

South Pacific Regional Fisheries Management Organisation Performance Review Questionnaire

Section 1: Conservation and Management

1.1 Ecosystem approach

- i. Do SPRFMO decisions fully incorporate the ecosystem approach to fisheries management in accordance with Article 3(2) of the SPRFMO Convention?

Yes	No	Partly
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Please explain further:

- ii. Are there gaps or changes which would improve implementation of the ecosystem approach?

Yes	No	Partly
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Please explain further:

1.2 Data collection

- i. How effective are the SPRFMO data collection formats, specifications and timeframes?

Formats:	Excellent	Good	Acceptable	Inadequate
Specifications:	Excellent	Good	Acceptable	Inadequate
Timeframes	Excellent	Good	Acceptable	Inadequate

Please explain further:

- ii. How accurate, timely and complete is the collection of data by Members and CNCPs individually or through SPRFMO?

Members:	Very	Not at all	Partly
CNCPs:	Very	Not at all	Partly
SPRFMO:	Very	Not at all	Partly

Please explain further:

iii. Are there any gaps in data collection necessary for effective stock assessment?

Yes	No	Some
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Please explain further: Squid stock assessment model is not yet determined and also data necessary.

iv. Are there any gaps in data collection necessary for ensuring best scientific advice is available?

Yes	No	Some
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Please explain further: Squid stock assessment model is not yet determined and also data necessary.

v. How effective are SPRFMO's efforts in addressing any gaps in data collection?

Very	Not at all	Partly
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Please explain further:

vi. Are there any gaps in CMM 16-2018 (Observer Programme) which need to be filled to fully reflect the requirements of Article 28 (1) of the SPRFMO Convention?

Yes	No	Some
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Please explain further:

1.3 Quality and provision of scientific advice

i. How effective are SPRFMO's efforts to receive and act on best scientific advice relevant to the fishery resources it covers?

Very	Not at all	Partly
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Please explain further:

- ii. How effective are SPRFMO's efforts to receive and act on best scientific advice relevant to the effects of harvesting, research, conservation and associated activities on the marine ecosystem?

Very	Not at all	Partly
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Please explain further:

1.4 Adoption of conservation and management measures

- i. Has SPRFMO has adopted an effective range of Conservation and Management Measures (CMMs) for fishery resource management that ensure the long-term conservation and sustainable use of those resources and are based on the best scientific evidence available?

Yes	No	Partly
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Please explain further, noting any gaps or suggested improvements:

- ii. Has SPRFMO sufficiently applied a precautionary approach in line with the requirements of Article 3 (2) of the SPRFMO Convention and the Code of Conduct for Responsible Fisheries?

Yes	No	Partly
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Please explain further, noting any gaps or suggested improvements:

- iii. Has SPRFMO sufficiently applied precautionary reference points as called for in Article 20 (2) of the Convention?

Yes	No	Partly
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Please explain further:

- iv. Has SPRFMO sufficiently incorporated the criteria established under Article 21 (1) of the SPRFMO Convention, in the adoption of measures relating to the allocation of the total allowable catch or total allowable fishing effort?

Yes	No	Partly
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Please explain further, noting any gaps or suggested improvements:

- v. How effective are the SPRFMO CMMs adopted to cover previously unregulated fisheries, including new and exploratory fisheries?

Very	Not at all	Partly
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Please explain further, noting any gaps or suggested improvements:

- vi. Has SPRFMO adopted CMMs which specifically address the conservation of marine biological diversity?

Yes	No	Partly
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If Yes, or Partly: are these effective? Yes

Please explain further, noting any gaps or suggested improvements:

- vii. Has SPRFMO adopted CMMs which specifically aim to minimise adverse impacts of harvesting, research, conservation and associated activities on fishery resources and its marine ecosystems?

Yes	No	Partly
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If Yes, or Partly: are these effective? Yes

Please explain further, noting any gaps or suggested improvements:

- viii. Has SPRFMO adopted CMMs which specifically aim to minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target fishery resources, and impacts on associated or dependent species?

Yes	No	Partly
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If Yes, or Partly: are these effective? **Yes**

Please explain further, noting any gaps or suggested improvements:

1.5 Capacity management

- i. Are SPRFMO fishing capacity levels appropriate to support long-term conservation and sustainable use of its fisheries resources?

Yes	No	Partly
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Please explain further:

- ii. How effective have been actions taken by SPRFMO to prevent or eliminate excess fishing capacity and effort?

Very	Not at all	Partly
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Please explain further:

- iii. How effective are efforts made by SPRFMO to monitor levels of fishing effort?

Very	Not at all	Partly
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Please explain further:

Section 2: Compliance and Enforcement

2.1 Flag State duties

- i. Do Members and CNCPs have a clear understanding of their flag state duties?

Yes	No
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Please explain further:

- ii. Have there been any situations where a Member or CNCP has not fulfilled its flag state duties?

Yes	No
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If yes, please explain further:

- iii. If a Member or CNCP has not fulfilled its flag state duties, what do you think the reason for this is? (e.g., lack of capacity, lack of knowledge of its duty, lack of political will, etc.)

Please explain: **Lack of capacity**

- iv. Are there ways that Members and CNCPs could better fulfil their flag state duties?

Yes	No
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If Yes, please explain further: **SPRFMO shall establish a comprehensive capacity building mechanism to assist Members and CNCPs who are fail to fulfil their flag state duties.**

2.2 *Port State measures*

- i. Have Members implemented the SPRFMO port state measure fully?

Yes	No
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If No, please explain further why they have not been fully implemented (e.g., lack of capacity, lack of knowledge of its duty, lack of political will, measure not clear, too complicated or too onerous, etc.):

- ii. Is the port state measure adopted by SPRFMO effective?

Yes	No
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If No, please explain further why not:

iii. Are there additional port state measures that are needed?

Yes	No
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If Yes, please explain further:

2.3 *Monitoring, control and surveillance*

i. Are SPRFMO's MCS measures well-tailored to enable monitoring of and ensure compliance with SPRFMO's conservation and management measures?

Yes	No
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Please explain further:

ii. Are there additional MCS measures that are needed to enable monitoring of and ensure compliance with SPRFMO's conservation and management measures?

Yes	No
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Please explain further:

iii. Are there improvements that should be made to the existing MCS measures?

Yes	No
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Please explain further:

iv. Are the SPRFMO MCS measures effective and integrated?

Yes	No
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Please explain further:

- v. Have Members and CNCs implemented the SPRFMO MCS measures fully?

Yes	No
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If No, please explain further why they have not been fully implemented (e.g., lack of capacity, lack of understanding, lack of political will, measure not clear, too complicated or too onerous, etc.): **Lack of capacity, too complicated and onerous.**

2.4 Follow-up on infringements

- i. Do Members and CNCs follow up on alleged infringements of conservation and management measures?

Yes	No
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Please explain further:

- ii. If Members and CNCs do not follow up on alleged infringements, please explain what is the reason or reasons (e.g., lack of capacity, lack of understanding, lack of political will, etc.): **Lack of capacity and political will.**

- iii. Is there something that could be done to improve efforts to follow up on alleged infringements? Please explain: **SPRFMO shall establish a comprehensive capacity building mechanism to assist Members and CNCs who fail to follow up on their alleged infringements.**

2.5 Cooperative mechanisms to detect and deter non-compliance

- i. Has SPRFMO established cooperative mechanisms to monitor compliance, detect and deter non-compliance and remedy compliance issues?

Yes	No
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If Yes, please describe those cooperative mechanisms: SPRFMO has established cooperative mechanisms with CCAML.

If No, please describe what cooperative mechanisms are needed: SPRFMO shall also establish cooperative mechanisms with WCPFC and IATTC.

- ii. If there are cooperative mechanisms, are they effective in monitoring compliance, detecting and deterring non-compliance and remedying compliance issues?

Yes	No
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If No, please explain:

- iii. Are the cooperative mechanisms being used effectively?

Yes	No
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If No, please explain what could be done to improve their effective use and what you think the reason is for their lack of effectiveness:

- iv. Are there additional cooperative mechanisms needed?

Yes	No
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If Yes, please explain: SPRFMO shall establish cooperative mechanisms with WCPFC and IATTC.

2.6 Market-related measures

i. Are there market-related measures that SPRFMO should adopt?

Yes	No
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If Yes, please describe the measures:

ii. Please explain why SPRFMO has not adopted market-related measures (e.g., not necessary, lack of capacity, lack of political will, measure not clear, too complicated or too onerous, etc.): **Not necessary and lack of political will.**

Section 3: Decision-making and Dispute Settlement

3.1 Decision-making

i. How do you assess SPRFMO decision-making process and practices?

Good			Poor		
1	2	3	4	5	No answer

Please explain further: **As an essential Regional Fishery Management Organization, mostly SPRFMO is able to adopt decisions through its decision making process. However, occasionally it falls into questionable practices of deliberately differentiating the terms of "Contracting Parties" and "Members" predominantly out of political considerations. Sticking to such kind of practices will create gaps and discrepancies that may eventually undermine the collective efforts made by all Members of the Commission.**

ii. Are the processes and practices inclusive and transparent?

Yes	No	Partly
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Please explain further: **As the result of the aforementioned practice, the processes of SPRFMO decision-making cannot be confidently deemed as "inclusive" and "transparent".**

iii. Could they be improved?

Yes	No	Partly
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Please explain further: The Commission can further review the said issue and conduct amendments to eliminate such pitfalls in the future.

iv. Would SPRFMO benefit from the greater use of informal mechanisms of cooperation in its decision-making?

Yes	No	Partly
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If Yes, what form might such an informal mechanism take? Please explain further:

3.2 *Dispute Resolution*

i. Has the dispute resolution process used by SPRFMO been effective in resolving disputes?

Yes	No	Partly
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Please explain further: Generally speaking, the dispute resolution process used by SPRFMO are effective in resolving disputes based on previous cases and practices. However, the current SPRFMO Convention takes a two-track approach with regard to its dispute-settlement mechanism, i.e., Article 34 regulates the disputes between Contracting Parties, and Annex IV has a separate paragraph that regulates disputes involving a fishing entity, respectively. Such two-track approach will not only incur confusion among Members but also diminish the effectiveness of the dispute resolution process of SPRFMO.

ii. Has the SPRFMO dispute resolution process been expeditious?

Yes	No	Partly
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Please explain further:

- iii. Do you have any concerns with the SPRFMO dispute resolution process, such as procedures or cost?

Yes	No	Partly
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Please explain further:

If Yes, what suggested improvements could be made?

Members of Commission can revise the Article 34 by replacing all "Contracting Parties" with the term of "Members". By doing so, there will be a concise and sole dispute-settlement mechanism for all SPRFMO Members to prevent confusions when undertaking the process.

Section 4: International Cooperation

4.1 Transparency

- i. Are relevant intergovernmental organisations and interested environmental organisations and fishing industry organisations able to effectively participate in all SPRFMO meetings?

Yes	No	Partly
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Please explain further:

- i. Does SPRFMO facilitate consultations with non-governmental organisations, representatives of the fishing industry, and other interested bodies on SPRFMO conservation and management measures?

Yes	No	Partly
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Please explain further:

- i. Are all SPRFMO reports, conservation measures and scientific advice and other relevant non-commercial sensitive information made publicly available in a timely manner?

Yes	No	Partly
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Please explain further:

- i. How effective is the SPRFMO website making relevant information publicly available and easily accessible?

Yes	No	Partly
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Please explain further:

4.2 *Relationship with Cooperating Non-Contracting Parties (CNCP)*

- i. Have there been efforts by SPRFMO to encourage CNCPs, either individually or collectively, to become SPRFMO Members?

Yes	No
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Please explain further:

- i. Do CNCPs voluntarily implement SPRFMO measures?

Yes	No	Partly
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Please explain further:

4.3 *Relationship with non-Members or non-CNCPs undermining the objectives of the Convention*

- i. Does SPRFMO take effective measures to deter the activities of non-Members and non-CNCPs that undermine SPRFMO conservation and management measures?

Yes	No	Partly
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Please explain further:

- i Does SPRFMO encourage non-Members and non-CNCPs to become Members or CNCPs of SPRFMO?

Yes	No	Partly
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Please explain further:

4.4 Cooperation with international organisations

- i Does SPRFMO have appropriate cooperation links with other international and regional fisheries management organisations?

Yes	No	Partly
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Please explain further:

- i How effective is the cooperation with other regional fisheries management organisations which have competency over stocks located in the Convention Area?

Very	Not at all	Partly
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If Not at all or Partly, how can this be improved?

- i Does SPRFMO cooperate with relevant fisheries organisations specifically on the reduction and elimination of IUU fishing?

Yes	No	Partly
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Please explain further: SPRFMO shall continue cooperate with CCAMLR but also establish cooperative mechanisms with WCPFC and IATTC.

4.5 Special requirements of developing States

- i Does SPRFMO have appropriate mechanisms for recognising the special needs of developing States?

Yes	No	Partly
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Please explain further:

- i. How appropriate and sufficient is the assistance that is provided to developing States by Members or CNCs either individually or through SPRFMO?

Very	Not at all	Partly
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Please explain further:

Section 5: Financial and Administrative Issues

5.1 Availability of resources for activities

- i. Is the level of funding available to the Secretariat sufficient to achieve the aims of SPRFMO and implement its decisions?

Yes	No	Partly
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Please explain further:

- ii. Does the Secretariat have the requisite number of personnel to achieve the aims of SPRFMO and implement its decisions?

Yes	No	Partly
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Please explain further:

- iii. Does the SPRFMO budget process lead to the necessary financial resources being available to the SPRFMO Secretariat? If not, why not?

Yes	No	Partly
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Please explain further:

5.2 Efficiency and cost-effectiveness

- i. Does SPRFMO efficiently and effectively manage the resources available to it?

Yes	No	Partly
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Please explain further:

- ii. Does SPRFMO have the right organisational structure and working groups to efficiently undertake its work?

Yes	No
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If No, how could this be improved?

To facilitate the discussion during the Commission meeting, we suggest to establish a working group meeting to pre-discuss the proposals before the Commission meeting. The mechanism works like IATTC IMM.

- iii. Is the SPRFMO schedule of meetings appropriate?

Yes	No
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If No, how could it be improved?

As an important subsidiary bodies like SC and CTC, FAC deserves to have independent meetings. As least on full day only for FAC during the Commission meeting, allow Members to have sufficient time to discuss budget and relevant issues.

- iv. Is the organisation of SPRFMO meetings effective in achieving SPRFMO's objectives?

Yes	No
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If No, are there any suggestions you have for improvement?