



# Australian submission

14<sup>th</sup> Round of the informal consultations of States parties to the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly migratory Fish Stocks* (the Agreement) focus on 'Performance Reviews of regional fisheries management organizations and arrangements'.

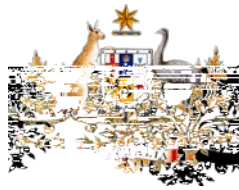
o RMFO/A from fully achieving its objectives. As the major implementation mechanism for the Agreement, and in the absence of any regular governance body overseeing the Agreement, the performance of RFMO/As is critical to achieving the constituent treaty's objectives.

## **(i) The scope of performance reviews of RMFO/As and importance and role of such review for the implementation of the Agreement**

RFMO/As have drawn from each other in terms of identifying scope and criteria. Some RFMO/As have been influenced by the performance review scope of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), as well as the Kobe process. We note for some RFMO/As, (for example, the Indian Ocean Tuna Commission) performance review criteria have been based on the performance criteria developed as a result of the joint meeting of the Tuna RMFO/As in January 2007 (Kobe I) and adapted, as appropriate, to the requirements of the specific RMFO/A. This unintended uniformity has been useful. We agree common criteria can be useful for reviews, if they are well targeted and lead to genuine assessment of performance, and outcomes that can be compared.

'young' RFMOs are likely to have achieved less than an older RFMO, but from challenges that can frustrate older RFMOs. The scope of reviews should efficiency and effectiveness, and not be limited to narrow criteria or limited criteria.

more in-depth review of RMFO/A secretariats as these are a significant cost to members and often critical in assisting RMFO/A members meet their responsibilities. It should include a more detailed review of a secretariat within the review of an organization. It would be more efficient and effective to have standalone review(s) targeted at multiple secretariats with a view to ensuring that secretariats are well supported and that their functions and effectively coordinate between each other to the benefit of their members. Such reviews could help identify best practice for secretariats and benefit RMFO/As by identifying areas for improvement. The mechanism for doing this remains to be determined. It is possible that such an approach would need to be agreed by the RFMO/As involved, or through an existing coordinating mechanism.



**(ii) The process and structure of performance reviews of RMFO/As including in relation to independent evaluation, participation, transparency, accountability and periodicity**

The performance review panel must include independent expert(s) to ensure that the review is both robust and credible. The panel should also include experts from within the RMFO/A so that there is sufficient expertise and diversity within the panel to ensure that its recommendations are relevant and practical for the particular RMFO/A. Experts should, as much as practicable, be drawn from a diverse pool and include non-governmental observers. Inclusion of internal experts is also important for the RMFO/A to take ownership and act on the recommendations.



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- a) Recommendations should be referred to appropriate subsidiary bodies and officials of the RMFO/A for expert internal evaluation of those recommendations with respect to the importance and priority of those recommendations.
- b) Following "a", RMFO/As should develop a formal response to each and every recommendation so that it is clear to what degree each recommendation will be addressed and why. It would be valuable to also keep a formal record of progress towards achieving I



## **(v) Actions needed to further strengthen the effectiveness of the performance review process, including through capacity-building**

There is merit to having a common set of criteria to be evaluated for performance reviews of RMFO/As. However, not all criteria will be equally relevant to all RMFO/As. To make most effective use of reviewers' time, it is therefore important for RMFO/As to prioritise the criteria that the review should address.

The prioritisation process should include reasons for assigning differing priorities to different criteria. For example, some RFMO/As manage by allocation of a global total allowable catch, so capacity management is not a high priority.