship “De-pollution of the Mediterranean Sea Initiative”, the UfM cannot be considered as an organization specifically focusing on environment, but as an institution whose wider mandate includes environmental issues.

**Table 15: Main features of the regional oceans governance mechanisms in the Mediterranean Sea**

|                                 | <b>Name</b> | <b>Contracting Parties / Participating Countries</b>  | <b>Status</b>                             | <b>Mandate</b>  | <b>Geographical coverage</b>                              |
|---------------------------------|-------------|---|---|---|---|
| <b>Regional Seas programmes</b> | <b>MAP</b>  | Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Morocco, Montenegro, Slovenia, Spain, Syria, Tunisia and Turkey, and the European Union | UNEP-administered Regional Seas programme | Protection of the marine environment and the sustainable development of the coastal areas of the Mediterranean. | From coastal zones to areas beyond national jurisdiction. |

|   |  |  |  |   |  |
|---|--|--|--|---|--|
| <p style="text-align: center;"><b>Regional Fishery Bodies</b></p> | <p style="text-align: center;"><b>GFCM</b></p> | <p>Albania, Algeria, Bulgaria, Croatia, Cyprus, Egypt, EU, France, Greece, Israel, Italy, Japan, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Romania, Slovenia, Spain, Syria, Tunisia and Turkey</p> | <p>Non-tuna RFMO established under Article XIV of the FAO Constitution</p> | <p>To ensure the conservation and sustainable use, at biological, social, economic and environmental level, of living marine resources, as well as the sustainable development of aquaculture in the Area of Application (Art. 2 of the 2014 GFCM Agreement).</p> | <p>All marine waters of the Mediterranean Sea and the Black Sea (Art. 3(1) of the 2014 GFCM Agreement); thus comprising both high seas and coastal state maritime zones.</p> |
|---|--|--|--|---|--|



|  |   |   |  |   |   |
|--|---|---|--|---|---|
|  | <p style="text-align: center;"><b>ICCAT</b></p> | <p>Albania, Algeria, Angola, Barbados, Belize, Brazil, Canada, Cape Verde, China, Curaçao (Netherlands on behalf of), Côte d'Ivoire, Egypt, Equatorial Guinea, EU, France (St. Pierre et Miquelon), Gabon, Ghana, Guatemala, Guinea, Honduras, Iceland, Japan, Republic of Korea, Liberia, Libya, Mauritania, Mexico, Morocco, Namibia, Nicaragua, Nigeria, Norway, Panama, Philippines, Russian Federation, St. Vincent &amp; the Grenadines, São Tomé and Príncipe, Senegal, Sierra Leone, South Africa, Syria, Trinidad and Tobago, Tunisia, Turkey, United Kingdom (Overseas Territories), United States, Uruguay, Vanuatu and Venezuela.</p> | <p style="text-align: center;">Stand-alone tuna<br/>RFMO</p> | <p style="text-align: center;">Conservation of the resources of tuna and tuna-like fishes (Preamble to the 1966 ICCAT Convention)</p> | <p style="text-align: center;">All waters of the Atlantic Ocean, including the adjacent seas; including Caribbean Sea and Mediterranean Sea and comprising both high seas and coastal state maritime zones.</p> |
|--|---|---|--|---|---|

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| <p style="text-align: center;"><b>LME mechanism</b></p> | <p style="text-align: center;"><b>MedPartnership</b></p> | <p style="text-align: center;">Albania, Algeria,<br/>Bosnia and<br/>Herzegovina,<br/>Croatia, Egypt,<br/>Lebanon, Libya,<br/>Morocco,<br/>Montenegro,<br/>Palestine, Syria,<br/>Tunisia and Turkey</p> | <p style="text-align: center;">GEF Project 2009 –<br/>2015</p> | <p style="text-align: center;">Reverse the degradation trends<br/>affecting the Mediterranean<br/>Large Marine Ecosystem,<br/>including its coastal habitats<br/>and biodiversity.</p> | <p style="text-align: center;">Marine and coastal<br/>environment of the 16<br/>participating<br/>countries.</p> |
|---|--|--|--|--|--|

|  |   |  |   |   |  |
|--|---|--|---|---|--|
| <p style="text-align: center;"><b>Other regional mechanism</b></p> | <p style="text-align: center;"><b>UfM</b></p> | <p>Albania, Algeria, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Jordan, Latvia, Lebanon, Lithuania, Luxemburg, Malta, Mauritania, Monaco, Montenegro, Morocco, Palestine, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Syria, The Czech Republic, The Netherlands, The United Kingdom, Tunisia and Turkey</p> | <p style="text-align: center;">A multilateral partnership</p> | <p style="text-align: center;">Identifying, processing, promoting and coordinating regional projects, which are in line with the principles and rules of international law, and that enhances and strengthens cooperation and positively impacts the lives of citizens.</p> | <p style="text-align: center;">The Euro-Mediterranean region, including the Mediterranean Sea.</p> |
|--|---|--|---|---|--|

### **4.3.2. Cooperation and coordination between the Regional Oceans Governance mechanisms in the Mediterranean**

#### **4.3.2.1. *Cooperation and coordination between the Mediterranean Action Plan and relevant RFBs***

##### ***Cooperation and coordination between MAP and GFCM***

The longstanding and successful cooperation and coordination that has existed between UNEP-MAP and the GFCM was formalized in 2012 by means of a MoU. This MoU complements an earlier MoU between the GFCM and UNEP/RAC-SPA. Key meetings of these bodies are also attended by representatives of the other bodies. A recent and specific example of successful cooperation and coordination is the multi-year process on area-based management, which culminated in 2013 in the adoption of a GFCM Resolution on area-based fisheries management.<sup>240</sup>

##### ***Cooperation and coordination between MAP and ICCAT***

In contrast with the extensive cooperation and coordination between the MAP and the GFCM, the authors could not find documentation that indicates ongoing cooperation and coordination between the MAP and the ICCAT.

#### **4.3.2.2. *Cooperation and coordination between the Mediterranean Action Plan and the Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem (MedPartnership)***

The 2014 UNEP White Paper on regional oceans governance gives examples of disconnection between activities conducted within the Regional Seas programmes and the LME mechanisms.

In the Mediterranean, however, LME mechanisms have been instrumental in strengthening regional oceans governance and supporting MAP activities. For instance, previous LME projects led to the elaboration of SAPs that were adopted by Contracting Parties to the Barcelona Convention. Today, the MAP Regional Coordinating Unit is the executive agency of the MedPartnership project, whose activities are therefore highly connected with those of the MAP. In particular, the MedPartnership supports the implementation of the LBSA, ICZM, Specially Protected Areas and biodiversity protocols.

Cooperation and coordination between the Regional Seas programme and the LME project in the Mediterranean can therefore serve as a model for these two types of regional oceans governance mechanisms.

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<sup>240</sup> Resolution GFCM/37/2013/1 “on area based management of fisheries, including through the establishment of Fisheries Restricted Areas (FRAs) in the GFCM convention area and coordination with the UNEP-MAP initiatives on the establishment of SPAMIs”.

**4.3.2.3. *Cooperation and coordination between relevant RFBs and the Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem (MedPartnership)***

The authors could not find documentation that indicates ongoing cooperation and coordination between the relevant RFBs and the MedPartnership and also did not receive a response to a request for information on this issue from the MedPartnership Project Manager.

**4.3.2.4. *Cooperation and coordination between the Union for the Mediterranean and the other regional organisations***

Through its component “Water and environment” and its “De-pollution of the Mediterranean Sea initiative”, the UfM has strong and natural links with activities conducted by the MAP. Acknowledging this link, these two organisations signed in 2013 a MoU aiming to provide a framework of cooperation on pollution prevention and control of Mediterranean coastal and marine waters, as well as on sustainable development.<sup>241</sup> The May 2014 UfM Ministerial Meeting on Environment and Climate Change, held in Athens, Greece, recalls the importance of strengthening cooperation and synergies with the MAP. The UfM and the MedPartnership also have connected activities and relations. In particular, the UfM Secretariat is member of the MedPartnership Steering Committee.

The UfM and GFCM do not currently have a specific agreement, however the UfM Secretariat is currently considering opportunities to cooperate.<sup>242</sup>

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<sup>241</sup> Decision IG.21/14 Cooperation Agreements.

<sup>242</sup> Personal communication from the UfM Secretariat.

### 4.3.3. Conclusion

The Mediterranean Sea is a semi-enclosed sea that is connected to the Atlantic Ocean in the west by means of the Strait of Gibraltar, to the Indian Ocean and its adjacent seas in the south-east by means of the Suez Canal, and to the Black Sea and its adjacent waters in the north-east by means of the so-called “Turkish Straits”. These connections make the Mediterranean Sea a crucial crossroads for international navigation; thus involving not only vessels flying the flag of Mediterranean states but of a large number of non-regional states as well. The need to take due regard of the rights and interest of non-regional states (e.g. the right to fish on the high seas) also ensues from the fact that the Mediterranean Sea still has high seas pockets, even though coastal states could remove these through establishing 200 nm maritime zones.

As the Mediterranean Sea is categorized as a semi-enclosed sea, Article 123 of the UNCLOS imposes on Mediterranean coastal states that are parties to the UNCLOS a commitment (“should”) and several qualified obligations (“shall endeavour”) to cooperate. Even without these, however, regional cooperation is common sense. Pollution originating from rivers ending up in the Mediterranean Sea or from incidents at sea will often have transboundary impacts. Moreover, many - if not most - of the fish stocks occurring in the Mediterranean Sea are transboundary. In view of these and other characteristics, semi-enclosed seas like the Mediterranean Sea have been identified as separate LMEs early on and are obvious candidates for ecosystem-based management.

The Mediterranean Sea has a longstanding, comprehensive and sophisticated framework for regional marine cooperation. The MAP (and its associated Barcelona Convention and protocols) is among the oldest and most advanced of the UNEP Regional Seas programmes and acted as a pioneer in many issues. The two relevant RFBs - the GFCM and the ICCAT - both apply to the entire Mediterranean Sea and together they cover all fish species (non-tuna and tuna). The mandates of the MAP and the relevant RFBs have gradually become wider. The former has moved from the protection and preservation of the marine environment against pollution towards ecosystem-based management across most sectors and the latter from target fisheries management towards an ecosystem approaches to fisheries management. Moreover, the activities conducted within the MedPartnership project aim to support and complement those developed within the MAP, and the UfM also seeks to synergise with Mediterranean and European initiatives. As a result, the cooperation and coordination between these regional oceans governance mechanisms is both deeply ingrained and extensive.

Despite all these advances and other accomplishments, major weaknesses remain in ensuring implementation and compliance. A range of problems contribute to this situation, including the current economic crisis in many states, the lack of a level playing-field caused by fact that the northern Mediterranean coastal states are more developed than the southern Mediterranean coastal states and last, but certainly not least, the various Mediterranean coastal states that have become increasingly unstable in recent years due to armed conflict. Resolving these critical problems is likely to bring more and larger sector- and issue-specific gains - even though perhaps relatively localized - than advances in ecosystem-based management. This is nevertheless no excuse to continue efforts to achieve these latter advances.

## 5. Options for regional oceans governance mechanisms

### 5.1. Preliminary remarks

The aim of this concluding Chapter is to provide recommendations and options towards applying EBM to regional oceans governance. This means making the existing system more coherent, effective and efficient, including by a better use of scarce available resources (human, financial, logistical, etc.). This may be done through:

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

In doing so, the following considerations should be taken into account:

- Inter-sectoral conflicts at the local, national and regional levels remain, despite calls to coherence and synergy;
- Regional oceans governance consists of highly heterogeneous arrangements, making globally integration difficult. Indeed, this heterogeneity even challenges the potential utility of general recommendations;
- This variety is inherent to the governance system and the way it was built over time, adapted to the specificities of contexts and the multiplicity of concerns and objectives addressed;
- This also reflects the fragmentation of competences at the national level. It is therefore not only incumbent upon regional oceans governance mechanisms to act to improve coherence, but also upon national governments;
- Neither inter-sectoral conflicts nor institutional complexity are transitory problems to eliminate on the road to integrated governance. They are key patterns of the context in which recommendations are to be made and action is to be taken;
- Additional fragmentation, duplication and overlaps should be avoided as much as possible;
- Raising awareness and building stronger and wider constituencies are essential; 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 providing some recommendations for positive action.

### 5.2. To be avoided in the future

- **Bypassing existing regional oceans governance mechanisms in cases where they are deemed weak or at least unable to deliver change.**  
While it can be considered a pragmatic approach in terms of output delivery, 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 (see e.g. Olivier de Sardan 1995). Not only does it fail to strengthen governance mechanisms, it

actually weakens those that are not supported, making them more difficult partners to work with;

- **Developing action plans without seriously considering future implementation issues, means, resources and actors.**

This is true of all governance mechanisms including Regional Seas programmes and LME mechanisms, which have sometimes adopted action plans without sufficient consideration for implementation requirements and governance coherence; and

- **Passively or actively maintaining 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 to avoid duplication and competition for scarce resources, existing mechanisms need to be strengthened in their capacity to execute their mandate and deliver change.

### **5.3. The way forward**

#### **5.3.1. Revise the mandates of key players**

There is a need to progressively revise the mandates of various regional oceans governance 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:

- Promoting residual mandates in case no other competent international body exists, allowing new and emerging issues to be addressed. The OSPAR Commission provides an example;
- Broadening mandates of RFBs to facilitate EAF;
- 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); and
- Filling gaps, e.g. in the coverage of ABNJ.

#### **5.3.2. Strengthen the functioning of individual mechanisms**

- The shortcomings of regional oceans governance mechanisms are no reason to further weaken them, but to strengthen them; and
- 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 an underfunded and understaffed Regional Seas programme to ABNJ is pointless.

#### **5.3.3. Promote informal cooperation and coordination arrangements**

As noted above, the complexity of regional oceans governance is grounded in history and regional contexts, and reflects the diversity of views, concerns and stakeholders in a pluralistic manner. It may thus only be simplified at its margins: the dream of having a simple



governance system with single regional bodies managing the marine environment, its resources and its biodiversity within boundaries that fit those of ecosystems may be seductive, but is unlikely to come to fruition in the foreseeable future. Therefore, the recommendations of this report to improve coherence and efficiency of the system are to:

- Develop informal mechanisms rather than strive for formal reorganisations:
  - For instance merging the Regional Seas programmes and the RFBs into so-called the Regional Oceans Management Organisations (ROMOs) cannot be a generally applicable pathway. While it may be the way forward in a few very specific cases, there are a number of issues: (i) geographical scopes and participation are too heterogeneous; (ii) national administrations in charge are often separate with different constituencies and diverging logics (usually environmental protection and fisheries development); (iv) inter-sectoral conflicts which are currently visible between fisheries management and environmental protection mechanisms would become less visible but would not necessarily be solved;
- The case of the BCC established in 2007, is interesting but should not be taken as a model: it matches a specific context (e.g. a region already having large Regional Seas programme). Its generalisation when regional mechanisms already exist would contribute to the proliferation syndrome. In any case it should be kept in mind that besides the three types of regional oceans governance mechanisms that are examined in this report, there are plenty other mechanisms, some including non-state actors, ranging from regional programmes such as the *Programme Régional Côtier et Marin* (PRCM) in West Africa, regional initiatives such as the Coral Triangle Initiative, regional environmental projects funded by a variety of donors besides the GEF, regional fisheries projects such as SWIOFP in the Indian Ocean, sub-regional agreements such as the Pelagos Sanctuary in the Mediterranean, etc. Trying to fully integrate the governance system formally rather than functionally is therefore a pipe dream.

Box 1 below provides UNEP's 2001 recommendations for improved coordination between RFBs and Regional Seas Conventions which remain valid today.

#### **5.3.4. Where next for LME mechanisms?**

The future of LME mechanisms requires specific attention. Many LMEs are GEF projects, which raises concerns as to their sustainability, even when second or third phases are planned or underway. At the same time, an increasing number of originally GEF-supported LME projects give birth to formal and perennial organisations such as the would-be GCC, the BCC or the PEMSEA. While this answers the sustainability issue, it raises other concerns about the niche they may occupy in the future.

As Christie et al. (2009) put it: “starting the boundary designation from a natural science perspective is questionable from a program feasibility perspective unless governance institutions are to be redesigned along ecological principles – an unlikely outcome”. Given that there is no significant sectoral gap in mandates of existing, more formal mechanisms, any governance responsibility that may be given to, or claimed by LME mechanisms, risks leading to more overlaps and inefficiencies. Bensted-Smith and Kirkman (2010) say that “notwithstanding the early success of BCC and the fact that geographic boundaries are not

identical, one could ask whether the GEF LME projects should invest in strengthening existing the Regional Seas secretariats and building links between relevant institutions, rather than creating new inter-governmental commissions”.

Whereas the added value of LME mechanisms with regard to TDAs and SAPs is widely acknowledged, the governance dimension of LME mechanisms needs further consideration. The GEF, and perhaps NOAA given its key role, should develop and adopt an explicit and comprehensive strategy with regard to LME governance, in cooperation with important partners such as UNEP, UNDP, FAO and others. While outlining this strategy goes beyond the objectives of this report, some guiding principles are worth considering:

1. Governance, and its knowledge needs, should be first and drive scientific assessments in an iterative process, rather than being perceived as a logical end-product of the assessment process. As Mahon et al. (2009) state: “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”;
2. LME mechanisms may form a platform for scientific assessments, capacity building and on-the-ground interventions, but these should be operated under existing regional oceans governance frameworks wherever possible (e.g. the Mediterranean);
3. When a new international organisation is deemed necessary to implement the LME approach in a sub-geographic area of a Regional Seas programme, it may be established under this framework as it will be the case for the GCC under the Abidjan Convention;
4. Although considered a flagship governance outcome of the LME approach, replication of the BCC scenario should be based on a detailed and context-specific governance gap analysis rather than being considered a generally applicable pathway. In any case such commissions need to build working-relationships with other regional oceans governance mechanisms;
5. LME mechanisms should be used primarily as catalysers of much needed changes in existing regional oceans governance mechanisms, as has been the case in the Western, Central and Southern Africa region;
6. To allow a clearer governance strategy to be developed, terms and concepts should be clarified promptly. A certain level of confusion has been noticed on organisational matters in the LME literature, which is grounded in the governance weaknesses of the LME approach. For instance, Sherman and Hempel (2008) mention the “partnership between UNEP and the LME approach”, without making it clear how an international organisation can partner with an approach. Another example is that cooperation and coordination between the Regional Seas programmes, the RFBs and the LME mechanisms is reviewed here, but in parallel the IOC of UNESCO is investigating the complementarity of LMEs, Integrated Coastal Management and MPAs within the framework of a GEF project. It is not clear how LMEs, which are ecosystems by definition and often GEF projects in practice, can perform numerous roles at the same time, i.e.: organisations comparable with the Regional Seas programmes and the RFBs; an approach (Sherman and Hempel 2008); and management instruments, comparable to MPAs. This adds some confusion to an already complex governance

system, a result of the nature of LMEs, what they are made for and how they relate to formal bodies and mechanisms, and a lack of clarity over the function they serve.

*Box 1: UNEP's 2001 recommendations for improved coordination between RFBs and Regional Seas Conventions (UNEP 2001, p. 25)*

“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 Regional Seas programmes 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 and GPA/LBA.
- Design and implement joint programmes between the RFBs and the RSCs taking fully into account the respective mandates, objectives and scope of the RSCs and the 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.<sup>243</sup>

### **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 (UNEP 2006; 15).

### **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 (FAO 2003; 14).

### **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 (IEG-World Bank 2007; 71).

### **Large marine ecosystem (LME)**

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<sup>243</sup> 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>

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 (Olsen et al. 2006; 3).

**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”.

## Annex I: Regional Seas Programmes

### *Antarctic*

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| <b>Parties</b>   | Australia, Argentina, Belgium, Brazil, Bulgaria, Canada, Chile, China, Cook Islands, European Union, Finland, France, Germany, Greece, India, Italy, Japan, Republic of Korea, Mauritius, Namibia, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Poland, Russia, South Africa, Spain, Sweden, Ukraine, United Kingdom, United States, Uruguay, Vanuatu.  |
| <b>Mandate</b>   | Conservation, including fisheries management, of Antarctic Marine Living Resources in the Southern Ocean.  |
| <b>Geographical coverage</b>                           | 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.  |
| <b>Governing instruments</b>                           | <b>Framework Convention: namely the Convention on the Conservation of Antarctic Marine Living Resources</b> , 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”.<br><b>Conservation measures</b> , 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.<br><b>Resolutions</b> , which are non-binding agreements.   |
| <b>Institutional framework</b>                         | <b>The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)</b> , which 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.<br><b>A Secretariat</b> , located in Hobart, Tasmania, Australia.<br><b>A Scientific Committee (SC-CAMLR)</b> , 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.<br><b>2 subsidiary bodies</b> , established by the Commission: (i) a Standing Committee on Implementation and Compliance; (ii) a Standing Committee on Administration and Finance. |
| <b>Decision-making body</b>                            | The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), which meets annually, is the 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.   |
| <b>Financial arrangements</b>                          | Not documented   |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented   |

*Arctic*

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| <b>Parties</b>   | 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 (GGI), Inuit Circumpolar Council (ICC), Russian Association of Indigenous Peoples of the North (RAIPON) and Saami Council (SC).   |
| <b>Mandate</b>   | Sustainable Development and Environmental Protection in the Arctic.   |
| <b>Geographical coverage</b>                           | Not documented  |
| <b>Governing instruments</b>                           | <b>Strategy:</b> The Arctic Environmental Protection Strategy (AEPS), adopted in 1991.<br><b>Founding declaration:</b> 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.<br><b>2 binding agreements:</b> (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.   |
| <b>Institutional framework</b>                         | <b>A Ministerial meeting of the Arctic Council</b> , a high-level intergovernmental forum held every two years which provides a means for promoting cooperation, coordination and interaction among the Arctic states.<br><b>A Senior Arctic Officials (SAO) meeting</b> 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.<br><b>A Secretariat</b> , based in Tromsø, Norway.<br><b>6 working groups:</b> (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). |
| <b>Decision-making body</b>                            | 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.   |
| <b>Financial arrangements</b>                          | Not documented  |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented  |

*Baltic Sea*

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| <b>Parties</b>   | Denmark, Estonia, European Community, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden.  |
| <b>Mandate</b>   | Protection of the Marine Environment of the Baltic Sea Area  |
| <b>Geographical coverage</b>                           | 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”.  |
| <b>Governing instruments</b>                           | <b>Action Plan:</b> the Baltic Sea Action Plan, adopted in 2007.<br><b>Framework Convention:</b> 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).<br><b>Around 200 Recommendations</b> , which are legally binding agreements.  |
| <b>Institutional framework</b>                         | <b>A governing body, namely the Helsinki Commission (or the HELCOM Commission)</b> which meets annually and adopts recommendations for the protection of the marine environment.<br><b>A Secretariat</b> – the HELCOM Secretariat – located in Helsinki, Finland.<br><b>6 Working groups</b> , 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).<br><b>3 Platforms</b> 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). |
| <b>Decision-making body</b>                            | The HELCOM Commission is the decision-making body of the regional system. According to Article 20 of the 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.   |
| <b>Financial arrangements</b>                          | Not documented   |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented   |

*Black Sea*

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|--------------------------------|---|
| <b>Parties</b>                 | Bulgaria, Georgia, Romania, Russian Federation, Turkey, Ukraine   |
| <b>Mandate</b>                 | Environmental protection and rehabilitation of the Black Sea.   |
| <b>Geographical coverage</b>   | 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”.   |
| <b>Governing instruments</b>   | <p><b>Action Plan:</b> 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><b>Framework Convention:</b> 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><b>Dumping Protocol:</b> 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><b>Emergency Protocol:</b> 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><b>Land-bases sources and activities Protocol:</b> 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><b>Biodiversity and landscape conversation Protocol:</b> 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> |
| <b>Institutional framework</b> | <p><b>A Commission, namely the Commission on the protection of the Black Sea against pollution</b>, 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><b>A permanent secretariat</b>, located in Istanbul, Turkey, which supports the work of the Commission.</p> <p><b>7 Advisory groups</b>, 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><b>2 Ad hoc technical working groups:</b> (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</p>  |

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|  | Group in implementation of the Memorandum of Understanding with the Danube Commission (also referred to as Danube/Black Sea Joint Technical Working Group).<br><b>6 Activity Centres:</b> (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). |
| <b>Decision-making body</b>                            | 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>  |
| <b>Financial arrangements</b>                          | <b>A regional trust fund</b> , fed by states' annual contribution.<br><b>Contributions from bilateral and multilateral donors</b> for specific projects.<br><b>In-kind contributions from States Parties</b> (hosting of RAC, seconded-staff, etc.).   |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented   |

### *Caspian Sea*

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| <b>Parties</b>                 | Azerbaijan, Iran, Kazakhstan, Russian Federation, Turkmenistan.  |
| <b>Mandate</b>                 | 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.   |
| <b>Geographical coverage</b>   | 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”.  |
| <b>Governing instruments</b>   | <b>Action Plan:</b> the Action Plan for the protection and sustainable development of the marine environment of the Caspian Sea adopted in November 2003.<br><b>Framework Convention:</b> 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).<br><b>Emergency Protocol:</b> Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents, adopted in August 2011, not yet in force. |
| <b>Institutional framework</b> | <b>A Conference of Parties</b> , held every two years.<br><b>An interim Secretariat</b> , located in UNEP (Regional Office for Europe, Geneva)   |
| <b>Decision-making body</b>    | 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   |

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|  | any additional protocols or any amendments to the Convention or to its protocols. |
| <b>Financial arrangements</b>                          | Not documented  |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented  |

*East Asian Seas*

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|--------------------------------|---|
| <b>Parties</b>                 | Australia, Cambodia, People's Republic of China, Indonesia, Republic of Korea, Malaysia, Philippines, Singapore, Thailand, Vietnam.   |
| <b>Mandate</b>                 | Protection and Sustainable Development of the Marine and Coastal Areas of the East Asian Region.  |
| <b>Geographical coverage</b>   | Not documented  |
| <b>Governing instruments</b>   | <b>Action Plan:</b> 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.<br><b>Strategic Directions:</b> 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.  |
| <b>Institutional framework</b> | <b>An intergovernmental body, the Coordinating Body on the Seas of East Asia (COBSEA)</b> , composed of representatives of member states.<br><b>A Regional Coordinating Unit, the East Asian Seas Regional Coordinating Unit (EAS/RCU)</b> , 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. |
| <b>Decision-making body</b>    | 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”.  |
| <b>Financial arrangements</b>  | <b>A regional trust fund</b> , rules by Annex V of the Action Plan and fed by states’ annual contribution.<br><b>Contributions from bilateral and multilateral donors</b> for specific projects.  |



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| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented |
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*Mediterranean*

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| <b>Parties</b>               | 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.  |
| <b>Mandate</b>               | Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean.  |
| <b>Geographical coverage</b> | According to 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”.<br>Article 1-3 precise 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).   |
| <b>Governing instruments</b> | <b>Action Plan:</b> 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.<br><b>Framework Convention:</b> 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).<br><b>Dumping Protocol:</b> 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.<br><b>Prevention and Emergency Protocol:</b> 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.<br><b>Land-based sources and activities Protocol:</b> 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.<br><b>Specially Protected Areas and Biodiversity Protocol:</b> 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 |

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|  | <p>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><b>Offshore Protocol:</b> 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 Madrid, Spain and entered into force on 24 March 2011.</p> <p><b>Hazardous Wastes Protocol:</b> Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal, adopted on 1<sup>st</sup> October 1996 in Izmir, Turkey and entered into force on 19 January 2008.</p> <p><b>ICZM Protocol:</b> 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>  |
| <b>Institutional framework</b>                         | <p><b>A Conference of Parties</b>, held every two years.</p> <p><b>A Regional Coordinating Unit</b>, based in Athens, Greece.</p> <p><b>6 Regional Activity Centres:</b> (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><b>An advisory body: the Mediterranean Commission on Sustainable Development (MCSD).</b> 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><b>A Compliance Committee</b>, 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> |
| <b>Decision-making body</b>                            | <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>   |
| <b>Financial arrangements</b>                          | <p><b>A regional trust fund</b>, contributed by states' annual contribution.</p> <p><b>Contributions from bilateral and multilateral donors</b> for specific projects.</p> <p><b>In-kind contributions from States Parties</b> (hosting of RAC, seconded-staff, etc.).</p>  |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | <p><b>With the General Fisheries Commission for the Mediterranean (GFCM):</b> Memorandum of understanding concluded in May 2012.</p> <p><b>With the GEF Strategic Partnership for the Mediterranean Large Marine Ecosystem:</b> 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>  |

*North-East Atlantic*

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| <b>Parties</b>   | Belgium, Denmark, the European Union, Finland, France, Germany, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom.   |
| <b>Mandate</b>   | Protection of the marine environment of the North-East Atlantic.  |
| <b>Geographical coverage</b>                           | 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.  |
| <b>Governing instruments</b>                           | <p><b>Strategy:</b> 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><b>Framework Convention:</b> 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><b>Binding decisions and non-binding recommendations.</b></p> |
| <b>Institutional framework</b>                         | <p><b>A Commission known as the OSPAR Commission</b>, made up of representatives of each of the Contracting Parties.</p> <p><b>A Secretariat</b>, 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><b>6 Committees:</b> (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>   |
| <b>Decision-making body</b>                            | 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).   |
| <b>Financial arrangements</b>                          | Not documented  |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented  |

*North-East Pacific*

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| <b>Parties</b>                                    | Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panamá.   |
| <b>Mandate</b>                                    | Protection and Sustainable Development of the Marine and Coastal Areas of the North-East Pacific   |
| <b>Geographical coverage</b>                      | According to its Article 2, “the scope of application of this Convention comprises the maritime areas of the Northeast Pacific”.   |
| <b>Governing instruments</b>                      | <b>Action Plan:</b> Plan of Action for the Protection and Sustainable Development of the Marine and Coastal Areas of the North-East Pacific, adopted in February 2002.<br><b>Framework Convention:</b> Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the North-East Pacific, adopted in February 2002 (known as the Antigua Convention). |
| <b>Institutional framework</b>                    | <b>An Intergovernmental meeting</b> , held every two years.<br><b>A provisional secretariat</b> , based in Guatemala City, Guatemala   |
| <b>Decision-making body</b>                       | Not documented   |
| <b>Financial arrangements</b>                     | Not documented   |
| <b>Cooperation agreements RFMOs and / or LMEs</b> | Not documented   |

*North-West Pacific*

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| <b>Parties</b>                 | The China, the Republic of Korea, Japan, the Russian Federation.   |
| <b>Mandate</b>                 | Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region.  |
| <b>Geographical coverage</b>   | 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”.   |
| <b>Governing instruments</b>   | <b>Action Plan:</b> 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.<br><b>Strategy:</b> NOWPAP Medium term Strategy 2012-2017, adopted in Beijing, 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 substances, hazardous waste and marine litter; (iv) biodiversity conservation (including alien invasive species) and (v) climate change impacts. |
| <b>Institutional framework</b> | <b>An Intergovernmental meeting</b> held each year and composed of representatives of the member states.<br><b>A Regional Coordinating Unit</b> , co-hosted in Toyama, Japan, and in Busan, Republic of Korea.   |

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|  | <b>4 Regional Activity Centres:</b> (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, Republic of Korea. |
| <b>Decision-making body</b>                            | 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.   |
| <b>Budget and financial arrangements</b>               | <b>A regional trust fund</b> , fed by states’ annual contribution.<br><b>Contributions from bilateral and multilateral donors</b> for specific projects.<br><b>In-kind contributions from States Parties</b> (hosting of RAC, seconded-staff, etc.).   |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | NOWPAP is a member of the PEMSEA and there is cooperation between NOWPAP and YSLME as well as NOWPAP and PICES.  |

*Pacific*

|                              |  |
|------------------------------|--|
| <b>Parties</b>               | 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, Vanuatu.   |
| <b>Mandate</b>               | Protection of Natural Resources and Environment of the South Pacific Region.   |
| <b>Geographical coverage</b> | 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”.  |
| <b>Governing instruments</b> | <b>Action Plan:</b> Pacific Regional Environment Programme Strategic Plan 2011–2015, adopted in September 2010.<br><b>Framework Convention:</b> 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).<br><b>Dumping Protocol:</b> Protocol for the prevention of pollution of the South Pacific Region by dumping, adopted in November 1986 and entered into force in 1990.<br><b>Emergency Protocol:</b> Protocol concerning cooperation in combating pollution emergencies in the South Pacific Region adopted in November 1986 and entered into force in 1990.<br><b>Noxious substances pollution Protocol:</b> Protocol on hazardous and noxious substances pollution, preparedness, response and cooperation in the Pacific Region, adopted in 2006, not yet in force.<br><b>Oil pollution Protocol:</b> Protocol on oil Pollution preparedness, response and cooperation in the Pacific Region, adopted in 2006, not yet in force. |
| <b>Institutional</b>         | <b>A Conference of Parties</b> , held every two years.   |

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| <b>framework</b>                                       | <b>A Secretariat provided by the Secretariat of the Pacific Regional Environment Programme (SPREP)</b> and based in Apia, Samoa.  |
| <b>Decision-making body</b>                            | 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. |
| <b>Financial arrangements</b>                          | Not documented  |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented  |

*Red Sea and Gulf of Aden*

|                                |  |
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| <b>Parties</b>                 | Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, Sudan, Yemen.  |
| <b>Mandate</b>                 | Conservation of the marine environment and coastal areas of the Red Sea and the Gulf of Aden.  |
| <b>Geographical coverage</b>   | 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”.  |
| <b>Governing instruments</b>   | <p><b>Action Plan:</b> 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><b>Framework Convention:</b> 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><b>Emergency Protocol:</b> 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><b>Biodiversity and Protected Areas Protocol:</b> 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><b>Land-based sources and activities Protocol:</b> 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><b>Technical Cooperation Protocol:</b> 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> |
| <b>Institutional framework</b> | <p><b>An Intergovernmental body, namely the Regional Organisation for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA)</b>, governed by a <b>Council</b> formed of Ministers handling environmental affairs in each PERSGA member states.</p> <p><b>A General Secretariat</b>, based in Jeddah in the Kingdom of Saudi Arabia.</p>   |

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| <b>Decision-making body</b>                            | 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. |
| <b>Financial arrangements</b>                          | Not documented   |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | <b>With the ROPME Regional Sea Programme:</b> 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.  |

### *ROPME Sea*

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| <b>Parties</b>                 | Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates.   |
| <b>Mandate</b>                 | Protection of the Marine Environment and the Coastal Areas.   |
| <b>Geographical coverage</b>   | 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”.  |
| <b>Governing instruments</b>   | <p><b>Action Plan:</b> 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.</p> <p><b>Framework Convention:</b> 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).</p> <p><b>Emergency Protocol:</b> 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.</p> <p><b>Offshore Protocol:</b> Protocol concerning marine pollution resulting from exploration and exploitation of the continental shelf, adopted in March 1989 and entered into force in February 1990.</p> <p><b>Land-based sources and activities Protocol:</b> 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.</p> <p><b>Hazardous Wastes Protocol:</b> Protocol on the control of marine transboundary movements and disposal of hazardous wastes and other wastes, adopted in March 1998, not yet in force.</p> |
| <b>Institutional framework</b> | <p><b>An Intergovernmental council</b> composed of the Contracting States' representatives.</p> <p><b>A Secretariat</b>, based in Kuwait.</p> <p><b>A Judicial Commission</b>, which has (i) jurisdiction to settle disputes between the Contracting States, (ii) jurisdiction in disputes</p>  |

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|  | relating to the determination of civil liability and compensation for damage resulting from pollution of the marine environment, (iii) jurisdiction to give an advisory opinion in all legal questions at the request of the Council.  |
| <b>Decision-making body</b>                            | 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. |
| <b>Financial arrangements</b>                          | Not documented   |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | <b>With PERSGA:</b> 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.  |

*South Asian Seas*

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| <b>Parties</b>   | Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.  |
| <b>Mandate</b>   | Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region.   |
| <b>Geographical coverage</b>                           | Not documented  |
| <b>Governing instruments</b>                           | <b>Action Plan:</b> Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region, adopted in March 1995.  |
| <b>Institutional framework</b>                         | <b>A Governing Council</b> (hosted by SACEP) 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.<br><b>A Consultative Committee</b> , responsible for facilitating implementation of policies, strategies and programmes determined by the governing council.<br><b>A Secretariat</b> , provided by the South Asia Cooperative Environment Programme (SACEP), and based in Colombo, Sri Lanka. |
| <b>Decision-making body</b>                            | The Governing Council is the decision body of the Action Plan.  |
| <b>Budget and financial arrangements</b>               | <b>Annual country contributions</b> from the member countries on an agreed scale of assessment.<br><b>Hosting and support facilities provided from the Government of Sri Lanka</b> as the host country of the secretariat.<br><b>Contributions from bilateral and multilateral donors</b> for specific projects.  |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented  |



*South-East Pacific*

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| <b>Parties</b>                                    | Chile, Colombia, Ecuador, Panamá, Perú.  |
| <b>Mandate</b>                                    | Protection of the marine environment and coastal areas of the South-East Pacific.  |
| <b>Geographical coverage</b>                      | Not documented   |
| <b>Governing instruments</b>                      | <p><b>Action Plan:</b> Action Plan for the protection of the marine environment and coastal areas of the South-East Pacific, adopted in November 1981.</p> <p><b>Framework Convention:</b> 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><b>Emergency Protocol:</b> 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><b>Land-based sources Protocol:</b> 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><b>Protected Areas Protocol:</b> 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><b>Radioactive Pollution:</b> Protocol for the protection of the South East Pacific from radioactive pollution, adopted in 1989 and entered into force in 1995.</p> <p><b>El Nino Protocol:</b> Protocol on the regional program for the study of the El Nino phenomenon in the South East Pacific (ERFEN), adopted in November 1992.</p> |
| <b>Institutional framework</b>                    | Not documented   |
| <b>Decision-making body</b>                       | Not documented   |
| <b>Financial arrangements</b>                     | Not documented   |
| <b>Cooperation agreements with RFMOs and / or</b> | Not documented   |

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| LMEs |  |
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*Western Indian Ocean*

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| <b>Parties</b>   | Comoros, France, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia, Tanzania, South Africa.   |
| <b>Mandate</b>   | Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean.   |
| <b>Geographical coverage</b>                           | 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”.  |
| <b>Governing instruments</b>                           | <p><b>Action Plan:</b> Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African region, adopted in 1981.</p> <p><b>Framework Convention:</b> 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><b>Protected Areas Protocol:</b> 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><b>Emergency Protocol:</b> 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><b>Land-based sources and activities Protocol:</b> 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.</p> |
| <b>Institutional framework</b>                         | <p><b>A Conference of Parties</b>, held every two years.</p> <p><b>A Secretariat</b>, located at UNEP’s Headquarters based in Nairobi, Kenya.</p> <p><b>A Regional Coordinating Unit</b>, established in 1997 in Seychelles but not currently functional.</p>   |
| <b>Decision-making body</b>                            | The Meeting of Contracting Parties is the decision body of the Action Plan. According to Article 18 of the amended 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).  |
| <b>Financial arrangements</b>                          | <p><b>A regional trust fund</b>, fed by States’ annual contribution.</p> <p><b>Contributions from bilateral and multilateral donors</b> for specific projects.</p>  |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented  |

*Western, Central and Southern Africa*

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| <b>Parties</b>   | 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, São Tomé and Príncipe, Senegal, Sierra Leone and Togo.   |
| <b>Mandate</b>   | Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region.  |
| <b>Geographical coverage</b>                           | 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”.  |
| <b>Governing instruments</b>                           | <p><b>Action Plan:</b> 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><b>Framework Convention:</b> 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><b>Emergency Protocol:</b> 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><b>Land-based sources and activities Protocol:</b> 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> |
| <b>Institutional framework</b>                         | <p><b>A Conference of Parties</b>, held every two years.</p> <p><b>A Regional Coordinating Unit</b>, based in Abidjan, Ivory Coast.</p> <p><b>A Regional Centre for Cooperation in Case of Emergency</b>, whose institution was decided in 2010 but still to be established.</p>   |
| <b>Decision-making body</b>                            | 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).  |
| <b>Financial arrangements</b>                          | <p><b>A regional trust fund</b>, fed by States’ annual contribution.</p> <p><b>Contributions from bilateral and multilateral donors</b> for specific projects.</p> <p><b>In-kind contribution of the Ivory Coast</b>, for hosting the Regional Coordinating Unit.</p>  |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented   |

*Wider Caribbean*

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| <b>Parties</b>   | Antigua & Barbuda, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Grenada, Guatemala, Guyana, Haití, Honduras, Jamaica, México, Nicaragua, Panamá, St. Kitts and Nevis, St. Lucia, St. Vincent & Grenadines, Suriname, Trinidad & Tobago, United States of America, Venezuela, France, the Netherlands.  |
| <b>Mandate</b>   | Protection and Development of the Marine Environment in the Wider Caribbean Region.  |
| <b>Geographical coverage</b>                           | 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”.   |
| <b>Governing instruments</b>                           | <p><b>Action Plan:</b> the Caribbean Action Plan, adopted in 1981.</p> <p><b>Framework Convention:</b> 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><b>Emergency Protocol:</b> 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><b>Protected Areas Protocol:</b> 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><b>Land-based sources and activities Protocol:</b> Protocol Concerning Pollution from Land-Based Sources and Activities adopted in October 1999 and entered into force in August 2010.</p> |
| <b>Institutional framework</b>                         | <p><b>A Conference of Parties</b>, held every two years, which, in particular, reviews the implementation of this Convention and its protocols.</p> <p><b>A Regional coordinating unit, i.e. the Caribbean Regional Co-ordinating Unit (CAR/RCU)</b>, located in Kingston, Jamaica and which serves as Secretariat to the Caribbean Environmental Programme (CEP).</p> <p><b>4 Regional Activity Centres:</b> (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>         |
| <b>Decision-making body</b>                            | The meeting of the Contracting Parties is the decision-making body of the regional system. According to Article 16 of 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.  |
| <b>Financial arrangements</b>                          | Not documented   |
| <b>Cooperation agreements with RFMOs and / or LMEs</b> | Not documented   |

## Annex II: Regional Fishery Bodies

### Atlantic Ocean

#### *Fishery Committee for the Eastern Central Atlantic (CECAF)*

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| <b>Legal basis</b>                 | 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.<br>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. <sup>244</sup>  |
| <b>Policy instruments</b>          | 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 practice, 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. <sup>245</sup> |
| <b>Cooperation agreements/MoUs</b> | CECAF is a member of the Regional Fishery Body Secretariats Network that meets biennially. <sup>246</sup>  |
| <b>Mandate/objective/scope</b>     | 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. <sup>247</sup>   |
| <b>Geographic coverage</b>         | High seas and national waters.<br>The Eastern Central Atlantic between Cape Spartel and the Congo river. <sup>248</sup><br>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. <sup>249</sup>   |

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

<sup>245</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> , p. 7, para. 18.

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

<sup>247</sup> <http://www.fao.org/fishery/rfb/cecaf/en>

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

<sup>249</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf>, p. 7, footnotes 13.

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|                                | <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.<sup>250</sup></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.<sup>251</sup></p> <p>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.<sup>252</sup></p> |
| <b>Species/stocks coverage</b> | <p>All living marine resources within its area of competence.<sup>253</sup></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.<sup>254</sup></p>   |
| <b>Parties</b>                 | <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, São Tomé and Príncipe, Senegal, Sierra Leone, Spain and Togo; and the non-coastal States are: Cuba, France, Greece, Italy, Japan, Republic of Korea, Netherlands, Norway, Poland, Romania and the United States of America.<sup>255</sup></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</p>   |

<sup>250</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> , p.8, para. 19.

<sup>251</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> p. 8, para. 20.

<sup>252</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> , p. 9, para. 21.

<sup>253</sup> <http://www.fao.org/fishery/rfb/cecaf/en>

<sup>254</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> p. 10, para. 22.

<sup>255</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> p. 10, para. 23.

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|                                | 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. <sup>256</sup>  |
| <b>Secretariat</b>             | 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. <sup>257</sup> The Secretariat is comprised of the Executive Secretary, helped by one staff member only. <sup>258</sup>  |
| <b>Institutional framework</b> | 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.<br>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.<br>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. <sup>259</sup><br>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. <sup>260</sup> |
| <b>Decision-making</b>         | Decisions of the Committee are taken by a majority of the votes cast, unless otherwise provided. Each member has one vote. <sup>261</sup><br><br>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. <sup>262</sup>  |
| <b>Financial arrangements</b>  | 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, 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). <sup>263</sup><br>No regular contributions by member countries exist, but some member countries contribute to the financing of the working groups. The existence of several other organizations in the region, both at regional (ATLAFCO, ICCAT, SEAFO, etc.) and sub-regional (SRFC, FCWC, COREP)  |

<sup>256</sup> <http://www.fao.org/fishery/rfb/cecaf/en>

<sup>257</sup> <http://www.fao.org/fishery/rfb/cecaf/en>

<sup>258</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> , p. 11, para. 26.

<sup>259</sup> <http://www.fao.org/fishery/rfb/cecaf/en>

<sup>260</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> , p. 6-7, para. 15.

<sup>261</sup> <http://www.fao.org/fishery/rfb/cecaf/en>

<sup>262</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> p. 11, para. 24.

<sup>263</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> p. 12, para. 28.

|                            |  |
|----------------------------|--|
|                            | 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. <sup>264</sup>                         |
| <b>Expenditures</b>        | No autonomous budget, see above.   |
| <b>Further information</b> | <a href="http://www.fao.org/fishery/rfb/cecaf/en">http://www.fao.org/fishery/rfb/cecaf/en</a><br><a href="ftp://ftp.fao.org/FI/DOCUMENT/cecaf/cecaf20/default.htm">ftp://ftp.fao.org/FI/DOCUMENT/cecaf/cecaf20/default.htm</a> |

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

|                                    |  |
|------------------------------------|--|
| <b>Legal basis</b>                 | <p>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.<sup>265</sup></p> <p>The legal basis for undertaking a reform process was approved in February 2010 during the 8<sup>th</sup> Ministerial Conference of ATLAFCO held in Accra, Ghana. At that meeting the following major issues were discussed and adopted:<br/>Amendment to the ATLAFCO/COMHAFAT Protocol;<br/>An Organizational Structure for the ATLAFCO/COMHAFAT Secretariat;<br/>Staffing of the ATLAFCO/COMHAFAT Secretariat;<br/>A Financial Regulation; and<br/>Financial Contribution by member States</p> <p>The Government of Morocco and ATLAFCO in 2009 signed the Headquarters Agreement to give the Organization an international status.<sup>266</sup></p> |
| <b>Policy instruments</b>          | Information not available.   |
| <b>Cooperation agreements/MoUs</b> | <p>MoU between COMHAFAT and LA BANQUE AFRICAINE DE DEVELOPPEMENT (BAD)</p> <p>MoU between COMHAT and L'ORGANISATION INTERGOUVERNEMENTALE D'INFORMATION ET DE COOPERATION POUR LA COMMERCIALISATION DES PRODUITS DE LA PECHE EN AFRIQUE (INFOPECHE)<sup>267</sup></p>   |
| <b>Mandate/objective/scope</b>     | <ul style="list-style-type: none"> <li>- The promotion and strengthening of regional cooperation on fisheries development;</li> <li>- The coordination and harmonization of efforts and capacities of stakeholders for the</li> <li>- Conservation and exploitation of fisheries resources.<sup>268</sup></li> </ul>   |

<sup>264</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf> p. 33, para. 91.

<sup>265</sup> <http://www.comhafat.org/def.asp?codelangue=23&info=1159>; <http://www.comhafat.org/def.asp?codelangue=23&info=1160> ; <http://www.fao.org/docrep/012/i1493e/i1493e.pdf> , p. 30

<sup>266</sup> <http://mofa.gov.gh/site/?p=9424>

<sup>267</sup> <http://www.atlafco.org/def.asp?codelangue=23&info=1168&mere=1150>

<sup>268</sup> <http://www.atlafco.org/def.asp?codelangue=30&po=2>



|                                |  |
|--------------------------------|--|
| <b>Geographic coverage</b>     | Atlantic Eastern Central and Atlantic Southeast: high seas and national waters. <sup>269</sup>   |
| <b>Species/stocks coverage</b> | All living marine resources within its area of competence. <sup>270</sup>  |
| <b>Parties</b>                 | 22 States (from south of Namibia to north of Morocco)<br>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, São Tomé and Príncipe, Senegal, Sierra Leone and Togo. <sup>271</sup>  |
| <b>Secretariat</b>             | 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 Ahwoi (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. <sup>272</sup>   |
| <b>Institutional framework</b> | <ul style="list-style-type: none"> <li>• La Conférence des Ministres qui est l'organe d'orientation et de décision en matière de coopération halieutique entre les Etats Membres ;</li> <li>• Le Bureau qui est l'organe de coordination et de suivi des activités de la Conférence;</li> <li>• 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.<sup>273</sup></li> </ul> |
| <b>Decision-making</b>         | Information not available.   |
| <b>Financial arrangements</b>  | 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. <sup>274</sup> 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. <sup>275</sup>                                     |
| <b>Expenditures</b>            | Information not available.   |
| <b>Further information</b>     | <a href="http://www.atlafco.org/def.asp?codelangue=23&amp;info=1172">http://www.atlafco.org/def.asp?codelangue=23&amp;info=1172</a><br>The website is partly not complete, partly not available/under construction (in English and French).  |

<sup>269</sup> <http://www.fao.org/docrep/012/i1493e/i1493e.pdf> , pp. 30-31

<sup>270</sup> <http://www.fao.org/docrep/012/i1493e/i1493e.pdf> , p. 31

<sup>271</sup> <http://www.comhafat.org/def.asp?codelangue=23&info=1062&his=1> ; <http://www.comhafat.org/def.asp?codelangue=23&info=1139>

<sup>272</sup> <http://mofa.gov.gh/site/?p=9424>

<sup>273</sup> <http://www.comhafat.org/def.asp?codelangue=23&info=1171>

<sup>274</sup> <http://mofa.gov.gh/site/?p=9424>

<sup>275</sup> <http://www.atlafco.org/def.asp?codelangue=30&po=2>

**Regional Fisheries Committee for the Gulf of Guinea (COREP)**

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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): <sup>276</sup> 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 October 2007. |
| <b>Policy instruments</b>          | The COREP has developed and endorsed a strategic plan of action (2009-2015) with support from FAO and based on its CCRF. <sup>277</sup>   |
| <b>Cooperation agreements/MoUs</b> | Relation (formal agreement unknown) with the Fishery Committee for the Eastern Central Atlantic. <sup>278</sup><br>MoU between the NEPAD Planning and Coordinating Agency (NEPAD Agency) and ECCAS, signed the 27 <sup>th</sup> 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. <sup>279</sup>                                |
| <b>Mandate/objective/scope</b>     | 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. <sup>280</sup>   |
| <b>Geographic coverage</b>         | National waters and inland waters.<br>The Gulf of Guinea and inland waters of parties. <sup>281</sup>   |
| <b>Species/stocks coverage</b>     | All living resources within the area of competence. <sup>282</sup>  |
| <b>Parties</b>                     | Angola, Cameroun, Congo, Congo DR, Equatorial Guinea, Gabon, São Tomé and Príncipe. <sup>283</sup>  |
| <b>Secretariat</b>                 | Located in Libreville, Gabon. <sup>284</sup> The secretariat consists of 2 persons. <sup>285</sup>  |
| <b>Institutional framework</b>     | It is foreseen that the COREP will be composed of:<br>- a Council of Ministers: the governing body;   |

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

<sup>277</sup> <http://www.fao.org/fishery/rfb/corep/en>

<sup>278</sup> <http://www.un.org/depts/los/Links/COREPpage.htm>

<sup>279</sup> <http://www.nepad.org/fr/foodsecurity/news/2364/nepad-and-eccas-sign-mouagree-strengthen-fisheries-governance>

<sup>280</sup> <http://www.un.org/depts/los/Links/COREPpage.htm>

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

<sup>282</sup> <http://www.fao.org/fishery/rfb/corep/en>

<sup>283</sup> [http://www.ceeac-eccas.org/index.php?option=com\\_content&view=article&id=30&Itemid=53](http://www.ceeac-eccas.org/index.php?option=com_content&view=article&id=30&Itemid=53) , para. 3.

<sup>284</sup> [http://www.ceeac-eccas.org/index.php?option=com\\_content&view=article&id=30&Itemid=53](http://www.ceeac-eccas.org/index.php?option=com_content&view=article&id=30&Itemid=53)

<sup>285</sup> [http://www.ceeac-eccas.org/index.php?option=com\\_content&view=article&id=30&Itemid=53](http://www.ceeac-eccas.org/index.php?option=com_content&view=article&id=30&Itemid=53)

|                               |   |
|-------------------------------|---|
|                               | - a Technical Committee : to provide advice on scientific and technical issues to the Council of Ministers;<br>- a Scientific Sub-Committee: which issues scientific and technical advice to the Technical Committee and the Secretariat; and<br>- An Executive Secretariat. <sup>286</sup>   |
| <b>Decision-making</b>        | The Council of Ministers will meet every 2 years. A special session can be organized on request by a majority of the parties. <sup>287</sup>  |
| <b>Financial arrangements</b> | Not available.  |
| <b>Expenditures</b>           | Not available.  |
| <b>Further information</b>    | <a href="http://www.fao.org/fishery/rfb/corep/en">http://www.fao.org/fishery/rfb/corep/en</a><br><a href="http://www.un.org/depts/los/Links/COREPpage.htm">http://www.un.org/depts/los/Links/COREPpage.htm</a><br><a href="http://www.ceeac-eccas.org/index.php?option=com_content&amp;view=article&amp;id=30&amp;Itemid=53">http://www.ceeac-eccas.org/index.php?option=com_content&amp;view=article&amp;id=30&amp;Itemid=53</a> |

### *Caribbean Regional Fisheries Mechanism (CRFM)*

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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.<br>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. <sup>288</sup>                              |
| <b>Policy instruments</b>          | The first CRFM Strategic Plan identified 9 priority programmes that were to be addressed through medium-term plans. <sup>289</sup><br>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. <sup>290</sup><br>Caribbean Large Marine Ecosystem (CLME) Project Strategic Action Program, a 4-year project funded by the Global Environmental Facility (GEF). |
| <b>Cooperation agreements/MoUs</b> | The CRFM is a member of the Regional Fishery Body Secretariats Network, which meets biennially.<br>MoU (signed 11 October 2012) for 5 years between CRFM and the Australian National Centre for Ocean Resources & Security (ANCORS) <sup>291</sup>  |
| <b>Mandate/objective/scope</b>     | To promote and facilitate the responsible utilization of the region's fisheries and other aquatic resources for the economic and social benefits of   |

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

<sup>287</sup> [http://www.ceeac-eccas.org/index.php?option=com\\_content&view=article&id=30&Itemid=53](http://www.ceeac-eccas.org/index.php?option=com_content&view=article&id=30&Itemid=53) , para. 6.

<sup>288</sup> <http://www.fao.org/fishery/rfb/crfm/en>

<sup>289</sup> <http://www.fao.org/fishery/rfb/crfm/en>

<sup>290</sup> [http://www.crfm.net/index.php?option=com\\_k2&view=item&id=171:new-chair-of-crfm-ministerial-council-urges-implementation-of-castries-declaration-on-iuu-fishing-and-caricom-common-fisheries-policy&Itemid=179](http://www.crfm.net/index.php?option=com_k2&view=item&id=171:new-chair-of-crfm-ministerial-council-urges-implementation-of-castries-declaration-on-iuu-fishing-and-caricom-common-fisheries-policy&Itemid=179)

<sup>291</sup> [http://www.caricom.org/jsp/community\\_news/CRFM\\_and\\_ANCORS\\_sign\\_MOU\\_oct\\_12.pdf](http://www.caricom.org/jsp/community_news/CRFM_and_ANCORS_sign_MOU_oct_12.pdf)

|                                |   |
|--------------------------------|---|
|                                | the current and future population of the region. <sup>292</sup>   |
| <b>Geographic coverage</b>     | Internal waters, territorial seas and exclusive economic zones (EEZs) of member states. <sup>293</sup>  |
| <b>Species/stocks coverage</b> | All fisheries resources. <sup>294</sup>   |
| <b>Parties</b>                 | 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. <sup>295</sup><br><br>Observers include: CARICOM, CNFO, FAO, OECS, UWI, Bermuda and the OECS Secretariat. <sup>296</sup><br>Other partners: Dominican Republic () <sup>297</sup>   |
| <b>Secretariat</b>             | 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. <sup>298</sup>  |
| <b>Institutional framework</b> | 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.<br>The Caribbean Fisheries Forum (heads of national fisheries administrations) provides technical leadership to the CRFM, including the provision of scientific advice to the Ministerial Council, and oversight to the operations of the CRFM Secretariat. <sup>299</sup> The Forum is made up of one representative from each Member; each Associate Member and each Observer. <sup>300</sup> |
| <b>Decision-making</b>         | 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. <sup>301</sup><br>Unless otherwise provided, decisions of the deliberative organs of the Mechanism shall be reached by consensus. In the absence of consensus   |

<sup>292</sup> <http://www.fao.org/fishery/rfb/crfm/en>

<sup>293</sup> <http://www.fao.org/fishery/rfb/crfm/en>

<sup>294</sup> <http://www.fao.org/fishery/rfb/crfm/en>

<sup>295</sup> [http://www.crfm.net/index.php?option=com\\_k2&view=item&layout=item&id=1&Itemid=114](http://www.crfm.net/index.php?option=com_k2&view=item&layout=item&id=1&Itemid=114)

<sup>296</sup> [http://www.crfm.net/index.php?option=com\\_k2&view=item&layout=item&id=61&Itemid=229](http://www.crfm.net/index.php?option=com_k2&view=item&layout=item&id=61&Itemid=229)

<sup>297</sup> [http://www.crfm.net/index.php?option=com\\_k2&view=item&layout=item&id=147&Itemid=280](http://www.crfm.net/index.php?option=com_k2&view=item&layout=item&id=147&Itemid=280)

<sup>298</sup> <http://www.fao.org/fishery/rfb/crfm/en>

<sup>299</sup> <http://www.fao.org/fishery/rfb/crfm/en>

<sup>300</sup> [http://www.crfm.net/index.php?option=com\\_k2&view=item&layout=item&id=1&Itemid=114](http://www.crfm.net/index.php?option=com_k2&view=item&layout=item&id=1&Itemid=114)

<sup>301</sup> <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=k2y%2b0jOz%2ffY%3d&tabid=56> , Art. 7.

|                               |  |
|-------------------------------|--|
|                               | decisions shall be deemed adopted, if supported by a qualified majority of three-quarters (¾) of the Member States comprising the Mechanism. <sup>302</sup>  |
| <b>Financial arrangements</b> | The CRFM is financed through Member States annual contributions and donor funding for specific projects. <sup>303</sup>  |
| <b>Expenditures</b>           | 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. <sup>304</sup><br><br>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. <sup>305</sup> |
| <b>Further information</b>    | <a href="http://www.fao.org/fishery/rfb/crfm/en">http://www.fao.org/fishery/rfb/crfm/en</a><br><a href="http://www.crfm.net/index.php?option=com_k2&amp;view=item&amp;layout=item&amp;id=1&amp;Itemid=114">http://www.crfm.net/index.php?option=com_k2&amp;view=item&amp;layout=item&amp;id=1&amp;Itemid=114</a>   |

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

|                    |   |
|--------------------|---|
| <b>Legal basis</b> | 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.<br><br>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.<br><br>A legal framework gradually consolidated:<br>2006: Ministerial Declaration of Abidjan, establishing the Committee<br>2007: Adoption of Cotonou Convention, establishing the Committee<br>2008: Adoption of the structure of the Secretariat and a permanent funding mechanism to support the Committee's activities,<br>2009: Ministerial Declaration of Accra, combating illegal fishing and adoption of the regional action plan against illegal fishing. <sup>306</sup> |
|--------------------|---|

<sup>302</sup> <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=k2y%2b0jOz%2ffY%3d&tabid=56> , Art. 14(2).

<sup>303</sup> <http://www.fao.org/fishery/rfb/crfm/en> ; <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=k2y%2b0jOz%2ffY%3d&tabid=56> , Art. 15(1).

<sup>304</sup> <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=k2y%2b0jOz%2ffY%3d&tabid=56> , Art. 16

<sup>305</sup> <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=z0C1IBCgioA%3d&tabid=90> , p. 1.

<sup>306</sup> <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](http://www.fcwc-fish.org/index.php?option=com_content&view=article&id=74&Itemid=482)

|                                    |   |
|------------------------------------|---|
| <b>Policy instruments</b>          | The strategies which FCWC implements to achieve its strategically goals, as well as the elements of success for each area of interest, are presented in a table on its website. <sup>307</sup>  |
| <b>Cooperation agreements/MoUs</b> | Information not available.  |
| <b>Mandate/objective/scope</b>     | 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. <sup>308</sup>  |
| <b>Geographic coverage</b>         | 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. <sup>309</sup>  |
| <b>Species/stocks coverage</b>     | 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. <sup>310</sup>  |
| <b>Parties</b>                     | Liberia, Togo, Nigeria, Ghana, Cote d'Ivoire, Benin. <sup>311</sup>   |
| <b>Secretariat</b>                 | Located in Tema, Ghana. <sup>312</sup>  |
| <b>Institutional framework</b>     | <p>The Conference of Ministers is the core 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) meet 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</p> |

<sup>307</sup> [http://www.fcwc-fish.org/index.php?option=com\\_content&view=article&id=75&Itemid=484](http://www.fcwc-fish.org/index.php?option=com_content&view=article&id=75&Itemid=484)

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

<sup>309</sup> <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](http://www.fcwc-fish.org/index.php?option=com_content&view=article&id=74&Itemid=482)

<sup>310</sup> <http://www.fao.org/fishery/rfb/fcwc/en>

<sup>311</sup> [http://www.fcwc-fish.org/index.php?option=com\\_content&view=category&layout=blog&id=104&Itemid=483](http://www.fcwc-fish.org/index.php?option=com_content&view=category&layout=blog&id=104&Itemid=483)

<sup>312</sup> [http://www.fcwc-fish.org/index.php?option=com\\_content&view=article&id=74&Itemid=482](http://www.fcwc-fish.org/index.php?option=com_content&view=article&id=74&Itemid=482)

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|                               | 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. <sup>313</sup> |
| <b>Decision-making</b>        | The Conference of Ministers endeavours to take decisions by consensus. <sup>314</sup>  |
| <b>Financial arrangements</b> |  |
| <b>Expenditures</b>           |  |
| <b>Further information</b>    | <a href="http://www.fao.org/fishery/rfb/fcwc/en">http://www.fao.org/fishery/rfb/fcwc/en</a><br><a href="http://www.fcwc-fish.org/">http://www.fcwc-fish.org/</a>                                   |

*International Commission for the Conservation of Atlantic Tunas (ICCAT)*

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| <b>Legal basis</b>                 | 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. <sup>315</sup>  |
| <b>Policy instruments</b>          | Not applicable, because the focus is on research.<br>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. |
| <b>Cooperation agreements/MoUs</b> | ICCAT can grant the status of Co-operators 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. <sup>316</sup>  |
| <b>Mandate/objective/scope</b>     | The conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas. <sup>317</sup>  |
| <b>Geographic coverage</b>         | High seas and national waters.<br>All waters of the Atlantic Ocean and adjacent seas. <sup>318</sup>   |
| <b>Species/stocks coverage</b>     | 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 alalunga</i> ) and bigeye tuna ( <i>Thunnus obesus</i> ); swordfish ( <i>Xiphias</i>   |

<sup>313</sup> <http://www.fao.org/fishery/rfb/fcwc/en>

<sup>314</sup> <http://www.fao.org/fishery/rfb/fcwc/en>

<sup>315</sup> <http://www.fao.org/fishery/rfb/iccat/en>

<sup>316</sup> <http://www.iccat.int/en/contracting.htm>

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

<sup>318</sup> <http://www.iccat.int/Documents/Commission/BasicTexts.pdf> , Convention, Art. I.

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|                                | gladius); 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> ).<br>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. <sup>319</sup>   |
| <b>Parties</b>                 | 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:<br>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, São Tomé and Príncipe, 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. <sup>320</sup> |
| <b>Secretariat</b>             | 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. <sup>321</sup>   |
| <b>Institutional framework</b> | 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.<br><br>Subsidiary Bodies: <ul style="list-style-type: none"> <li>• Panels <ul style="list-style-type: none"> <li>○ Tropical Tunas (yellowfin, skipjack and bigeye),</li> <li>○ Northern Temperate Tunas (albacore and bluefin),</li> <li>○ Southern Temperate Tunas (albacore and southern bluefin),</li> <li>○ Other Species;</li> </ul> </li> <li>• Standing Committee on Finance and Administration (STACFAD);</li> <li>• Standing Committee on Research and Statistics (SCRS);</li> <li>• Permanent Working for the Improvement of ICCAT Statistics and Conservation Measures (PWG);</li> <li>• Conservation and Management Measures Compliance Committee;</li> </ul>  |

<sup>319</sup> <http://www.fao.org/fishery/rfb/iccat/en> ; <http://www.iccat.int/en/introduction.htm>

<sup>320</sup> <http://www.iccat.int/en/contracting.htm> ; <http://www.fao.org/fishery/rfb/iccat/en>

<sup>321</sup> <http://www.fao.org/fishery/rfb/iccat/en>



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|                               | <ul style="list-style-type: none"> <li>• Special Working Groups.<sup>322</sup></li> </ul>   |
| <b>Decision-making</b>        | 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. <sup>323</sup>   |
| <b>Financial arrangements</b> | 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. <sup>324</sup> |
| <b>Expenditures</b>           | The total Budget approved by the Commission for the year 2013 amounts to 3,025,600 Euros. <sup>325</sup>  |
| <b>Further information</b>    | <a href="http://www.fao.org/fishery/rfb/iccat/en">http://www.fao.org/fishery/rfb/iccat/en</a><br><a href="http://www.iccat.int/en/introduction.htm">http://www.iccat.int/en/introduction.htm</a>  |

#### *International Council for the Exploration of the Sea (ICES)*

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| <b>Legal basis</b>                 | 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. <sup>326</sup> |
| <b>Policy instruments</b>          | ICES Strategic Plan <sup>327</sup>  |
| <b>Cooperation agreements/MoUs</b> | ICES cooperate 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.<br>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.   |

<sup>322</sup> <http://www.iccat.int/en/organization.htm> ; <http://www.fao.org/fishery/rfb/iccat/en>

<sup>323</sup> <http://www.iccat.int/Documents/Commission/BasicTexts.pdf> , Rules of Procedure, Rule 9(2), p. 14.

<sup>324</sup> <http://www.iccat.int/en/finances.htm>

<sup>325</sup> <http://www.iccat.int/en/finances.htm>

<sup>326</sup> <http://www.fao.org/fishery/rfb/ices/en> and <http://www.ices.dk/explore-us/who-we-are/Pages/council.aspx>

<sup>327</sup> [http://www.ices.dk/explore-us/who-we-are/Documents/ICES\\_Strategic\\_Plan\\_2008.pdf](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. <sup>328</sup>  |
| <b>Mandate/objective/scope</b> | 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. <sup>329</sup>   |
| <b>Geographic coverage</b>     | High seas and national waters.<br>For fisheries advisory: North East Atlantic<br>For scientific advice: Atlantic Ocean and its adjacent seas and primarily the North Atlantic. <sup>330</sup>  |
| <b>Species/stocks coverage</b> | All species in the area of competences. <sup>331</sup>   |
| <b>Parties</b>                 | 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. <sup>332</sup>   |
| <b>Secretariat</b>             | Based in Copenhagen, Denmark. <sup>333</sup>   |
| <b>Institutional framework</b> | <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</p> |

<sup>328</sup> <http://www.ices.dk/explore-us/how-we-work/Pages/Scientific-cooperation.aspx>

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

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

<sup>331</sup> <http://www.fao.org/fishery/rfb/ices/en>

<sup>332</sup> <http://www.ices.dk/explore-us/who-we-are/Pages/Member-Countries.aspx>

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

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|                               | <p>ICES for scientific advice in support of the management of coastal and ocean resources and ecosystems. 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. 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 have more than 100 Expert/Study Groups that cover most aspects of the marine ecosystem.<sup>334</sup></p> |
| <b>Decision-making</b>        | <p>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.<sup>335</sup></p> <p>Consult the website for the advisory process<sup>336</sup> and the type of resolutions.<sup>337</sup></p>  |
| <b>Financial arrangements</b> |  |
| <b>Expenditures</b>           |  |
| <b>Further information</b>    | <p><a href="http://www.fao.org/fishery/rfb/ices/en">http://www.fao.org/fishery/rfb/ices/en</a><br/> <a href="http://www.ices.dk/Pages/default.aspx">http://www.ices.dk/Pages/default.aspx</a></p>  |

#### *Northwest Atlantic Fisheries Organization (NAFO)*

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| <b>Legal basis</b> | <p>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.<sup>338</sup> 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.<sup>339</sup></p> |
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<sup>334</sup> <http://www.fao.org/fishery/rfb/ices/en> and <http://www.ices.dk/explore-us/how-we-work/Pages/default.aspx>

<sup>335</sup> Rules of Procedures, Rule 5 i), available at [http://www.ices.dk/explore-us/who-we-are/Documents/ICES\\_Rules\\_of\\_Procedure.pdf](http://www.ices.dk/explore-us/who-we-are/Documents/ICES_Rules_of_Procedure.pdf)

<sup>336</sup> <http://www.ices.dk/community/advisory-process/Pages/default.aspx>

<sup>337</sup> <http://www.ices.dk/explore-us/how-we-work/Pages/resolutions.aspx>

<sup>338</sup> <http://www.fao.org/fishery/rfb/nafo/en>

<sup>339</sup> <http://www.nafo.int/>

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| <b>Policy instruments</b>          | <p>No policy instruments, except for the Roadmap for developing an Ecosystem Approach to Fisheries (EAF) for NAFO.<sup>340</sup></p> <p>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).</p> <p>The NAFO's conservation and enforcement measures are updated annually by the Fisheries Commission.</p> <p>Since 2004 the NAFO has published a compliance report. Enforcement of the NAFO Fishery Regulations lies under national responsibility.<sup>341</sup></p>  |
| <b>Cooperation agreements/MoUs</b> | <p>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.</p> <p>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.</p> <p>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.</p> <p>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.<sup>342</sup></p> |
| <b>Mandate/objective/scope</b>     | <p>To contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the Convention Area.</p> <p>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".<sup>343</sup></p>  |
| <b>Geographic coverage</b>         | <p>The international fisheries managed by the NAFO take place outside the 200-mile exclusive economic zone. This is called the NAFO Regulatory</p>   |

<sup>340</sup> 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>

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

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

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

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|                                | <p>Area (NRA) and is 2,707,895 km<sup>2</sup>.<br/> 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<sup>2</sup>.<sup>344</sup></p>   |
| <b>Species/stocks coverage</b> | <p>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.<sup>345</sup></p>   |
| <b>Parties</b>                 | <p>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.<sup>346</sup></p>   |
| <b>Secretariat</b>             | <p>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.<sup>347</sup></p>  |
| <b>Institutional framework</b> | <p>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.</p> <p>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.</p> <p>The Scientific Council and the science component of the NAFO are 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.</p> <p>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),</p> |

<sup>344</sup> <http://www.fao.org/fishery/rfb/nafo/en> and <http://www.nafo.int/>

<sup>345</sup> <http://www.fao.org/fishery/rfb/nafo/en>

<sup>346</sup> <http://www.fao.org/fishery/rfb/nafo/en>

<sup>347</sup> <http://www.fao.org/fishery/rfb/nafo/en> and NAFO Annual Report 2012, p. 13, available at <http://www.nafo.int/>

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|                               | 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. <sup>348</sup>  |
| <b>Decision-making</b>        | 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 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. <sup>349</sup>   |
| <b>Financial arrangements</b> | 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.<br><br>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. <sup>350</sup> |
| <b>Expenditures</b>           | 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. <sup>351</sup>   |
| <b>Further information</b>    | <a href="http://www.fao.org/fishery/rfb/nafo/en">http://www.fao.org/fishery/rfb/nafo/en</a><br><a href="http://www.nafo.int/">http://www.nafo.int/</a>   |

#### *North Atlantic Marine Mammal Commission (NAMMCO)*

|                                    |  |
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| <b>Legal basis</b>                 | 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). <sup>352</sup> |
| <b>Policy instruments</b>          |  |
| <b>Cooperation agreements/MoUs</b> |  |

<sup>348</sup> <http://www.fao.org/fishery/rfb/nafo/en> and <http://www.nafo.int/>

<sup>349</sup> Rules of Procedures for the General Council, Rule 2.3, available at <http://www.nafo.int/about/frames/about.html>

<sup>350</sup> NAFO Annual Report 2012, p. 4, available at <http://www.nafo.int/>

<sup>351</sup> NAFO Annual Report 2012, p. 4, available at <http://www.nafo.int/>

<sup>352</sup> <http://www.nammco.no/webcronize/images/Nammco/659.pdf>

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| <b>Mandate/objective/scope</b> | To contribute through regional consultation and cooperation to the conservation, rational management and study of marine mammals in the North Atlantic. <sup>353</sup>  |
| <b>Geographic coverage</b>     | High seas and national waters <sup>354</sup>  |
| <b>Species/stocks coverage</b> | All species of cetaceans (whales and dolphins) and pinnipeds (seals and walruses) in the region, many of which have not before been covered by such an international agreement. <sup>355</sup>  |
| <b>Parties</b>                 | Faroe Islands, Greenland, Iceland, Norway. <sup>356</sup>   |
| <b>Secretariat</b>             | 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. <sup>357</sup>   |
| <b>Institutional framework</b> | <p>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.</p> <p>Management committees make proposals for conservation and management and recommendations for scientific research with respect to stocks of marine mammals within their mandate. Currently, there are two management committees, one for cetaceans, and a second for seals and walruses.</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.<sup>358</sup></p> |

<sup>353</sup> Agreement, Art. 2, available at <http://www.nammco.no/webcronize/images/Nammco/659.pdf> ; <http://www.fao.org/fishery/rfb/nafo/en>

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

<sup>355</sup> <http://www.fao.org/fishery/rfb/nammco/en>

<sup>356</sup> <http://www.fao.org/fishery/rfb/nammco/en>

<sup>357</sup> <http://www.nammco.no/Nammco/Mainpage/Secretariat/>

<sup>358</sup> <http://www.fao.org/fishery/rfb/nammco/en> ; <http://www.nammco.no/> and <http://www.nammco.no/Nammco/Mainpage/AboutNammco/>

|                               |   |
|-------------------------------|---|
| <b>Decision-making</b>        | 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.<br>Decisions of the Council shall be taken by the unanimous vote of those Contracting Parties present. <sup>359</sup> |
| <b>Financial arrangements</b> |   |
| <b>Expenditures</b>           | Audited account for 2010:<br>total income: 4 540 313<br>total operating expenses: 4 235 748 <sup>360</sup>  |
| <b>Further information</b>    | <a href="http://www.fao.org/fishery/rfb/nammco/en">http://www.fao.org/fishery/rfb/nammco/en</a><br><a href="http://www.nammco.no/">http://www.nammco.no/</a>  |

*North Atlantic Salmon Conservation Organization (NASCO)*

|                                    |  |
|------------------------------------|--|
| <b>Legal basis</b>                 | 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. <sup>361</sup>                              |
| <b>Policy instruments</b>          |  |
| <b>Cooperation agreements/MoUs</b> |  |
| <b>Mandate/objective/scope</b>     | 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. <sup>362</sup> |
| <b>Geographic coverage</b>         | High seas and national waters.<br>Atlantic Ocean north of 36°N throughout the species' migratory range. <sup>363</sup>   |
| <b>Species/stocks coverage</b>     | Salmon stocks that migrate beyond areas of fisheries jurisdiction of coastal States of the Atlantic Ocean north of 36°N throughout their migratory range. <sup>364</sup>   |
| <b>Parties</b>                     | Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union, Iceland, Norway, Russian Federation, United States of   |

<sup>359</sup> 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>

<sup>360</sup> NAMMCO Annual Report 2011, Annex 4, p. 34, available at <http://www.nammco.no/webcronize/images/Nammco/976.pdf>

<sup>361</sup> <http://www.fao.org/fishery/rfb/nasco/en> and <http://www.nasco.int/convention.html>

<sup>362</sup> <http://www.fao.org/fishery/rfb/nasco/en>

<sup>363</sup> <http://www.fao.org/fishery/rfb/nasco/en>

<sup>364</sup> <http://www.fao.org/fishery/rfb/nasco/en>



|                                |   |
|--------------------------------|---|
|                                | America.<br>NASCO has 35 accredited NGOs that have observer status. <sup>365</sup>  |
| <b>Secretariat</b>             | The secretary, appointed by the Council, is the chief administrative officer of the Organization. <sup>366</sup>  |
| <b>Institutional framework</b> | <p>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.</p> <p>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.</p> <p>North American Commission: °Canada °United States of America<br/>In addition, the European Union has the right to submit and vote on proposals for regulatory measures concerning salmon stocks originating in its territory.</p> <p>North-East Atlantic Commission: °Denmark (in respect of the Faroe Islands and Greenland): °European Union °Iceland (to 31 December 2009) °Norway °Russian Federation<br/>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.</p> <p>West Greenland Commission: °Canada Denmark (in respect of the Faroe Islands and Greenland) °European Union °United States of America</p> <p>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.<sup>367</sup></p> |
| <b>Decision-making</b>         |   |
| <b>Financial arrangements</b>  |   |
| <b>Expenditures</b>            |   |
| <b>Further information</b>     | <a href="http://www.fao.org/fishery/rfb/nasco/en">http://www.fao.org/fishery/rfb/nasco/en</a><br><a href="http://www.nasco.int/index.html">http://www.nasco.int/index.html</a>  |

<sup>365</sup> <http://www.fao.org/fishery/rfb/nasco/en>

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

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

*North East Atlantic Fisheries Commission (NEAFC)*

|                                    |  |
|------------------------------------|--|
| <b>Legal basis</b>                 | 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 <sup>368</sup> on a provisional basis pending ratification. <sup>369</sup> See: the Declaration on the Interpretation and Implementation of the Convention on the Future Multilateral Cooperation in North-East Atlantic Fisheries. <sup>370</sup> |
| <b>Policy instruments</b>          |  |
| <b>Cooperation agreements/MoUs</b> | MoUs with ICES, OSPAR Commission, etc.   |
| <b>Mandate/objective/scope</b>     | To ensure the long-term conservation and optima utilization of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits. <sup>371</sup>   |
| <b>Geographic coverage</b>         | High seas and national waters.<br>Northeast Atlantic. <sup>372</sup><br>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). <sup>373</sup>   |
| <b>Species/stocks coverage</b>     | 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. <sup>374</sup>  |
| <b>Parties</b>                     | <b>Contracting parties:</b> Denmark (in respect of the Faroe Islands and Greenland), European Union, Iceland, Norway, and Russian Federation.<br><b>Cooperative non-contracting parties:</b> Canada, New Zealand, St Kitts and Nevis. <sup>375</sup>   |
| <b>Secretariat</b>                 | 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. <sup>376</sup>   |

<sup>368</sup> [http://www.neafc.org/system/files/london-declaration\\_and\\_new\\_convention.pdf](http://www.neafc.org/system/files/london-declaration_and_new_convention.pdf)

<sup>369</sup> <http://www.fao.org/fishery/rfb/neafc/en#Org-LegalFoundation>

<sup>370</sup> [http://www.neafc.org/system/files/london-declaration\\_and\\_new\\_convention.pdf](http://www.neafc.org/system/files/london-declaration_and_new_convention.pdf)

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

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

<sup>373</sup> <http://www.neafc.org/neafcguide>

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

<sup>375</sup> <http://www.neafc.org/neafcguide>

|                                |  |
|--------------------------------|--|
| <b>Institutional framework</b> | <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <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"> <li>• Advisory Group for Data Communications (AGDC);</li> <li>• Working Group on the Future of NEAFC (WGFN);</li> <li>• Working Group on Blue Whiting;</li> <li>• Working Group on the Appraisal of Regulatory Measures for Deep-Sea Fisheries;</li> <li>• Working Group on Fisheries Statistics.<sup>377</sup></li> </ul> |
| <b>Decision-making</b>         | <p>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</p>  |

<sup>376</sup> <http://www.fao.org/fishery/rfb/nea/c/en> and <http://www.neafc.org/page/29>

<sup>377</sup> <http://www.fao.org/fishery/rfb/nea/c/en> and <http://www.neafc.org/page/28>

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|-------------------------------|--|
|                               | is a quorum of at least two thirds of the Contracting Parties. <sup>378</sup>  |
| <b>Financial arrangements</b> |  |
| <b>Expenditures</b>           |  |
| <b>Further information</b>    | <a href="http://www.fao.org/fishery/rfb/neafo/en">http://www.fao.org/fishery/rfb/neafo/en</a><br><a href="http://www.neafo.org/">http://www.neafo.org/</a> |

### *Southeast Atlantic Fisheries Organization (SEAFO)*

|                                    |  |
|------------------------------------|--|
| <b>Legal basis</b>                 | 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.<br><br>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. <sup>379</sup> |
| <b>Policy instruments</b>          | Information not available.   |
| <b>Cooperation agreements/MoUs</b> | Information not available.   |
| <b>Mandate/objective/scope</b>     | To ensure the long-term conservation and sustainable use of the fishery resources in the Convention Area through the effective implementation of this Convention. <sup>380</sup>   |
| <b>Geographic coverage</b>         | High seas. <sup>381</sup>  |
| <b>Species/stocks coverage</b>     | 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. <sup>382</sup>   |
| <b>Parties</b>                     | Angola, European Unión, Namibia, Norway. <sup>383</sup>  |
| <b>Secretariat</b>                 | The Executive Secretary and the Secretariat perform the functions delegated to them by the Commission. Based in Swakopmund, Walvis Bay, Namibia. <sup>384</sup>  |

<sup>378</sup> Rules of Procedure, Rule 23, available at [http://www.neafo.org/system/files/rulesofprocedure\\_28052009.pdf](http://www.neafo.org/system/files/rulesofprocedure_28052009.pdf)

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

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

<sup>381</sup> <http://www.fao.org/fishery/rfb/seafo/en>

<sup>382</sup> <http://www.seafo.org/>

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

|                                |  |
|--------------------------------|--|
| <b>Institutional framework</b> | The Commission is the main authority of the Organisation. Each Contracting Party appoints on representative to the Commission who may be accompanied by alternate representatives and advisers.<br><br>The Scientific Committee provides the Commission with scientific advice and recommendations for the formulation of conservation and a management measure 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. <sup>385</sup> |
| <b>Decision-making</b>         | 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. <sup>386</sup>  |
| <b>Financial arrangements</b>  |  |
| <b>Expenditures</b>            |  |
| <b>Further information</b>     | <a href="http://www.fao.org/fishery/rfb/seafo/en">http://www.fao.org/fishery/rfb/seafo/en</a><br><a href="http://www.seafo.org/">http://www.seafo.org/</a>   |

#### *Sub regional Fisheries Commission (SRFC)*

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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. <sup>387</sup>        |
| <b>Policy instruments</b>          | Information not available.  |
| <b>Cooperation agreements/MoUs</b> | Information not available.  |
| <b>Mandate/objective/scope</b>     | 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. <sup>388</sup> |
| <b>Geographic coverage</b>         | National waters.<br>Eastern Central Atlantic ocean off the coast of SRFC member countries. <sup>389</sup>   |
| <b>Species/stocks coverage</b>     | Marine fisheries resources.   |

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

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

<sup>386</sup> Rules of Procedures, Part II, available at <http://www.seafo.org/AURulesProcedures.html>

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

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

<sup>389</sup> <http://www.fao.org/fishery/rfb/srhc/en>

|                                |   |
|--------------------------------|---|
| <b>Parties</b>                 | Cape Verde, Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal, Sierra Leone. <sup>390</sup>  |
| <b>Secretariat</b>             | 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. <sup>391</sup>  |
| <b>Institutional framework</b> | <p>The Conference of Ministers of Member States is the decision-making structure of the SRFC. It is composed of the fisheries ministers of the 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.<sup>392</sup></p> |
| <b>Decision-making</b>         |   |
| <b>Financial arrangements</b>  |   |
| <b>Expenditures</b>            |   |
| <b>Further information</b>     | <a href="http://www.fao.org/fishery/rfb/srhc/en">http://www.fao.org/fishery/rfb/srhc/en</a>   |

#### *Western Central Atlantic Fishery Commission (WECAFC)*

|                           |   |
|---------------------------|---|
| <b>Legal basis</b>        | <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.<sup>393</sup> See: Resolution 1/131 <i>Revised Statutes of the Western Central Atlantic Fishery Commission (WECAFC)</i>.<sup>394</sup></p> <p>Resolution of the members of the Western Central Atlantic Fishery Commission on strengthening the implementation of international fisheries instruments.<sup>395</sup></p> |
| <b>Policy instruments</b> | Information not available.  |

<sup>390</sup> <http://www.fao.org/fishery/rfb/srhc/en> and [http://www.itlos.org/fileadmin/itlos/documents/cases/case\\_no.21/Technical\\_Note\\_eng.pdf](http://www.itlos.org/fileadmin/itlos/documents/cases/case_no.21/Technical_Note_eng.pdf) , p. 3

<sup>391</sup> <http://www.fao.org/fishery/rfb/srhc/en>

<sup>392</sup> <http://www.fao.org/fishery/rfb/srhc/en>

<sup>393</sup> <http://www.fao.org/fishery/rfb/wecafc/en>

<sup>394</sup> <ftp://ftp.fao.org/Fl/DOCUMENT/wecafc/statutes.pdf>

<sup>395</sup> <ftp://ftp.fao.org/Fl/DOCUMENT/wecafc/resolution.pdf>

|                                    |  |
|------------------------------------|--|
| <b>Cooperation agreements/MoUs</b> | Information not available.   |
| <b>Mandate/objective/scope</b>     | 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. <sup>396</sup>   |
| <b>Geographic coverage</b>         | High seas and national waters. <sup>397</sup>  |
| <b>Species/stocks coverage</b>     | 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. <sup>398</sup>  |
| <b>Parties</b>                     | <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><b>Current membership:</b> 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 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.<sup>399</sup></p>  |
| <b>Secretariat</b>                 | The Secretariat is provided by FAO. It is based in the Sub regional Office for the Caribbean (SLC) at Barbados. <sup>400</sup>   |
| <b>Institutional framework</b>     | <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 accesses 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> |

<sup>396</sup> <http://www.fao.org/fishery/rfb/wecafc/en>

<sup>397</sup> <http://www.fao.org/fishery/rfb/wecafc/en>

<sup>398</sup> <http://www.fao.org/fishery/rfb/wecafc/en>

<sup>399</sup> <http://www.fao.org/fishery/rfb/wecafc/en>

<sup>400</sup> <http://www.fao.org/fishery/rfb/wecafc/en>

|                               |  |
|-------------------------------|--|
|                               | <ol style="list-style-type: none"> <li>1. OSPESCA/WECAFC/CRFM/CFMC Working Group on Spiny Lobster</li> <li>2. WECAFC/OSPESCA/CRFM/CFMC Working Group on Recreational Fisheries</li> <li>3. CFMC/OSPESCA/WECAFC/CRFM Queen Conch Working Group</li> <li>4. IFREMER/WECAFC Working Group on Development of Sustainable Moored Fish Aggregating Device (FAD) Fishing in the Lesser Antilles</li> <li>5. CRFM/WECAFC Flying fish in the Eastern Caribbean Working Group</li> <li>6. WECAFC Working Group on the management of deep-sea fisheries</li> <li>7. CFMC/WECAFC Spawning Aggregations Working Group.<sup>401</sup></li> </ol>   |
| <b>Decision-making</b>        | 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. <sup>402</sup> |
| <b>Financial arrangements</b> |  |
| <b>Expenditures</b>           |  |
| <b>Further information</b>    | <a href="http://www.fao.org/fishery/rfb/wecafc/en">http://www.fao.org/fishery/rfb/wecafc/en</a>  |

## Indian Ocean

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

|                           |   |
|---------------------------|---|
| <b>Legal basis</b>        | 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. <sup>403</sup> |
| <b>Policy instruments</b> | Information not available.  |

<sup>401</sup> <http://www.fao.org/fishery/rfb/wecafc/en>

<sup>402</sup> [http://www.un.org/depts/los/general\\_assembly/contributions\\_fisheries/2012/English\\_Report\\_WECAFC\\_14.pdf](http://www.un.org/depts/los/general_assembly/contributions_fisheries/2012/English_Report_WECAFC_14.pdf)

<sup>403</sup> [http://www.fao.org/fishery/rfb/bobp\\_igo/en](http://www.fao.org/fishery/rfb/bobp_igo/en)



|                                    |   |
|------------------------------------|---|
| <b>Cooperation agreements/MoUs</b> | Information not available.  |
| <b>Mandate/objective/scope</b>     | 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. <sup>404</sup><br>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.<br>Goal: To connect member countries to knowledge, experience and resources to help their fisher folk build a better life.<br>Core objectives:<br>-increase awareness and knowledge of the needs, benefits and practices of coastal fisheries management;<br>-enhance skills through training and education;<br>-transfer appropriate technologies and techniques for development of small-scale fisheries;<br>-establish a regional information networking; and<br>-promote women's participation in coastal fisheries development at all levels. <sup>405</sup> |
| <b>Geographic coverage</b>         | Bay of Bengal region (high seas and national waters). <sup>406</sup>  |
| <b>Species/stocks coverage</b>     | Fishery resources of the coastal zone of the Bay of Bengal area. <sup>407</sup>   |
| <b>Parties</b>                     | Bangladesh, India, Maldives, Sri Lanka. <sup>408</sup><br>Discussions are continuing with other countries on the rim of the Bay of Bengal (Myanmar, Thailand, and Indonesia) for their participation. <sup>409</sup>  |
| <b>Secretariat</b>                 | Located in Chennai, Tamil Nadu, India.<br>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. <sup>410</sup>   |
| <b>Institutional framework</b>     | 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.<br>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. <sup>411</sup>   |

<sup>404</sup> Agreement, Art. 3.

<sup>405</sup> <http://www.bobpigo.org/aboutbobp.htm>

<sup>406</sup> [http://www.fao.org/fishery/rfb/bobp\\_igo/en](http://www.fao.org/fishery/rfb/bobp_igo/en)

<sup>407</sup> Agreement, Preamble, Art. 1, Art. 3; [http://www.fao.org/fishery/rfb/bobp\\_igo/en](http://www.fao.org/fishery/rfb/bobp_igo/en)

<sup>408</sup> <http://www.bobpigo.org/aboutbobp.htm>

<sup>409</sup> <http://www.bobpigo.org/faq.htm>

<sup>410</sup> <http://www.bobpigo.org/faq.htm> ; [http://www.fao.org/fishery/rfb/bobp\\_igo/en](http://www.fao.org/fishery/rfb/bobp_igo/en); Agreement, Art. 12(1).

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| <b>Decision-making</b>        | Unless otherwise provided in the Agreement, decisions of the Governing Council shall be taken by a majority of the votes cast. <sup>412</sup>                        |
| <b>Financial arrangements</b> | Information not available.   |
| <b>Expenditures</b>           | Information not available.   |
| <b>Further information</b>    | <a href="http://www.bobpigo.org/">http://www.bobpigo.org/</a><br><a href="http://www.fao.org/fishery/rfb/bobp_igo/en">http://www.fao.org/fishery/rfb/bobp_igo/en</a> |

*South Indian Ocean Fisheries Agreement (SIOFA)*

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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. <sup>413</sup>  |
| <b>Policy instruments</b>          | Information not available.  |
| <b>Cooperation agreements/MoUs</b> | Information not available.  |
| <b>Mandate/objective/scope</b>     | 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. <sup>414</sup>   |
| <b>Geographic coverage</b>         | High seas.<br>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. <sup>415</sup> |

<sup>411</sup> [http://www.fao.org/fishery/rfb/bobp\\_igo/en](http://www.fao.org/fishery/rfb/bobp_igo/en); Agreement, Art. 8, Art. 11, available at <http://www.bobpigo.org/download/agreement.pdf>

<sup>412</sup> Agreement, Art. 8(6).

<sup>413</sup> <http://www.fao.org/fishery/rfb/siofa/en>; [http://www.fao.org/fileadmin/user\\_upload/legal/docs/1\\_035s-e.pdf](http://www.fao.org/fileadmin/user_upload/legal/docs/1_035s-e.pdf)

<sup>414</sup> Agreement, Art. 2, available at [http://www.fao.org/fileadmin/user\\_upload/legal/docs/035t-e.pdf](http://www.fao.org/fileadmin/user_upload/legal/docs/035t-e.pdf)

<sup>415</sup> Agreement, Art. 3, available at [http://www.fao.org/fileadmin/user\\_upload/legal/docs/035t-e.pdf](http://www.fao.org/fileadmin/user_upload/legal/docs/035t-e.pdf); <http://www.fao.org/fishery/rfb/siofa/en>

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|--------------------------------|---|
| <b>Species/stocks coverage</b> | 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 UNCLOS. <sup>416</sup>  |
| <b>Parties</b>                 | Australia, Cook Islands, European Union, Mauritius, Seychelles.<br>The following states have signed the Agreement, but did not ratify yet: Comoros, France, Kenya, Madagascar, Mozambique, and New Zealand. <sup>417</sup>  |
| <b>Secretariat</b>             | 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. <sup>418</sup>  |
| <b>Institutional framework</b> | 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. <sup>419</sup><br>The subsidiary organs are:<br>-Scientific Committee, which shall meet at least once a year, and preferably prior to the Meeting of the Parties;<br>-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.<br>The Meeting of the Parties might also establish temporary, special or standing committees and working groups. <sup>420</sup> |
| <b>Decision-making</b>         | 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. <sup>421</sup>  |
| <b>Financial arrangements</b>  | n/a   |
| <b>Expenditures</b>            | n/a   |
| <b>Further information</b>     | <a href="http://www.fao.org/fileadmin/user_upload/legal/docs/035t-e.pdf">http://www.fao.org/fileadmin/user_upload/legal/docs/035t-e.pdf</a><br><a href="http://www.fao.org/fishery/rfb/siofa/en">http://www.fao.org/fishery/rfb/siofa/en</a>  |

### *Indian Ocean Tuna Commission (IOTC)*

|                    |   |
|--------------------|---|
| <b>Legal basis</b> | The Agreement for the Establishment of the Indian Ocean Tuna Commission was concluded under Article XIV of the FAO Constitution. It was |
|--------------------|---|

<sup>416</sup> Agreement, Art. 1(f).

<sup>417</sup> [http://www.fao.org/fileadmin/user\\_upload/legal/docs/1\\_035s-e.pdf](http://www.fao.org/fileadmin/user_upload/legal/docs/1_035s-e.pdf)

<sup>418</sup> <http://www.fao.org/fishery/rfb/siofa/en>

<sup>419</sup> Agreement, Art. 5(2).

<sup>420</sup> Agreement, Art. 7.

<sup>421</sup> Agreement, Art. 8.

|                                    |  |
|------------------------------------|--|
|                                    | approved by the FAO Council on 25 November 1993 and came into force on 27 March 1996. <sup>422</sup><br><br>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. <sup>423</sup>   |
| <b>Policy instruments</b>          | Information not available.   |
| <b>Cooperation agreements/MoUs</b> | Information not available.   |
| <b>Mandate/objective/scope</b>     | To promote cooperation among its members with a view to ensuring, through appropriate management, the conservation and optima utilization of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks. <sup>424</sup>  |
| <b>Geographic coverage</b>         | 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. <sup>425</sup> 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. <sup>426</sup> |
| <b>Species/stocks coverage</b>     | 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. <sup>427</sup>  |
| <b>Parties</b>                     | <b>Members:</b> 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.<br><b>Cooperative Non-Contracting Parties:</b> Senegal, South Africa. <sup>428</sup>   |
| <b>Secretariat</b>                 | 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   |

<sup>422</sup> <http://www.iotc.org/English/info/mission.php>

<sup>423</sup> <http://www.iotc.org/English/info/background.php>

<sup>424</sup> <http://www.iotc.org/English/info/mission.php>

<sup>425</sup> Agreement, Art. II, available at [ftp://ftp.fao.org/Fl/DOCUMENT/iotc/Basic/IOTCA\\_E.pdf](ftp://ftp.fao.org/Fl/DOCUMENT/iotc/Basic/IOTCA_E.pdf)

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

<sup>427</sup> <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/basicitext.php>

<sup>428</sup> <http://www.iotc.org/English/info/comstruct.php>

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|--------------------------------|---|
|                                | Authority (SFA). The Secretary is responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. <sup>429</sup>   |
| <b>Institutional framework</b> | 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. <sup>430</sup>  |
| <b>Decision-making</b>         | Unless otherwise provided in the Agreement, decisions and recommendations of the Commission shall be taken by a majority of the votes cast. <sup>431</sup>  |
| <b>Financial arrangements</b>  | 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:<br>(i) 10 percent of the total budget of the Commission is divided equally among all the members;<br>(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;<br>(iii) 40 percent of the total budget is allocated among the members on the basis of per caput GNP;<br>(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. <sup>432</sup> |
| <b>Expenditures</b>            | Administrative expenditures (staff costs) 2012: US\$1,405,275 USD.<br>Grand total expenditures (for staff as well as for activities) 2012: US\$2,344,778 USD. <sup>433</sup>  |
| <b>Further information</b>     | <a href="http://www.iotc.org/English/index.php">http://www.iotc.org/English/index.php</a><br><a href="http://www.fao.org/fishery/rfb/iotc/en">http://www.fao.org/fishery/rfb/iotc/en</a>  |

<sup>429</sup> <http://www.iotc.org/English/info/contact.php>; <http://www.fao.org/fishery/rfb/iotc/en>; <http://www.iotc.org/English/info/staff.php>

<sup>430</sup> <http://www.fao.org/fishery/rfb/iotc/en> ; <http://www.iotc.org/English/info/comstruct.php>; Agreement, Art. IX and XII.

<sup>431</sup> Agreement, Art. VI (2).

<sup>432</sup> <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)

<sup>433</sup> 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)

*Southwest Indian Ocean Fisheries Commission (SWIOFC)*

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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. <sup>434</sup>   |
| <b>Policy instruments</b>          | Information not available.  |
| <b>Cooperation agreements/MoUs</b> | Information not available.  |
| <b>Mandate/objective/scope</b>     | 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. <sup>435</sup>   |
| <b>Geographic coverage</b>         | National waters.<br>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. <sup>436</sup> |
| <b>Species/stocks coverage</b>     | 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. <sup>437</sup>  |
| <b>Parties</b>                     | Comoros, France, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Seychelles, Somalia, South Africa, Tanzania, Yemen. <sup>438</sup>   |
| <b>Secretariat</b>                 | The Secretariat is provided by FAO Sub regional Office for Southern Africa (SFS). It is based in Harare, Zimbabwe. <sup>439</sup>   |
| <b>Institutional framework</b>     | 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. <sup>440</sup>   |
| <b>Decision-making</b>             | Decisions of the Commission shall be taken by a majority of the votes cast, unless otherwise provided in the Rules of Procedure.  |

<sup>434</sup> [ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc\\_1\\_2005/inf4e.pdf](ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/inf4e.pdf) ; <http://www.fao.org/fishery/rfb/swiofc/en>

<sup>435</sup> Statute, Art. 4, available at [ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc\\_1\\_2005/inf4e.pdf](ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/inf4e.pdf)

<sup>436</sup> Statutes, Art. 1 and Annex I, available at [ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc\\_1\\_2005/inf4e.pdf](ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/inf4e.pdf)

<sup>437</sup> <http://www.fao.org/fishery/rfb/swiofc/en>; Statutes, Art. 2.

<sup>438</sup> <http://www.fao.org/fishery/rfb/swiofc/en>

<sup>439</sup> <http://www.fao.org/fishery/rfb/swiofc/en>

<sup>440</sup> 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](ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/2e.pdf)

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|                               | 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. <sup>441</sup>              |
| <b>Financial arrangements</b> | Information not available.   |
| <b>Expenditures</b>           | Information not available.   |
| <b>Further information</b>    | <a href="ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/inf4e.pdf">ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/inf4e.pdf</a><br><a href="http://www.fao.org/fishery/rfb/swiofc/en">http://www.fao.org/fishery/rfb/swiofc/en</a> |

### *Regional Commission for Fisheries (RECOFI)*

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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 Session, October 2001. <sup>442</sup><br><br>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. <sup>443</sup> |
| <b>Policy instruments</b>          | Information not available.  |
| <b>Cooperation agreements/MoUs</b> | Information not available.  |
| <b>Mandate/objective/scope</b>     | To promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture. <sup>444</sup>  |
| <b>Geographic coverage</b>         | National waters.<br>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). <sup>445</sup>  |
| <b>Species/stocks coverage</b>     | All living marine resources in the Agreement area, with the exception of internal waters.   |

<sup>441</sup> Rules of Procedure, Rule 6, available at [ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc\\_1\\_2005/2e.pdf](ftp://ftp.fao.org/fi/DOCUMENT/safr/swiofc_1_2005/2e.pdf)

<sup>442</sup> <http://www.fao.org/fishery/rfb/recofi/en> ; [ftp://ftp.fao.org/FI/DOCUMENT/RNE/recofi\\_agreement\\_text.pdf](ftp://ftp.fao.org/FI/DOCUMENT/RNE/recofi_agreement_text.pdf)

<sup>443</sup> <http://neareast.fao.org/Pages/PageCreator.aspx?lang=EN&I=104120&CI=0&CMSId=787&DId=10002>

<sup>444</sup> <http://www.fao.org/fishery/rfb/recofi/en>

<sup>445</sup> <http://www.fao.org/fishery/rfb/recofi/en>; Agreement, Art. IV, available at [ftp://ftp.fao.org/FI/DOCUMENT/RNE/recofi\\_agreement\\_text.pdf](ftp://ftp.fao.org/FI/DOCUMENT/RNE/recofi_agreement_text.pdf)

|                                |   |
|--------------------------------|---|
| <b>Parties</b>                 | Bahrain, Iraq, Iran (Islamic Rep. of), Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates. <sup>446</sup>  |
| <b>Secretariat</b>             | 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. <sup>447</sup>  |
| <b>Institutional framework</b> | The 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. 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:<br>-Working group on Aquaculture (WGA)<br>-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). <sup>448</sup> |
| <b>Decision-making</b>         | 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. <sup>449</sup>  |
| <b>Financial arrangements</b>  | 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). <sup>450</sup>   |
| <b>Expenditures</b>            | Total expenditures 2003-May 2009: USD 260,958.<br>Total expenditures 2007-May 2009: USD 190,132. <sup>451</sup>   |
| <b>Further information</b>     | <a href="http://www.fao.org/fishery/rfb/recofi/en">http://www.fao.org/fishery/rfb/recofi/en</a>   |

<sup>446</sup> [ftp://ftp.fao.org/Fl/DOCUMENT/RNE/recofi\\_agreement\\_text.pdf](ftp://ftp.fao.org/Fl/DOCUMENT/RNE/recofi_agreement_text.pdf); <http://www.fao.org/fishery/rfb/recofi/en>

<sup>447</sup> <http://www.fao.org/fishery/rfb/recofi/en>

<sup>448</sup> <http://www.fao.org/fishery/rfb/recofi/en>; <http://neareast.fao.org/Pages/PageCreator.aspx?lang=EN&I=104120&CI=0&CMSId=787&DI=10002>

<sup>449</sup> <http://www.fao.org/fishery/rfb/recofi/en>

<sup>450</sup> <http://www.fao.org/fishery/rfb/recofi/en>; <http://neareast.fao.org/Pages/PageCreator.aspx?lang=EN&I=104120&CI=0&CMSId=787&DI=10002>

<sup>451</sup> RECOFI 5<sup>th</sup> 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>



## Mediterranean and Black Sea

### *General Fisheries Commission for the Mediterranean (GFCM)*

|                                    |  |
|------------------------------------|--|
| <b>Legal basis</b>                 | <p>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.<sup>452</sup></p> <p>Status of acceptance of the 1997 amendments to the GFCM Agreement:<br/>         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.<sup>453</sup></p> |
| <b>Policy instruments</b>          | n/a  |
| <b>Cooperation agreements/MoUs</b> | <ul style="list-style-type: none"> <li>-MoU between GFCM and IUCN;</li> <li>-MoU between GFCM and CIHEAM/IAMZ;</li> <li>-MoU between GFCM and UNEP/RAC-SPA.</li> </ul> <p>The following draft MoUs have been proposed to the Commission in May 2012 (report with decisions not available yet):</p> <ul style="list-style-type: none"> <li>- MoU between GFCM and UNEP-MAP (which would supersede the one concluded between GFCM and RAC/SPA)</li> <li>- MoU between GFCM and ACCOBAMS;</li> <li>- MoU between GFCM and BLACK SEA COMMISSION;</li> <li>- MoU between GFCM and MedPAN;</li> <li>- MoU between GFCM and RACMED;</li> <li>- MoU between GFCM and EUROFISH.<sup>454</sup></li> </ul>  |

<sup>452</sup> <http://www.gfcm.org/gfcm/about/en>

<sup>453</sup> 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](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/FI/DOCUMENT/gfcm/web/GFCMStatusacceptance.pdf>

<sup>454</sup> [ftp://ftp.fao.org/fi/DOCUMENT/gfcm/gfcm\\_32/inf10e.pdf](ftp://ftp.fao.org/fi/DOCUMENT/gfcm/gfcm_32/inf10e.pdf); GFCM Framework for Cooperation with Party Organizations – Memoranda of Understanding, 36<sup>th</sup> Session of the Commission, 14-19 May 2012, p. 1-2, available at [http://151.1.154.86/GfcmWebSite/GFCM/36/GFCM\\_XXXVI\\_2012\\_Inf.5-e.pdf](http://151.1.154.86/GfcmWebSite/GFCM/36/GFCM_XXXVI_2012_Inf.5-e.pdf)

|                                |   |
|--------------------------------|---|
| <b>Mandate/objective/scope</b> | 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. <sup>455</sup>  |
| <b>Geographic coverage</b>     | Mediterranean, Black Sea and connecting waters. <sup>456</sup>  |
| <b>Species/stocks coverage</b> | All living marine resources in the area covered by GFCM. <sup>457</sup>   |
| <b>Parties</b>                 | 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. <sup>458</sup>   |
| <b>Secretariat</b>             | Located in Rome, Italy. The staffs consist of 10 persons. <sup>459</sup>  |
| <b>Institutional framework</b> | The GFCM holds its regular session annually and operates during the intercessional 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. <sup>460</sup>   |
| <b>Decision-making</b>         | By a majority of the votes cast, except as otherwise provided by the Agreement. <sup>461</sup>  |
| <b>Financial arrangements</b>  | Member contributions are based on the following factors for calculation:<br>Membership: 10 percent<br>Wealth component: 35 percent<br>Catch component: 55 percent <sup>462</sup><br>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. <sup>463</sup> |
| <b>Expenditures</b>            | The Commission adopted its 2011 autonomous budget at a value of US \$ 1 708 239. <sup>464</sup>   |
| <b>Further information</b>     | <a href="http://www.gfcm.org/gfcm/about/en">http://www.gfcm.org/gfcm/about/en</a>   |

<sup>455</sup> <http://www.gfcm.org/gfcm/about/en#Org-OrgsInvolved>

<sup>456</sup> <http://www.gfcm.org/gfcm/about/en>

<sup>457</sup> <http://www.gfcm.org/gfcm/about/en>

<sup>458</sup> <http://www.gfcm.org/gfcm/about/en#Org-OrgsInvolved>

<sup>459</sup> <http://www.gfcm.org/gfcm/about/en>

<sup>460</sup> <http://www.gfcm.org/gfcm/about/en>

<sup>461</sup> Agreement, Art. II (2).

<sup>462</sup> GFCM Financial Regulations, Annex: Scheme for the calculation of contributions, available at <ftp://ftp.fao.org/FI/DOCUMENT/gfcm/web/GFCMFinancialRegulations.pdf>

<sup>463</sup> 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](http://151.1.154.86/GfcmWebSite/GFCM/36/CAF_III_2012_2_GFCM_XXXVI_2012_6-e_Rev.1.pdf)

<sup>464</sup> GFCM (2012), Report of the 35<sup>th</sup> session of the GFCM 9-14 May 2011, p. 29, section 98, available at <http://www.fao.org/docrep/015/i2576e/i2576e.pdf>

## Pacific Ocean

### *Asia-Pacific Fishery Commission (APFIC)*

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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. <sup>465</sup> Last amended at the 25 <sup>th</sup> session of the Commission in Seoul on 15-24 October 1996, and approved by the FAO Council at its 112 <sup>th</sup> session in Rome on 2-7 June 1997. <sup>466</sup> |
| <b>Policy instruments</b>          | APFIC Strategic Plan 2007-2012 <sup>467</sup>   |
| <b>Cooperation agreements/MoUs</b> | 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. <sup>468</sup>  |
| <b>Mandate/objective/scope</b>     | 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. <sup>469</sup>   |
| <b>Geographic coverage</b>         | Both marine and inland waters of the Asia-Pacific area, including areas within national jurisdiction and the high seas. <sup>470</sup><br>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. <sup>471</sup><br>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. <sup>472</sup>  |

<sup>465</sup> <http://www.fao.org/docrep/007/ad500e/ad500e0c.htm>; [ftp://ftp.fao.org/FILE/DOCUMENT/apfic/apfic\\_convention.pdf](ftp://ftp.fao.org/FILE/DOCUMENT/apfic/apfic_convention.pdf) ; [http://iea.uoregon.edu/pages/view\\_treaty.php?t=1948-IndoPacificFisheries\\_AA19761105.EN.txt&par=view\\_treaty\\_html](http://iea.uoregon.edu/pages/view_treaty.php?t=1948-IndoPacificFisheries_AA19761105.EN.txt&par=view_treaty_html); <http://www.fao.org/docrep/003/X6942E/x6942e06.htm>

<sup>466</sup> <http://www.apfic.org/modules/wfdownloads/singlefile.php?cid=4&lid=42>

<sup>467</sup> <http://www.apfic.org/uploads/APFIC%20strategy%202007-2012.pdf>

<sup>468</sup> <http://www.apfic.org/modules/tinycontent/index.php?id=27>

<sup>469</sup> Agreement, Art. IV; <http://www.apfic.org/modules/tinycontent/index.php?id=27>

<sup>470</sup> 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>

<sup>471</sup> Agreement, Article XII.

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|                                | The practical description of the APFIC area was agreed as follows by the 71 <sup>st</sup> Meeting of the APFIC Executive Committee (Jakarta, 2007): <ul style="list-style-type: none"> <li>- The EEZ waters of member countries in the Asian region and contiguous waters of northern Australia.</li> <li>- In particular, the Large Marine Ecosystem areas of: the Bay of Bengal, South China Sea, Yellow Sea and the Sulu-Sulawesi Marine Eco-region and the Arafura-Timor sea.</li> <li>- Asian inland waters of the APFIC member countries.<sup>473</sup></li> </ul>   |
| <b>Species/stocks coverage</b> | Both marine and inland living aquatic resources of the Asia-Pacific area. <sup>474</sup>   |
| <b>Parties</b>                 | 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. <sup>475</sup>  |
| <b>Secretariat</b>             | The secretariat is provided and supported by FAO. It is based in the FAO Regional Office for Asia and the Pacific, Bangkok, Thailand. <sup>476</sup><br>The secretariat officers also have regular functions as FAO officers. <sup>477</sup>   |
| <b>Institutional framework</b> | APFIC is an Article XIV FAO RFB established by FAO at the request of its members.<br>The APFIC was originally established under the APFIC Agreement as the Indo-Pacific Fisheries Council in 1948 by the FAO.<br>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.<br>The Executive Committee advises the Commission. The Committee meets once a year between the Commissions' 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.<br>The Committee may establish temporary, special or standing committees and/or working parties. <sup>478</sup> There are none at present. <sup>479</sup> |
| <b>Decision-making</b>         | Decisions are taken by a majority of the votes cast, unless a greater majority is required. <sup>480</sup>   |
| <b>Financial arrangements</b>  | 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  |

<sup>472</sup> <http://www.apfic.org/modules/tinycontent/index.php?id=27>; <http://www.fao.org/fishery/rfb/apfic/en>

<sup>473</sup> APFIC Strategic Plan 2007-2012, pp. 2-3.

<sup>474</sup> Agreement, Art. IV; <http://www.fao.org/fishery/rfb/apfic/en>

<sup>475</sup> <http://www.apfic.org/modules/tinycontent/index.php?id=27>

<sup>476</sup> <http://www.fao.org/fishery/rfb/apfic/en>

<sup>477</sup> APFIC Strategic Plan 2007-2012, p. 9.

<sup>478</sup> Agreement, Art. I-III, available at <http://www.apfic.org/modules/wfdownloads/singlefile.php?cid=4&lid=42>; <http://www.apfic.org/modules/tinycontent/index.php?id=27>

<sup>479</sup> <http://www.fao.org/fishery/rfb/apfic/en>

<sup>480</sup> Agreement, Art. II (2); <http://www.apfic.org/modules/tinycontent/index.php?id=27>

|                            |  |
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|                            | 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. <sup>481</sup>   |
| <b>Expenditures</b>        | 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. <sup>482</sup>  |
| <b>Further information</b> | Regional fishery body: <a href="http://www.apfic.org/">http://www.apfic.org/</a><br>FAO factsheet: <a href="http://www.fao.org/fishery/rfb/apfic/en">http://www.fao.org/fishery/rfb/apfic/en</a><br>2000 Performance review: <a href="http://www.apfic.org/apfic_downloads/pubs_APFIC/2000-05%20APFIC%20-%20its%20changing%20role.pdf">http://www.apfic.org/apfic_downloads/pubs_APFIC/2000-05%20APFIC%20-%20its%20changing%20role.pdf</a> |

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

|                                    |  |
|------------------------------------|--|
| <b>Legal basis</b>                 | 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, 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. <sup>483</sup>   |
| <b>Policy instruments</b>          | n/a  |
| <b>Cooperation agreements/MoUs</b> | n/a  |
| <b>Mandate/objective/scope</b>     | 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. <sup>484</sup> |

<sup>481</sup> 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](http://www.apfic.org/uploads/2011%20EXCO73_inf.pdf)

<sup>482</sup> Agreement, Art. VIII.

<sup>483</sup> <http://www.fao.org/fishery/rfb/ccbsp/en>

<sup>484</sup> Convention, Art. II, available at <http://www.afsc.noaa.gov/REFM/CBS/Docs/Convention%20on%20Conservation%20of%20Pollock%20in%20Central%20Bering%20Sea.pdf>

|                                |  |
|--------------------------------|--|
| <b>Geographic coverage</b>     | High seas.<br>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. <sup>485</sup>                                     |
| <b>Species/stocks coverage</b> | Pollock resources in the Convention area. <sup>486</sup>   |
| <b>Parties</b>                 | China, Japan, Poland, Russian Federation, Republic of Korea, United States of America. <sup>487</sup>  |
| <b>Secretariat</b>             | No secretariat. <sup>488</sup>   |
| <b>Institutional framework</b> | The Annual Conference of the Parties (COP) is the main decisional structure, and is held in rotation among the parties.<br>At least one representative from each party participates in the Scientific and Technical Committee. <sup>489</sup><br>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. <sup>490</sup> |
| <b>Decision-making</b>         | 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. <sup>491</sup>   |
| <b>Financial arrangements</b>  | n/a  |
| <b>Expenditures</b>            | n/a  |
| <b>Further information</b>     | <a href="http://www.afsc.noaa.gov/REFM/CBS/convention_description.htm">http://www.afsc.noaa.gov/REFM/CBS/convention_description.htm</a><br><a href="http://www.fao.org/fishery/rfb/ccbsp/en">http://www.fao.org/fishery/rfb/ccbsp/en</a>   |

*Permanent Commission for the South Pacific (CPPS)*

|                    |   |
|--------------------|---|
| <b>Legal basis</b> | 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 |
|--------------------|---|

<sup>485</sup> Convention, Art. I.

<sup>486</sup> Convention, Art. II; <http://www.fao.org/fishery/rfb/ccbsp/en>

<sup>487</sup> [http://www.afsc.noaa.gov/REFM/CBS/convention\\_description.htm](http://www.afsc.noaa.gov/REFM/CBS/convention_description.htm)

<sup>488</sup> <http://www.fao.org/fishery/rfb/ccbsp/en>

<sup>489</sup> Convention, Art. VI (1), Art. IX (1).

<sup>490</sup> <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>

<sup>491</sup> Convention, Art. V.

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|------------------------------------|--|
|                                    | <p>of the South Pacific, held in Santiago, Chile, on 18 August 1952. Colombia joined the CPPS on 9 August, 1979. 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.<sup>492</sup> The most relevant one for the purpose of this paper is:</p> <ul style="list-style-type: none"> <li>- Framework Agreement for the Conservation of the Living Marine Resources on the High Seas of the Southeast Pacific, Santiago, 14 August 2000. Not in force.<sup>493</sup></li> </ul> |
| <b>Policy instruments</b>          | Information not available.   |
| <b>Cooperation agreements/MoUs</b> | Information not available.   |
| <b>Mandate/objective/scope</b>     | <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.<sup>494</sup></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.<sup>495</sup></p>  |
| <b>Geographic coverage</b>         | <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. 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.<sup>496</sup></p>  |
| <b>Species/stocks coverage</b>     | 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. <sup>497</sup>   |

<sup>492</sup> <http://www.fao.org/fishery/rfb/cpps/en>

<sup>493</sup> *Law of the Sea Bulletin*, 70-78, No. 45 (2001).

<sup>494</sup> <http://www.fao.org/fishery/rfb/cpps/en>

<sup>495</sup> Information Brochure (2012), p. 2, available at <http://cpps.dyndns.info/cpps-docs-web/images/CPPS-2012-eng.pdf>

<sup>496</sup> <http://www.fao.org/fishery/rfb/cpps/en>

<sup>497</sup> <http://www.fao.org/fishery/rfb/cpps/en>

|                                |  |
|--------------------------------|--|
| <b>Parties</b>                 | Chile, Colombia, Ecuador, Peru <sup>498</sup>  |
| <b>Secretariat</b>             | Located in Guayaquil, Ecuador. <sup>499</sup>  |
| <b>Institutional framework</b> | <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> <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.<sup>500</sup></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).<sup>501</sup></p> |
| <b>Decision-making</b>         | Information not available.   |
| <b>Financial arrangements</b>  | Information not available.   |
| <b>Expenditures</b>            | Information not available.   |
| <b>Further information</b>     | <a href="http://www.cpps-int.org/">http://www.cpps-int.org/</a><br><a href="http://cpps.dyndns.info/cpps-docs-web/images/CPPS-2012-eng.pdf">http://cpps.dyndns.info/cpps-docs-web/images/CPPS-2012-eng.pdf</a><br><a href="http://www.fao.org/fishery/rfb/cpps/en">http://www.fao.org/fishery/rfb/cpps/en</a>  |

### *Forum Fisheries Agency (FFA)*

|                           |   |
|---------------------------|---|
| <b>Legal basis</b>        | 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. |
| <b>Policy instruments</b> | FFA Strategic Plan 2005-2020 <sup>502</sup>   |
| <b>Cooperation</b>        | Agreement between the Government of the United States and the South Pacific Forum Fisheries Agency, done at Auckland (1992) and Suva                              |

<sup>498</sup> <http://cpps.dyndns.info/cpps-docs-web/images/CPPS-2012-eng.pdf>; <http://www.fao.org/fishery/rfb/cpps/en>

<sup>499</sup> <http://www.fao.org/fishery/rfb/cpps/en>; <http://www.cpps-int.org/>

<sup>500</sup> <http://www.fao.org/fishery/rfb/cpps/en>; <http://www.cpps-int.org/index.php/la-secretaria.html>

<sup>501</sup> <http://www.fao.org/fishery/rfb/cpps/en>

<sup>502</sup> [http://www.ffa.int/system/files/FFA\\_STRATEGIC\\_PLAN\\_2005-2020\\_0.pdf](http://www.ffa.int/system/files/FFA_STRATEGIC_PLAN_2005-2020_0.pdf)



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| <p><b>agreements/MoUs</b></p> | <p>(1993).<sup>503</sup> 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, and Vanuatu.<sup>504</sup></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):<br/>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.<sup>505</sup> 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:<br/>This is a sub-regional 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.<sup>506</sup></p> <p>Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region:<br/>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.<sup>507</sup></p> <p>The Palau Arrangement for the Management of the Western Pacific Purse Seine Fishery:<br/>This arrangement was developed by the Parties to the Nauru Agreement and entered into force in November 1995. The arrangement set 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, and Tuvalu.<sup>508</sup></p> |
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<sup>503</sup> Included in the US Treaty, pp. 45-46, available at <http://www.ffa.int/system/files/USA-PI%20States%20Treaty%20on%20Fish.pdf>

<sup>504</sup> <http://www.ffa.int/taxonomy/term/441>

<sup>505</sup> [http://www.ffa.int/system/files/FSM%20Arrangement\\_0.pdf](http://www.ffa.int/system/files/FSM%20Arrangement_0.pdf) ; <http://www.ffa.int/taxonomy/term/443>

<sup>506</sup> <http://www.ffa.int/system/files/%252Fhome/ffaadmin/%252Ffiles/ffa/Nauru%20Agreement.pdf> ; [http://www.ffa.int/nauru\\_agreement](http://www.ffa.int/nauru_agreement)

<sup>507</sup> <http://www.ffa.int/system/files/%252Fhome/ffaadmin/%252Ffiles/ffa/Niue%20Treaty.pdf> ; <http://www.ffa.int/taxonomy/term/451>

<sup>508</sup> <http://www.ffa.int/system/files/%252Fhome/ffaadmin/%252Ffiles/ffa/Palau%20Arrangement.pdf>; <http://www.ffa.int/taxonomy/term/442>

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| <b>Mandate/objective/scope</b> | Corporate mission:<br>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.<br>Vision statement:<br>“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.” <sup>509</sup> |
| <b>Geographic coverage</b>     | High seas and national waters in the South Pacific region. No precise definition of the FFA’s area of competence. <sup>510</sup>  |
| <b>Species/stocks coverage</b> | Tuna and tuna-like species <sup>511</sup>   |
| <b>Parties</b>                 | 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. <sup>512</sup>   |
| <b>Secretariat</b>             | Located on Honiara, Solomon Islands. <sup>513</sup><br>Approximately 80 staff supports their national contact points in departments of foreign affairs and fisheries in each member jurisdiction. <sup>514</sup><br>Organized in 6 divisions, led by an executive management unit headed by a director. <sup>515</sup>  |
| <b>Institutional framework</b> | The governing body is the Forum Fisheries Committee (FFC).<br>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. <sup>516</sup>  |
| <b>Decision-making</b>         | The 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. <sup>517</sup>   |
| <b>Financial arrangements</b>  | The budget is to be financed by contributions according to the shares set out in the Annex to the Convention as follows:<br>Australia 1/3<br>Cook Islands 1/30<br>Fiji 1/30<br>Gilbert Islands 1/30   |

<sup>509</sup> <http://www.ffa.int/about>

<sup>510</sup> <http://www.fao.org/fishery/rfb/ffa/en>

<sup>511</sup> <http://www.fao.org/fishery/rfb/ffa/en>

<sup>512</sup> <http://www.ffa.int/members>

<sup>513</sup> Convention, Art. I.

<sup>514</sup> <http://www.ffa.int/about>

<sup>515</sup> <http://www.fao.org/fishery/rfb/ffa/en>

<sup>516</sup> Convention, Art. IV.

<sup>517</sup> Convention, Art. IV.

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|                            | <p>Nauru 1/30<br/> New Zealand 1/3<br/> Niue 1/30<br/> Papua New Guinea 1/30<br/> Solomon Islands 1/30<br/> Tonga 1/30<br/> Tuvalu 1/30<br/> Western Samoa 1/30</p> <p>The Annex is subject to review from time to time by the FFC.<sup>518</sup> The current shares are unknown.</p> |
| <b>Expenditures</b>        | <p>Unaudited Income and Expenditure statement, as at 30 May 2011<sup>519</sup><br/> Revised Annual Budget: Total Actual + Commitments<br/> Total income: 17,869,971 18,131,704<br/> Total expenditure: 17,869,971 12,091,910</p>  |
| <b>Further information</b> | <p><a href="http://www.ffa.int/">http://www.ffa.int/</a><br/> <a href="http://www.fao.org/fishery/rfb/ffa/en">http://www.fao.org/fishery/rfb/ffa/en</a></p>   |

*Inter-American Tropical Tuna Commission (IATTC)*

|                                     |  |
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| <b>Legal basis</b>                  | <p>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.<br/> 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.<sup>520</sup></p> |
| <b>Policy instruments</b>           | n/a  |
| <b>Cooperation agreements/Moues</b> | <p>IATTC-WCPFC Memorandum of Cooperation on data exchange signed on 11 December 2009.<br/> IATTC-WCPFC Memorandum of Understanding signed in June 2006.<sup>521</sup></p>  |
| <b>Mandate/objective/scope</b>      | To ensure the long-term conservation and sustainable use of the fish stocks covered by the Convention. <sup>522</sup>  |

<sup>518</sup> FFA Convention, Art. 6 and Annex [ftp://ftp.fao.org/FI/DOCUMENT/RFB/ffa/FFA\\_Convention.pdf](ftp://ftp.fao.org/FI/DOCUMENT/RFB/ffa/FFA_Convention.pdf)

<sup>519</sup> 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](http://www.ffa.int/system/files/Part_2_FFA_Annual_Report_2010-11_0.pdf)

<sup>520</sup> <http://www.fao.org/fishery/rfb/iattc/en>; <http://www.iattc.org/IATTCdocumentationENG.htm>

<sup>521</sup> <http://www.iattc.org/IATTCDocumentsENG.htm>

<sup>522</sup> Convention, Art. II.

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| <b>Geographic coverage</b>     | High seas of the Eastern Pacific Ocean.<br>The Convention Area is defined in Art. III of the Antigua Convention as follows:<br>The area of the Pacific Ocean bounded by the coastline of North, Central, and South America and by the following lines:<br>i. the 50°N parallel from the coast of North America to its intersection with the 150°W meridian;<br>ii. the 150°W meridian to its intersection with the 50°S parallel; and<br>iii. The 50°S parallel to its intersection with the coast of South America. <sup>523</sup> |
| <b>Species/stocks coverage</b> | Tunas and tuna-like species and other species of fish taken by vessels fishing for tunas and tuna-like species in the Convention Area.  |
| <b>Parties</b>                 | <b>Members:</b> Belize, Canada, China, Colombia, Costa Rica, Ecuador, El Salvador, European Union, France, Guatemala, Japan, Kiribati, Republic of Korea, Mexico, Nicaragua, Panamá, Perú, Chinese Taipei, United States of America, Vanuatu, Venezuela.<br><b>Cooperating Non-Member:</b> Cook Islands. <sup>524</sup>   |
| <b>Secretariat</b>             | Located in La Jolla, California, United States.<br>The staffs include the Director, the Coordinator of Scientific Research and other administrative and scientific staff. <sup>525</sup>  |
| <b>Institutional framework</b> | 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.<br>The Antigua Convention established:<br>-the Committee for the Review of Implementation of Measures adopted by the Commission; and<br>-the Scientific Advisory Committee. <sup>526</sup>  |
| <b>Decision-making</b>         | By consensus. <sup>527</sup>  |
| <b>Financial arrangements</b>  | Each Member's contribution shall be calculated as follows:<br>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:<br>i. An operational component (10%);<br>ii. The catches by their flag vessels (70%);<br>iii. Their utilization of tuna from the Convention Area (10%). <sup>528</sup>   |
| <b>Expenditures</b>            | Information not available.  |

<sup>523</sup> Convention, Art. III; <http://www.fao.org/fishery/rfb/iattc/en>

<sup>524</sup> <http://www.iattc.org/IATTCdocumentationENG.htm>; <http://www.iattc.org/HomeENG.htm> , website last modified 13 June 2012.

<sup>525</sup> <http://www.iattc.org/StaffENG.htm>; Convention, Art. XII, Art. XIII.

<sup>526</sup> <http://www.iattc.org/CommissionersENG.htm>; Convention, Art. VI (2), Art. VIII (1), Art. X, Art. XI.

<sup>527</sup> Convention, Art. IX.

<sup>528</sup> 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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| <b>Further information</b> | <a href="http://www.iattc.org/HomeENG.htm">http://www.iattc.org/HomeENG.htm</a><br><a href="http://www.iattc.org/IATTCDocumentsENG.htm">http://www.iattc.org/IATTCDocumentsENG.htm</a><br><a href="http://www.fao.org/fishery/rfb/iattc/en">http://www.fao.org/fishery/rfb/iattc/en</a> |
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***International Pacific Halibut Commission (IPHC)***

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| <b>Legal basis</b>                 | 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. <sup>529</sup> |
| <b>Policy instruments</b>          | n/a   |
| <b>Cooperation agreements/MoUs</b> | n/a   |
| <b>Mandate/objective/scope</b>     | 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”. <sup>530</sup>   |
| <b>Geographic coverage</b>         | High seas, national waters.<br>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). <sup>531</sup><br>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. <sup>532</sup>   |
| <b>Species/stocks coverage</b>     | Pacific halibut.  |

<sup>529</sup> Performance Review of the IPHC (2012), p. 15, available at [http://www.iphc.int/documents/review/FINAL\\_IPHC\\_Performance\\_Review-April30.pdf](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>

<sup>530</sup> <http://www.iphc.int/about-iphc.html>

<sup>531</sup> 1979 Protocol amending the Convention, Art. I(3), available at <http://www.iphc.int/publications/techrep/tech0026.pdf>

<sup>532</sup> Performance Review of the IPHC (2012), p. 15-16, available at [http://www.iphc.int/documents/review/FINAL\\_IPHC\\_Performance\\_Review-April30.pdf](http://www.iphc.int/documents/review/FINAL_IPHC_Performance_Review-April30.pdf)

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| <b>Parties</b>                 | Canada, United States of America <sup>533</sup>  |
| <b>Secretariat</b>             | Located in Seattle, United States of America.<br>The Director and about 30 staff members at the secretariat are financially supported by Canada and the US. <sup>534</sup>   |
| <b>Institutional framework</b> | <p>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.</p> <p>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 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.<sup>535</sup></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.<sup>536</sup></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.<sup>537</sup></p> |
| <b>Decision-making</b>         | All decisions of the Commission shall be made by a concurring vote of at least two of the Commissioners of each Party. <sup>538</sup>  |
| <b>Financial arrangements</b>  | 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. <sup>539</sup>   |

<sup>533</sup> <http://www.iphc.int/about-iphc.html>

<sup>534</sup> <http://www.iphc.int/about-iphc.html>

<sup>535</sup> Performance Review of the IPHC (2012), p. 15 [http://www.iphc.int/documents/review/FINAL\\_IPHC\\_Performance\\_Review-April30.pdf](http://www.iphc.int/documents/review/FINAL_IPHC_Performance_Review-April30.pdf)

<sup>536</sup> <http://www.fao.org/fishery/rfb/iphc/en>; <http://www.iphc.int/about-iphc.html>

<sup>537</sup> Info sheet “Who is the IPHC?”, p. 2, available at <http://www.iphc.int/documents/annmeet/2012/infosheets/4-WhoisIPHC.pdf>

<sup>538</sup> 1979 Protocol amending the Convention, Art. III(1), available at <http://www.iphc.int/publications/techrep/tech0026.pdf>

<sup>539</sup> Info sheet “Who is the IPHC?”, p. 2, available at <http://www.iphc.int/documents/annmeet/2012/infosheets/4-WhoisIPHC.pdf>

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| <b>Expenditures</b>        | 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. <sup>540</sup><br>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. <sup>541</sup> |
| <b>Further information</b> | <a href="http://www.iphc.int/">http://www.iphc.int/</a><br><a href="http://www.fao.org/fishery/rfb/iphc/en">http://www.fao.org/fishery/rfb/iphc/en</a><br><a href="http://www.iphc.int/documents/review/FINAL_IPHC_Performance_Review-April30.pdf">http://www.iphc.int/documents/review/FINAL_IPHC_Performance_Review-April30.pdf</a>   |

*North Pacific Anadromous Fish Commission (NPAFC)*

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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. <sup>542</sup> |
| <b>Policy instruments</b>          | NPAFC Science Plan 2011-2015. <sup>543</sup>  |
| <b>Cooperation agreements/MoUs</b> | n/a   |
| <b>Mandate/objective/scope</b>     | To promote the conservation of anadromous stocks in the Convention Area. <sup>544</sup>   |
| <b>Geographic coverage</b>         | High seas.<br>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. <sup>545</sup>  |
| <b>Species/stocks coverage</b>     | 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. <sup>546</sup>  |

<sup>540</sup> 1979 Protocol amending the Convention, Art. III(1), available at <http://www.iphc.int/publications/techrep/tech0026.pdf>

<sup>541</sup> Info sheet "Who is the IPHC?", p. 2, available at <http://www.iphc.int/documents/annmeet/2012/infosheets/4-WhoisIPHC.pdf>

<sup>542</sup> <http://www.fao.org/fishery/rfb/npafc/en>; <http://www.npafc.org/new/ipnfc.html>

<sup>543</sup> [http://www.npafc.org/new/publications/Documents/PDF%202010/1255\(2011-2015%20Science%20Plan\).pdf](http://www.npafc.org/new/publications/Documents/PDF%202010/1255(2011-2015%20Science%20Plan).pdf)

<sup>544</sup> Convention, Art. VIII (2).

<sup>545</sup> [http://www.npafc.org/new/about\\_convention.html](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)

|                                |  |
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| <b>Parties</b>                 | Canada, Japan, Republic of Korea, Russian Federation, United States of America. <sup>547</sup>   |
| <b>Secretariat</b>             | Located in Vancouver, Canada.<br>The 4 staff positions are: executive director, deputy director, administrative officer and secretary. <sup>548</sup>  |
| <b>Institutional framework</b> | 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.<br>There are currently 3 committees, a sub-committee, 6 working groups and 1 ad hoc working group. <sup>549</sup>  |
| <b>Decision-making</b>         | By consensus on all important matters. By a simple majority of votes on all other matters. <sup>550</sup>  |
| <b>Financial arrangements</b>  | Each party shall pay the expenses incurred by its representatives, experts and advisers.<br>Expenses incurred by the Commission shall be paid by the Commission through contributions made by the parties. The current Schedule of contributions is unknown. <sup>551</sup>  |
| <b>Expenditures</b>            | The budget shall be divided equally among the parties. <sup>552</sup>  |
| <b>Further information</b>     | Regional fishery body: <a href="http://www.npafc.org/new/index.html">http://www.npafc.org/new/index.html</a><br>FAO fact sheet: <a href="http://www.fao.org/fishery/rfb/npafc/en">http://www.fao.org/fishery/rfb/npafc/en</a><br>2010 Performance review:<br><a href="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</a> |

### Pacific Salmon Commission (PSC)

|                           |  |
|---------------------------|--|
| <b>Legal basis</b>        | 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. <sup>553</sup> |
| <b>Policy instruments</b> |  |

<sup>546</sup> [http://www.npafc.org/new/about\\_convention.html](http://www.npafc.org/new/about_convention.html); Convention, Art. II (1) and Annex (I).

<sup>547</sup> <http://www.fao.org/fishery/rfb/npafc/en>

<sup>548</sup> [http://www.npafc.org/new/about\\_secretariat.html](http://www.npafc.org/new/about_secretariat.html)

<sup>549</sup> [http://www.npafc.org/new/about\\_structure.htm](http://www.npafc.org/new/about_structure.htm) ; Convention, Art. VIII.

<sup>550</sup> Convention, Art. VIII (10).

<sup>551</sup> Convention, Art. XI (1) (2).

<sup>552</sup> Convention, Art. XI (3).

<sup>553</sup> <http://www.psc.org/about.htm>



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|------------------------------------|---|
| <b>Cooperation agreements/MoUs</b> |   |
| <b>Mandate/objective/scope</b>     | The fundamental role of the Pacific Salmon Commission is two-fold:<br>1. to conserve the Pacific Salmon in order to achieve optimum production:<br>2. to divide the harvests so that each country reaps the benefits of its investment in salmon management. <sup>554</sup>   |
| <b>Geographic coverage</b>         | 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. <sup>555</sup> |
| <b>Species/stocks coverage</b>     | Pacific salmon.   |
| <b>Parties</b>                     | Canada and United States  |
| <b>Secretariat</b>                 | 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 staffs are actively involved in the day-to-day regulation of sockeye and pink fisheries throughout the Fraser River Panel area of Jurisdiction. <sup>556</sup>  |
| <b>Institutional framework</b>     | 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. <sup>557</sup>   |
| <b>Decision-making</b>             | Each country has one vote in the Commission. The agreement of both is required for any recommendation or decision by the Commission. <sup>558</sup>   |
| <b>Financial arrangements</b>      |   |
| <b>Expenditures</b>                |   |
| <b>Further information</b>         | <a href="http://www.psc.org/">http://www.psc.org/</a>   |

*North Pacific Marine Science Organization (PICES)*

|                    |  |
|--------------------|--|
| <b>Legal basis</b> | Established by the Convention for a North Pacific Marine Science Organization (PICES), signed on 12 December 1990, entered into force on 24 March 1992. <sup>559</sup> |
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<sup>554</sup> [http://www.psc.org/about\\_role.htm](http://www.psc.org/about_role.htm)

<sup>555</sup> [http://www.psc.org/about\\_role.htm](http://www.psc.org/about_role.htm)

<sup>556</sup> [http://www.psc.org/about\\_org\\_secretariat.htm](http://www.psc.org/about_org_secretariat.htm)

<sup>557</sup> [http://www.psc.org/about\\_organizational\\_structure.htm](http://www.psc.org/about_organizational_structure.htm)

<sup>558</sup> [http://www.psc.org/about\\_org\\_commissioners.htm](http://www.psc.org/about_org_commissioners.htm)

<sup>559</sup> <http://www.pices.int/about/convention.aspx>

|                                    |  |
|------------------------------------|--|
| <b>Policy instruments</b>          | PICES Strategic Plan, approved at the 2011 PICES Annual Meeting on 22 October 2011. <sup>560</sup><br>PICES Strategy on Capacity Development, final report from the Study Group on PICES Capacity Building approved in November 2003. <sup>561</sup>   |
| <b>Cooperation agreements/MoUs</b> | None.  |
| <b>Mandate/objective/scope</b>     | 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. <sup>562</sup>   |
| <b>Geographic coverage</b>         | High seas, national waters.<br>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. <sup>563</sup>  |
| <b>Species/stocks coverage</b>     | All living resources in the area of competence. <sup>564</sup>   |
| <b>Parties</b>                     | Canada, China, Japan, Republic of Korea, Russian Federation, United States of America.   |
| <b>Secretariat</b>                 | Fisheries and Oceans Canada (DFO) hosts the PICES secretariat at the Institute of Ocean Sciences, Sidney, British Columbia, Canada. <sup>565</sup><br>The 4 staff functions are: Executive Secretary, Deputy Executive Secretary, and Deputy Executive Secretary on Administration, Web and Database Administrator. <sup>566</sup>   |
| <b>Institutional framework</b>     | The Governing Council, with scientific and administrative functions, is the main body of the PICES and meets annually. Each contracting party has member of the Council and can appoint up to 2 delegates, who may be accompanied by alternates, experts and advisers.<br>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. <sup>567</sup> |
| <b>Decision-making</b>             | 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). <sup>568</sup>  |

<sup>560</sup> [http://www.pices.int/about/strategic\\_plan.aspx](http://www.pices.int/about/strategic_plan.aspx)

<sup>561</sup> [http://www.pices.int/capacity/capacity\\_main.aspx](http://www.pices.int/capacity/capacity_main.aspx)

<sup>562</sup> Convention, Art. III.

<sup>563</sup> <http://www.fao.org/fishery/rfb/pices/en>; Convention, Art II.

<sup>564</sup> <http://www.fao.org/fishery/rfb/pices/en>

<sup>565</sup> <http://www.pices.int/contact/default.aspx>

<sup>566</sup> Convention, Art. VIII; [http://www.pices.int/about/PICES\\_Officers.aspx](http://www.pices.int/about/PICES_Officers.aspx) ; <http://www.pices.int/contact/staff.aspx>

<sup>567</sup> Convention, Art. IV-VI; <http://www.fao.org/fishery/rfb/pices/en> ; [http://www.pices.int/about/organization\\_structure\\_3.aspx](http://www.pices.int/about/organization_structure_3.aspx)

<sup>568</sup> Convention, Art. VII (2) (3).

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| <b>Financial arrangements</b> | 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. <sup>569</sup>                           |
| <b>Expenditures</b>           | See the Statement of the PICES financial position in the Report of the Finance and Administration Committee 2011. <sup>570</sup>   |
| <b>Further information</b>    | <a href="http://www.pices.int/default.aspx">http://www.pices.int/default.aspx</a><br><a href="http://www.fao.org/fishery/rfb/pices/en">http://www.fao.org/fishery/rfb/pices/en</a> |

*Southeast Asian Fisheries Development Center (SEAFDEC)*

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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. <sup>571</sup>  |
| <b>Policy instruments</b>          | SEAFDEC Program Framework, adopted in April 2009. <sup>572</sup><br>SEAFDEC Plan of Action on Sustainable Fisheries for Food Security for the Asian Region towards 2020, adopted 17 June 2011. <sup>573</sup>   |
| <b>Cooperation agreements/MoUs</b> | 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. <sup>574</sup><br>SEAFDEC has many MoUs, agreements and arrangements with research institutes, universities, FAO, the Ministry of Fisheries of Peru, etc. <sup>575</sup> |
| <b>Mandate/objective/scope</b>     | To 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. <sup>576</sup>   |
| <b>Geographic coverage</b>         | High seas, national waters, inland waters.<br>Marine and inland waters of member countries in Southeast Asia and contiguous high sea areas. <sup>577</sup>  |

<sup>569</sup> 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](http://www.pices.int/publications/annual_reports/Ann_Rpt_11/2011-FA.pdf)

<sup>570</sup> Report of the Finance and Administration Committee 2011, p. 11-21.

<sup>571</sup> [http://www.ecolex.org/ecolex/ledge/view/RecordDetails:document\\_Agreement%20establishing%20the%20Southeast%20Asian%20Fisheries%20Development%20Center.html?DIDPFDSI?id=TRE-000587&index=treaties](http://www.ecolex.org/ecolex/ledge/view/RecordDetails:document_Agreement%20establishing%20the%20Southeast%20Asian%20Fisheries%20Development%20Center.html?DIDPFDSI?id=TRE-000587&index=treaties); <http://www.fao.org/fishery/rfb/seafdec/en>

<sup>572</sup> <http://www.fao.org/fishery/rfb/seafdec/en>

<sup>573</sup> <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>

<sup>574</sup> <http://www.asspfisheries.net/>

<sup>575</sup> [http://www.seafdec.or.th/partner/SEAFDEC\\_MOUs.pdf](http://www.seafdec.or.th/partner/SEAFDEC_MOUs.pdf)

<sup>576</sup> <http://www.seafdec.org/index.php/about>

<sup>577</sup> <http://www.fao.org/fishery/rfb/seafdec/en>

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|--------------------------------|--|
| <b>Species/stocks coverage</b> | All fishery resources. <sup>578</sup>  |
| <b>Parties</b>                 | Brunei Darussalam, Cambodia, Indonesia, Japan, Lao People's Dem. Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam. <sup>579</sup>  |
| <b>Secretariat</b>             | Located in Bangkok, Thailand.<br>The Secretary-General coordinates the activities of the 4 technical departments and 3 coordination offices. <sup>580</sup>  |
| <b>Institutional framework</b> | The Council of Directors is the supreme organ of SEAFDEC and meets annually. Each member country is represented on the Council by one director. <sup>581</sup>   |
| <b>Decision-making</b>         | 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. <sup>582</sup>   |
| <b>Financial arrangements</b>  | The member countries provide SEAFDEC with an agreed amount of money, moveable assets and services. <sup>583</sup><br>Information on the contribution from SEAFDEC member countries and other sources of funds is available in the annual reports. <sup>584</sup> |
| <b>Expenditures</b>            | 2011 unaudited total revenues: 9,656,328 USD<br>2011 unaudited total expenditures: 8,719,544 USD <sup>585</sup>  |
| <b>Further information</b>     | <a href="http://www.seafdec.org/">http://www.seafdec.org/</a><br><a href="http://www.fao.org/fishery/rfb/seafdec/en">http://www.fao.org/fishery/rfb/seafdec/en</a>   |

### *Secretariat of the Pacific Community (SPC)*

|                    |  |
|--------------------|--|
| <b>Legal basis</b> | The South Pacific Commission was established under the Agreement establishing the South Pacific Commission (the Canberra Agreement), 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. <sup>586</sup> |
|--------------------|--|

<sup>578</sup> <http://www.fao.org/fishery/rfb/seafdec/en>

<sup>579</sup> <http://www.seafdec.org/about/>

<sup>580</sup> <http://www.fao.org/fishery/rfb/seafdec/en>; <http://www.seafdec.org/index.php/about/staffs>; <http://www.seafdec.org/index.php/about/structure>

<sup>581</sup> Agreement, Art. 5-7.

<sup>582</sup> Agreement, Art. 7 (2) (3).

<sup>583</sup> Agreement, Art. 11.

<sup>584</sup> SEAFDEC Annual Report 2011, p. 73, available at <http://www.seafdec.org/index.php/publications/finish/16-seafdec-annual-reports/701-annual-report-2011>

<sup>585</sup> SEAFDEC Annual Report 2011, p. 72, available at <http://www.seafdec.org/index.php/publications/finish/16-seafdec-annual-reports/701-annual-report-2011>

<sup>586</sup> <http://www.spc.int/en/about-spc/history/341-history-.html>;

|                                    |  |
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| <b>Policy instruments</b>          | Fisheries, Aquaculture and Marine Ecosystems (FAME) Division Strategic Plan 2010-2013. <sup>587</sup>  |
| <b>Cooperation agreements/MoUs</b> | 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. <sup>588</sup>  |
| <b>Mandate/objective/scope</b>     | <p>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.</p> <p>Vision of SPC: A secure and prosperous Pacific Community, whose people is healthy and manages their resources in an economically, environmentally and socially sustainable way.<sup>589</sup></p> <p>Goal of FAME Division: The marine resources of the Pacific Islands region are sustainably managed for economic growth, food security and Environmental conservation.</p> <p>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.</p> <p>Goal of the Coastal Fisheries Programme: coastal fisheries, near shore fisheries and aquaculture in Pacific Island countries and territories are managed and developed sustainably.<sup>590</sup></p> |
| <b>Geographic coverage</b>         | <p>High seas, national waters.</p> <p>The territorial scope of the Commission comprises:</p> <p>(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</p> <p>(b) all the territory of any State, the Government of which accedes to this Agreement pursuant to the provisions of Article XXI, paragraph 66.<sup>591</sup></p>   |
| <b>Species/stocks coverage</b>     | <p>Reef, coastal and oceanic fishery resources including tuna species.</p> <p>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.<sup>592</sup></p>   |
| <b>Parties</b>                     | 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.  |

<sup>587</sup> [http://www.spc.int/fame/doc/corporate\\_docs/FAME\\_StrategicPlan.pdf](http://www.spc.int/fame/doc/corporate_docs/FAME_StrategicPlan.pdf)

<sup>588</sup> <http://www.sprep.org/climate-change/sprep-and-spc-to-work-together-for-a-pacific-resilient-to-disasters-and-climate-change>

<sup>589</sup> <http://www.fao.org/fishery/rfb/spc/en>

<sup>590</sup> FAME Division Strategic Plan 2010-2013, p. 15-17, available at [http://www.spc.int/fame/doc/corporate\\_docs/FAME\\_StrategicPlan.pdf](http://www.spc.int/fame/doc/corporate_docs/FAME_StrategicPlan.pdf)

<sup>591</sup> Canberra Agreement, Art. II (2).

<sup>592</sup> <http://www.fao.org/fishery/rfb/spc/en>

|                                |   |
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|                                | The 26 members of the Pacific Community include the above island countries and territories, plus the four remaining founding countries: Australia, France, New Zealand, and United States of America. <sup>593</sup>  |
| <b>Secretariat</b>             | Located in Noumea, New Caledonia. <sup>594</sup><br>The staffs 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 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.<br>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. <sup>595</sup><br>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. |
| <b>Institutional framework</b> | The Conference of the Pacific Community, which is held every two years, is the governing body of SPC.<br>The Committee of Representatives of Governments and Administrations (CRGA) meet annually, and in the years that the conference does not meet, is empowered to make decisions on the governance of SPC.<br>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.                                |
| <b>Decision-making</b>         | See Canberra Agreement, Art. V (majority voting, depending on the matter to be decided), but in practice usually by consensus. <sup>596</sup>   |
| <b>Financial arrangements</b>  | 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:<br>2,258,200 (director); 7,220,400 (OFP); and 3,551,800 (CFP). <sup>597</sup><br><br>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. <sup>598</sup>  |
| <b>Expenditures</b>            | Information not available.  |
| <b>Further information</b>     | <a href="http://www.spc.int/">http://www.spc.int/</a><br><a href="http://www.spc.int/fame/en/home-pages/fame">http://www.spc.int/fame/en/home-pages/fame</a>  |

<sup>593</sup> <http://www.spc.int/en/about-spc/members.html>

<sup>594</sup> <http://www.spc.int/en/contact-us.html>

<sup>595</sup> <http://www.spc.int/en/about-spc/structure.html>; <http://www.spc.int/fame/>

<sup>596</sup> <http://www.spc.int/en/about-spc/history/341-history-.html>

<sup>597</sup> SPC FAME Division, Annual Report 2011, p. 6, available at [http://www.spc.int/FAME/doc/corporate\\_docs/FAME\\_annual\\_report\\_2011.pdf](http://www.spc.int/FAME/doc/corporate_docs/FAME_annual_report_2011.pdf)

<sup>598</sup> <http://www.spc.int/OceanFish/en/about-ofp/the-oceanic-fisheries-programme>

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

**South Pacific Regional Fisheries Management Organisation (SPRFMO)**

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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. <sup>599</sup>   |
| <b>Policy instruments</b>          | n/a   |
| <b>Cooperation agreements/MoUs</b> | n/a   |
| <b>Mandate/objective/scope</b>     | 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. <sup>600</sup>  |
| <b>Geographic coverage</b>         | <p>1 The waters of the Pacific Ocean beyond areas of national jurisdiction in accordance with international law:</p> <p>(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;</p> <p>(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 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.<sup>601</sup></p> |

<sup>599</sup> <http://www.southpacificrfmo.org/status-of-the-convention/>

<sup>600</sup> Convention, Art. 2, available at <http://www.southpacificrfmo.org/about-the-sprfmo/>

<sup>601</sup> Convention, Art. 5.

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|--------------------------------|--|
| <b>Species/stocks coverage</b> | 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:<br>(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;<br>(ii) highly migratory species listed in Annex I of the 1982 Convention;<br>(iii) anadromous and catadromous species; and<br>(iv) marine mammals, marine reptiles and sea birds. <sup>602</sup>   |
| <b>Parties</b>                 | 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. <sup>603</sup>   |
| <b>Secretariat</b>             | 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. <sup>604</sup>   |
| <b>Institutional framework</b> | Each Contracting Party is a member of the Commission, which will meet annually. <sup>605</sup><br>The first meeting of the Commission will take place from 28 January to 1 February 2013. <sup>606</sup><br>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. <sup>607</sup>  |
| <b>Decision-making</b>         | As a general rule, decisions by the Commission shall be taken by consensus.<br>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. <sup>608</sup> |

<sup>602</sup> Convention, Art. 1(f).

<sup>603</sup> <http://www.southpacificrfmo.org/> ; <http://www.southpacificrfmo.org/status-of-the-convention/>

<sup>604</sup> <http://www.southpacificrfmo.org/new-meetingpage-Contacts/>

<sup>605</sup> Convention, Art. 7(1) (3).

<sup>606</sup> <http://www.southpacificrfmo.org/meetings/>

<sup>607</sup> Convention, Art. 6(2), Art. 9(1).

<sup>608</sup> Convention, Art. 16.



|                               |  |
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| <b>Financial arrangements</b> | 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. <sup>609</sup> |
| <b>Expenditures</b>           | 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. <sup>610</sup>  |
| <b>Further information</b>    | <a href="http://www.southpacificrfmo.org/">http://www.southpacificrfmo.org/</a>  |

*Western and Central Pacific Fisheries Commission (WCPFC)*

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | The WCPFC was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention) open for signature as from 5 September 2000 and entered into force on 19 June 2004.  |
| <b>Policy instruments</b>          | WCPFC Strategic Research Plan of the Scientific Committee 2012-2016 <sup>611</sup>  |
| <b>Cooperation agreements/MoUs</b> | The WCPFC has concluded a number of Memoranda of Understanding with the:<br>-Inter-American Tropical Tuna Commission (IATTC);<br>-Commission for the Conservation of Southern Bluefin Tuna (CCSBT);<br>-Indian Ocean Tuna Commission (IOTC);<br>-Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR);<br>-Pacific Islands Forum Fisheries Agency (FFA);<br>-Secretariat of the Pacific Community in respect of the Oceanic Fisheries Programme (SPC-OFP);<br>-International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC);<br>-Secretariat for the Pacific Regional Environment Programme (SPREP);<br>-Agreement for the Conservation of Albatross and Petrels (ACAP);<br>-North Pacific Fish Commission (NPAFC). <sup>612</sup> |
| <b>Mandate/objective/scope</b>     | To ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean. <sup>613</sup>  |

<sup>609</sup> Convention, Art. 15(1) (2).

<sup>610</sup> Convention, Art. 14(5).

<sup>611</sup> <http://www.wcpfc.int/node/600>; <http://www.wcpfc.int/relations-with-other-organisations>

<sup>612</sup> Question 2 at <http://www.wcpfc.int/frequently-asked-questions-and-brochures>

<sup>613</sup> Convention, Art. 2.

|                                |  |
|--------------------------------|--|
| <b>Geographic coverage</b>     | <p>High seas, national waters.</p> <p>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.<sup>614</sup></p> <p>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.<sup>615</sup></p> |
| <b>Species/stocks coverage</b> | All stocks of highly migratory fish within the Convention Area except sauries. <sup>616</sup>  |
| <b>Parties</b>                 | <p><b>Members:</b> 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.</p> <p><b>Participating Territories:</b> American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia, Tokelau, Wallis and Futuna.</p> <p><b>Cooperating Non-member(s):</b> Belize, Democratic People's Republic of Korea, Ecuador, El Salvador, Indonesia, Mexico, Senegal, St Kitts and Nevis, Panama, Thailand, and Vietnam.<sup>617</sup></p>  |
| <b>Secretariat</b>             | <p>Located on Kolonia, Federated States of Micronesia.<sup>618</sup></p> <p>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.<sup>619</sup></p>  |
| <b>Institutional framework</b> | <p>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.</p> <p>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</p>  |

<sup>614</sup> <http://www.wcpfc.int/key-documents/convention-text>; Convention, Art. 3(1).

<sup>615</sup> Question 4 at <http://www.wcpfc.int/frequently-asked-questions-and-brochures>

<sup>616</sup> Convention, Art. 3(3).

<sup>617</sup> <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>

<sup>618</sup> <http://www.wcpfc.int/contact>

<sup>619</sup> Convention, Art. 15(1)(3); <http://www.fao.org/fishery/rfb/wcpfc/en>

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|-------------------------------|--|
|                               | 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. <sup>620</sup>  |
| <b>Decision-making</b>        | 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. <sup>621</sup>  |
| <b>Financial arrangements</b> | WCPFC is financed by annual dues from member countries, based on the following formula:<br>-Base fee: all members pay the same base fee which accounts for 10% of the approved annual budget;<br>-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;<br>-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. <sup>622</sup> |
| <b>Expenditures</b>           | See the auditor’s report of 2010. <sup>623</sup>   |
| <b>Further information</b>    | <a href="http://www.wcpfc.int/">http://www.wcpfc.int/</a><br><a href="http://www.fao.org/fishery/rfb/wcpfc/en">http://www.fao.org/fishery/rfb/wcpfc/en</a>   |

<sup>620</sup> <http://www.wcpfc.int/about-wcpfc>; <http://www.fao.org/fishery/rfb/wcpfc/en>

<sup>621</sup> 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>

<sup>622</sup> 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>

<sup>623</sup> <http://www.wcpfc.int/doc/wcpfc8-2011-fac5-04/auditors-report-2010-and-general-account-fund-financial-statement-2010>

## Trans-ocean and global

### *Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)*

|                                    |  |
|------------------------------------|--|
| <b>Legal basis</b>                 | <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 (ATS), in pursuance of the provisions of Article IX of the Treaty.<sup>624</sup></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.<sup>625</sup></p>  |
| <b>Policy instruments</b>          | CCAMLR Secretariat Strategic Plan 2012-2014. <sup>626</sup>  |
| <b>Cooperation agreements/MoUs</b> | Cooperative arrangements have been established, but information is not available which of these are underpinned by written agreements and/or MoUs. <sup>627</sup>  |
| <b>Mandate/objective/scope</b>     | The conservation of Antarctic marine living resources, including rational use. <sup>628</sup>  |
| <b>Geographic coverage</b>         | <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.<sup>629</sup></p> |
| <b>Species/stocks coverage</b>     | 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. <sup>630</sup>  |

<sup>624</sup> <http://www.ccamlr.org/en/organisation/about-ccamlr>

<sup>625</sup> <http://www.ccamlr.org/en/organisation/relationship-antarctic-treaty-system>; <http://www.ccamlr.org/en/organisation/relationship-antarctic-treaty-system>

<sup>626</sup> <http://www.ccamlr.org/en/document/organisation/ccamlr-secretariat-strategic-plan-2012-2014>

<sup>627</sup> <http://www.ccamlr.org/en/organisation/cooperation-others>

<sup>628</sup> Convention, Art. 2(1)(2), available at <http://www.ccamlr.org/en/organisation/camlr-convention-text>

<sup>629</sup> 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>

<sup>630</sup> Convention, Art. 1(2) and Art. VI, available at <http://www.ccamlr.org/en/organisation/camlr-convention-text>

|                                |  |
|--------------------------------|--|
| <b>Parties</b>                 | <b>Members:</b> 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.<br><b>States parties to the Convention but not members of the Commission:</b> Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Pakistan, Peru, and Vanuatu. <sup>631</sup>  |
| <b>Secretariat</b>             | Located in North Hobart, Tasmania, Australia. <sup>632</sup><br>The staffs consist of about 27 people. <sup>633</sup>  |
| <b>Institutional framework</b> | 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. 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). <sup>634</sup>   |
| <b>Decision-making</b>         | 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. <sup>635</sup>  |
| <b>Financial arrangements</b>  | 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. <sup>636</sup><br><br>Total income 2011: AUD 4,716,120 <sup>637</sup> |
| <b>Expenditures</b>            | Total expenditure 2011: AUD 4,559,444 <sup>638</sup>   |

<sup>631</sup> <http://www.ccamlr.org/en/organisation/membership>; <http://www.ccamlr.org/en/document/organisation/status-convention>; <http://www.fao.org/fishery/rfb/ccamlr/en>

<sup>632</sup> <http://www.ccamlr.org/>

<sup>633</sup> <http://www.ccamlr.org/en/organisation/staff-list>; <http://www.ccamlr.org/en/organisation/structure>

<sup>634</sup> <http://www.ccamlr.org/en/science/scientific-committee>; <http://www.ccamlr.org/en/organisation/camlr-convention>

<sup>635</sup> Convention, Art. XII (1)(2), available at <http://www.ccamlr.org/en/organisation/camlr-convention-text>

<sup>636</sup> Convention, Art. XIX(3)(6), available at <http://www.ccamlr.org/en/organisation/camlr-convention-text>

<sup>637</sup> Report of the 30<sup>th</sup> 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 CCAML-XXX).

**Further information**<http://www.ccamlr.org/><http://www.fao.org/fishery/rfb/ccamlr/en>

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<sup>638</sup> Report of the 30<sup>th</sup> 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 CCAML-XXX).

### Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

|                                    |  |
|------------------------------------|--|
| <b>Legal basis</b>                 | 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). <sup>639</sup>  |
| <b>Policy instruments</b>          | -CCSBT Strategic Plan for the Commission for the Conservation of Southern Bluefin Tuna, August 2011. <sup>640</sup><br>-CCSBT Compliance Plan, including a Three-Year Action Plan (2012-2014). <sup>641</sup>  |
| <b>Cooperation agreements/MoUs</b> | MoU between CCSBT and the Western and Central Pacific Fisheries Commission (WCPFC). <sup>642</sup>   |
| <b>Mandate/objective/scope</b>     | To ensure, through appropriate management, the conservation and optimum utilisation of southern Bluefin tuna. <sup>643</sup>   |
| <b>Geographic coverage</b>         | High seas, national waters.<br>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. <sup>644</sup><br>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.<br>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. <sup>645</sup> |
| <b>Species/stocks coverage</b>     | Southern Bluefin tuna. <sup>646</sup>  |
| <b>Parties</b>                     | <b>Members of the Extended Commission:</b> Australia, the Fishing Entity of Taiwan, Indonesia, Japan, Republic of Korea and New Zealand.<br><b>Cooperating Non-Members:</b> the Philippines, South Africa and the European Union. <sup>647</sup>   |
| <b>Secretariat</b>                 | Located in Canberra, Australia. <sup>648</sup>   |

<sup>639</sup> [http://www.ccsbt.org/site/origins\\_of\\_the\\_convention.php](http://www.ccsbt.org/site/origins_of_the_convention.php)

<sup>640</sup> [http://www.ccsbt.org/userfiles/file/docs\\_english/operational\\_resolutions/CCSBT\\_Strategic\\_Plan.pdf](http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/CCSBT_Strategic_Plan.pdf)

<sup>641</sup> [http://www.ccsbt.org/userfiles/file/docs\\_english/operational\\_resolutions/CCSBT\\_Compliance\\_Plan.pdf](http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/CCSBT_Compliance_Plan.pdf)

<sup>642</sup> <http://www.wcpfc.int/doc/wcpfc-ccsbt-memorandum-understanding>

<sup>643</sup> <http://www.ccsbt.org/site/>; Convention, Art. 3, available at [http://www.ccsbt.org/userfiles/file/docs\\_english/basic\\_documents/convention.pdf](http://www.ccsbt.org/userfiles/file/docs_english/basic_documents/convention.pdf)

<sup>644</sup> <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](http://www.ccsbt.org/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_15/report_of_PRWG.pdf)

<sup>645</sup> Report of the Performance Review Working Group, July 2008, p. 83.

<sup>646</sup> Convention, Art. 1, available at [http://www.ccsbt.org/userfiles/file/docs\\_english/basic\\_documents/convention.pdf](http://www.ccsbt.org/userfiles/file/docs_english/basic_documents/convention.pdf)

<sup>647</sup> <http://www.ccsbt.org/site/>

|                                |  |
|--------------------------------|--|
|                                | 3 full-time staff, 3 part-time staff. <sup>649</sup> A full-time compliance officer will be appointed in 2012. <sup>650</sup>  |
| <b>Institutional framework</b> | <p>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.</p> <p>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.</p> <p>The Scientific Committee has been established as an advisory body to the Commission.<sup>651</sup> Other subsidiary bodies are:</p> <ul style="list-style-type: none"> <li>-the Ecologically Related Species Working Group</li> <li>-the Finance and Administration Committee</li> <li>-the Compliance Committee, which meets annually immediately prior to the annual meeting of the Extended Commission.<sup>652</sup></li> </ul> |
| <b>Decision-making</b>         | 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. <sup>653</sup>  |
| <b>Financial arrangements</b>  | <p>The contributions to the annual budget from each Party are calculated on the following basis:</p> <p>(a) 30% of the budget shall be divided equally among all the Parties; and</p> <p>(b) 70% of the budget shall be divided in proportion to the nominal catches of southern Bluefin tuna among all the Parties.<sup>654</sup></p> <p>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.<sup>655</sup></p>  |
| <b>Expenditures</b>            | Revised General Budget 2011: AUD \$1,800,886. <sup>656</sup>   |
| <b>Further information</b>     | <p><a href="http://www.ccsbt.org/site/">http://www.ccsbt.org/site/</a></p> <p><a href="http://www.fao.org/fishery/rfb/ccsbt/en">http://www.fao.org/fishery/rfb/ccsbt/en</a></p> <p><a href="http://www.ccsbt.org/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_15/report_of_PRWG.pdf">http://www.ccsbt.org/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_15/report_of_PRWG.pdf</a></p>   |

<sup>648</sup> [http://www.ccsbt.org/site/origins\\_of\\_the\\_convention.php](http://www.ccsbt.org/site/origins_of_the_convention.php)

<sup>649</sup> Report of the Performance Review Working Group, July 2008, p. 17.

<sup>650</sup> [http://www.ccsbt.org/site/recent\\_news.php](http://www.ccsbt.org/site/recent_news.php)

<sup>651</sup> Convention, Art. 6, Art. 9.

<sup>652</sup> <http://www.fao.org/fishery/rfb/ccsbt/en>

<sup>653</sup> Convention, Art. 7.

<sup>654</sup> Convention, Art. 11(2).

<sup>655</sup> Report of the Performance Review Working Group, July 2008, p. 81.

<sup>656</sup> Report of the 18<sup>th</sup> 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](http://www.ccsbt.org/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_18/report_of_CCSBT18.pdf)



***Latin American Organization for Fisheries Development (OLDEPESCA)***

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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. <sup>657</sup>   |
| <b>Policy instruments</b>          | <i>Estrategias para el desarrollo de la acuicultura marina en la region.</i> <sup>658</sup>   |
| <b>Cooperation agreements/MoUs</b> | -MoU between OLDEPESCA and the Intern-American Convention for the Protection and Conservation of Sea Turtles (IAC), signed on 19 November 2004. <sup>659</sup><br>-MoU between OLDEPESCA and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (ACAP Secretariat) signed on 4 September 2009. <sup>660</sup>   |
| <b>Mandate/objective/scope</b>     | 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. <sup>661</sup>   |
| <b>Geographic coverage</b>         | National waters, inland waters. <sup>662</sup>  |
| <b>Species/stocks coverage</b>     | All sea and freshwater fishery resources. <sup>663</sup>  |
| <b>Parties</b>                     | Belize, Bolivia, Costa Rica, Cuba, Ecuador, El Salvador, Guyana, Honduras, Mexico, Nicaragua, Peru, Venezuela. <sup>664</sup>   |
| <b>Secretariat</b>                 | Located in Lima, Peru. <sup>665</sup>   |
| <b>Institutional framework</b>     | The Conference of Ministers holds one annual meeting and expresses its will through Resolutions.<br>The Governing Board is the technical body of OLDEPESCA, and its main task is to make recommendations to the Conference of Ministers.<br>The Executive Management Board is the technical and administrative body of OLDEPESCA and is headed by an Executive Director. <sup>666</sup> |
| <b>Decision-making</b>             | 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   |

<sup>657</sup> <http://www.oldepesca.com/convenio>; [http://www.eisil.org/index.php?sid=504212890&id=1826&t=link\\_details&cat=862](http://www.eisil.org/index.php?sid=504212890&id=1826&t=link_details&cat=862) ; <http://eelink.net/~asilwildlife/OLDEPESCA.html>

<sup>658</sup> <http://www.oldepesca.com/userfiles/file/Estrategias%20para%20el%20desarrollo%20de%20la%20Acuicultura%20Marina%20en%20la%20Regi%C3%B3n.pdf>

<sup>659</sup> <http://www.iacseaturtle.org/eng-docs/MOU-OLDEPESCA.pdf>

<sup>660</sup> <http://www.acap.aq/resolutions>

<sup>661</sup> <http://www.oldepesca.com/node/6>

<sup>662</sup> <http://www.oldepesca.com/convenio>; <http://eelink.net/~asilwildlife/OLDEPESCA.html>

<sup>663</sup> Agreement, Art. 4, available at <http://eelink.net/~asilwildlife/OLDEPESCA.html>

<sup>664</sup> <http://www.oldepesca.com/node/49>

<sup>665</sup> <http://www.oldepesca.com/node/7>

<sup>666</sup> <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](http://www.eisil.org/index.php?sid=504212890&id=1826&t=link_details&cat=862)

|                               |  |
|-------------------------------|--|
|                               | half plus one of the Member Countries present.<br>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. <sup>667</sup>  |
| <b>Financial arrangements</b> | The 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. <sup>668</sup> |
| <b>Expenditures</b>           | The operations of OLDEPESCA shall be financed through annual contributions made by the Member Countries. <sup>669</sup>  |
| <b>Further information</b>    | <a href="http://www.oldepesca.com">http://www.oldepesca.com</a><br><a href="http://www.fao.org/fishery/rfb/oldepesca/en">http://www.fao.org/fishery/rfb/oldepesca/en</a>   |

#### *Central America Fisheries and Aquaculture Organization (OSPESCA)*

|                                    |   |
|------------------------------------|---|
| <b>Legal basis</b>                 | 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. <sup>670</sup>   |
| <b>Policy instruments</b>          | -Fisheries and Aquaculture Integration Policy for the Central American Isthmus.<br>-The Central American Regional Fisheries Governance Model. <sup>671</sup>  |
| <b>Cooperation agreements/MoUs</b> | About 15 Memoranda of Understanding with organizations such as WWF and Asociación Mar Viva. A full list is available at:<br><a href="http://www.sica.int/busqueda/busqueda_basica.aspx?idCat=25&amp;idMod=3&amp;IdEnt=47&amp;Pag=1">http://www.sica.int/busqueda/busqueda_basica.aspx?idCat=25&amp;idMod=3&amp;IdEnt=47&amp;Pag=1</a><br>Some examples:<br>-Belize Declaration on CRFM-OSPESCA Cooperation for Sustainable Development of Fisheries and Aquaculture Resources, 3-4 September 2012. <sup>672</sup><br>-Memorandum of Understanding between the Central America Fisheries and Aquaculture Organization (OSPESCA) and The Caribbean Regional Fisheries Mechanism (CRFM), 4 September 2012. <sup>673</sup><br>-Memorandum of Understanding between OSPESCA and <i>el Centro de Agua para el Trópico Húmedo</i> (CATHALAC). <sup>674</sup> |

<sup>667</sup> Agreement, Art. 14 and Art. 19, available at <http://eelink.net/~asilwildlife/OLDEPESCA.html>

<sup>668</sup> Agreement, Art. 26, Art. 27.

<sup>669</sup> Agreement, Art. 27.

<sup>670</sup> [ftp://ftp.fao.org/FI/DOCUMENT/OSPESCA/legal/acta\\_de\\_san\\_salvador.pdf](ftp://ftp.fao.org/FI/DOCUMENT/OSPESCA/legal/acta_de_san_salvador.pdf)

<sup>671</sup> <http://www.fao.org/fishery/rfb/ospesca/en>

<sup>672</sup> <http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=alpXMfxnSf4%3D&tabid=37>

<sup>673</sup> [ftp://ftp.fao.org/FI/DOCUMENT/OSPESCA/legal/crfm\\_ospesca\\_memorandum\\_en.pdf](ftp://ftp.fao.org/FI/DOCUMENT/OSPESCA/legal/crfm_ospesca_memorandum_en.pdf)

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|--------------------------------|---|
| <b>Mandate/objective/scope</b> | 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.<br>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. <sup>675</sup>  |
| <b>Geographic coverage</b>     | Inland waters and maritime zones of Member States, as well as any fishing vessel flying a Central American country flag. <sup>676</sup>   |
| <b>Species/stocks coverage</b> | Marine capture, inland capture and aquaculture fish stocks of Member States. <sup>677</sup>   |
| <b>Parties</b>                 | Members: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama.<br>Associated State: Dominican Republic. <sup>678</sup>   |
| <b>Secretariat</b>             | 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. <sup>679</sup>   |
| <b>Institutional framework</b> | The Member State Ministers of Fisheries and Aquaculture comprise the highest level of decision-making.<br>The executive level, with responsibility for the planning, implementation and monitoring of programs is comprised of a Committee of Deputy Ministers. Subsidiary bodies include:<br>-Commission of Directors of Fisheries and Aquaculture (the scientific and technical body);<br>-Working group comprised of the Fisheries Directors' assistants;<br>-Working group comprised of Fisheries Administrations' legal advisers;<br>-Regional Working Groups.<br>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. <sup>680</sup> |
| <b>Decision-making</b>         | Information not available.  |
| <b>Financial arrangements</b>  | Information not available.  |
| <b>Expenditures</b>            | Information not available.  |
| <b>Further information</b>     | <a href="http://www.sica.int/ospesca/">http://www.sica.int/ospesca/</a><br><a href="http://www.fao.org/fishery/rfb/ospesca/en">http://www.fao.org/fishery/rfb/ospesca/en</a>  |

<sup>674</sup> <http://www.cathalac.org/en/news-room/cathalac-news/latest-news/497-cathalac-and-sica-ospesca-sign-memorandum-in-support>

<sup>675</sup> <http://www.fao.org/fishery/rfb/ospesca/en>

<sup>676</sup> <http://www.fao.org/fishery/rfb/ospesca/en>

<sup>677</sup> <http://www.fao.org/fishery/rfb/ospesca/en>

<sup>678</sup> <http://www.sica.int/miembros/miembros.aspx?IdEnt=47>

<sup>679</sup> <http://www.fao.org/fishery/rfb/ospesca/en>

<sup>680</sup> <http://www.fao.org/fishery/rfb/ospesca/en>





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