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How Regional Fisheries Management Organizations Can Strengthen Compliance Processes

A toolkit to help improve management for some of the world's most valuable fish stocks

Overview

Regional fisheries management organizations (RFMOs) govern most of the world's valuable shared commercial fisheries—those covering species (such as tuna and sharks) that bridge the legal boundaries separating the waters of nations—regulating the amount of fish caught and the harvest methods used. Unfortunately, RFMO members, the nations that catch in the organization's fisheries, do not always comply with the rules. And these serious, often repeated violations can undermine RFMOs' ability to manage their fisheries sustainably.

To address this challenge, a group of international experts developed a toolkit that provides RFMOs with approaches and guidance to strengthen and effectively implement processes to review and improve member compliance.¹ This fact sheet outlines the toolkit's key recommendations, which were built on existing RFMO practices and on the outcomes of three expert workshops and two webinars convened in 2020 and 2021 by The Pew Charitable Trusts in collaboration with the International Seafood Sustainability Foundation.

What is an RFMO compliance review process?

Compliance review processes cover all aspects of RFMO conservation and management measure implementation. RFMOs usually have a structure, such as a compliance committee, tasked with monitoring members' adherence to the rules, identifying problems with implementation of required management measures, and recommending solutions, including through the adoption of new measures. An RFMO compliance review process typically follows three main steps (see Figure 1):

- Collect relevant information, such as transshipment activities, catch and effort data, and bycatch information.
- Review and assess compliance.
- Establish consequences of noncompliance.

Figure 1

Effective Compliance Review Processes Involve Three Key Steps

Main stages of RFMO monitoring procedures



Source: H. Koehler, "Tuna RFMO Compliance Processes: A Comparative Analysis to Identify Best Practices (Version 7). ISSF Technical Report 2022-05" (2022), <https://www.issf-foundation.org/downloads/28919/?tmstv=1675784469>

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RFMOs can take important steps to strengthen their compliance review processes. For example, several RFMOs have established electronic means to collect, analyse and report compliance data, and others are developing formal compliance criteria, prioritizing annual reviews of management measures and determining the consequences of different types of noncompliance. Some RFMOs are also increasing transparency and bolstering capacity for effective compliance review.

To guide this ongoing work, the toolkit establishes a set of overarching principles for effective compliance monitoring, provides a comprehensive set of recommendations to strengthen RFMO compliance regimes, and outlines a methodology to evaluate the RFMOs' current review processes.

Principles of an effective compliance review process

A well-designed compliance assessment process should be:

- **Fair and impartial.** Reviews should be consistent, based on clear rules, and should afford all members an equal opportunity to participate according to their own capacity.
- **Legitimate.** All RFMO members should recognize the compliance assessment process as a primary tool for achieving the RFMO's objectives and supporting members in meeting their obligations, with the goal not of administering penalties (although they are sometimes necessary), but rather of improving the RFMO's overall performance.
- **Transparent.** All RFMO members should operate in good faith to make compliance processes more open, fair, impartial and effective.
- **Targeted.** RFMOs should prioritize compliance reviews for those requirements that are most essential to RFMO success and should ensure that, when needed, responses are proportionate to the degree of noncompliance.
- **Effective.** Compliance committees should identify and address near-term implementation issues, monitor trends over time, and apply rigorous follow-up processes to ensure that members' responses effectively reduce noncompliance.
- **Efficient.** RFMOs should minimize unnecessary administrative burdens and costs for member governments by, for example, conducting compliance work via electronic or online platforms.
- **Cooperative.** Compliance committees should promote collaboration within and across RFMOs and with other organizations to increase the exchange of information and to work towards harmonizing criteria or processes.

Recommendations for strengthening RFMO compliance

To help RFMOs apply these principles, the toolkit provides a menu of recommendations, which are summarized by these 10 core actions:

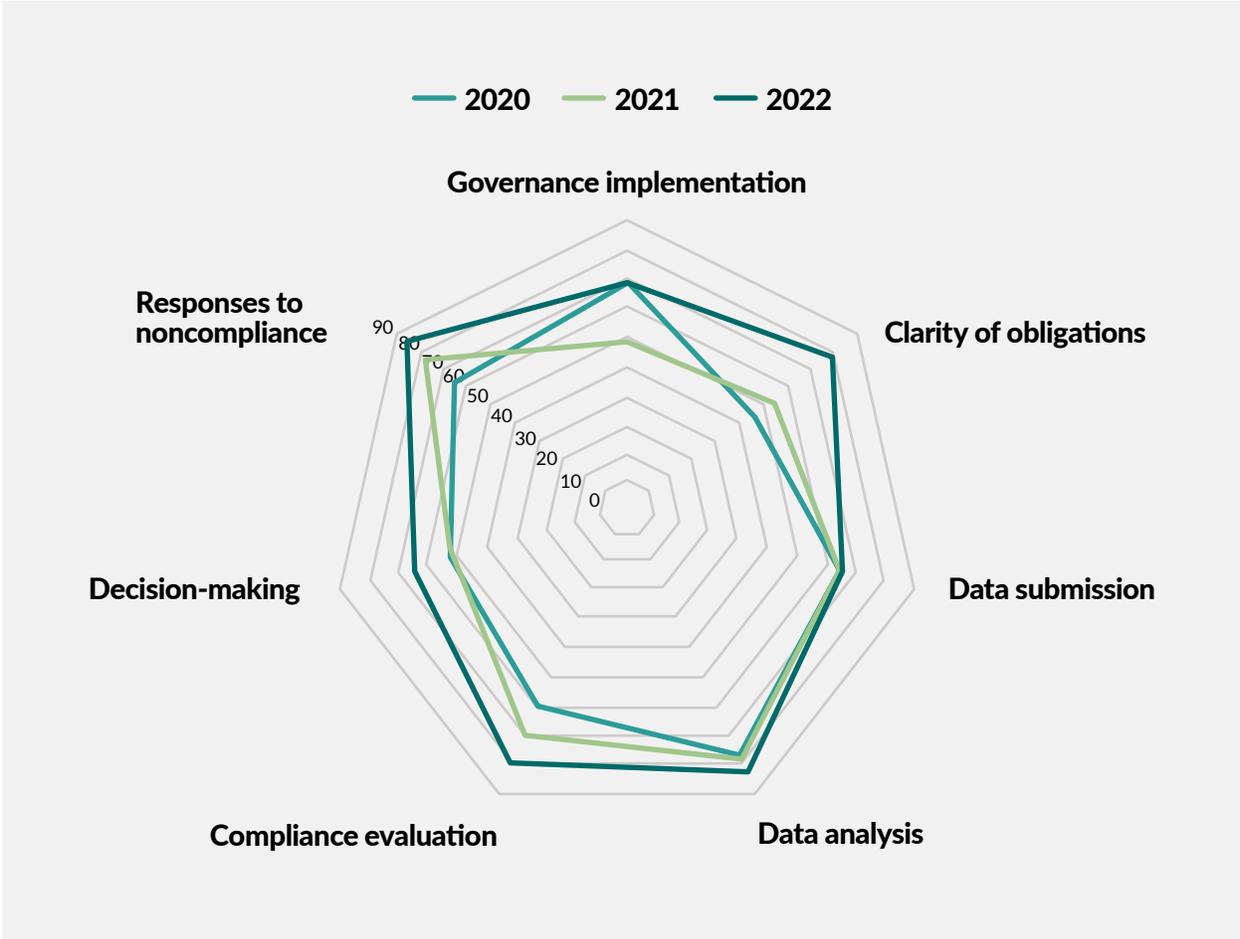
- 1. Establish the necessary institutional framework and governance rules.** Ensure that RFMOs develop and implement review processes through clear and stand-alone compliance bodies, such as a compliance committee, within existing RFMO frameworks, and that RFMO secretariats have adequate mandates to effectively assist their members in compliance review processes.
- 2. Improve the quality and applicability of measures.** Review RFMO measures and rules to remove duplication and inconsistencies, increase clarity, and improve implementation, including by defining audit points to assess progress on conservation and management measures. When possible, automate simple compliance assessment processes.
- 3. Ensure that information used for compliance review is of the right quality and quantity.** Prioritize data, such as catch volumes, locations and times, that is fundamental to assessing compliance and ensure that it is high quality, timely, accurate and verifiable. Use relevant data from non-RFMO sources when possible.
- 4. Improve the collation, analysis and presentation of data.** Review and propose changes to RFMO rules to incorporate technological solutions that can strengthen database management and the presentation of information. Ensure that RFMO secretariats and members provide information for compliance reviews that is easy to understand and use.
- 5. Incorporate tools that make the compliance review process clearer and more efficient.** Prioritize the compliance infractions and rule violations that demand immediate attention as well as a clear schedule for addressing other compliance issues.
- 6. Ensure that decision-making rules do not cause inaction or create deadlocks.** Review traditional consensus-based decision-making at RFMOs to make certain that it does not hinder responses to noncompliant members, for example, by allowing a member that is under review to participate in decision-making concerning the possible violations and associated RFMO actions.
- 7. Establish effective consequences for noncompliance and appropriate follow-up actions.** Develop 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.
- 8. Develop capacity-building assistance mechanisms.** Support the identification of member States' individual capacity-building needs and help to channel funds from within or outside of the RFMO to countries that most require assistance. Set aside funds from special contributions, such as from the fishing industry, for this purpose, and monitor the implementation and effectiveness of capacity-building programs.
- 9. Improve cooperation among RFMOs.** Facilitate data sharing and cooperation among RFMOs to, for example, improve information verification, centralize data systems and harmonize reporting requirements. Establish memoranda of understanding among RFMOs and encourage informal sharing of information and knowledge among staff members from various RFMOs.
- 10. Periodically monitor and evaluate RFMO compliance review processes.** Conduct regular reviews of compliance regimes and committee practices to ensure effective enforcement and identify areas for improvement, such as by adopting and tracking key indicators.

RFMO evaluation is critical to ensuring progress

RFMOs can more effectively strengthen their compliance review processes if they monitor the performance of these processes regularly, for example, biennially, to ensure that improvement efforts are headed in the right direction and make any necessary adjustments. The toolkit provides a simple methodology for assessing the operation of RFMO compliance committees, using a set of basic indicators. Evaluators enter the scores for each indicator on a “spider” plot, which provides a visual representation of the compliance review process’ strengths and weaknesses. (See Figure 2.)

Figure 2
Using Simple Indicators, RFMOs Can Evaluate and Improve Compliance Review Processes

Sample depiction of strengths and weaknesses of fictional compliance committee operations



Notes: This evaluation shows that although the fictional RFMO gradually improved the committee operation element of its compliance review process beginning in 2020, several indicators with relatively low scores, including decision-making, governance implementation and data submission, need more attention. The compliance committee could refer to the relevant recommendations in the toolkit to address these shortcomings.

RFMOs and their members should evaluate their compliance review processes promptly and, based on their specific priorities, strengths and weaknesses, incorporate the relevant principles and recommendations from the toolkit to improve their performance. As part of these efforts, RFMOs must collaborate and share knowledge about best practices and developments in the evaluation and strengthening of compliance review mechanisms. RFMOs should also take advantage of help offered by nongovernmental organizations, including Pew, and other outside entities and individuals.

Conclusion

All RFMOs can benefit from making the compliance toolkit an integral part of their efforts to support and improve member compliance. Doing so will not only strengthen their overall performance, but also ensure better management of the world's shared fisheries and provide global seafood markets with the sustainability assurances they need.

Endnote

- 1 R. Day et al., "Approaches to Evaluate and Strengthen RFMO Compliance Processes and Performance. A Toolkit and Recommendations" (The Pew Charitable Trusts and International Seafood Sustainability Foundation, 2022), <https://www.pewtrusts.org/-/media/assets/2023/07/approaches-to-evaluate-and-strengthen-rfmo-compliance-processes-and-performance-a-toolkit-and-recomm.pdf>.

This fact sheet was updated in September 2023 to provide a new source link and additional detail in the endnote.

For more information, please visit: pewtrusts.org/internationalfisheries

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