

New Zealand Government

New Zealand submission on the fourteenth round of 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).

30 March 2019

Introduction

1. New Zealand welcomes the focus topic of “Performance reviews of regional fisheries management organizations and arrangements” (RFMO/A).
2. New Zealand is pleased to provide this contribution in response to the invitation for States Parties to the Agreement to provide written contributions on the focus topic.

Background

3. New Zealand is a member of the South Pacific Regional Fisheries Management Organisation (SPRFMO), the Western and Central Pacific Fisheries Commission (WCPFC), and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). New Zealand is also a member of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), a Co-operating Non-Contracting Party to the North East Atlantic Fisheries Commission (NEAFC), and a signatory to the Southern Indian Ocean Fisheries Agreement (SIOFA).

Function of Performance Reviews

4. New Zealand strongly advocates that RFMO/A undertake periodic reviews of their performance. Performance reviews provide a useful critique of the performance of RFMO/As relative to agreed performance review criteria and can identify any gaps in management which need to be addressed. Every RFMO/A in which New Zealand participates has undertaken at least one performance review.

5. In our view, the primary purpose of performance reviews is to assist members of a particular RFMO/A to improve effectiveness and efficiency of its organisation. The use of performance reviews is a powerful tool for identifying possible areas for reform and can incentivise RFMO/As to undertake reform. Performance reviews also assist in providing a basis to effectively prioritise areas of work for a particular RFMO/A. It is critical that experts conducting performance reviews have a wide-ranging mandate in order to provide credibility for the review.

Panel Composition

6. Whilst the particular panel composition considerations for performance review panels will largely be dependent on the particular circumstances of each RFMO/A, it is important that the composition of such panels strikes an appropriate balance between providing for independence, and having reviewers that are sufficiently skilled and experienced in the particular matters of the RFMO being reviewed. RFMO/As should actively ensure that all members participate in the process and that Terms of Reference that are developed are robust.

Post RFMO/A Performance Review

7. The primary focus of RFMO/A following performance reviews should be on ensuring comprehensive implementation of the recommendations arising from the review. A focus on implementation of recommendations from existing reviews and strengthening their comprehensiveness over time is an approach that is also supported by the UNGA sustainable fisheries resolution (96/100). While some RFMO/As have made significant progress through actions against review panel recommendations, it is our view that many of the recommendations from previous RFMO/A reviews remain relevant and warrant continued attention. RFMO/As should also strive for a regular cycle of review, recognising the dynamic context within which RFMO/As operate.

SPRFMO

8. The inaugural performance review of SPRFMO took place during the 2018/19 inter-
sessional period. The chair of the Review Panel (Dr Penelope Ridings) presented the
Panel's report to the Commission. The panel made a number of specific recommendations
for the Commission and its various subsidiary bodies. Of highest priority were further
integration of the ecosystem approach in all fishery management issues, continuation of
scientific advice needed for the Jumbo Flying Squid and development of a management
measure for this fishery; urgent action needed for a measure on bottom fishing; application
of seabird bycatch mitigation to all fisheries; replenishment of the Contingency Fund and
Accumulated Surplus Fund, implementation of a SPRFMO observer programme, and the
recruitment of a Compliance Manager.

9. The SPRFMO Commission provided responses to the Panel recommendations,
noting that further work is required to guide future implementation of the recommendations.
Importantly, Article 30 of the SPRFMO Convention explicitly provides that the SPRFMO
Commission shall review the effectiveness of the conservation and management adopted by
the Commission in meeting the objective of this Convention, and that such review shall be
undertaken at least every five years. This provision provides a clear mandate for the
SPRFMO Commission to undertake regular performance reviews.

CCSBT

10. CCSBT has undertaken two performance reviews, the first in 2008 and the second in
2014. The second performance review can be found in paper CCSBT-EC/1410/11, this
report was considered at the annual CCSBT meeting in October 2014. At the meeting New
Zealand, in an effort to actively support the review process, volunteered to prepare a draft
updated Strategic Plan and associated Plan for future years to incorporate relevant elements
from the Performance Review Panel's recommendations, which it has subsequently done.

WCPFC

11. A review of the WCPFC was conducted in 2011. The report and its recommendations
are available on the WCPFC website. New Zealand has worked to ensure the

recommendations in the report have been given sufficient consideration by the WCPFC membership.

CCAMLR

12. Two performance reviews of CCAMLR have been undertaken; in 2008 and 2017. The second CCAMLR review panel used the first review as a reference point, noting that, overall the Commission and Scientific Committee had made significant progress in implementing many, though not all, of the recommendations arising from the first CCAMLR performance review. The second performance review emphasised areas that still require improvement and made a number of new recommendations. Importantly as the mandate and responsibilities of CCAMLR are not limited to fisheries management, the recommendations made by the review panel are broader than those seen in RFMO's.