



# THIRD VIRTUAL EXPERT WORKSHOP ON BEST PRACTICES IN COMPLIANCE IN RFMOS

PRELIMINARY OUTCOMES

# CROSS-CUTTING THEMES

## ★ Realities of RFMOs:

- Not all RFMOs are alike; different fisheries, jurisdictions, memberships/culture affect potential tools/approaches
- Changing compliance processes/systems need to take account: political dimensions, pace of change & existing systems that must be worked with/changed/built upon

## ★ Transparency:

- Greater transparency is a key component of compliance improvement – “breeds self-correcting behavior”
- Greater participation/contributions of non-State stakeholders in compliance assessments could be an important driver of incentivizing improvement

## ★ External pressures/institutions can provide incentives for better RFMO performance (“RFMOs do not operate in a vacuum”)

# CROSS-CUTTING THEMES

## ★ Quality of Information/Verification

- RFMO compliance processes could take advantage of new data sources to verify national reporting
- Lack of data for compliance process, or reliance on only one source impacts the quality of a compliance assessment & can breed mistrust/perceptions of unfairness
- Cross referenced/independently validated information leads to better assessments and compliance

## ★ Trust is essential and the lack of trust undermines change

## ★ Change the narrative on compliance assessments – from punitive to improving the performance and “health” of RFMOs

# CROSS-CUTTING THEMES

## ★ Hierarchy of obligations

- Difficult but possible
- Criteria: frequency, seriousness/consequence, impact on status of stocks, flag State performance

## ★ Pre-determined consequences/responses to non-compliance

- Reduce political debates, increase efficiency, clarity from outset, promote focus on other implementation issues
- Challenging to do after measures in place, but has value

## ★ Incentivizing Compliance Improvements

- Need mix of tools - “carrots” and “sticks”
- Prioritize reviews on persistent non-compliers & Have responses for serious/persistent non-compliance (e.g., restrictions on fishing opportunities & economic measures, more monitoring, IUU lists)

# Potential SOLUTIONS

- ★ Audit points/performance requirements + improve clarity of measures
- ★ Risk-based assessments - focus on most serious infractions/non-compliers
- ★ Increased use of & quality of data & independent validation
- ★ Track performance over time
- ★ Time-bound improvement action plans – identify the how/why for non-compliance and transparent path to improve that can be tracked
- ★ Automate aspects to allow more time to consider systemic issues and serious compliance problems
- ★ Promote participation and buy-in through “Friends of the Chair” concept

# Potential SOLUTIONS

- ★ Use a range of tools (incentives and penalties) - Not all responses need to be sharp edged
- ★ Rank consequences and identify those most frequent and serious
- ★ Create lists of serious infringements, change criteria for IUU lists
- ★ Strengthen capacity of & empower Secretariats (analysis, assessments)
- ★ Develop pre-agreed responses to non-compliance: “Compliance control rules” that can be applied automatically
- ★ Focus on performance of flag States and members vs. vessel-level
- ★ Use independent chairs for compliance committees/assessments
- ★ Develop FAO guidelines for assessing and addressing non-compliance



## QUOTES FROM THE WORKSHOP

“Are RFMOs courts?”

“RFMOs don't exist in a vacuum”

“Impacts/consequences of non-compliance are not sufficiently steep”

**“It is not just important that RFMOs do their work, but also that RFMOs are seen doing their work.”**

“To get comfortable with developing responses, you first need to be comfortable with the assessment itself.”

“Legal clarity is a strong deterrent to improve compliance”

**“If you know you are observed, it is easier to comply”**

“Progress is happening, just maybe not as quick as we would like”

**“Transparency of information breeds self-correcting behavior”**

“Not all infractions are alike”

“No one size fits all approach”





# KEY WORDS

Trust

Accountability

Openness

Cooperation

Performance

Improve

Guidelines

Efficiency

Reality

Severity

Fairness

Incentive

Obligations

Frequency

Tools

Risk-based

Participation

Harmonization

Level-playing field

Clarity

Consistency

Empowerment  
(secretariats)

Confidence

Capacity

Transparency

Public Perception

Reliability





THANK YOU!