



REPORT OF THE AD HOC MEETING ON THE ESTABLISHMENT OF THE FISHERIES RESOURCES MONITORING SYSTEM

28 February 2003
09.00 – 13.00
Ethiopia Room, FAO, Rome, Italy

Introduction:

The meeting was opened by Dr R. Grainger, Chief FIDI, who –

- outlined the progress achieved to date and the expectation that the meeting would be a pre-cursor to the first FIRMS Steering Committee meeting that might be conducted with a wider participation from appropriate institutions.
- noted the concerns that were raised at the special FIRMS meeting held during the past CWP meeting period, including the development and acceptance of criteria for appropriate partnerships, and the potential problems of partnerships that might bring information inadequacies or conflicts to the FIRMS community.
- requested introduction of all meeting participants (see Attachment 1) and suggested nomination of Dr V. Restrepo as Chairperson of the meeting, who was accepted by all participants.

Chairperson's Opening:

The Chairperson nominated the rapporteurs in the persons of M. David Evans and Marc Taconet. He opened discussion of the provisional agenda (Attachment 2) and noted the expected outcomes from the limited time available for the meeting. He also noted that participants would need to contribute to the meeting and address the agenda only in personal professional capacities, rather than as representatives of their organisations. He accepted agreement of this position by participants.

He noted that some organisations have taken steps to accept the concept of the FIRMS arrangement in principle, while they are yet to complete their necessary administration and procedures for adoption of such international arrangements.

Consideration of progress and documentation:

The Chairperson called on the meeting to review the draft documentation before them in ways that would enable distribution of a revised agreement and would encourage potential partners to place it for active consideration at the highest level. He requested FAO (Mr Taconet) to outline the progress to date and the way in which the documents had been prepared and presented.

Mr Taconet explained that the revised documentation made available to participants had been prepared following consideration of a previous draft at the CWP-20 meeting, comments by some



participants and appropriate consideration by the FAO Legal Department. He also indicated that drafts of the Partnership Agreement, Rules of Procedure and Information Management Policy had been prepared to provide an initiative upon which future membership might be based. He stressed that the Rules of Procedure and the Information Management Policy were drafts that, although open for discussion by the present meeting, were intended as guidelines for adoption by the FIRMS Steering Committee when established. Therefore these subjects and their documentation would not be included in any formal information package for further consideration by institutional partners.

Preparation of Revised Partnership document:

The meeting progressed through the revised partnership document from the beginning, considering each article in detail, accepting or rejecting inserted texts, offering recommendations for revision (including some additional elements and suggested re-structuring) and offering comments for further consideration during the next document preparation exercise. The revisions were prepared following the closure of the meeting and are contained in Attachment 3.

The following sections of this meeting report 1) identify by 'Article' and explain the origins of revisions appearing in the attachment and 2) include suggestions for further editorial work to add concepts and clarification.

Article or text paragraph	Issue and background to modification
Title	<ul style="list-style-type: none"> Partnership Agreement; change to Partnership Arrangement because it is a more amicable term and substitutes the perceived legally-focussed nature of the original term. Parties who sign will recognise their obligations and commitments while not being worried about the legal weighting of the term Agreement. Change Agreement to Arrangement throughout text.
Preamble	<ul style="list-style-type: none"> brief reference to the agreed '<i>FAO Strategy on improving information on the status and trends of fisheries</i>'. Broader introduction of the role and mandate of regional fisheries organisations in assisting member countries, to keep opened the Partnership to RFBs that might play an active role in assisting national institutions contribute to FIRMS according to IMP. This section was removed from Article 4/6: 'Parties' generally has a 'State' meaning and should be replaced with 'Partners' in the preamble and throughout the text. Introduce the concept raised previously, that any special arrangement (memorandum of understanding or other existing instrument) between 'Partners', should be placed in the preamble reflecting what already exists between them. The result would be a "model" Preamble which could be modified to meet specific requirements.
Article 1	<ul style="list-style-type: none"> Concept of "FIRMS partners" was missing and thus was introduced 'Collection' of data is a national or international organisation function, not of the partnership, and should be replaced throughout the document by the term 'collation'.
Article 2	<ul style="list-style-type: none"> <i>Principles</i>: agreed was dropped. 'Fisheries resources' replaced by the more general "fisheries"

Article 3	<ul style="list-style-type: none"> • Change Article 3 to <i>Specific Objectives and Benefits of the Arrangement</i>. • Replace <i>entitlements</i> with rights throughout. • Reword text so that it identifies more clearly the 'agreed' nature of the Annex in individual partnership contexts. • Accept other identified edit changes • Introduce concept "thematic scope" to better highlight what scope is about, and to refer to it in the section about criteria for eligibility. • Delete final paragraph about assistance that RFBs may provide to developing countries, since this idea has been adopted into preamble.
Article 4	<ul style="list-style-type: none"> • Deleted legal matters: FSC has no legal personality, and no legal matters are expected (copyright would have been the legal matter to consider, but it's unlikely to occur as clearly, copyrights remain with the data owner responsible for his contributions) • Moved former Article 5 par. 7 to this paragraph to reflect as a Responsibility (and not a right) the duty of FAO in making available the information; this paragraph was also simplified • the FIRMS secretariat plays a distinct role than FAO as data contributor, therefore role of FIRMS secretariat modified in "to ensure that FIRMS will include ..." • Maintaining databases removed from the duties as it is not a Partnership issue • Last bullet of Partner's duties moved in the preamble where is recognised the diversity of roles of RFBs that may be involved in the Partnership. Also because Partners duties should be directly associated with the contribution of information • Minor changes on what the partners are to do (see revised text)
Article 5	<ul style="list-style-type: none"> • Change title to Institutional Partner Benefits. • removed the first bullet dealing effectively with FAO's duties and moved to Article 4 • Minor changes on how the partners are to benefit (see revised text)
Article 6	<ul style="list-style-type: none"> • Change title to Institutional Arrangements. • The following copyright statement proposed by LEG prior to the meeting "<i>Copyright of the information, as well as rights to any other intellectual property, developed by the Parties with funding from the Parties, shall be jointly vested in all the parties which agree to use the name FIRMS to identify this joint ownership and Partnership Arrangement</i>", was not deemed to be necessary, as clearly, copyrights remain with the data owner responsible for his contributions (no joint elaboration of information is envisaged within FIRMS)¹ • Insertion of a paragraph entitled Eligibility of new partners – to indicate general criteria that will be referred to by FSC to accept a new Partner. The procedures associated with the acceptance of a new Partner have to be described in the rules of procedures. • Insertion of a paragraph describing the granularity level for a FIRMS partner, and the concept of collaborative institution

¹ A post meeting comment was however made on the Copyright issue: there may be a need for Partners to refer to the "brand" FIRMS

<ul style="list-style-type: none"> • Insertion of a paragraph stating that the FSC is activated provided there is a minimum of 5 FIRMS Partners • Insertion of a paragraph (11a) on the role of the FSC with regard the identification of new partners, and the reference to high level criteria • Moved paragraph 11 on participation in the FSC to Article 4. 	<p>Responsibilities.</p> <ul style="list-style-type: none"> • paragraph 15: one participant wished to see it deleted, but all others were of the opinion to leave it • paragraph 16: deemed unnecessary. If revision is made, FSC will check how to deal with it • paragraph 17: the second part of this paragraph is left between brackets. The mechanism for withdrawal could be left in the Rules of Procedures, it was decided to leave it here until a more advanced version of the Rules of Procedures be elaborated by the interim process.
<p>Annex 1</p>	<ul style="list-style-type: none"> • Accept minor editorial changes (see Attachment 3) <p>The general structure and format of Annex 1 is to be further considered during the interim process (described below). The draft version should be more explanatory, that it is unique to the particular partner relationship. Perhaps the Annex should be better but briefly referred to directly in the main PA text, in either Article 1, 2 or 3.</p>

Concluding Remarks and Next steps:

The Chairperson received and reiterated positive concluding comments from participants that the meeting had addressed many of the key issues that potential partners will focus on during their consideration of future FIRMS partnerships. He also translated the general uncertainty about next steps in FIRMS development into an approach that would accept the interim nature of some of the processes, and he came to a conclusion about contributions from potential participants and other supporting FAO services, both as a future Secretariat and as an institutional legal adviser.

The meeting discussed the next steps in achieving the establishment of FIRMS, recognising that all current and future initial participants are developing the framework and considering various issues during the interim process that such developments undertake. The meeting noted that, starting from the revised version elaborated by the meeting (Attachment 3), a defined interim process should be agreed, as was well established during the development of the ASFA partnership, and would consist of four largely-overlapping activities and events:

The meeting noted that certain items in the PA text were necessary but were better placed in the FSC Rules of Procedure. Since the Rules of Procedure would only be agreed after signature of the PA, this presumed that the items moved from the PA would be accepted by the FSC.

Interim FIRMS Development Process

- Publication on the internet, where data owners have given their agreement, of the current prototype of the FIRMS Stocks and Resources module, in order to promote better understanding at RFB level of the concepts handled by FIRMS;
- Presentation of the draft PA for review by the FAO Legal Department, which will further consider of the Rules of Procedure appropriate to the FIRMS Steering Committee (FSC).
- Revision of the draft partnership document by the Regional Fishery Bodies (now known as a Partnership Arrangement - PA), and of Annex 1;



- If not appropriate through an email conference, invite all regional institutions having expressed interest in becoming a FIRMS partner to a meeting where they would offer their final thoughts on the structure and text of a final version of the PA, including the Annex and an advanced version of the Rules of Procedures. This meeting would require at least a minimum number of five initial partners.
- As part of the interim FIRMS development process, consider the ways to elaborate a refined version of the Rules of Procedure, and Information Management Policy and to address issues such as the participation by additional partners.

Considering the agendas of most involved agencies, the meeting noted (against Agenda item 4) that efforts to undertake such work through their decision-making bodies and to hold such preliminary meetings would be addressed in the near future, and that a final two days PA meeting should be held in early July 2003. Further considering that, owing to the unplanned nature of that meeting, some agencies expressed inability to financially cover their own participation, it was recommended that FAO should be seeking appropriate funding. FAO acknowledged the request but could not make any commitment, and hinted that the overall cost will probably have to be shared between FAO and regional agencies. At that meeting consideration should be made of case studies (as suggested during CWP-20), so that other organisations can make judgements, decisions and plans for future endorsement.

Attachments:

1. **Agenda**
2. **Participants**
3. **Revised Agreement**



Annex 1

Ad hoc Meeting on the Establishment of FIRMS

28 February 2003, Rome, Italy

9:00 - 13:00

Ethiopia room (2nd floor, building C), FAO

Provisional agenda

Objective: To agree a final version of the FIRMS Partnership Agreement to enable its endorsement by potential partners through their decision making processes, and to plan for the first meeting of the FIRMS Steering Committee

Agenda items

1. Appointment of Chairperson
2. Review of the final version of the FIRMS Partnership Agreement
 - Master document
 - Annex 1 on detailed arrangements
3. Preparation for the first session of the FIRMS Steering Committee (FSC)
 - Review of FIRMS Partnership Agreement guidelines
 - Rules of procedures of the FSC
 - Information management policy
 - Criteria for the participation of National Institutions
4. Schedule for the official launching of the FIRMS Steering Committee
 - Agency plans for endorsement by their decision making bodies
 - Date for the first FIRMS Steering Committee
5. Any other matters



Annex 2

Ad hoc FIRMS Steering Committee Meeting List of Participants

Rome

Victor Restrepo, Assistant Executive Secretary of ICCAT	ICCAT
Lima Adolfo, Executive Secretary of ICCAT	ICCAT
David Ardill, Executive Secretary of IOTC	IOTC
Tissa Amaratunga, Deputy Executive Secretary	NAFO
Ross Shotton, Fishery resources officer, FIRM	FAO
Robin Allen, Director IATTC	IATTC
David Cross, Head of Sector “Fisheries”	EUROSTAT
Brian McDonald, Executive Secretary CCSBT	CCSBT
Denzyl Miller, Executive Secretary CCAMLR	CCAMLR
Huang-Chih Chiang, Adviser	CCAMLR
Wongsanga Pourchanarm, Policy and Program Coordinator	SEAFDEC
Leria Cristina, LEG,	FAO
Richard Grainger, Chief, FIDI	FAO
Marc Taconet, FIGIS Officer	FAO
David Evans, FIGIS Rapporteur	FAO