


THE PEW CHARITABLE TRUSTS



EXPERT MEETING ON RFMO COMPLIANCE PROCESSES REPORT

28 JULY 2023 | HALIFAX, NOVA SCOTIA, CANADA



Expert Meeting on RFMO Compliance Processes Report

28th July 2023

Halifax, Nova Scotia, Canada

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Introduction

On July 28th in Halifax, Nova Scotia, The Pew Charitable Trusts convened sixteen compliance chairs, managers, and officers from multiple RFMOs to discuss current challenges, opportunities, and future aspirations necessary to identify, define and address noncompliance.

The aim of the workshop was for individuals working on compliance to share experiences, identify common ground and potentially seek solutions to issues.

Due to scheduling constraints, this meeting was held simultaneously in person and online.

In person attendees included:

Adriana Fabra, Advisor to The Pew Charitable Trusts, Claire Van Werven (CCAMLR), Eldene O'Shea (CCAMLR), Frank Meere (CCSBT), Hrannar Már Ásgeirsson (NEAFC), Indra Jaya (IOTC), Jana Aker (NAFO), Judy Dwyer (NPFC) Laura Eeles (Pew), Nicola Ferri (GFCM), Randy Jenkins (SPRFMO), Ricardo Federizon (NPAFC), Thord Monsen (NEAFC) and Todd Dubois (CCAMLR).

Online attendees included:

Alisha Falberg (NPFC), Derek Campbell (ICCAT), Gerald Leape (Pew), Jamie Gibbon (Pew), Mat Kertesz (WCPFC) and Meggan Engelke-Ros (CCAMLR).

All attendees participated in their personal capacity, under the Chatham House Rule. Their views do not necessarily represent those of the organizations they are associated with.

A pre-meeting survey helped determine the main themes and topics of interest.

The top three themes were:

- The consequences of noncompliance: responses and follow up mechanisms.
- Clarity of conservation and management measures and audit points.
- Information of the right quality and quantity for compliance review.

While those attending the Expert Meeting on RFMO Compliance Processes have different backgrounds and experiences and are faced with uniquely challenging situations, a common thread which the majority of RFMOs are dealing with could be identified.

Challenges in RFMOs

Throughout the discussions, the following challenges were identified.

- **How do you implement best practices when political will is lacking?**
- **How do you overcome using the consensus system to block a decision?**
- **How to manage varying levels of equity for different countries?**
- **How do you address the capacity of a country to fulfil the requirements?**
- **How to deal with varying socioeconomics, politics, and technologies.**
- **How do you go from theoretical to practical approaches and balance the ambiguity?**
- **Problems with evaluating and agreeing on the egregiousness of compliance issues between the incident itself and member compliance and distinguishing between whether the flag state meets the obligation versus the infringement of the vessel.**

Topic 1. The consequences of noncompliance: responses and follow up mechanisms.

Current initiatives, challenges, and opportunities

At the majority of RFMOs, discussions on the design and implementation of automated responses to noncompliance have taken place and some have successfully adopted measures. For example, the ICCAT schedule of actions table, CCSBT's corrective actions policy, and IATTC's Resolution C-22-02 and accompanying Annex 2. In other cases, this process is starting, like in WCPFC and its work on corrective actions. It was noted that RFMOs face similar issues in making progress and reaching consensus on these matters, including some challenges but also opportunities.

Challenges

- Members do not actively engage in the conversation and therefore no decisions are made.
- Members actively block processes.
- Responses to noncompliance are weak and do not act as a deterrent.
- Members think actions will be punitive only.
- Negotiated ambiguity.

Opportunities

- Not all responses to noncompliance need to be punitive. Capacity building is a tool that can help, especially if there are time boundaries, and it isn't used as a continual loophole to avoid changes.
- Desire and commitment from members to work on actions and to implement arrangements.

Participants presented and discussed experiences regarding identification, system creation and implementation of responses to noncompliance and shared the biggest challenge to date. Discussions were shaped by the following questions:

1. Do you see a way of encouraging members to design and adopt effective responses to noncompliance?
2. Regarding follow-up mechanisms, what are the next steps? How do you address the backlog of cases of noncompliance?
3. What is the accountability mechanism?

WCPFC

As part of a future work plan, WCPFC has committed to addressing corrective actions. This piece of work has been a priority for several years and there is hope that this year progress can be made.

At the 2022 Technical and Compliance Committee Meeting progress was made on assigning Audit Points to existing conservation and management measures (CMMs), audit points have provided a means of confirming what already has been done and provides an outlet to seek clarification or make amendments to the measures.

A risk-based assessment framework was devised to help identify and understand what the consequence of noncompliance with a particular obligation may be. This helps ensure that the most important and impactful obligations are assessed as there are too many to assess yearly.

The biggest challenge for WCPFC is having all members engage in the conversation to progress the work on corrective actions.

ICCAT

ICCAT is one of the largest RFMOs with 52 members and, being a consensus-based organisation, each case of noncompliance will require assessment and agreement. This is time-consuming but ways to be more efficient are being considered. Automated responses would be highly beneficial for an organization such as ICCAT. However, members are reluctant to be 'locked in' to a decision. It is expected that tougher sanctions for serious infractions would make reaching decisions more difficult.

In 2022, ICCAT adopted a [schedule of compliance issues and corresponding actions](#) that will be implemented for the first time in 2023. It contains a penalty schedule which categorises and reflects agreement on response actions that the Compliance Committee and the Commission should take depending on severity. Even though the schedule of actions was adopted, members will still need to agree on the outcome. The consequences and sanctions identified include a letter of concern, actions to restrict catches and trade, consideration for capacity building and assistance and actions relating to monitoring and enforcement.

Schemes such as the schedule of actions make it harder for members to get away with noncompliance, as they highlight the issue at hand and document any responses by members to accept or rectify the case, over time isolating the individuals who actively do not comply.

CCSBT

A practical system that is in place currently is the processing of preliminary reports by the secretariat. The reports are reviewed and questioned by members and, ahead of the compliance committee meeting, a pre-meeting paper is circulated to members and observers for comment. More time is allowed on the floor for questions rather than just for reporting back. This has led to improved exchanges and, since the pre-meeting paper is accessible to both members and observers, there is a reduced chance of things getting missed.

CCSBT has a technical working group created specifically to provide support to the compliance committee. Its focus for 2023 will be risk assessment, which in turn will feed into the redevelopment of the compliance action plan.

Like WCPFC, progress at CCSBT will ensure new measures will have assessment points assigned.

There is a desire for the CCSBT to move toward a more structured schedule of actions with a focus on the consequences of noncompliance. The latter can be either incentive-driven or punitive. A possible punitive measure that could be considered could be linked to trade, but it is paramount that the whole process is monitored. CCSBT can accommodate any country that wants to fish for Southern bluefin tuna, but these countries will need to be part of the Catch Documentation Scheme and associated trade measures.

An incentive-driven action can incorporate capacity assistance. However, when in-country resources are an issue, it is not guaranteed that the assistance provided will lead to improvements on the ground.

CCSBT has conducted quality assurance reviews (QAR) of all Members in the Commission. It is essential to follow up on these reviews to ensure their effectiveness, as well as having the ability to verify and check that actions and processes have led to meeting the requirements. The Fisheries Management Working Group has been tasked with preparing a strategic plan where the future role of the QAR will be considered. At present, the preferred approach is to go to an ad hoc QAR, which may have consequences on noncompliance.

A challenge for CCSBT has been identifying risks as there is limited engagement on this topic. However, the 2023 Technical Compliance Working Group meeting in October 2023 made significant progress in identifying and assessing risks.

IOTC

At the 20th Session of the Compliance Committee in 2023, the proposal to amend the Rules of Procedure was adopted. This led to the categorisation of compliance status and assigned possible follow-up actions as a response. The IOTC agreed to focus on working in consultation with the members via reporting timelines, feedback letters and the use of capacity building with the idea to first combat repetitive infringements and noncompliance of members and not focus on individual vessels.

Currently, the biggest challenge for IOTC is for members to consider adopting punitive actions.

NEAFC

NEAFC conducts periodical performance reviews, with the next one due in 2024. The performance review can indicate what changes are necessary. NEAFC has an ongoing process where CPs are required to conduct flag state performance reviews in accordance with FAO guidelines on flag State performance review, with the objective to identify necessary amendments to the NEAFC Scheme of Control and Enforcement (the Scheme) and recommendations. Flag state performance in NEAFC is reviewed by members using the FAO guidelines. Reports are shared between members only, as they are draft reports. Members are free to share the reports externally if they wish.

The compliance evaluation process in NEAFC is more incident driven. The compliance evaluation is done by PECMAC (NEAFC's Compliance Committee), which meets twice a year and based on the evaluation compiles an annual comprehensive compliance report that is presented to the Commission and adopted by the CPs. The compliance report is based on annual reporting from members on their MCS activities and identified noncompliance. In addition, the Secretariat prepares compliance reports and identifies noncompliance. When noncompliance is detected, information about this is shared between the CPs (e.g., via port and at sea inspection reports), and the cases and the follow up will be discussed among the contracting parties as a part of the annual compliance evaluation.

If there are specific issues that need more in-depth discussions PECMAC has the possibility to establish ad hoc working groups or arrange specific "friends of the chair" meetings to identify possible amendments to the current Scheme measures or recommendations.

There are ongoing discussions in NEAFC to address what actions can be taken if members are not following or reserve from management measures.

CCAMLR

As part of the CCAMLR Compliance Evaluation Procedure (CCEP), CCAMLR creates an evaluation table categorising individual infractions by conservation measure, members' responses, commission responses and compliance status. While the compliance report needs to be approved by consensus, the compliance report has been adopted by the Commission in recent years with individual cases where consensus could not be reached on a compliance status for some particular items.

In 2022, the US, Korea and the EU put forward a proposal with the aim of improving the CCEP. The main element of this proposal was to review the flag state response categories to ensure it was adequate and to include the status "No consensus reached". To avoid members blocking decisions on their compliance assessment, the EU tried to add the provision to prevent this occurrence, which has not been adopted yet.

The focus of the assessment is on the cause of noncompliance and the adequacy of the conservation measure to address the issue, not on the member itself. This ethos is supported by the recent change in

how the secretariat presents the compliance information. Since a greater number of incidents are being reviewed, it is possible to highlight systemic issues and cases where obligations may be more ambiguous. This approach has led to an increase in transparency of what data points are being reviewed and reporting has become more consistent and robust. Since compliance evaluations are not dependent on self-reporting, there is no need for verification.

GFCM

The GFCM annually assesses the level of compliance by CPCs in terms of implementation of GFCM recommendations, including their transposition in national legislation, and submission of data and information to the GFCM Secretariat. This assessment is facilitated by the preparation of compliance tables and, most recently, of a compliance assessment scheme in the context of a clarification and identification process overseen by the GFCM Secretariat in close consultation with each CPC. The preliminary findings of the assessment by the GFCM Secretariat are then submitted to the Compliance Committee for revision, through its Working Group on IUU fishing, and forwarded to the Compliance Committee that recommends appropriate actions, to address the situation of noncompliance detected by the Working Group on IUU fishing. Mainly there are two types of actions:

- 1) the provision of technical assistance to support CPCs in reaching full compliance; and
- 2) the formal dispatching of letters of concern and letters of identification when the situation requires action by the CPC concerned towards addressing non-compliance detected.

This process has been streamlined through the GFCM clarification and identification process, based on communications transmitted to all CPCs which are requested, to fill out a dedicated annex with updated information on the status of implementation of GFCM decisions. Each CPC must submit the information individually and must use the templates prepared by the GFCM Secretariat.

The Working Group on IUU fishing has been mandated by the Compliance Committee to analyze and discuss the information prepared by the GFCM Secretariat and submitted prior to the meeting on a country-by-country basis. Acting on the relevant outcomes of the second performance review of the GFCM, carried out in 2019, a procedure for the categorization of compliance by CPCs in light of the findings by the Working Group on IUU fishing has ultimately been introduced. There are currently three such categories:

1. CPCs that meet full compliance (Category 1);
2. CPCs that have reported some situations of non-compliance and would be expected to submit an implementation roadmap towards full compliance (Category 2); and
3. CPCs that are in a recurrent situation of non-compliance (Category 3).

The listing is then decided upon by the Compliance Committee based on the outcomes of the clarification process carried out by the Working Group on IUU fishing. For Categories 2 and 3, under which non-compliance is identified, the following processes are foreseen. For Category 2 the corresponding action is the provision of technical assistance which stems either from a letter of encouragement or a letter of concern, as formally dispatched to the CPCs concerned by the Commission. For Category 3, a letter of identification is formally dispatched to the CPCs concerned but there is currently no corresponding action in place which would address reported situations of non-compliance.

Follow-up actions

When considering current follow-up actions participants identified the following as the most effective methods:

- Corrective action policies.
- Detailed final compliance reports.
- Members reporting back on progress being made to correct noncompliance.
- Binding measures.
- Automated responses.
- Commission sees it as appropriate to embed actions in the measure.
- Pay back provision for overfishing quota.
- CPCs to develop a capacity development plan.

When considering desirable follow-up actions to implement in the future, participants identified:

- A schedule of actions for non-critical noncompliance events that are listed on the RFMO website, which are explicit and define certain follow-up actions.
- Greater transparency, which would allow for any naming and shaming to be more impactful.
- Raising the urgency of measures and taking more seriously the declining of stocks.
- Improved political will.
- CPCs setting approaches to match up capacity building and resources in a prioritised way.
- Ensure the compliance monitoring scheme includes a process for addressing any gaps in capacity which also includes a way to request funding to address the capacity need.

Topic 2 Clarity of conservation and management measures and audit points.

The need for clarity of conservation measures is a common issue in all RFMOs. The way in which measures are written can be convoluted, contradictory or ambiguous and in some cases driven by political motives.

In this part of the discussion participants were asked:

Is there any initiative directed at improving the clarity of measures, for removing ambiguity?

While it is usual for the Members to bring forward proposals for changes to CMMs, in SPRFMO, the Secretariat has also brought forward proposals in the past. A recent example pertains to the vessel monitoring requirements. The VMS had evolved since its initial implementation and with the experience of practical utilization it became evident that language of the VMS CMM in some areas could benefit from an update. The update would better harmonize the VMS requirements amongst the various vessel types and streamline operational reporting for Members. Additionally, the review looked beyond the primary VMS CMM to ensure that any references to VMS requirements in other CMMs were also consistent with the primary VMS CMM by using common language or referencing the requirements in the primary VMS CMM. With additional finetuning and input from Members the revisions were adopted and SPRFMO was able to standardise VMS reporting across all authorized vessels. This initiative was brought forward via the Secretariat and led to improved measures and more streamlined processes.

CCAMLR worked on changing the focus of the compliance procedure to look at reviewing CCMs and improving clarification and understanding of measures. This is now the default approach and has increased meaningful engagement on compliance issues and sped up report adoption.

CCAMLR's secretariat provides feedback via implementation reporting. By utilising the robust [Compliance Evaluation Procedure \(CCEP\)](#), where members' compliance is reviewed against the CMs, it is possible to

identify if a large percentage of noncompliance with a particular CM is occurring. This is then captured in implementation papers and is addressed within the CCEP, which is discussed by the Standing Committee for Implementation and Compliance (SCIC). SCIC can then go on to make recommendations for consideration by the Commission. Any proposals put forward by members to make changes to CMs go through the CM Drafting Group before final consideration and/or adoption by the Commission.

Unlike SPRFMO, NEAFC's secretariat cannot make proposals but can draft documents clarifying the meaning of measures, which are considered by the compliance committee.

It was highlighted that one of the main tasks of the compliance committee is to make sure CMMs are clear. In some RFMOs it is not uncommon for the Secretariat to bring suggestions and, on occasion, proposals; however, it is important that proposals go through the compliance committee to avoid errors.

Legal scrubbing of CMMs is beneficial but not done in all RFMOs.

IOTC has a reporting system for each CPC and documents overall compliance by country. This system goes back 10+ years and has been beneficial for identifying trends. CMMs should have clear timeframes and detail the resources required for their implementation.

Every year NAFO has a standing agenda item for the compliance committee to allow members to seek clarification of new measures. This is in addition to the editorial drafting group that reviews measures twice a year. The editorial group cross checks CMMs and ensures changes are not contradictory and discrepancies are caught.

Often CMMs are developed during the compliance committee meeting and amended or agreed during the annual meeting. This means there is little time to reflect on the text and cross check with other measures before adoption. Implementation issues are usually raised after the fact once implementation occurs.

GFCM tried in 2014 to establish a provisional review panel, which could help align the scientific advice with the measures, cross check deadlines and references, etc. The decision to select a start date for the review panel has been postponed till 2024.

In the past, GFCM has been impacted by staff changes and changes in delegations' representatives. This can result in inconsistencies in knowledge and experience and be problematic. To address inconsistencies among measures, GFCM has a legal scrubbing group to identify issues.

In general, countries are reluctant to re-open existing measures as this may involve changing national legislation. Year on year there is an increasing number of obligations being adopted, and with only one day for the compliance meeting and no intersessional meetings it is difficult to carry out a comprehensive review. To support efforts, GFCM has created an interactive tool that allows countries to look at their legislation and how it relates to their obligations, in the hope this will help identify issues or gaps in the national legislation that need updating.

RFMOs have set timeframes for the submission of proposals and recommended changes usually 30-45 days prior to the start of a meeting; this is to aid as much offline discussion as possible to save time during meetings.

CCAMLR sets up a CMs drafting group that helps with the development of measures, addressing all comments and suggested changes. All discrepancies are addressed and agreed by the SCIC, as the report is adopted paragraph by paragraph and all CMs are adopted before the end of the meeting. The CM drafting group is convened during the committee or Commission meetings, and current membership is invited to attend. Members normally send a lawyer and another representative. New and revised

measures are adopted at the Commission and tend not to be discussed in any detail at the final stage. If adoption during the compliance committee meeting is not reached, then further discussion can be had.

Similar progress has been made in NPAFC, which created a drafting group to clarify terminology and review measures specifically pertaining to IUU. NPAFC has made significant progress with the IUU vessel list, which is currently a template where parties will nominate vessels for the list. Sanctions still need to be defined but there may be something on sanctions next year.

CCSBT does not have a drafting committee to fine tune CMMs during meetings, but it gathers comments through the pre-meeting papers and, if none are received, new measures can be adopted quickly. The secretariat can bring forward changes that usually pass quickly; CMMs adopted by the compliance committee are generally not reviewed by the Commission but are formally approved.

How can the secretariat and compliance chair collaborate to create clearer measures?

An ideal CMM should be clearly written, and cross-referenced to ensure continuity and should state exactly what is being asked of the member. It should then be translated with the correct meaning in all languages. However, policy-minded members often write measures in a passive voice and are amended to be less impactful or less clear. Measures are only assessed against compliance once in place.

There are various means within RFMOs to improve the effectiveness of a CMM, one of them being audit points. By assigning audit points when drafting new measures, each of their elements are considered more closely and it is easier to remove ambiguity and increase the possibility of having automated responses.

A method to improve drafting is the “friends of the chair” group, which can review issues, seek clarifications, and allow time outside of meetings to discuss differences and where possible ensure a legal review of the measure.

The way CMMs are developed at ICCAT does not lend itself to having a drafting group due to the large quantity of recommendations coming from the 5 panels at the same time. To keep up with the vast number of recommendations, the Commission has been mandated to develop suggestions to look at expired provisions, limiting redundancies, and streamlining measures. However, to ensure follow up to these recommendations, members need to prioritise this need and support any intersessional work, which requires the commitment of additional resources.

Given the lengthy process for measures to be adopted (1st year introduction of measure, year 2 comments, year 3 possible adoption), CCSBT adopted the creation of a compliance technical working group that can help speed things up, providing expertise to assist the compliance committee with its work.

CCAMLR has combined the compliance and fisheries management functions into one section (Fisheries Monitoring and Compliance (FMC) Section), which means that when decisions are made the impact on both the management and compliance is considered and understood. This is unique to CCAMLR.

Building trust with the Secretariat is crucial to making progress. Secretariats lead processes, collate, and present information and suggest improvements. If members do not have trust in the Secretariat, this can lead to inaction. Changes suggested by the Secretariat are there to benefit all and help members with implementation.

Participants were asked how to build trust with the Secretariat and identified the following key points:

- Trust is built over time.
- Do not cease to address complex issues.
- Take on concerns from members.
- Take time to review and amend measures.

- Be proactive, work during the intersessional period, suggest changes, and collaborate with the leadership of compliance chairs.
- Ensure all processes are transparent; be clear about the why and what the changes mean.

In addition, Secretariats should:

- Have independence to produce papers, as they are valuable.
- Have proportionate resourcing of people and financial support comparable to science. Both the secretariat and compliance work need adequate funding which is critical to better outcomes.
- Be supported to improve cross-checking and reporting.

Secretariats understand the CMMs as they are working with them daily. It can be difficult for smaller delegations to digest the amount of information that is provided to review ahead of the compliance meetings and knowledge gaps can hinder meetings. Capacity building is a tool that can help bridge some gaps, but it is often spent on getting members to the meeting and not on education.

During the Resumed Review Conference for the UN Fish Stocks Agreement, May 2023 in New York, language on improving compliance was included in the [report](#). Every year the request for more data increases and this takes away from substantive work. It is imperative that core budget should be allocated to compliance.

Topic 3 Information of the right quality and quantity for compliance reviews.

With so much data being provided to the RFMO, the format in which it is received can dictate how much effort is required to analyse it. Measures tend to state that submission must be electronic. This can be via a dedicated database or simply by email.

What changes would you like to see with information submission and processing?

NPFC now has an electronic system for submission of annual reports, however, there are still several data sources received via PDF by the Secretariat, who must then take data for example, from the High Seas Boarding Inspection (HSBI) forms from a PDF and manually enter the data. During the technical and compliance meeting in March 2023 the first transshipment measure was adopted, which requires transshipment to be reported. A member has provided resources for the development of a web application to allow direct data entry; however, the Secretariat is not expecting a big uptake on use of the app, particularly in the early days. Data submission via email eats away at Secretariat resources that could be used for analysis but is spent instead on data entry.

CCSBT has an e-portal which is working well. An eCDS is also in development. Prior to this the CDS was paper based. Automation can release pressure on the secretariat and help verify transshipment at-sea and in ports.

Reporting systems

IOTC has implemented a comprehensive system called e-MARIS. It is currently voluntary but benefits members greatly as they do not have to wait till the end of the year to submit data. Importantly, this addresses any possible issues with missed reporting deadlines. Next year a pilot project on CDS will begin.

NEAFC utilises a selection of MCS reporting systems to ensure efficient and robust monitoring by its inspectors. Fishing vessels must carry vessel monitoring systems (VMS – position reporting) and use fishing logbooks. In addition, there are electronic reporting requirements. This includes e.g. notification

and authorisation for vessels to conduct fishing activity in the NEAFC Regulatory Area, catch reporting (Catch on Entry, daily/weekly catch reporting, Catch on Exit and transshipment) and Surveillance Entry and Exit. All the data is reported by CPs and CNCPs to NEAFC and saved in the Secretariat MCS database, which is used to produce different compliance reports. NEAFC are in the process of introducing a fully electronic fishing logbook, the UN/CEFACT FLUX standard, that will provide electronic catch and activity data. NEAFC also has an advanced web based electronic port state measures application.

Both port and at sea inspection reports are shared and uploaded as PDF documents on the NEAFC restricted website, which means the data is not in a database but can be queried to see if a vessel has been previously inspected and cited for infringement. Furthermore, NEAFC has developed a web-based catch statistic application for its monthly aggregated catches. Moreover, the NEAFC Secretariat uses business intelligence software to analyse all data with more visualisation and to identify anomalies.

A user interface is being made available to members and the Secretariat to show e-log books. Capabilities include queries by date range, vessel tracks (via advanced map function), and export inspection reports, all of which help members produce reports and conduct risk assessments.

ICCAT has a lot of data reporting requirements related to compliance and catch data that can be used to assess compliance. There is so much data, that sometimes it is difficult to prioritise.

A working group has been creating an online reporting tool for the past 5 years for catch data and annual report management. ICCAT used to use Excel sheets and PDF submissions which required lots of cutting and pasting. Now, with the new online tool, which is mandated, this will enable the compliance committee to have targeted reviews. The Secretariat can create tables easily, move data in and out and can clearly mark when no new measures need addressing which helps reduce the burden.

CCAMLR members do not add data directly into the database. Members submit the required forms which are reviewed, and any discrepancies are clarified before CCAMLR staff enter the data into the database using both manual and auto-load systems. There is a preference to have a more automated system and improvements to the data structure are in development. Creating or redesigning a database takes a lot of time and money and, once it is operationalised, there is maintenance to consider.

NAFO's vessels registry and authorisation, observer reports, and other compliance information is submitted via a MCS website, which is downloadable. This is a transparent system allowing access to any compliance data if it is for compliance and inspection purposes to the named individuals from each contracting party. Members can report follow up actions to noncompliance. NAFO staff post the inspection reports via the website, but this is done by a manual process of extrapolating reports into the database to analyse. All access to the website is removed at the end of the year to ensure only current members have access.

Future Topics of Interest

Participants were asked if a similar meeting was to be held in the future what topics would they like to cover. Answers included:

Capacity building

- Addressing the rate of uptake of capacity building.
- Considering whether capacity building leads to substantial change or is used as a loophole to remain noncompliant.

- How to deal with the difference in Members' team sizes, changes in staff every few years, and with silence from members.

Consequences

- Identification and labelling of severe infractions. (What is the infraction being considered? What is the most severe infraction?)
- How to reach agreement and implement automated responses to infractions.
- What are the consequences for lack of data submission, as without data there is inadequate science and stock assessments.

Members behaviour

- Members behaving differently in different RFMOs. How do you address this?
- How do you address the issue of fairness between members?
- The role of members vs the role of the secretariat. Understanding that this will vary between RFMOs. How to garner better resources for compliance and secretariats and address the members ability and willingness to fund the secretariat to assess and present compliance information.
- Governing conventions that define the RFMO function: are these outdated? How do you prevent members reverting to 'if it's not in the convention we can't do it'
- Lack of willingness to reopen the convention.
- How do you combat when members do not adopt measures and act outside of the processes and decisions?
- Consensus decision making: - changes to current rules and changes to behaviour as even when voting is allowed members do not want to call for it.

Data

- How do we reduce the cost and workload and use the same standards for data collection, reducing burden?
- How to make members care about the accuracy and quality of data? Can we build the message that everyone should care about the quality of data?

Future Opportunities

- FAO Sub-committee on Fisheries Management will meet in early 2024 and there is an opportunity to vet issues for the COFI meeting and beyond with the hopes of moving some issues on.
- The impacts of the BBNJ treaty and the opportunity for RFMOs to make a strong case that they have been taking science-based decisions.
- Consider, under the umbrella of an international institution, setting up a joint project focused on compliance, which includes all RFMOs.

Workshop takeaways

Participants were asked to name one takeaway from the meeting. Responses included:

- We are all still learning as we go.
- We will take away ideas from this meeting.
- It is helpful to learn about what others are doing, what's worked and not worked.
- Information today will help build up the new compliance review mechanisms.

When asked if they would like to meet again and what support is required, responses included:

- It is always preferable to meet in person, but it may be tricky due to scheduling and budget constraints.
- If timings coincide with another meeting, it may be helpful to reduce travel time and costs.

Annex 1

Agenda

28 JULY 2023	
9.00-9.30	Introduction and background. Participants' expectations for the meeting.
9.30-10.45	Setting the scene. Outcomes of preparatory survey and identification of priority topics, challenges and best practices. The role of the Chair of RFMO Compliance Committees.
10.45-11.00	Break
11.00-12.30	The consequences of noncompliance: responses and follow up mechanisms. Presentation of the issue and of practical experiences to advance on addressing this matter. Open discussion, including on challenges and opportunities.
12.30-13.30	Lunch
13.30-14.00	Introduction to new participants and summary of the morning session.
14.00-15.00	Clarity of conservation and management measures and audit points. Presentation of the issue and of practical experiences to advance on addressing this matter. Open discussion, including on challenges and opportunities.
15.00-15.15	Break
15:15-16.15	Information of the right quality and quantity for compliance review. Presentation of the issue and of practical experiences to advance on addressing this matter. Open discussion, including on challenges and opportunities.
16.15-16.45	Parking lot issues
16.45-17.15	Conclusions and next steps. Short summary of takeaways from the meeting. Open discussion on conclusions and next steps.
18.30-20.30	Reception

Annex 2

Summary of outcomes of the Pre-meeting survey

A brief survey was circulated prior to the Expert Meeting to all Meeting invitees with the objective of identifying priority topics to address at the Meeting and obtaining general information on RFMO initiatives to strengthen compliance review mechanisms. Surveys were sent separately to the Chairs of Compliance Committees and to RFMO Compliance staff.

As of 21 July, nine answers to the surveys were received (eight answers to the survey initially sent to Chairs and one answer to the second survey). Answers reflect the opinion of more than one participant and may include joint responses by Chairs and RFMO compliance managers or other staff. This report reflects answers to all surveys but graphs only reflect the outcomes of the survey that received eight of the nine total answers.

The survey comprised five questions, plus a section on “other comments”. All responses were anonymous. Described below are the main survey outcomes.

Priority topics

The first question, which helped identify the priority topics to discuss at the Meeting, asked participants to select three topics from the following list of 10:

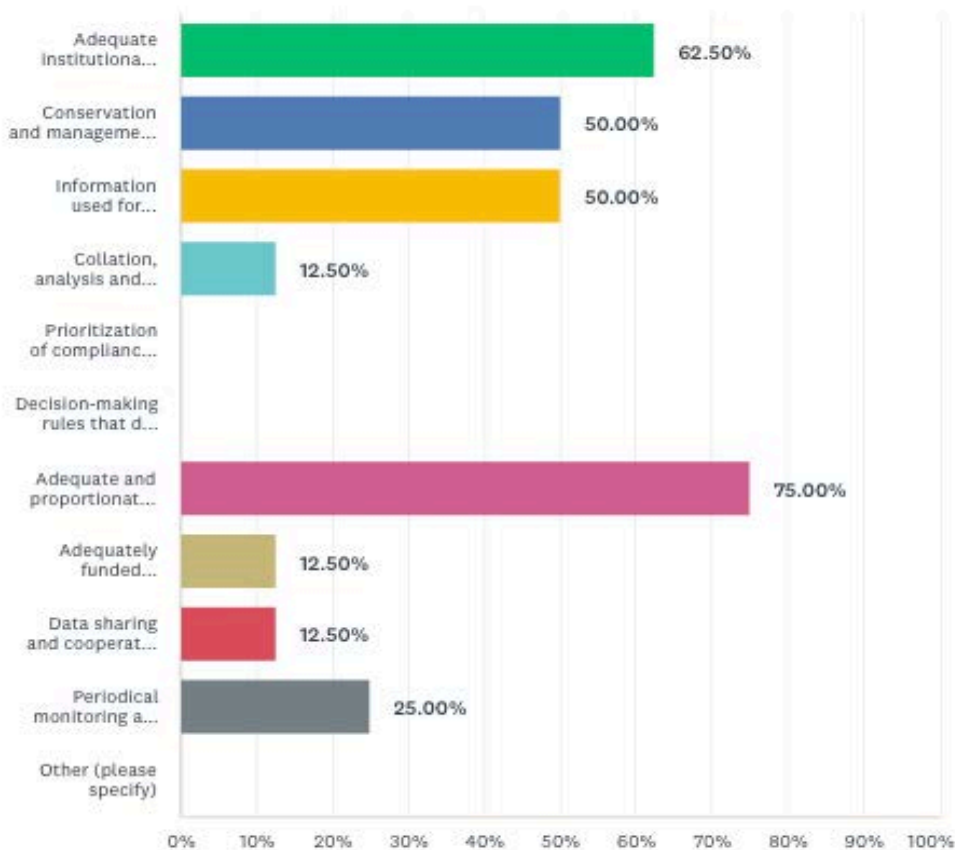
- Adequate institutional framework and governance rules, including mandates for RFMO secretariats to effectively assist their members in compliance review processes.
- Conservation and management measures that are clear and implementable, including by defining audit points to assess progress.
- Information used for compliance review that is timely, verifiable, and of the right quality and quantity.
- Collation, analysis, and presentation of data in a manner that is easy to understand and use and incorporates technological solutions.
- Prioritization of compliance infractions that demand immediate attention and setting schedule for addressing other compliance issues.
- Decision-making rules that do not hinder responses to noncompliant members, for example, by allowing a member that is under review to participate in decision-making concerning its potential violations.
- Adequate and proportionate consequences for different levels of noncompliance as well as robust and transparent mechanisms to monitor and report on steps taken by members to resolve compliance failures.
- Adequately funded capacity-building assistance mechanisms, which identify member’s needs and monitor the implementation and effectiveness of capacity building programs.
- Data sharing and cooperation among RFMOs, including via memoranda of understanding.

- Periodical monitoring and evaluation of RFMO compliance review processes to ensure effective enforcement and identify areas for improvement.

The nine respondents selected the *same five issues* that have the greatest impact in ensuring the effectiveness of compliance review mechanisms. The order of priority among these five themes varied slightly depending on the respondent, but the top priority issue remained the same for all but one respondent. See below the list of the four most impactful issues, where two issues share the third place:

1. Adequate and proportionate consequences for different levels of noncompliance as well as robust and transparent mechanisms to monitor and report on steps taken by members to resolve compliance failures.
2. Adequate institutional framework and governance rules, including mandates for RFMO secretariats to effectively assist their members in compliance review processes.
3. Conservation and management measures that are clear and implementable, including by defining audit points to assess progress.

See below a summary diagram of the responses to Question 1:



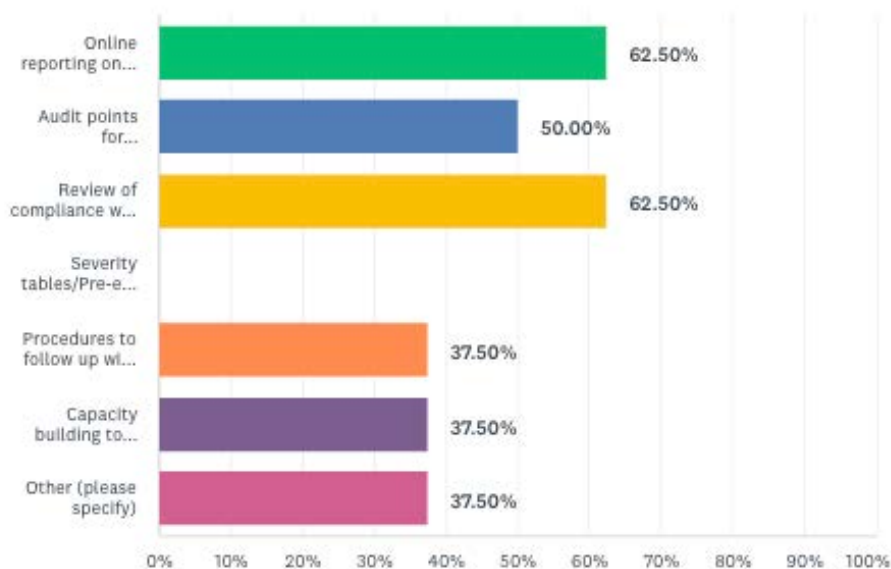
Current initiatives

To the question on current initiatives that have been already implemented in RFMOs, respondents could select some possible answers and suggest additional information on current initiatives.

The most common initiatives that have been implemented so far are “online reporting on compliance with conservation and management measures by members” and “review of compliance with conservation and management based on annual priorities”. Nearly half of respondents indicated that “audit points” are implemented in their RFMO. Four of the nine RFMOs represented in the survey are implementing “procedures to follow up with the implementation of corrective actions by members” and “capacity building”. No RFMO reported about implementing “severity tables” or “pre-established consequences for situations of noncompliance.”

Other initiatives reported include setting a “transparent process where the Secretariat identifies the data reviewed and process taken in identifying potential noncompliance;” the “Annual Compliance report” and “Quality Assurance Reviews”.

See below a summary diagram of the responses to Question 2:

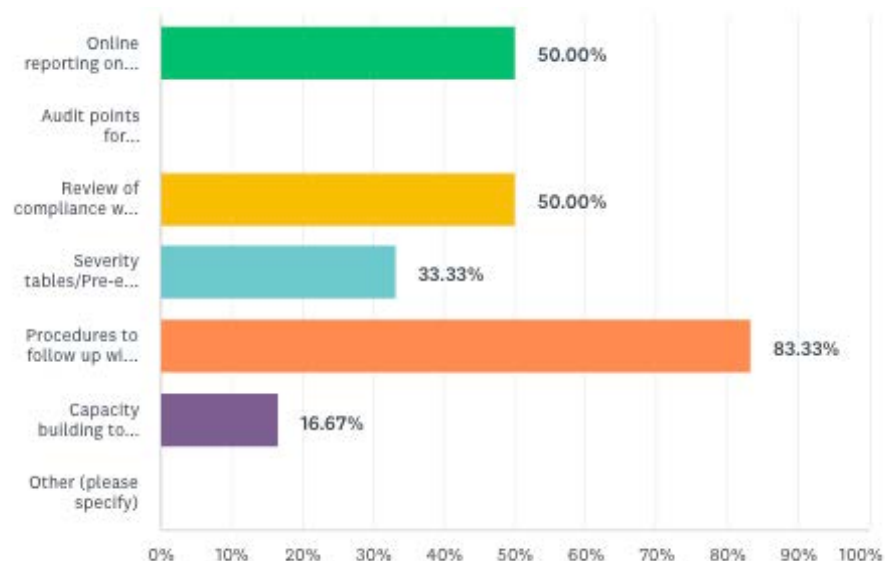


Future initiatives

To the question on initiatives that that will be implemented to improve the effectiveness of compliance review mechanisms, respondents could select some possible answers and suggest additional information on current initiatives.

The most common initiatives that have been implemented so far are “procedures to follow up with the implementation of corrective actions by members.” In equal terms, there are also planned future actions regarding “online reporting” and on the “review of compliance with conservation and management based on annual priorities.” Two RFMOs are planning work to develop “severity tables” or other pre-established consequences for noncompliance and two respondents indicated upcoming initiatives related to capacity building. One RFMO is planning work on audit points.

See below a summary diagram of the responses to Question 3:



Other initiatives

Regarding other initiatives that would improve the effectiveness of compliance review mechanisms not mentioned in the questions above, respondents highlighted initiatives related to information quality and use, and to the actual operation of the Compliance Committee and compliance review processes. In particular:

In connection with information:

- Improving fishery monitoring, including through implementing e-monitoring, to improve comprehensiveness of data availability and verification.
- Enhanced arrangements to monitor transshipment both at sea and in port. Independent data to verify compliance with measures.
- Information sharing and open dialogue on compliance issues.

In connection with institutional arrangements:

- The review of a revised and amendment set of Terms of Reference for the Compliance Committee. Carrying out performance reviews on standing committees that can lead to the periodical modernization and update of their ToRs, also to ensure that actions that should be taken to deter noncompliance do not remain beyond reach as sitting outside existing ToRs/mandates.
- The re-drafting of the CMMs that regulate the compliance monitoring scheme.

Self-assessment

On whether the RFMO has conducted a self-assessment of compliance review processes, six out of nine respondents indicated that the RFMO has not conducted such self-assessment. As to whether this kind of assessment would be useful, three respondents were favorable, even if acknowledging that it would need time and/or the “constructive” participation of Members, which might not occur in the near future.

Two of the five respondents who provided additional comments were doubtful, acknowledging that conducting such an assessment would depend “on the political will of the organization, and a process that can be pre-agreed and trusted.” One respondent indicated that the RFMO has made “continuous improvements to the process but not against the Toolkit.”

Final comments

Two respondents provided additional comments, reproduced in their entirety, below:

“It would be extremely beneficial to see the toolkit broadening its reach in its next issue so as to include additional RFMOs. Furthermore, periodical meetings bringing together Compliance experts (not just the Chairs of Compliance Committees since they do have in some RFMOs a very limited role to play) would be also extremely beneficial.”

“A major impediment to the effectiveness of compliance review mechanisms/processes is the lack of the ability to verify Members information and the fact that Committees largely rely on their Members to hold one another to account. If for whatever reason this does not occur and the Secretariat is not empowered to undertake independent analysis, the accountability system breaks down.”

Annex 3

Summary of outcomes of the Post Meeting Workshop Survey

A short survey was circulated after the Expert Meeting to all participants with the objective of receiving feedback on the workshop, identifying the desired level of follow up and any future discussion topics. Two separate surveys were sent, one to the Compliance Chairs and one to the Compliance Officers and Managers, only question 6 differed slightly.

The survey comprised 9 questions.

Question 1 Did the Workshop fulfil your expectations?

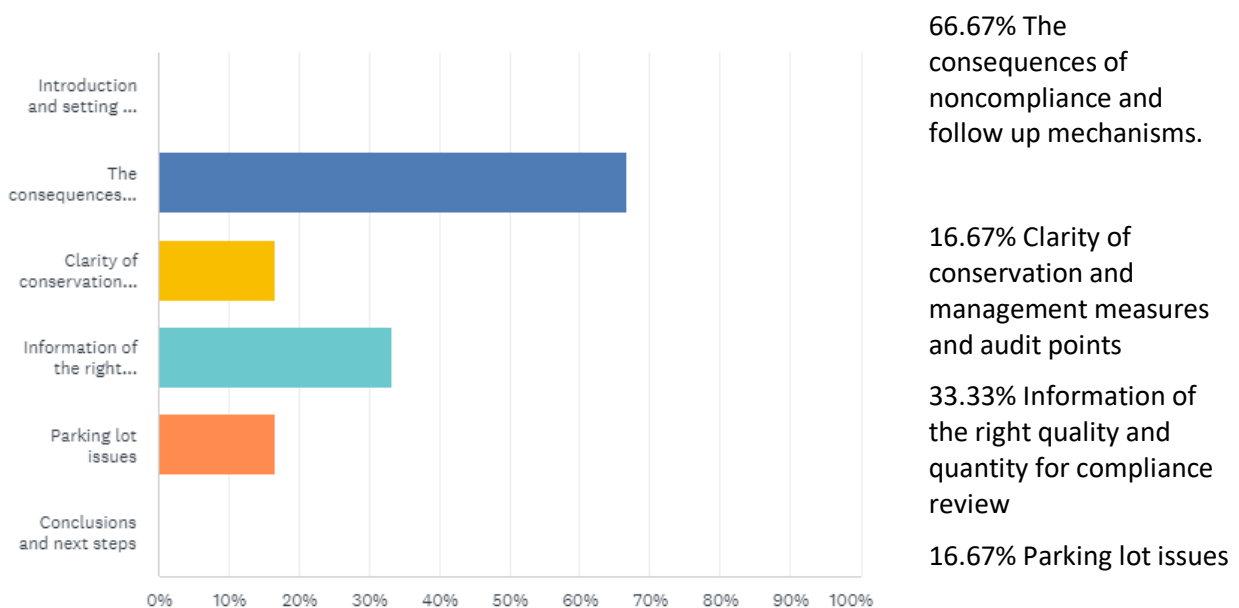
All agreed that the workshop met their expectations. With participants highlighting the fact it was the first meeting of its kind which was both beneficial and informative.

Question 2. What was the most important thing you took away from the Workshop?

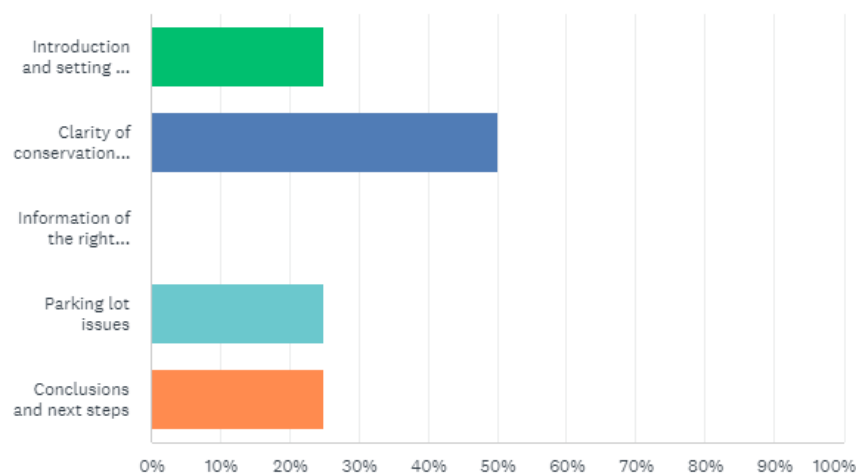
All participants selected 'Learning about other colleagues' experiences' and 'Meeting colleagues in person' as the top two most important elements.

Question 3. Which session of the Workshop did you find most valuable? You may select more than one answer.

This question produced a cross section of answers with the top two most popular responses being 'Clarity of conservation and management measures and audit points' and 'The consequences of noncompliance and follow up mechanisms.'



Compliance Officers and Managers Responses



25.00% Introduction and setting the scene.

50.00% Clarity of conservation and management measures and audit points

25.00% Parking lot issues

25.00% Conclusions and next steps

Question 4. If there was another meeting on compliance review processes in RFMOs, how would you prefer to participate?

There was a majority vote for in person with the remainder selecting 'Either virtual or in person'.

No participant selected neither option.

Question 5. If there was another meeting on compliance review processes in RFMOs, is there any specific issue you would like it to focus on?

Responses includes:

- Role of compliance committees in using capacity building as a tool to improve compliance.
- VMS and centralized control systems.
- Common but critical issue(s) across the RFMO, such as consistent behaviour/position on the same issue of CMM.
- Developing common approaches to noncompliance, how these are assessed and how we might encourage improved outcomes.
- Transshipment, inspection activities, MCS planning.
- Decision-making processes.
- Transparency.

Question 6. Would you be interested in continuing to have informal exchanges on RFMO compliance procedures among Chairs of Compliance Committees and, if so, what would you find most useful? You can select more than one answer.

A similar question was asked directed at Compliance Managers (**Would you be interested in continuing to have informal exchanges on RFMO compliance procedures among Compliance Managers and, if so, what would you find most useful? You can select more than one answer.**)

100% of participants selected to have joint meetings with the adjoining party.

50% of chairs and 50% of Officers and Managers selected 'Direct information exchange' as the most useful, whilst one participant though having a shared repository (e.g., Basecamp) of information relevant to compliance review processes would be useful.

Question 7. If interested in continuing exchanges among Chairs of Compliance Committees, would you require external support, such as from Pew, to facilitate these exchanges? If so, which kind of support would be most helpful?

A range of responses from no, yes, and sometimes were submitted. The main request via the comments were for logistical support and it was noted that cost will play a part in attending in person meetings. Need for expertise was also identified.

Question 8. Do you have any other feedback for the Workshop's organizers?

Positive comments were received and appreciation for the level of organisation and the smooth running of the meeting was shared. There was encouragement to continue this type of exchanges and to think outside the box was shared.

Question 9. Do you agree to your email address being shared with other experts who attended the workshop?

All participants agreed to share their email address. It was noted that 'It is good to continue communication and share information.'

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