



# Evaluating the basic elements of transparency of regional fisheries management organizations



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## ABSTRACT

This paper reports on the first global study of regional fisheries management organization (RFMO) transparency. It was prompted by recent scholarship that suggests that RFMOs are failing to meet their conservation and management mandates and that transparency is a critical element of this performance. In this study, 11 RFMOs were evaluated using 34 questions, divided into three sections: (i) access to full, up-to-date and accurate information; (ii) public participation in decision-making; and (iii) access to outcomes. Secretariats for all 11 RFMOs were contacted, and all responded, to correct and comment on initial findings and to share additional information. The total scores in this study reflect transparency as measured against current good practices in RFMOs as a whole, rather than some sort of idealistic benchmark. Each question should therefore be seen as a diagnostic tool that shows where some RFMO (s) fall short and how they can correct the shortfall based on the practices of their peers. These results have highlighted a number of good practices amongst RFMOs, with no single RFMO standing out as having particularly poor transparency practices. On the other hand, there also were not any RFMOs that had exemplary transparency practices in every respect and all RFMOs still have room to improve upon their basic transparency practices. This first transparency assessment is necessarily broad in nature and considers only very basic elements of transparency. It is to be expected that as RFMO practices become more sophisticated, so will the techniques and criteria of future transparency assessments.

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## 1. Introduction

Transparency is broadly recognized as an essential component of sustainable development and good governance [1–3], especially with regard to the management of natural resources [4]. In order to develop a more secure investment environment and provide the public with knowledge of natural resource rents received by their governments, terrestrially-based standards such as the Extractive Industries Transparency Initiative have been established to ensure greater fiscal transparency [5]. Though the value of transparency in marine resource extraction, particularly fisheries, is likewise broadly recognized [6] (Sections 172 and 173), transparency standards have not yet been applied. The Food and Agricultural Organization of the United Nations' (FAO) voluntary Code of Conduct for Responsible Fisheries states that decision making processes and management of fisheries should be transparent [7] (Sections 6.13 and 7.1.9). However, while several technical

guidelines have been produced by the FAO to facilitate implementation of the Code [8], none yet explicitly consider transparency.

Increases in fishing pressure accompanied by global declines in fish stocks strongly suggest that fisheries need to be more effectively managed [9]. The United Nations Fish Stocks Agreement [10] recognizes regional fisheries management organizations and agreements (RFMOs) as institutions and processes through which these high seas resources are to be sustainably managed. Although these organizations now cover much of the geographic extent of the world's oceans beyond national jurisdiction [11], the global status of fish stocks continues its slow decline [12]. According to some scholars and environmental non-governmental organizations (NGOs), RFMOs are failing to achieve their objectives [13–19]. However, the extent of the problem is often obscured due to a lack of publicly available information, particularly concerning compliance and enforcement [20–22].

While international ocean governance bodies, including RFMOs, have been discussing the importance of transparency for over twenty years, it is unclear how much their practices have evolved [23]. This paper seeks to address that question and is the first study of RFMOs that focuses exclusively on transparency.

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## 2. Methods

The scope of this study was limited to active, multi-lateral RFMOs that manage fisheries mainly in the high seas. Bilateral treaties (such as the US-Canada Halibut Agreement) were not included. The following 12 RFMOs met these pre-requisites: CCAMLR,<sup>1</sup> CCSBT, IATTC, ICCAT, IOTC, IWC,<sup>1</sup> NAFO, NEAFC, SEAFO, SIOFA, SPRFMO, and WCPFC (For expanded acronyms, see Table 1). However, at the time of this study, SIOFA (a relatively new agreement, established in 2012, [24]) did not have a website and there was not enough publicly available information to complete the questionnaire for the organization; therefore, it was removed from the analysis. SPRFMO, which entered into force in the same year as SIOFA, has a functional website and therefore was included to the extent possible in the analysis.

To compare the transparency of RFMOs, a standardized questionnaire was developed (Appendix A) consisting of 34 questions. Because there is no single recognized “best practice” standard for RFMO performance, our questions drew upon a variety of good practices that were generally recognized,<sup>2</sup> as well as those that were identified in response to issues exposed in RFMO performance reviews [26,27,7,13,20]. The questionnaire divided transparency into three broad sections: availability of information, participation in decision-making processes, and access to outcomes. These sections reflect the three categories of transparency articulated within the Aarhus Convention [27]. The first two sections of the questionnaire are virtually identical to the first two Aarhus categories (“access to full, up-to-date and accurate information,” and “public participation in decision-making”). The questionnaire for the current study divides the second category of transparency, participation in decision-making, into two subsections in order to account for the actual process of decision-making (e.g. the participation of civil society observers in meetings) as well as the records of the decision-making (e.g. the publication of meeting reports). The third section of transparency, access to outcomes, expands upon the third Aarhus category (“access to justice”) to incorporate compliance measures, performance reviews, and reporting progress made towards objectives, as recommended by international bodies [28] and scholars [29,20,9]. The questions included in the questionnaire can be found in Table 2 below.

Each of the 34 questions was assigned a range of points, with the most transparent behavior receiving the highest score, based on criteria reflecting the range of current practices, adding up to a maximum of 50 points overall (Table 3). For example, for question 3.2.2, “Are the findings of the performance review(s) publicly available online?” an RFMO would receive one point if the performance review was available online and zero points if it was not.

As RFMO practices became clearer over the course of research, the questions were revised in order to better capture current practices. For example, question 1.2 (“Does [the RFMO] list staff members and contact information for the Secretariat”) was created in the process of sending out the questionnaires because one organization (WCPFC) did not have contact information for members of the Secretariat available, which made it difficult to send the questionnaire to that organization for review. Often questions

were revised in response to feedback from the Secretariats. For example, in Question 3.2.3 of the original questionnaire (“Are there independent evaluators involved in the performance review?”), a maximum score was given only if all members of the performance review panel were independent. However, because a number of organizations objected to that criterion as being overly stringent, it was changed so that a maximum score was assigned if a simple majority of the members of the RFMO performance review panel were independent. Question 7, “Are scientific/observer data available at a resolution/scale such that they can be used in independent scientific analysis?” was the only instance where the range of scores was not re-adjusted upon request from Secretariats because public access to data sufficient for independent peer-review was viewed as a non-negotiable requirement for good scientific practices (i.e. the ability to peer-review and repeat analyses).

The evaluation took place in two stages. For the first stage, the questionnaire was completed using information that was readily available from the organization’s website. Key documents were sought from each website, including the organization’s conservation measures, Convention text, rules of procedure, annual reports, sub-/committee reports, and meeting documents. The second stage occurred after all questions that could be answered from publicly available information were addressed, and involved sending the partially-completed questionnaires to the RFMO Secretariats for input and comments. There were questions in the questionnaire that could not be answered from the information and documents available from the RFMOs’ websites; for example, Question 2.2, which asks whether “Observers are ever asked to leave meetings.” For this and other such questions, input helpfully provided by the Secretariats was indispensable to rounding out the overall picture.

The questionnaire (Appendix A) reflects this two-stage process—with separate columns for questions that could, or could not, be answered from the web site. In the spirit of transparency, the entire questionnaire was sent to Secretariats for comments, not simply the questions that required their input. In ambivalent situations, the Secretariats were taken at their word. For example, if a particular RFMO had never experienced a legal dispute but stated that if such a dispute were to occur, the outcomes would be publicly available, that RFMO was given the same number of points as an organization that had actually experienced a legal dispute and its outcomes were publicly available online.

In addition, if Secretariats disagreed with their score on any question, that score was always reconsidered and adjusted, unless there was compelling evidence to support the original score. The completed questionnaires from all RFMOs were collectively reviewed to ensure that the rationale for assigning specific point values was consistent across organizations. Because each section of the questionnaire has a different number of questions and points, the overall score for each RFMO was calculated in two ways—by weighting the questions equally and also by weighting the sections equally.

## 3. Results

### 3.1. Total scores and overall high/low scores

The overall average score for RFMOs for all sections is 76 percent of the total available points if all questions are equally weighted and 75 percent if the sections are weighted equally (Table 4; Fig. 1). In general, scores are not very sensitive to the weighting scheme—those calculated using equally weighted sections were within two percentage points of scores calculated using equally weighted questions.

<sup>1</sup> Both CCAMLR and IWC are technically not RFMOs. However, they have been included here because they have some functions that are similar to RFMOs. The International Whaling Commission (IWC) was originally established to manage commercial whaling. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) manages all fisheries in the Antarctic’s Southern Ocean.

<sup>2</sup> “Good practice” in this sense is meant to indicate a variety of possible approaches, as well as leaving open the possibility that specific transparency practices could in the future become codified as “best practice” as more experience in implementation is developed. However, individual RFMOs face their own unique management challenges and detailed, across-the-board prescriptions of “best practices” are unlikely to be appropriate for all aspects of transparency.

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