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**COORDINATION AND COOPERATION BETWEEN T-RFMO¹: ADJUSTING THE WORK UNDER THE
KOBÉ PROCESS - A CONCEPT NOTE**

(Draft by the KOBÉ process Steering Committee Chair)

Introductory remarks

In the present Ocean Governance set-up, RFMOs have been entrusted with a critical role to manage highly migratory² stocks properly. The t-RFMOs constitute a sub-set of RFMOs with a particular responsibility in this context.

Generally speaking, the performance of the t-RFMOs can be qualified as rather satisfactory.³ The scientific processes function, decisions about management measures are taken, compliance is monitored and measures are regularly reviewed to take account of changing circumstances. The performance of all the t-RFMOs has been assessed at least once.

Yet, occasionally t-RFMOs attract criticism about their performance. Sometimes also other organisations⁴, relying on a separate conservation mandate, venture into their activity domain. At times there are even suggestions that more over-arching global organisations ought to be set-up.⁵

The best reply to such criticism and challenges is for the t-RFMO to continue working on their performance and to continue working jointly on issues of common interest. There has been, for more than a decade, a systematic effort to pursue such cooperation under the “Kobe process”.

During the first meeting in Kobe, Japan in January 2007 fourteen key issues and challenges and a process for future work were defined. After a second meeting in San Sebastian, Spain in April 2009, several technical workshops were set up and at a third meeting in La Jolla, USA in July 2011 the focus of “Kobe process” activities shifted away from plenary-type meetings to a steering committee. The Steering Committee consists of the Chairs and Executive Secretaries (or directors) of the five t-RFMOs.

According to a self-assessment, t-RFMOs report achieving 70-80% of the original Kobe process goals. Other relevant work on FAD management, management strategy evaluation, the ecosystem approach to fisheries, by-catch and other topics has been carried out.

The continuation of a cross t-RFMO cooperation process in some form is important for conveying key messages regarding progress in fisheries management to all stakeholders, including producers, consumers and civil society. This should be relevant also for the UNFSA review process.

The Steering Committee has been trying to assess its own performance and to improve the cooperation mechanisms. During its most recent meeting⁶ at the occasion of the COFI meeting at the FAO in Rome, an exchange of views resulted in a broad agreement on a way forward.

Basic principles

The process will continue to work as a lean -virtual- organisation. It will continue to rely on the t-RFMO, on Contracting Parties and on efforts and contributions by various stakeholders (civil society, fleet operators, processors, retail organisations etc.).

¹ Tuna Regional Fisheries Management Organizations

² And other stocks of common interest like straddling stocks

³ See argumentation in: S.DEPYPERE, *Ocean Governance for Sustainable Fisheries*, in Nordquist e.a. 372-378 © Koninklijke Brill NV, Leiden, 2017.

⁴ Which arguably, are less performing or less committed to following good practices than t-RFMOs.

⁵ e.g. during the BBNJ preparatory discussions.

⁶ 11/07/2018

The FAO will continue to support the process and will also offer a light Secretariat service. Various communication tools will be used but efforts will be made to enhance the website "www.tuna-org.org" which is hosted by ICCAT.

It has been made very clear that the process should not provide oversight of the t-RFMOs and also should not set binding frameworks for t-RFMOs or their members. Rather the Kobe process should provide for a platform for enhanced coordination and collaboration instead of being a decision-making platform. It should avoid prescriptive guidance and make this very clear within the RFMO community.

As many of the previous goals were reached, new and achievable goals need to be defined recognizing that there are inherent differences between the t-RFMOs, both structurally and on specific issues.

There are benefits to a Kobe process associated with improved public perceptions of transparency and progress, particularly given the importance of tuna to a variety of market sectors. While small meetings are more manageable and efficient, it was noted that large meetings are costly but relatively more transparent. In order to be successful the agenda needs to be well crafted.

Fostering strategic communications is considered to be very important, including communication between t-RFMOs to identify shared priorities, identifying joint actions which would benefit all t-RFMOs, and then having an outward-facing communications strategy aimed at members and all stakeholders, including civil society.

The spirit of the Kobe process is grounded in sharing knowledge and building on commonalities, for example catch documentation schemes, data collection and reporting, as well as a number of other topics⁷. It can serve as an important focal point for mutually beneficial cooperation.

It is important for the representatives of each t-RFMO at the steering committee to obtain a clear mandate from their membership to participate in cross t-RFMO activities. As already previously agreed, the Kobe process will feature as a point on the agenda of the annual meeting of each t-RFMO.

Practical work

Work would be arranged in three main categories:

Cooperation, exchange of information and coordination within the Steering Committee. This may involve participation in the Annual meeting or other events organised by fellow t-RFMOs.

Organisation of meetings of existing⁸ or new Working Groups covering particular topics (MSE, FADs, by-catch, catch documentation, external communication, best practices in science, compliance).

Such cooperation will need to rely on the initiatives and on the voluntary contributions (intellectually, financially, and logistically) by Contracting Parties, stakeholders and t-RFMOs themselves. Participation would be open to everybody who wishes to cooperate.

All parties are invited to reflect on possible topics and to consider contributing. The Steering Committee will act as a broker for such information and will facilitate forms of cooperation.

The organisation of a new large-scale meeting⁹ will also be considered. On the one hand, such a large-scale meeting poses quite a challenge. Preparation is a daunting task. On the other hand, it is considered very beneficial in terms of inclusiveness and transparency. It would only make sense, however, if all t-RFMOs and enough Contracting Parties and stakeholders were ready to prepare this content-wise and to attend actively. The FAO is considering whether it can finance and host such a meeting. Tentative timing would be September 2019.

Invitation

All t-RFMOs are invited to discuss these ideas at their annual meeting or otherwise.¹⁰

⁷ Advanced also under the Common Oceans (ABNJ) Tuna Project.

⁸ The list of existing Working Groups and their Chairs will be communicated separately.

⁹ A "Kobe IV".

¹⁰ Due to the scheduling of Annual Meetings, fixing suitable calendars and deadlines is very difficult.