

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:

Article 3(2) describes an ecosystem approach under which decisions are considered in the context of the functioning of the wider marine ecosystems and safeguard those marine ecosystems; however it is not specific. An ecosystem approach can be implemented at varying levels and SPRFMO is doing a reasonable job given the information available. The Scientific Committee (the "SC") considers many matters other than stock assessments, and many are components of what most would consider an ecosystem approach (non-target bycatch, benthic impacts, precautionary developments etc).

At present, catch limits are set based on single-species models (where available) and there is little consideration of the wider ecosystem. The approach taken in bottom fisheries includes managing the impacts of fishing on vulnerable marine ecosystems, which is more of an ecosystem approach, however catch limits remain single-species based. Greater focus could be had on non-target species, bycatch, trophic effects and the cumulative impacts of SPFRMO fisheries.

Decision-making by the Commission is generally quite precautionary and consistent with advice from the SC, and most decisions thereby incorporate ecosystem considerations.

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

Yes	No	Partly
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Please explain further:

Yes, there are gaps in the coverage of CMMs and data requirements that significantly complicate implementing an ecosystem approach. The squid fishery is an example where limited requirements of Members make it difficult to consider the impacts on the wider ecosystem from the fishery. Insufficient attention is paid by some Members to

bycatch of seabirds and other protected species, despite this being brought up several times for discussion at the SC.

We also note that considerable value could be added by greater co-ordination and cooperation with other international bodies and RFMOs.

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:

The required timeframes for submitting data to SPRFMO are generally excellent, e.g. annual fishing activity and observer data submissions. There are some datasets to be reported, e.g. vessels permitted to fish in SPRFMO and monthly reporting of bottom fishing, where the timeframe for reporting does not align very well with [...] internal processes, which makes reporting accurately by the required time, problematic.

- 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:

Some Members and CNCPs struggle with comprehensive reporting and/or reporting on time. This makes compliance monitoring and review very difficult. SPRFMO itself is relatively good at circulating information once received.

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

Yes	No	Some
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Please explain further:

Stock assessments require catch history by biological stock, which is not what is required by the resolution that some Members report to in respect of publically available data. This may reflect more of a reporting issue rather than one of collection.

There are significant data gaps for all fisheries, other than jack mackerel where a comprehensive and data-rich model has been built using fishery-dependent and fishery-independent data from multiple participants. It is a priority for the SC to develop better stock assessments for key bottom fisheries, starting with orange roughy, but almost no fishery-independent data yet exist. New Zealand has commenced a programme to collect survey information but it will take many years, especially for trawl target species, other than for orange roughy and line fishery target species.

SC has agreed to a tiered stock assessment framework; however it will take time before it produces reliable assessments for any species other than the top 2 or 3 target species.

Attempts at stock assessments for squid have not been at all persuasive and some members have strongly resisted improvements to data collection that would assist with timely assessment.

- 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:

As well as a shortage of information for fish stock assessment, there is also a shortage of information to assess key impacts of fishing on protected species and benthic habitats, and on wider ecosystem functioning, including the impact on seabirds. New Zealand and Australia have worked hard to develop methods to get the most out of the scarce information available, but models can never adequately replace the need for baseline data.

- 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:

The SC has been making steady but slow progress on addressing data gaps, but progress is utterly dependent on Members agreeing to collect and report fishery-dependent data and to resourcing the collection of fishery-independent data. There have been holdups in both.

- 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:

The current CMM is incomplete and does not include details of accreditation for observer programmes. Furthermore, the squid fishery is currently exempt from the observer programme.

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:

The Commission treats the advice from SC with great respect and almost always makes decisions that are consistent with that advice. In particular, it acted decisively to constrain the jack mackerel fishery after advice from SC and the benefits are now being seen.

- 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:

SPRFMO has effectively dealt with the jack mackerel fishery first, and has maintained it as a priority to ensure the best scientific advice is provided and implemented for the fishery. This has resulted in the rebuilding of the stock.

Now that the jack mackerel fishery is "under control", seeking and action on better information for squid, bottom fisheries, and various effects of fishing on other ecosystem components should become more of a priority. The approach proposed in the draft revised bottom fishing CMM is world-leading in its incorporation of the best available data to design a spatial management regime that avoids significant adverse impacts on vulnerable marine ecosystems.

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:

SPRFMO has a number of valuable CMMs that ensure the long-term conservation and sustainable use of resources where sufficient information is available to set catch limits. This is the case for jack mackerel, and hopefully will apply to orange roughy in the near future.

However, there are some gaps and areas for improvement:

- In respect of the squid fishery, there is little information to suggest whether the take remains sustainable.
- SPRFMO could benefit from a new CMM to cover and facilitate scientific research and New Zealand is currently working on proposals for this.
- The revised bottom-fishing CMM.
- The exemption of freezer vessels in the seabird CMM (at paragraph 3).
- The lack of a CMM for chondrichthyans (i.e. sharks, rays, skates and chimeras).

- 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:

SPRFMO has generally applied the precautionary approach well. However, there is room for improvement in a number of areas, specifically the management of non-target species, vulnerable species (e.g. seabirds, VMEs and deep-water sharks) and in considering ecosystems and cumulative impacts.

The problems with the process followed in the consideration of the “Exploratory lobster fishery (Cook Islands)” proposal made it challenging to apply a precautionary approach.

- 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:

SFRMFO adopted a precautionary rebuilding plan for jack mackerel that includes reference points. However, it has not adopted any reference points, precautionary or otherwise, for other target species, bycatch fish, seabirds, marine mammals, other species of concern, vulnerable species, or benthic habitats. The Commission has asked the SC to develop a tiered assessment framework, including associated reference points, for fish species but not for other ecosystem components.

- 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:

The allocation of the jack mackerel catch limit is based on Article 21, but this is the only fishery with a catch limit/allocation at present.

There was also useful guidance provided on this issue in the decision of the review panel in the Ecuador objection, available on the Permanent Court of Arbitration's website.

- 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:

The CMM for new and exploratory fisheries sets out requirements for proposals. However, implementation has been mixed – New Zealand's proposal was very detailed and informative, and the fishery was highly precautionary, but the Cook Islands' proposal was less adequate, despite significant help from several Members, and the process followed was not ideal. The SC Chair, NZ, Australia and Chile worked in good faith with the Cook Islands to improve the proposal but SC could be much firmer in rejecting sub-par or poorly-substantiated proposals.

- 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? Please explain further, noting any gaps or suggested improvements:

The seabird CMM is the only specific CMM addressing marine biological diversity. This is generally a strong measure, but does not currently apply to all fisheries (the jig fishery is excluded).

There is no CMM for chondrichthyans.

Vulnerable marine ecosystems are covered by the interim bottom fishing CMM; however this CMM needs to be updated, which New Zealand and Australia will be proposing in 2019.

SPRFMO also does not have a specific CMM to address marine biological diversity on a spatial scale. For example, the CBD presented information to SC-1 on EBSAs. Other than those that relate to bottom fishing, there has been little to no consideration of them.

- 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? Please explain further, noting any gaps or suggested improvements:

Measures adopted are focused on avoiding adverse impacts of harvesting and associated activities (including exploratory fisheries). The bottom fishing CMM has many clauses that focus on Vulnerable Marine Ecosystems (VMEs, benthic habitats) and there is an agreed Bottom Fishery Impact Assessment Standard that specifies the information requirements. However, there aren't many specific measures other than the seabird CMM.

- 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? Please explain further, noting any gaps or suggested improvements:

In addition to the answers given above, SPRFMO does not currently have a specific CMM to address marine pollution such as pollutants prohibited under MARPOL Annex V as well as marine noise. SPRFMO could benefit from applying a measure similar to that recently adopted in WCPFC that potentially also recognises the impact of the role of fisheries in ocean noise.

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:

Catch limits are a more effective tool for supporting long-term conservation, and catch limits are in place for jack mackerel fisheries. The bottom fisheries are currently constrained by member-specific catch limits, which may support long-term conservation in limiting the total catch. There are no restrictions on the squid fishery.

- 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:

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- 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:

Fisheries for jack mackerel and bottom fisheries are well-understood and well-monitored and all participants appear to report their effort and catch diligently. The same does not apply to squid fisheries where there seems to be resistance to most reporting requirements and observer coverage.

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:

For the most part, Members and CNCPs have a clear understanding of their flag states duties. However as was demonstrated at the 2018 SPRFMO Commission meeting, there are several key CMMs that are being interpreted differently by Members. It's important that Commission members are applying the SPRFMO CMM consistently across the board and in this regard it would be useful if more time could be dedicated at Commission meetings to addressing these differences in interpretation of measures.

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:

We suggest the review panel consider the reports of the Compliance and Technical Committee on this issue.

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:

Combined factors.

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:

It would be useful if Members were able to proactively identify areas where there is ambiguity in respect of their understanding of their flag states obligations under SPRFMO Conservation and Management measures or where there are differences in interpretation of SPRFMO measures. This will enable the commission to be in a better position to respond to these issues as they arise.

It would also be useful if Members, particularly developing States could identify where flag state duties have not been complied with as a result of a lack of capacity. This would also enable the Commission to assist these Members in capacity development so that they are able to comply with 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:

There is ambiguity in some of the CMMs wording, with different interpretations applied. Issues at the last Commission meeting include: access to VMS data, the MCS boarding/inspection scheme and the lack of an observer programme.

- 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:

There are a number of measure that require improvements or clarifications:

- 06-2018 (VMS) increased polling rates.
- 10-2018 CMS – more comprehensive list of follow up actions
- 16-2018 Observers – implementation of programme, and accreditation standards
- 12-2018 Transshipment – interpretation of area of application needs clarification
- 04-2017 IUU vessel measure – clarify ambiguity
- 05-2016 – record of vessels, clarify “first entry”

- iv. Are the SPRFMO MCS measures effective and integrated?

Yes	No
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Please explain further:

See above response regarding improvements and clarifications required. It would also be more appropriate to separate out the two observer issues – implementation and accreditation standards.

- 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.):

Not all MSC measures have been fully implemented, likely due to ambiguity and lack of clarity for some measures. Other measures have been difficult for specific members to implement. There is ongoing intersessional work to progress these issues.

2.4 *Follow-up on infringements*

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

Yes	No
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Please explain further:

The CTC reporting identifies follow-up actions by most Members/CNCPs (with the exception of two) where there were issues of non-compliance

- ii. If Members and CNCPs 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.):

There appears to be lack of will with regard to two of the Members/CNCPs (Cuba, Panama) as they are reported as seriously/persistently non-compliant.

- iii. Is there something that could be done to improve efforts to follow up on alleged infringements? Please explain:

CMM 10-2018 identifies corrective actions for the different compliance status; however implementing those corrective actions requires further work of Members.

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:

Boarding and inspection, VMS data sharing for patrols/planned surveillance.

If No, please described what cooperative mechanisms are needed:

- 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:

While they are effective, there is some room for improvements. For example, VMS data access and/or more active monitoring of VMS by the Secretariat could be implemented, if there were to be a lot of activity near the EEZ boundary of a Member/CNCP.

- iv. Are there additional cooperative mechanisms needed?

Yes	No
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If Yes, please explain:

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:

There are a number of measures SPRFRMO could investigate in terms of appropriateness and viability, including those that: address at catch certification, import controls relating to vessels that are IUU listed, and measures addressing the situation of flag states not acting properly to regulate their vessels.

- 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.):

SPRFMO is still a relatively new organisation with three different key species. The organisation’s infancy coupled with its broad focus means it may not have yet been in the proper position to implement market-related measures.

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:

In general, SPRFMO has good decision-making processes that are inclusive, robust and transparent. However, as referred to earlier, the decision making process regarding the adoption of the Cook Island exploratory proposal was not ideal. The SC could have perhaps been more forthcoming in terms of providing the Commission with advice on the deficiencies with the proposal.

- ii. Are the processes and practices inclusive and transparent?

Yes	No	Partly
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Please explain further:

In general, we perceive the SPRFMO decision-making processes and practices to be robust, inclusive and transparent. Observers are able to participate fully in the meetings of the SPRFMO Commission. Decisions are generally taken by consensus, which allows for robust discussion during meetings and through inter-sessional working groups.

- iii. Could they be improved?

Yes	No	Partly
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Please explain further:

The Arbitration Panel for the Ecuador dispute made a number of recommendations relating to the decision-making processes of the Commission. It would be beneficial if these recommendations could be evaluated formally by the Commission and incorporated where appropriate.

- 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:

The proposed "Code of Ethics" and "Conflict resolution process" for staff and SPRFMO office holders is a good development.

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:

The SPRFMO dispute resolution process has been very effective in resolving disputes and achieving a prompt resolution to issues of concern to Members. It allows for a robust and transparent review of a commission decision and provides an aggrieved Member with redress without initiating more formal dispute resolution procedures. It also enables prompt resolution of disputes, which among other things, reduces costs for both the aggrieved Member and the Commission.

- ii. Has the SPRFMO dispute resolution process been expeditious?

Yes	No	Partly
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Please explain further:

The strict timeframes as to when the Panel is to be established and submissions made as set out in the dispute resolution process has ensured that the process is expeditious and is not a protracted exercise.

- 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?

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:

SPRFMO runs extremely open meeting processes and eNGOs and industry, as well as other international bodies, often attend as observers. Communication of the opportunity to be involved in some webinars and phone conferences may not have been perfect, but there has never been any intention to “exclude” or close meetings as such.

There is however potential for exploring co-operative arrangements with other overlapping RFMOs, e.g. SIOFA, IATTC and WCPFC, particularly in relation to addressing the conservation of marine biological diversity to ensure a consistent approach to managing vulnerable species and spatial management tools. There could also be greater collaboration with the CBD in relation to EBSAs and with ACAP in relation to the risk and management of seabird bycatch.

SPRFMO may also benefit by increasing its cooperation with the IMO and ISA.

- ii. 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:

SPRFMO is generally a very transparent and open RFMO. However, environmental NGOs were not notified of the recent dispute brought by Ecuador.

- iii. 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:

Yes, SPRFMO has good processes for posting material on its website

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

Yes	No	Partly
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Please explain further:

The website is a useful tool once you get used to the layout of the site. While there is room for improvement, it is more user friendly than other RFMO websites.

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:

SPRFMO does encourage CNCP's to become SPRFMO Members. As depositary of SPRFMO, New Zealand in particular encourages CNCPs to become SPRFMO Members during the annual report on the status of the Convention.

- ii. Do CNCPs voluntarily implement SPRFMO measures?

Yes	No	Partly
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Please explain further:

CNCPs are required to commit to cooperate fully in the implementation of conservation and management measures adopted by the Commission and to ensure that fishing vessels flying its flag and fishing in the Convention Area and, to the greatest extent possible, its nationals, comply with the provisions of the Convention and conservation and management measures adopted by the Commission. However, it is not clear whether CNCP's are voluntarily implementing SPRFMO measures. In general, CNCP's will in their CNCP application reference the obligation to commit to cooperate fully in the implementation of conservation and management measures adopted by SPRFMO, however it is not clear if there is a voluntary undertaking to implement these measures on part of the CNCP.

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:

We are not aware of any active efforts by SPRFMO to deter activities of non-Members and non-CNCPs that undermine SPRFMO conservation and management measures.

- ii. 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:

While SPRFMO encourages non-Members and non-CNCPs to become Members or CNCPs of SPRFMO in a general sense, we are not aware of any current active work by Members, CNCPs or the Secretariat to encourage these activities.

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:

The Convention itself includes Article 31 "Cooperation with other organisations". SPRFMO officials or secretariat staff attend and participate in meetings and workshops of other organisations in the interests of ongoing cooperation and collaboration. SPRFMO also has MOU with other organisations, specifically the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels, and the Commission for the Conservation of Antarctic Marine Living Resources.

See also the answer to 4.1(i).

- ii. 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?

There is effective cooperation with CCAMLR, in particular in respect of exploratory fishing for toothfish being undertaken in the SPRFMO area.

- iii. 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:

As was seen in the case of the Tronio, there are instances where an attempt by a vessel to comply with the rules of one RFMO can inadvertently lead to a breach of rules under another RFMO. In this regard, it would be useful if SPRFMO could consider closer engagement, particularly with CCAMLR, in terms of identifying where compliance with respective vessel level rules in one RFMO may lead to non-compliance with rules of other RFMO's.

It would be useful if SPRFMO could cooperate more formally with other RFMO's when it comes to identifying vessels that may have engaged in IUU activities in other RFMO's, and may now be operating in the SPRFMO Convention Area.

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:

Whilst recognition of the special needs of developing states is explicitly provided for in the SPRFMO Convention, the organisation could perhaps be more proactive in identifying areas where capacity building assistance could be provided to developing States to support their compliance with SPRFMO measures.

The arbitration panel in the Ecuador dispute also made a number of recommendations including in relation to the consideration of the special requirements of developing States. It would be useful if these recommendations could be considered by the Commission formally and incorporated where appropriate.

- ii. 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:

While we do recognise the assistance that SPRFMO provides to developing States, SPRFMO could be more structured in the way that it provides assistance to developing States and assisting in identifying areas where capacity building assistance is needed.

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:

The SPRFMO budget is relatively small given the area and species managed. The Finance and Audit Committee recommendation for a comprehensive review of the membership contribution formula in 2020 will go some way to addressing the limited funding.

- 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:

Currently, it appears that the Secretariat has the requisite number of personnel to achieve the aims of SPRFMO and implement its decisions. However as the organisation continues to develop and its core functions become more bedded in, it is very likely that additional personnel will be required to achieve SPRFMO’s objectives. These additions should be determined on a case-by-case basis and be considered where a clear identifiable need is demonstrated.

- 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:

In our view, the Secretariat is sufficiently resourced to provide support to the Commission to achieve its functions. Any budgetary increases should be carefully considered and be assessed where there is an identifiable need or lack of funding support.

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:

SPRFMO has a small Secretariat with a limited budget. As decisions are made regarding CMMs, the impact on the budget should also be considered, e.g. the VMS satellite airtime fee is an additional cost being born by NZ/Australia even though the cost is due to those Members implementing the CMM and providing the Secretariat with data directly. Another key example is that only partial cost of this performance review has been accounted for in the SPRFMO budget (travel/expenses), however the cost of the reviewers' time was not included in the budget. This exposes the Commission to potential risks and visibility issues whereby Members are funding the time of 'their' reviewers on the panel.

- 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?

The Commission and subsidiary FTC, CTC and SC work well. There are some improvements that could be made to the SC structure. As the number of stocks requiring scientific assessment increases, the resourcing requirements and time available for SC review will increase. This was evident at the 2017 SC meeting where, while there were some pre-SC workshops, there was still insufficient time to review all papers in detail. The SC Chair is considering a variety of ways to fit in that work, including potentially more intersessional workshops, sub-committees, or web-meetings.

- iii. Is the SPRFMO schedule of meetings appropriate?

Yes	No
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If No, how could it be improved?

The delay between SC meeting and the Commission (~3 months) causes some problems in that there is sometimes a hiatus between SC recommending an approach and the Commission agreeing / approving action. As an example, SPRFMO operates on a calendar year and there is potential that should a reduced catch limit be agreed, it could be over caught before the decision is made (e.g. catch of 200t in January and agreement to a catch limit of 100t at Commission at the end of January).

- 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?

All meetings attended since 2008 have been well-run and, for an RFMO, focussed on results. There is some obstruction, of course, but these are almost inevitable when consensus is sought. Votes could be called a bit more frequently to provide a disincentive to unreasonable obstruction or wilful withholding of agreement or compromise. The very long drawn out negotiations on observer and VMS measures are an example of such behaviour.