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WESTERN CENTRAL ATLANTIC FISHERY COMMISSION (WECAFC)
EIGHTEENTH (VIRTUAL) SESSION
Managua, Nicaragua, 26-29 July 2022
Reviewed and endorsed terms of reference of the Scientific Advisory Group (SAG)

INTERIM TERMS OF REFERENCE OF THE SCIENTIFIC ADVISORY GROUP – SAG OF WECAFC (February 2021)

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Introduction

The terms of reference of the SAG (Scientific Advisory Group) that are currently in force were updated in 2014, as documented in the FAO Circular SLC/FIP/C1096 “WECAFC performance, planning and procedures”. However, the need to revise them, in order to improve the SAG’s methodology of work, and to reinforce its composition and its coordination with the ad hoc working groups, other subsidiary bodies and stakeholders was raised by the Commission at its 17th session held 15-18 July 2019. The Secretariat of WECAFC and the Chairperson of the Group are herewith initializing efforts to address this legitimate concern.

To understand the proposed changes, it is necessary to reflect on the current terms of reference of the SAG, the opinions and recommendations resulting from a survey commissioned by the Secretariat in 2014 among the member countries, regional organizations, other stakeholders, and the Commission in its 17th session (Miami, July 2019). Based on these inputs, this document presents a proposed adjustment to the terms of reference and methodology of work of SAG. It is intended to drive the brainstorming on this important topic among the post-WECAFC 17 tasks to be undertaken.

I. SAG terms of reference in force

The SAG was established by the 9th session of WECAFC in 1999. The 15th session of the Commission (26-28 March 2014) reviewed and adopted the “Revised rules of procedure of the Commission”, which transformed the Bureau of the Commission into an Executive Committee, including the Chair of SAG.

The FAO Circular SLC/FIP/C1096 “WECAFC performance, planning and procedures” (28 March 2014), includes the following terms of reference:

- 1) The Scientific Advisory Group (SAG) of the Western Central Atlantic Fishery Commission will act as an advisory body to the Commission.
- 2) The SAG will be constituted of no more than seven scientists with suitable scientific qualifications and experience in specific subject matters related to fisheries.
- 3) Members of the SAG will be appointed by the Director-General of FAO. The members will serve in their personal capacity.
- 4) The Commission will finance the participation of members of the SAG.
- 5) With the exception of the Chairperson whose term of office will be for two years, with possibility of extension, other members of the group will be appointed based on the specific matters to be addressed.
- 6) The Secretary of the Commission or any other FAO staff appointed by the Assistant Director-General of the Fisheries Department shall act as Secretary of the SAG.
- 7) The SAG shall:
 - a. Provide scientific advice to WECAFC, ad hoc working groups and the Commission;
 - b. Review and contribute to the report to the Commission on the status of stocks in the area covered by the Commission;
 - c. Review and contribute to the report on the situation, trends and prospects of fisheries in the WECAFC Region; and
 - d. Consider any other matters referred to it by the Commission and the WECAFC ad hoc working groups.
- 8) The SAG shall conduct its work on a regular basis particularly in the year when the Commission meets.
- 9) The Chairpersons or their representatives of the Commission's ad hoc working groups and any other experts may be invited to participate in the work of the SAG.

II. Recommendations given by WECAFC stakeholders through the survey undertaken in 2014

The FAO Circular SLC/FIP/C1096 includes the results of an online survey undertaken by the Secretariat in 2014 regarding the future of WECAFC, aimed at members, RFBs (Regional Fisheries Bodies) and other stakeholders. The conclusions and recommendations in that Circular regarding the role of WECAFC and SAG are provided below to further support the rationale behind the proposed modifications to the Group's composition and methodology of work:

- *“There are difficulties pertaining particularly to this region, including capacity issues with high levels of economic disparity between members, great diversity (ecologically, linguistically and culturally) and large fragmentation (along linguistic and political lines, but also within linguistic and sub-regional political groupings).*

WECAFC has no management mandate and is, hence, not responsible for the actual management of fisheries in the region. The apparent decline in abundance in several species of fish and marine animals caught in the region tends to suggest that some regional management needs are not being met. Moreover, uncertainty about the status of many stocks remains high, and the collection and processing

of fisheries-related data need to be substantially improved as well as increased. Indeed, while sound scientific information and analysis are necessary for sustainable management advice, the Caribbean region suffers from insufficient application of science to policy-making and management.

On the other hand, the advice generated by the main sessions of WECAFC, the Working Groups recommendations and the SAG information frequently does not find national application. In the comments, many members indicate that this is mainly due to its limited relevance, but also due to the financial constraints in the national fisheries administrations... apart from the Working Groups meetings, there are insufficient intersessional activities, mostly owing to budget constraints and limited human resources.”

- *“An important role with regard to fisheries resource evaluation and management is played by the SAG. However, the evaluation of the SAG was not very positive. Its main role, to review and contribute to the report on the status of stocks in the Commission area, was rated as not sufficient. It has become clear that the number of members of the SAG has to be increased, and that more public relations work has to be carried out”.*

III. Recommendations made by the Commission at its 17th Session – July 15-18, 2019

The paragraphs of the final report of the WECAFC 17th session (version of 1 October 2019) relevant to the role, functions and composition of SAG are:

“34. The Commission noted the need to review the Terms of Reference of the SAG and to identify initiatives for improving its operations. As well, the Commission noted the need to review the amended Terms of Reference of selected Working Groups. Due to time constraints the respective reviews were not undertaken”.

“38. The Commission commended the work of the SAG and its essential role as a body providing scientific advice to the Commission. Nonetheless, it expressed concern that, as the output of the Commission’s subsidiary bodies has been steadily increasing and encompassing issues beyond core stock management, SAG was being called upon to review and advise upon management, technical, and policy issues beyond its purview, such as IUU fishing-related/MCS and measures that relate to technical or compliance matters. The Commission recommended a review of the terms of reference of SAG to ensure that its composition and duties meshed with the Commission’s current work, and stressed, in the meantime, the importance of having experts on relevant issues participate in SAG meetings”.

“39. The Commission welcomed the participation of the Conveners of the respective WECAFC Working Groups in SAG meetings and further requested that WECAFC Members are allowed to participate in SAG meetings as full Members, rather than as observers”.

“40. The Commission requested that in the future recommendations forwarded to the SAG for review are accompanied with the background of their development for ease of contextual understanding. The draft text of any such recommendations should be made available to all members prior to meetings of the Commission, separate from the SAG reports, and any revisions proposed by SAG to texts originally

developed through other subsidiary bodies should be clearly indicated on the draft. In addition, the Commission requested the Secretariat to ensure that all adopted recommendations and resolutions be made available in a dedicated space on the WECAFC website to facilitate tracking, as well as Members' efforts to implement them and identify follow up actions. This could be accomplished through the compilation of a Compendium of agreed measures".

"45. The Commission noted the numerous recommendations and resolutions submitted for review and endorsement and expressed support towards dedicated financial efforts to address the activities agreed upon and committed by the Commission".

"52. The Commission expressed concern regarding changes observed in the report of the first preparatory meeting for the transformation of WECAFC and presented as WECAFC/XVII/2019/8 compared to the original text circulated and agreed upon after the meeting took place on 25-26 March 2019 in Barbados".

"53. The Commission was informed and noted that the report went through a review process by SAG which had proposed amending it in such a way that it conveyed an inaccurate record of the meeting. This flaw was subsequently corrected, and the original document was endorsed with one change (replacing "establish" by "develop" in Recommendation 4) by the Commission. To prevent reoccurrence of this procedural deficiency the Commission emphasized that it is not the role of SAG -- or of any other Commission subsidiary body -- to review or edit the meeting reports of the members of the Commission. It therefore requested the review and clarification of the mandate of SAG, particularly pertaining to documents submitted for its review that are proposed recommendations, resolutions and other measures from the scientific groups and documents submitted that are not generated by these groups".

"54. The WECAFC Secretary expressed her deep regrets for the procedural flaw on the report of the First Preparatory meeting. She further expressed the transparency, neutrality and impartiality of FAO and her commitment to WECAFC and clarified that there was never an intent to interfere in the process. She added that in her capacity as Secretary, thus assigned for implementing the policies and activities of the Commission, she assumed responsibility for misinterpretation that led to amendment of the report by the SAG, and echoed her apologies. She indicated that procedures will be put in place so that the SAG can provide advice to the Commission but without altering the contents of the report from a meeting where a consensus was reached by members".

"97. The Commission requested that in future years the Draft Work Programme of WECAFC be built mainly around the core work of the Secretariat, SAG and WGs of the Commission".

IV. Considerations regarding the SAG composition, methodology of work and terms of reference

In order to improve the work of SAG, an analysis was done based on the conclusions and recommendations noted above in Sections II and III. Likewise, the analysis was informed by other elements from commissions or committees in the ocean and environment areas that pertain to the composition, internal procedures for deliberations, decision-making processes and coordination with the technical working groups, which

by general rule are the main initiators of the recommendations and resolutions submitted for review and consideration by the Commission.

IV.1 Core principles of the advisory body to the Commission

The **principles of independence, neutrality, transparent judgment, and scientifically supported advice** must guide the deliberations. SAG reviews are intended to ensure that the Commission can take informed decisions consistent with its objectives of sustainability of the living marine resources and healthy ocean. SAG advice should not seek to benefit or give privilege to a specific country or group of countries, region, organization, or stakeholder group. Regardless of the nationality of SAG members, the institutions they work for, or their personal opinions, SAG members' contributions and suggestions to the Commission or its thematic or species-related working groups are to:

- be based exclusively on scientific interdisciplinary knowledge;
- apply the precautionary approach when there is absence of adequate and credible scientific evidence;
- take into account the documents and technical advice of the ad hoc working groups; and
- meet the specific needs of the Wider Caribbean region.

IV.2 Composition of SAG

The discussions at WECAFC 17 noted the disconnect between SAG's current role as a scientific advisory body and the wider range of issues it was being requested to review. A number of members' statements focused on the need for SAG to include a broader range of both expertise and geographic representation. Others highlighted the need to clarify SAG's responsibilities and role to ensure its focus remained on scientific issues.

Currently, each member of SAG participates on his or her own individual capacity, not on behalf of any institution or WECAFC Member.

SAG currently has seven members, comprised of:

- (i) an Economist, three biologists, two marine ecologists, one environmentalist;
- (ii) three members from the West Indies (Barbados, Trinidad and Tobago and Martinique-European Union), three from the United States (including Puerto Rico), and one from Colombia;
- (iii) five native English speakers, one French, and one Spanish, of which two are bilingual: one in French-English, and one in Spanish-English.

In comparison, among the WECAFC countries and territories geographically located in its mandate area (FAO Fishing Area 31), 16 have English as mother tongue, 10 Spanish, 6 French, 5 Dutch, and 1 Portuguese. Further, in most of the countries and territories in the West Indies, more than one of these languages, as well as native languages (creole), are recognized as official.

The Commission “*requested that WECAFC Members are allowed to participate in SAG meetings as full Members, rather than as observers*”. The EU supported this change in the membership of the SAG, which reflects the common practice in all RFMOs and has proved essential in strengthening the scientific basis in these organizations.

It appears that such a change would have a range of implications that have not been adequately addressed yet. In the absence of a clear process for analyzing and assessing the merits and shortcomings of opening the SAG membership to WECAFC Members scientists, it is proposed to continue working on this specific aspect intersessionally, with the objective to provide relevant information and recommendations at the next WECAFC Plenary.

As an interim short term minor improvement, an increase in the number of SAG members with an interdisciplinary profile and a wider representation of specialists from the regional cultural and language diversity could be considered. This requires that disciplines related to biology, ecology, environment, economics, and sociology/social science are included in the profile of SAG, with a priority on the knowledge and experience of the Wider Caribbean Region (CRFM and OSPESCA coverage, other subregions and countries of the American continent, from Brazil to the USA).

IV.3 Operational procedures of SAG

In order to ensure that they are fully prepared for their duties and have internalized the core principles governing their work, all SAG members must be well cognizant of the terms of reference, procedures and composition of the Group. It is the responsibility of WECAFC Secretariat to ensure that upon taking up their functions, each member is provided with a copy of the rules of procedures of SAG. It would be also relevant for the sake of improving its internal processes, that the opinions expressed by the Commission in its sessions on the reviews/work of SAG be shared with the members of the Group.

The SAG terms of reference indicate that its main function is to provide scientific advice to the WECAFC. The SAG has no role on technical (e.g., MSC, IUU etc.) issues. The SAG is not entitled to make proposals or recommendations relative to political issues that are exclusively in the ambit of Members’ rights and discussions. Consistent with the terms of reference, it is critical that the SAG and its members limit their engagement to issues that are of a fundamentally scientific nature.

It is important to keep in mind that the target audience of the resolutions and recommendations are the authorities of the WECAFC members, who may not be scientists or experts in particular fisheries related disciplines. Consequently, SAG, as well as all WECAFC working groups and subsidiary bodies, should ensure that the documents they produce are easy to understand, user-friendly, and clearly set out the basis and background for the recommendations proposed.

The Commission and its working groups and subsidiary bodies will refer all documents in need of scientific review to the SAG. The SAG members will review all documents from this scientific perspective, specifically to ensure that all the documents presented to the Commission include complete, evidence-based and accurate information. At the same time, SAG’s review will also offer an opportunity to provide

feedback to ensure that the scientific content of documents is clearly presented and understood for the decision-making processes to be undertaken by the WECAFC members' representatives. To this end, in developing its advice, SAG is encouraged to note feedback on the readability of the documents, including whether the scientific content:

- is presented in logical order and context;
- uses jargon or complex technical concepts that might require clarification to be easily or widely understood; or
- would benefit from inclusion of additional elements, such as a glossary, list of abbreviations, or executive summary;

Finally, following SAG's review of documents of scientific nature to be presented to the Commission, SAG advice should also note where there may be inconsistency, overlap, possible contradictions, redundancy or other concerns among the different documents that they are responsible for reviewing.

Any such inconsistency identified by SAG beforehand must be diligently communicated to the authors of the proposals (conveners of working groups, RFB or regional projects) to take the necessary corrective measures.

V. Proposed changes to the methodology of work for interim SAG and Working Groups

In order to increase the efficiency of the SAG's work, the coordination with the working groups and the results presented to the attention of the Commission, the following steps are suggested, both for the working groups and SAG:

- 1) The final reports of working group meetings or other subsidiary bodies of WECAFC are final documents approved by the Parties (the members), and cannot therefore be modified by SAG, neither in its form nor in its substance.
- 2) Considering that each working group can have more than one meeting, and maybe more than one issue to address during each intersessional period, they can produce several reports/documents or draft resolutions/recommendations. In order to ease their analysis by the Commission, each Working Group shall prepare a single set of recommendations and/or resolutions by fishery or by theme, including all the topics addressed in the intersessional meetings. In this regard, the Commission would consider a single draft recommendation and/or resolution for spiny lobster, queen conch, flying fish, FADs, FIRMS, etc.
- 3) In order to facilitate the reading and understanding of the context, objectives and expected results of the draft recommendations and resolutions to the Secretary, SAG members and WECAFC Members, the working groups submissions will be required to include a cover, introductory note or executive summary to the documents. This cover note will summarize the background and rationale underpinning any proposed recommendations.
- 4) Through the WECAFC Secretariat, the Commission's Working Groups shall refer relevant proposals, including recommendations and resolutions of scientific nature to the SAG for scientific review at least

one month before the meeting of SAG, in order to provide adequate time to the Secretariat and SAG members for review them before the meeting. This will improve the efficiency of the reviews during the SAG sessions.

- 5) The conveners of the working groups shall be invited to participate (in person or virtually) at the SAG meetings to present the working documents and provide any clarifications as required. Eventual comments or suggested modifications of a scientific nature by SAG on recommendations and resolutions will be inserted with track changes in the document to the attention of the Working Group. In addition, an explanation of the scientific rationale and reasons of the proposed modifications will be provided. The Working Group membership will be provided a brief but reasonable period of time (max. 15 days) to review the suggested edits, make modifications as considered necessary to address the comments of the SAG and to return the revised document to the WECAFC Secretariat for distribution and consideration by the Commission. All documents presented as final versions for the Commission's endorsement must be reviewed and agreed by the Working Group which produced it following input from the SAG.
- 6) For efficient reviews of drafts at WECAFC ordinary/extraordinary sessions, the WECAFC Secretariat will publish on the meeting webpage the recommendations and resolutions reviewed by SAG and referred by the Working Groups, at least 60 days before each WECAFC Plenary session.
SAG and conveners of Working Groups shall support the Secretariat in that final review before the Commission meeting. In case of significant discrepancies between the proposed text and the plenary feedbacks from members, or if there is an expectation or indication that the draft could trigger some hot debates, the Secretariat, in consultation with the Executive Committee, will assess the relevance of also presenting the original given text to the Plenary for discussion and consideration.
- 7) In order to support the Secretariat in clarifying or substantiating some points of the drafts, if required, it is recommended that the SAG Chairperson as well as the Working Group conveners be present at the Commission's sessions (physically or virtually).

VI. Proposed adjustments to the interim SAG terms of reference

The changes to the interim TORs of the Scientific Advisory Group proposed below emanate from the consideration of all the previous sections. They should be discussed, finalized and the modalities (when and how/electronically or during an extraordinary Session of the Commission) for their endorsement decided. As this pertains to the rules of procedures of WECAFC, the amendment must be endorsed by a two-thirds majority of membership of the Commission.

In order to recognize the proposed changes to the terms of reference in force since 2014, they are written in red and black crossed out.

- 1) The Scientific Advisory Group (SAG) of the Western Central Atlantic Fishery Commission will act as a scientific advisory body to the Commission.
- 2) The SAG will be constituted of nine scientists with demonstrated qualifications and experience in fisheries relevant to the WECAFC region. SAG scientists should have qualifications in disciplines

relevant for the scientific review of recommendations and resolutions that are referred to the SAG (in particular, fisheries sciences, marine biology/ecology/environment, genetics/omics, modeling, socio-economics, etc). Likewise, the SAG should include scientists coming from the different sub-regions of the Caribbean, in order to achieve the greatest plurality, cultural integration and exchange of experiences and knowledge about the region.

- 3) Members of the SAG will be selected by WECAFC Members and the appointment will be notified by the WECAFC Secretary. The Members of the SAG will serve in their personal capacity.
- 4) The Commission will finance the participation of members of the SAG.
- 5) With the exception of the Chairperson whose term of office will be for two years, with possibility of extension, other members of the group will be appointed based on the specific matters to be addressed as reflected in the Work Plan adopted by the Commission and in particular on the agenda of each SAG meeting.
- 6) The Secretary of the Commission or any other FAO staff appointed by the Assistant Director-General of the Fisheries Department shall act as Secretary of the SAG.
- 7) The scope of the SAG shall encompass:
 - a. Provide scientific advice to the Commission and its working groups; Technical issues (e.g., fisheries monitoring, control, surveillance, IUU etc) are beyond the scope of the SAG;
 - b. Review and contribute to the report to the Commission on the status of stocks, trends and prospects of fisheries in the WECAFC Region;
 - c. Review and advise on the draft recommendations and resolutions that are referred to submitted to consideration of the Commission by the Working Groups; and
 - d. Consider any other matters referred to it by the Commission and the WECAFC ad hoc working groups for scientific review.
- 8) The SAG shall conduct its work on a regular basis including meeting sufficiently in advance of when the Commission meets, to enable the Secretariat to finalize documents for circulation to the plenary. It may meet in person or virtually, as appropriate and depending on complexity of the issues under consideration, to ensure transparency and equal opportunity for all WECAFC Members to observe the process.
- 9) The Conveners of the Commission's ad hoc working groups, or their representatives, and any other experts may be invited to participate in the work of the SAG.
- 10) Representatives from WECAFC Members, Regional Fisheries Bodies, the civil society and regional projects may participate as observers at the SAG meetings.