



Provisions for nullification of conservation and management measures in RFMO objection procedures

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ABSTRACT

In order to successfully exercise their mandate to adopt binding conservation and management measures (CMMs) for straddling and highly migratory fish stocks, regional fisheries management organizations (RFMOs) and arrangements (RFMAs) need effective decision-making procedures. The constitutive instruments of a considerable number of such bodies contain objection procedures which allow individual members to unilaterally opt-out of an adopted CMM. Most scholars and RFMO performance review panels consider that unconstrained unilateral objection procedures undermine the decision-making procedures of both RFMOs and RFMAs. This article examines the phenomenon of CMM nullification provisions, which are present in five RFMOs. Such provisions deprive adopted CMMs of their binding force for all members if a certain number of members of the RFMO object to the CMM. This article argues that there is a case for a phase-out of CMM nullification provisions together with the unilateral objection procedures to which they are closely tied. Compared to unilateral objections more generally, CMM nullification provisions raise additional legitimacy questions given that they result in the nullification of CMMs that have been democratically adopted in conformity with the legitimate decision-making procedures of the respective RFMO. This article first provides a brief overview of the rationale for objection procedures by placing the concept of objections in the broader context of RFMO decision-making. Thereafter, this article briefly examines the requirements and legal effects of individual objections of RFMO members to CMMs. The final substantive section analyzes and compares existing CMM nullification provisions, focusing on the requirements for their activation, the nature of their legal effects and the legitimacy of such procedures considering the broader decision-making procedures of individual RFMOs.

1. Introduction

In order to successfully exercise their mandate to adopt binding conservation and management measures (CMMs) for straddling and highly migratory fish stocks,² regional fisheries management organizations (RFMOs) and arrangements (RFMAs) need effective decision-making procedures.³ This is explicitly acknowledged in the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and

Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA), which mandates RFMOs to “agree on decision-making procedures which facilitate the adoption of conservation and management measures in a timely and effective manner”.⁴ There are currently 16 RFMOs and RFMAs within the scope of the UNFSA (see Table 1).⁵ How a decision-making procedure should be designed to “facilitate” the timely and effective adoption of CMMs, and whether existing procedural frameworks of RFMOs may be classified as such, remains a much-debated issue. Recent debates have focused, *inter alia*, on the question

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² See generally Anderson [1].

³ This article uses the acronym RFMO also for RFMAs. On the definition of RFMOs and RFMAs, see Harrison [2], 83–86.

⁴ Article 10(k) UNFSA [3].

⁵ The UNFSA only applies to RFMOs and RFMAs with a mandate to adopt CMMs applicable to straddling stocks (Article 63(2) UNCLOS [4]) and highly migratory species (Article 64 UNCLOS [4]). See Article 2 UNFSA [3]. Accordingly, RFMOs that are exclusively mandated to manage other stocks are outside the scope of the UNFSA. For example, the North Atlantic Salmon Conservation Organization (NASCO), which only has a mandate to manage anadromous salmon stocks, is not an RFMO within the scope of the UNFSA. Compare Article 1(1) NASCO Convention [5].

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Table 1
RFMOs and RFMAs within the scope of the UNFSA.

Acronym	Full Name
CAOFA	Meeting of the Parties of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean
CCBSF	Conference of the Parties of the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
GFCM	General Fisheries Commission for the Mediterranean
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
IOTC	Indian Ocean Tuna Commission
JNRF	Joint Norwegian-Russian Fisheries Commission
NAFO	Northwest Atlantic Fisheries Organization
NEAFC	North-East Atlantic Fisheries Commission
NPFC	North Pacific Fisheries Commission
SEAFO	South East Atlantic Fisheries Organisation
SIOFA	Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement
SPRFMO	South Pacific Regional Fisheries Management Organisation
WCPCF	Western and Central Pacific Fisheries Commission

whether consensus or majority decision-making are preferable, problems associated with objection procedures that allow members to unilaterally opt out of CMMs, and the gradual development of constraints on the use of such objection procedures (including via so-called Review Panels).⁶

Against this background, this article examines a feature in five RFMO objection procedures that has not yet been analyzed in the literature.⁷ This feature, which will be referred to as ‘CMM nullification provision’, deprives adopted CMMs of their binding force for all RFMO members if a certain number of members object to the CMM. The constitutive instruments of the following RFMOs contain such a provision: the International Commission for the Conservation of Atlantic Tunas (ICCAT),⁸ the General Fisheries Council for the Mediterranean (GFCM),⁹ the Northwest Atlantic Fisheries Organization (NAFO),¹⁰ the North-East Atlantic Fisheries Commission (NEAFC),¹¹ and the Indian Ocean Tuna Commission (IOTC).¹²

Until 2023, there had not been a single instance in which a CMM nullification provision had been triggered in any RFMO. However, in August 2023, the IOTC set a precedent for the first use of such a provision in the history of RFMOs. In February 2023, at its 6th Special Session in Mombasa, Kenya, the IOTC adopted Resolution 23/02 On Management of Drifting Fish Aggregating Devices (DFADs) in the IOTC Area of Competence (Resolution 23/02).¹³ This CMM proved controversial and its adoption was achieved only by a very close two-thirds majority of the members present and voting following a vote by secret ballot (16 votes in favour, 7 against, 1 abstention).¹⁴ A previous vote in 2021 had failed due to procedural irregularities.¹⁵ Following the adoption of Resolution 23/02, a record number of 11 IOTC members lodged objections to this CMM, thereby triggering the IOTC Agreement’s CMM nullification provision (Comoros, Oman, Kenya, Seychelles, Philippines, European Union (EU), France(OT), United Republic of

Tanzania, Mauritius, Thailand, Republic of Korea).¹⁶

This article examines the legal phenomenon of CMM nullification provisions in RFMO decision-making procedures against the background of the recent developments at IOTC. It argues that CMM nullification provisions should be removed from RFMO decision-making together with unconstrained unilateral objection procedures. Apart from the general concerns faced by objection procedures, the legitimacy of CMM nullifications is doubtful given that they result in the nullification of CMMs that have been democratically adopted based on the legitimate decision-making procedures of the respective RFMO. This article first provides a brief overview of the rationale of objection procedures more generally by placing the notion of objections in the broader context of RFMO decision-making. Thereafter, this article examines the requirements and legal effects of individual objections of RFMO members to CMMs. The remainder of this article analyzes and compares existing CMM nullification provisions, focusing on their rationale, the requirements for their activation, the nature of their legal effects and their legitimacy.

2. Rationale for objection procedures in RFMO decision-making

The issue of objection procedures in RFMOs – and in other international organizations such as the International Whaling Commission (IWC)¹⁷ – is inextricably linked to their decision-making procedures. While some RFMOs require consensus (i.e., the absence of any formal objection made at the time the decision was taken¹⁸) to adopt a CMM, others provide for qualified majority decision-making (usually a two-thirds majority) either as default or if no consensus can be reached. Of the currently 16 RFMOs and RFMAs falling within the scope of the UNFSA, 8 require consensus and 8 allow for majority decision-making (see Tables 2 and 3).¹⁹

In the absence of in-depth empirical studies of the relationship between specific modes of decision-making and the ‘effectiveness’ of RFMOs in fulfilling their mandate, general statements about best practices in this regard must be treated with caution. As the constitutive instruments of RFMOs are the result of negotiations between States, a balance must be struck between the ambition to adopt stringent CMMs and the broadest possible acceptance of adopted CMMs.²⁰ The issue is further complicated by the fact that individual RFMOs face different governance challenges depending on circumstances such as their mandate (geographical or species-related) and membership composition (i.e., the number and diversity of interests of members), some of which may require different procedural frameworks.²¹

That said, consensus decision-making without a voting option is widely criticized in the literature and in RFMO performance review panels²² as undemocratic and/or an obstacle to timely and effective fisheries management as it is likely to result in the lowest common denominator and allows individual members to maintain the status quo.²³ However, consensus can also be seen as most likely to achieve acceptance of (frequently less ambitious) CMMs by all members of the respective RFMO.²⁴ Whether consensus decision-making can achieve good results in practice depends to a large degree on the membership

⁶ See, most recently, Leroy and Morin [6], 156–162; Harrison [2], 86–92; Schatz [7], with further references.

⁷ The existence of such procedures is acknowledged, for example, by de Klemm [8], 88; Swan [9], 22.

⁸ Article VII(3)(g) ICCAT [10].

⁹ Article 13(4) GFCM Agreement [11].

¹⁰ Article XIV(2) NAFO Convention [12].

¹¹ Article 12(2)(c) NEAFC Convention [13]: “If three or more Contracting Parties have objected to a recommendation it shall not become binding on any Contracting Party.” See also Article 12(2)(e) NEAFC Convention [13].

¹² Article XI(6) IOTC [14].

¹³ IOTC Resolution 23–02 [15].

¹⁴ IOTC Report SS6 [16], p. 9. See also McVeigh [17].

¹⁵ Schatz and Perraudeau [18].

¹⁶ IOTC Secretariat, Status of Resolution 2023–02 [19].

¹⁷ Article V(3) ICRW [20]. See, e.g., Fitzmaurice [21], pp. 64–65.

¹⁸ Wolfrum and Pichon [22], para. 1.

¹⁹ For a list of RFMOs and RFMAs – including explanation of acronyms –, see Molenaar [23], p. 88.

²⁰ Harrison [2], p. 86.

²¹ McDorman [24], p. 86–87.

²² On the concept of RFMO performance review panels, see, for example, Haas et al. [25].

²³ See, e.g., McDorman [24], p. 429; Fabra and Gascón [26], pp. 582–583; Rayfuse [27], p. 454: “tyranny of consensus decision-making”.

²⁴ Casado Raigón [28], p. 191; Kaye [29], p. 424; Diz Pereira Pinto [30], p. 129.

Table 2
Decision-making procedures of tuna RFMOs within the scope of the UNFSA.

Tuna-RFMO	Decision-making	Objections	Explanation Requirement	Alternative Measures	Review Panel or other Procedure to Review Objections
CCSBT	consensus	no	-	-	-
IATTC	consensus	no	-	-	-
ICCAT	2/3 majority	yes	no (2019 amendment not yet in force)	no (2019 amendment not yet in force)	no
IOTC	2/3 majority	yes	no	no	no
WCPCF	consensus for TACs and allocation, 3/4 majority with specific thresholds (3/4 majority in two chambers) for other CMMs	no objection in the strict sense, but right to trigger Review Panel proceedings based on certain grounds		-	Review Panel (procedure instituted by members which have voted against the decision or were absent during the relevant meeting)

Table 3
Decision-making procedures of RFMOs and RFMAs within the scope of the UNFSA (except tuna-RFMOs).

RFMOs	Decision-making	Objections	Explanation Requirement	Alternative Measures	Review Panel or other Procedure to Review Objections
CAOFA	consensus	no	-	-	-
CCBSP	consensus	no	-	-	-
CCAMLR	consensus	yes	no	no	no
GFCM	2/3 majority	yes	yes	no	no
JNRFC	consensus	no	-	-	-
NAFO	2/3 majority	yes	yes	yes	optional Review Panel procedures (instituted by objecting member or Commission), but decision non-binding
NEAFC	2/3 majority	yes	no (2004 amendment not yet in force)	no (2004 amendment not yet in force)	no
NPFC	2/3 majority	yes	yes	yes	Commission decides on objection and alternative measures with assistance from external experts
SEAFO	consensus	yes	yes	suggested	optional <i>ad hoc</i> expert panel, but restricted to interim measures that are binding only if members agree
SIOFA	consensus	no	-	-	-
SPRFMO	3/4 majority	yes	yes	yes	Review Panel (automatic)

composition of the RFMO.²⁵ Unlike consensus decision-making, voting by qualified majority exposes individual RFMO members to the possibility that adopted CMMs may interfere with their sovereign discretion to determine their fisheries policy, and further constrain their qualified freedom of fishing on the high seas.²⁶

Against this background, a common reason cited for the incorporation of objection procedures into RFMO decision-making procedures is the need to persuade fishing States to become members even if they refuse to subject themselves to binding CMMs adopted without their *ad hoc* sovereign consent.²⁷ However, this argument has been weakened by the fact that States Parties to the UNFSA no longer have the option not to cooperate with the competent RFMO by becoming a member or by agreeing to apply the CMMs established by the RFMO (usually by becoming a cooperating non-contracting party (CNCP)) as they would otherwise forfeit their freedom of fishing under Article 8(3) UNFSA.²⁸

In practice, objection procedures are generally found in RFMOs that use majority decision-making (see Tables 2 and 3). The reason for this connection is that objection procedures are primarily a safeguard for members that oppose a CMM that was adopted by majority vote. This primary *raison d'être* does not apply with respect to RFMOs with consensus decision-making. However, exceptionally, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)²⁹ and the South East Atlantic Fisheries Organisation (SEAFO)³⁰ combine

consensus with an objection procedure.³¹ In such RFMOs, objection procedures serve the purpose of allowing members to opt out of CMMs adopted by consensus if they did not attend the relevant meeting of the RFMO or if they subsequently consider the CMM unacceptable – for example if a later in-depth analysis of the CMM reveals difficulties in implementation or if capitals consider that a delegation has gone beyond its negotiating mandate.

It is widely argued in the literature and by RFMO performance review panels that the availability of unconstrained objection procedures undermines the decision-making procedures of RFMOs with respect to CMMs.³² In the words of Lodge et al.: “An RFMO following best practice should not permit an objecting member to substitute its unilateral decision for that of the majority.”³³ Accordingly, voting and objection procedures remain recurring topics that have been identified as priorities for reform in many RFMOs – as recognized also at the level of the United Nations (UN).³⁴ That said, international fisheries law currently does not explicitly prohibit objection procedures in RFMOs.³⁵

3. Legal features of individual objections

Given that CMM nullification provisions are built into RFMO

³¹ Swan [9], p. 22 and 25; Lodge et al. [31], p. 74.

³² See, e.g., Örebech et al. [34]; Tahindro [35]; Burke [36], p. 92; Freestone [37], para. 16; Casado Raigón [28], p. 190; Leroy and Morin [6], p. 160; Schatz et al. [38], pp. 232–233.

³³ Lodge et al., [31], p. 76.

³⁴ See, e.g., 2nd IOTC Performance Review Report [39], p. 42; UNGA Resolution on Sustainable Fisheries (2022) [40], para. 182; UNCLOS Review Conference Report on Straddling and Highly Migratory Fish Stocks (2023) [41], p. 16.

³⁵ Takei [42], p. 68.

²⁵ Harrison [2], p. 88.

²⁶ For the freedom of fishing, see Articles 87(1)(e) and 116 UNCLOS [4].

²⁷ McDorman [24], p. 426; Fitzmaurice [21], p. 64.

²⁸ McDorman [24], p. 426; Harrison [2], p. 90. Compare also Lodge et al. [31], p. 76.

²⁹ Articles IX(6)(c), (d) and XII(1) CCAMLR [32].

³⁰ Articles 17(1) and 23(c), (f) SEAFO [33].

objection procedures, it is necessary to examine the main legal features of such objection procedures before the concept of CMM nullification procedures can be analyzed and compared to ordinary objection procedures. Accordingly, the following sections will address those legal features of individual objections that are of relevance to the subsequent analysis of CMM nullification provisions: the holders of the right to object to CMMs; the requirements of objections; their legal effect; and the temporary nature of this legal effect.

3.1. Right of RFMO members to object to a CMM

All members of an RFMO may object to a CMM. This generally applies regardless of whether they voted in favour of the CMM's adoption or, in the case of CCAMLR and SEAFO, whether they refrained from blocking consensus.³⁶ In the absence of wording to the contrary in the relevant provisions, the right to object exists even for members that have lost their right to vote due to being in arrears with their financial contributions. For example, while Yemen had lost its right to vote under Article XIII(8) IOTC Agreement when it lodged its objection to Resolution 23/02,³⁷ this objection was nonetheless considered valid by the IOTC Secretariat.³⁸ Interestingly, the right to object is always reserved for members of the RFMO and does not extend to CNCPs or other States that have agreed to comply with the RFMO's CMMs. This has the curious and inequitable effect that CNCPs, which are not Contracting Parties to the constitutive treaty of the RFMO, cannot opt out of a CMM while members of the RFMO can.³⁹

3.2. Requirements of objections

Depending on the constitutive instrument of the relevant RFMO, the right to lodge an objection is subject to certain requirements. These always include a specified timeframe within which objections may be lodged. There are sometimes additional requirements such as an obligation to give reasons for the objection (commonly from an exhaustive list of reasons, which may include the illegality of the CMM, the impossibility to implement the CMM, and/or its discriminatory nature) and an obligation to take alternative measures of equivalent effect (see Tables 2 and 3).⁴⁰ However, unless there is a procedure to review the merits of the objection and the equivalent effect of the alternative measures taken,⁴¹ these additional requirements are little more than a procedural formality from a legal perspective (although they may have political and practical consequences).

The timeframe in which members must lodge their objections is the most important requirement in the present context. This timeframe may, for example, be 50 days,⁴² 60 days,⁴³ 120 days⁴⁴ or six months.⁴⁵ Objections and withdrawals of objections are immediately notified to other members.⁴⁶ Once a member objects, the timeframe for further objections is extended (e.g., by 15–20 days,⁴⁷ 40 days⁴⁸ or 60 days⁴⁹) and in some

cases extended a second time if there is an additional objection.⁵⁰ Therefore, an additional legal effect of the first objection is the temporary *suspension* of the entry into force of a CMM for all members within the specified additional timeframe.⁵¹ The object and purpose of extensions of the timeframe is to ensure a level playing field. By objecting to a CMM, a member may have gained a competitive advantage vis-à-vis other members affected by the CMM (e.g., other members whose fleet uses the same type of gear that is subject to more stringent restrictions under the new CMM). Without an extended timeframe, the other affected members might not be able to react by also objecting. At the same time, the extended timeframe can give rise to a chain-reaction of objections – even by members that initially voted in favour of the CMM. If an objection is lodged after the expiry of the deadline or otherwise not in conformity with the constitutive treaty of the RFMO, it is invalid and does not create legal effects.⁵²

3.3. Legal effect: suspension of the CMM's binding effect for the objector

Under traditional RFMO objection procedures, including those of GFCM, ICCAT, NAFO, NEAFC and IOTC, the legal effect of an individual objection is the *suspension* of the binding effect of the CMM for the objecting member (e.g., “the member shall not be bound”,⁵³ “shall not be under obligation to give effect to”,⁵⁴ “shall not become binding on a Contracting Party which has objected thereto”,⁵⁵ or “shall then become binding on each Contracting Party, except any that has presented an objection”⁵⁶). This may cause complex networks of reciprocal legal relationships within an RFMO, which present an obstacle to effective fisheries management. For instance, if the CMM in question supersedes or revokes another CMM, the superseded or revoked CMM remains in force for the objecting member vis-à-vis all other members.⁵⁷ For example, at the IOTC, there have been objections to superseding CMMs addressing the management of yellowfin tuna, resulting in three active CMMs addressing the same subject-matter (including catch limits) in different ways for different members.⁵⁸ One way of resolving such complexity is to adopt a new CMM to replace all pre-existing CMMs that is agreeable to (most of) the objectors. Due to the legally independent nature of individual CMMs, the suspensive effect of an objection is limited to the specific CMM against which it was lodged and does not also extend to a future CMM replacing the original CMM to which the objection has been made.⁵⁹

A member that has lodged a valid objection to a CMM is not bound by the measure and may, in principle, disregard it without violating its obligations under the RFMO's legal framework.⁶⁰ However, depending on the specific consequences of the objection, it could ultimately result in a violation of conservation obligations under the UNFSA.⁶¹ Indeed, while objections may be lawful from the perspective of the constitutive instrument of the relevant RFMO, any such opt-out does not absolve the relevant State of its obligations under international fisheries law, including the UNFSA (e.g., the obligation to apply the precautionary

³⁶ Freestone [37], para. 16.

³⁷ SCAF, Contributions Outstanding (2022) [43], p. 3.

³⁸ Objection from Yemen [44].

³⁹ Davies and Redgwell [45], p. 271; Örebech et al. [34], p. 125.

⁴⁰ Harrison [2], pp. 91–92.

⁴¹ Schatz [7], paras. 12–16.

⁴² Article 12(2)(a) NEAFC Convention [13].

⁴³ Article XIV(2) NAFO Convention [12].

⁴⁴ Article 13(3) GFCM Agreement [11]; Article IX(5) IOTC Agreement [14].

⁴⁵ Article VIII(3)(a) ICCAT Convention [10].

⁴⁶ See, e.g., Article IX(7) IOTC Agreement [14]; Article VIII(5) ICCAT Convention [10]; Article 13(5) GFCM Agreement [11].

⁴⁷ Article XIV(2) NAFO Convention [12].

⁴⁸ Article 12(2)(a) NEAFC Convention [13].

⁴⁹ Article 13(3) GFCM Agreement [11]; Article IX(5) IOTC Agreement [14].

⁵⁰ See, e.g., Article VIII(3)(b) ICCAT Convention [10]; Article 12(2)(a) NEAFC Convention [13].

⁵¹ Swan [9], pp. 22–23.

⁵² See, e.g., 2016 ICCAT Independent Performance Review Report [46], p. 58.

⁵³ Article IX(5) IOTC Agreement [14].

⁵⁴ Article 13(3) GFCM Agreement [11].

⁵⁵ Article 12(2)(b) NEAFC Convention [13].

⁵⁶ Article XIV(2) NAFO Convention [12].

⁵⁷ This straightforward conclusion is also reflected in legal advice of the FAO Legal Office to the IOTC: IOTC 2022 Review of Objections under Article IX.5 [47], p. 1.

⁵⁸ *Ibid.*, p. 2.

⁵⁹ *Ibid.*, p. 1.

⁶⁰ Leroy and Morin [6], p. 157.

⁶¹ Davies and Redgwell [45], p. 271.

approach).⁶²

3.4. Temporary nature of legal effect

In order to fully appreciate the role of objections in RFMO decision-making, it is necessary to understand the discretion that objectors enjoy in using this mechanism. Importantly, the suspensive legal effect of an individual objection is only *temporary* in the sense that the relevant member can withdraw its objection to an existing CMM at any time.⁶³ When the objection is withdrawn, the CMM becomes binding either immediately or at a time in the objection (these two options exist if the CMM is already in force) or when it comes into force.⁶⁴ Objections can also be withdrawn during the timeframe for objections (i.e., before they take effect). For example, both Somalia and Yemen initially objected to IOTC Resolution 23/02⁶⁵ but withdrew their objection before the deadline expired.⁶⁶

4. Legal features of CMM nullification provisions

When many RFMO members object to a CMM, nullification provisions come into play. Such situations are rare as RFMOs generally aim for consensus decision-making and in most cases use majority voting (if available) to overcome a blockade of a small number of members. For example, although IOTC members have made relatively frequent use of individual objections in the past,⁶⁷ even the most controversial CMM prior to Resolution 23/02 – the IOTC’s interim yellowfin tuna rebuilding plan of 2021⁶⁸ – triggered a maximum of 6 objections.⁶⁹ As mentioned,

Table 4
CMM nullification provisions in RFMOs.

RFMO	Adoption Threshold	Nullification Provision	Nullification Threshold	Members
GFCM	2/3 majority (present and voting)	Article 13(4)	more than 1/3 of members	23
ICCAT	majority or 2/3 majority (depending on initiative for proposal)	Article VIII(3)(g)	majority of members	52
IOTC	2/3 majority (present and voting)	Article XI(6)	more than 1/3 of members	30
NAFO	2/3 majority (present and voting)	Article XIV(2)	majority of members	13
NEAFC	2/3 majority (present and voting)	Article 12(2)(c) Article 13(2)	3 members 1 coastal State member	6

⁶² Articles 5(c) and 6 UNFSA [3].

⁶³ Legally, there are parallels to the suspension of a treaty under Articles 59(a) and 72(1)(a) Vienna Convention on the Law of the Treaties (VCLT) [48].

⁶⁴ See, e.g., Article IX(5) IOTC Agreement [14]; Article XIV(3) NAFO Convention [12]; Article 12(2)(d) NEAFC Convention [13]; Article VIII(4) ICCAT Convention [10].

⁶⁵ Objection from Somalia [49]; Objection from Yemen [44].

⁶⁶ Withdrawal of Somalia’s Objection [50]; Withdrawal of Yemen’s Objection [51].

⁶⁷ IOTC 2023 Review of Article IX.5 Objections [47], p. 2.

⁶⁸ IOTC Resolution 21/01 on Indian Ocean Yellowfin Tuna Rebuilding Plan (2021) [52].

⁶⁹ IOTC 2023 Review of Article IX.5 Objections [47], p. 2.

GFCM, ICCAT, NAFO, NEAFC and IOTC are the only RFMOs with constitutive instruments that contain CMM nullification provisions (see Table 4).⁷⁰ The following sub-sections examine the rationale for, and the main features of, such provisions against the background of the recent events at IOTC.

4.1. Rationale for CMM nullification provisions

Due to lack of documentation, it is difficult to reconstruct the original object and purpose of CMM nullification provisions. They likely have their origin in NEAFC’s initial constitutive treaty of 1959 and were subsequently incorporated into the constitutive instruments of some other RFMOs.⁷¹ At the same time, it should be noted that similar mechanisms are not unique to RFMOs but may also be found, for example, in the procedure for the amendment of the Annexes to the International Convention for the Prevention of Pollution from Ships (MARPOL Convention).⁷² Given that their effect goes beyond that of individual objections, the protection of the sovereign discretion of the objectors themselves cannot be the *raison d’être* of CMM nullification provisions. Therefore, there must be another, broader rationale.

One such rationale could be that CMM nullification provisions can prevent the entry into force of CMMs that would be ineffective due to a high number of objections. Indeed, in some cases (and depending on its content), a CMM may no longer be able to achieve its objectives, or may even have negative effects, if many members lodge objections. However, whether a CMM can achieve its objectives is frequently a question of whether key members (e.g., those members whose vessels use the gear, or target the fish stock, regulated by the CMM) object – not what the total number of objectors is. In the example of IOTC Resolution 23/02, only a relatively small number of IOTC members had fleets of purse seine vessels that use DFADs – and their objections alone would have deprived the CMM of most of its practical effects. Yet, the nullification of IOTC Resolution 23/02 was only achieved with the support of members whose fleets the CMM would not have impacted. A second rationale could be the need to ensure a level playing field among members – in particular to protect members that did not object within the deadline – but this objective can better be achieved by extending the deadline for objections once there has been at least one objection (see Section 3.2 above). Finally, and perhaps most importantly, CMM nullification provisions may simply intend to ensure that CMMs have a minimum level of support (however defined) in order for such CMMs to enter into force and become part of the legal framework of the respective RFMO. Whether a given CMM nullification provision does so in a legitimate fashion is then a question of the number of objections required to nullify a CMM – as discussed in the next section.

4.2. Nullification threshold

Given that CMM nullification provisions result in an *erga omnes partes* nullification of the relevant CMM, the threshold of objections required to trigger this legal effect (hereafter ‘nullification threshold’; see Table 4) is of key importance to determine their legitimacy. While legitimacy in the context of decision-making in international environmental institutions has been conceptualized in a variety of ways,⁷³ this article employs the term in a relative and procedural sense: First, the nullification of an adopted CMM is legitimate if the nullification threshold corresponds to the number of votes required for its adoption or revocation or replacement (hereafter referred to as ‘adoption threshold’;

⁷⁰ The International Baltic Sea Fishery Commission (IBSFC) also had such a provision but ceased to exist in 2005. See Article XI(3) of the Baltic Sea Fishing Convention [53].

⁷¹ Article 8(4) NEAFC Convention (1959) [54].

⁷² Article 16(2)(f)(ii), (iii) MARPOL Convention [55].

⁷³ See, e.g., Bodansky [56]; Bernstein [57].

see Table 4), all of which have the same legal basis (so-called *actus contrarius* doctrine). In other words, if the adoption of a CMM requires a two-thirds majority of the members of an RFMO present and voting, it may be argued that the nullification of this CMM equally should equally require the support of two-thirds of the members present and voting. Second, in no case should the nullification threshold be lower than the threshold of opposing members required to prevent the adoption of a CMM (hereafter referred to as ‘opposition threshold’; compare Table 4). For example, if more than a third of the members is required to prevent the adoption of a CMM, this opposition threshold marks the absolute lower end of the spectrum of nullification thresholds that can reasonably be argued to be legitimate. In identifying and comparing the applicable thresholds, it is important to take into account that the adoption and opposition thresholds are usually determined by reference to the number of members ‘present and voting’, whereas the nullification threshold commonly takes the overall membership of the RFMO as a reference (see Table 4).

In this respect, different approaches can be discerned among RFMOs. GFCM and IOTC have very similar provisions that require objections by “more than one-third” of the members for a CMM to be extinguished.⁷⁴ As both GFCM and IOTC provide for an adoption of CMMs by two-thirds majority of the members present and voting (which can be less than two-thirds of the overall membership),⁷⁵ the threshold of “more than one-third” of members for nullification ensures a certain level of legitimacy based on the criteria established above. However, it may be criticized that the nullification threshold is far below the adoption threshold. The similarity of the decision-making procedures of GFCM and IOTC stems from the fact that both RFMOs were established in the framework of the Food and Agriculture Organization of the United Nations (FAO)⁷⁶ as organizations under Article XIV of the FAO Constitution.⁷⁷

ICCAT and NAFO have a higher nullification threshold of a simple majority of their members,⁷⁸ which increases the legitimacy of a potential CMM nullification – and renders it highly unlikely (at the time of writing, 27 objections would be required at ICCAT). Notably, ICCAT’s adoption threshold depends on the decision-making track chosen – and ranges from a simple majority to a two-thirds majority.⁷⁹ The specific adoption threshold does not, however, have an impact on ICCAT’s CMM nullification threshold.

Curiously, NEAFC envisages an absolute nullification threshold of exactly three objections regardless of the total number of its members.⁸⁰ This threshold was already present in NEAFC’s initial constitutive treaty of 1959⁸¹ and in the now defunct IBSFC.⁸² Interestingly, NEAFC’s founding treaty had contained an even lower threshold of only a single objection for CMMs establishing total allowable catches (TACs).⁸³ The inflexible threshold in the NEAFC Convention seems absurd considering the considerable fluctuation of NEAFC’s membership over the years. The North-East Atlantic Fisheries Convention of 1959 had 14 signatories, of which three would have been less than 25 % (not to mention the threshold of one objection in case of TACs). This nullification threshold would have been even below the opposition threshold. The EU later ‘absorbed’ several members due to its exclusive competence for the

Common Fisheries Policy.⁸⁴ Thus, before the United Kingdom withdrew from the EU, NEAFC had five members, of which three would have constituted 60 %. With NEAFC’s current six members, the number of three amounts to 50 % of the members. Unless the original intention of NEAFC’s CMM nullification threshold was to permanently secure a blocking minority of an alliance of only three objecting members, it is difficult to consider the nullification threshold of three members fit for purpose given that these three members can already block the adoption of a CMM. In any event, the threshold lacks legitimacy because the overall number of members does not affect the collective power of three individual objections to extinguish democratic decisions of the RFMO. The larger the membership of NEAFC, the lower the legitimacy of the nullification threshold.

What all examined nullification thresholds – with the limited exception of ICCAT – have in common is that they do not amount to the number of members required to revoke or replace an adopted CMM using the normal decision-making procedures of the relevant RFMO (see Table 4). From a procedural legitimacy standpoint, it may be argued that these nullification thresholds are too low.

4.3. Critical date for determination of nullification threshold

The way most CMM nullification provisions have been drafted does not always allow for a clear determination of the nullification threshold, which raises questions of legal certainty and predictability. While the objection provisions of all RFMOs specify timeframes for lodging objections, CMM nullification provisions do not explicitly state the reference date used to determine the nullification threshold. Given that one or more members may join or leave the RFMO during, before or after the objection timeframe, the reference date can influence the number of objections required to nullify a CMM. For example, Eritrea withdrew from the IOTC with effect as of 31 December 2023.⁸⁵ Would the nullification threshold for IOTC Resolution 23/02 have changed if the withdrawal had taken effect during the timeframe for objections? It seems reasonably clear that the situation before the beginning and after the lapse of the objection timeframe is not decisive. Indeed, members that leave the RFMO before the beginning of the timeframe do not have any opportunity to object in the first place. This is also the case for members that join the RFMO after the deadline. Conversely, members that join the RFMO prior to the beginning of the objection timeframe will take a legally binding decision to object (or not) within the timeframe. This applies also to members that leave the RFMO after the deadline. Therefore, the most reasonable contenders for the critical date are the beginning of the timeframe for objections (i.e., the date of the notification of the adoption of the CMM⁸⁶) or the lapse of the deadline for objections. Given that objections may be lodged and withdrawn until the deadline, this is arguably the date at which both the threshold (i.e., the number of objections required) and the fulfilment of the threshold (i.e., whether the required number of objections has been reached) must be ascertained.

4.4. Legal effect: removal of the CMM’s legally binding force

A CMM nullification provision deprives a CMM of its “effect” (i.e., its legally binding force). This is clear from the wording of the relevant provisions (e.g., “shall not become effective”,⁸⁷ “shall not become binding”,⁸⁸ “shall not become binding on any Contracting Party”,⁸⁹

⁷⁴ Article 13(4) GFCM Agreement [11]; Article IX(6) IOTC Agreement [14].

⁷⁵ Article 13(1) GFCM Agreement [11]; Article IX(1) IOTC Agreement [14].

⁷⁶ Preamble of the GFCM Agreement [11]; Article I IOTC Agreement [14].

⁷⁷ Constitution of the FAO [58]. For detailed analysis of the relationship between the FAO and IOTC, see Edeson [59].

⁷⁸ Article VIII(3)(g) ICCAT Convention [10]; Article XIV(2) NAFO Convention [12].

⁷⁹ Article VIII(1)(b) ICCAT Convention [10]. See Rosello et al. [60], p. 26.

⁸⁰ Article 12(2)(c) NEAFC Convention [13].

⁸¹ Article 8(4) NEAFC Convention [13].

⁸² Article XI(3) Baltic Sea Fishing Convention [53].

⁸³ Article 7(2) NEAFC Convention [13]; Driscoll and McKellar [61], pp. 130–131; Sen [62], pp. 88–89.

⁸⁴ Article 3(1)(e) TFEU [63].

⁸⁵ Communication from Eritrea [64].

⁸⁶ See, e.g., Article VIII(3)(a) ICCAT Convention [10]; Article 13(3) GFCM Agreement [11].

⁸⁷ Article VIII(3)(g) ICCAT Convention [10].

⁸⁸ Article XIV(2) NAFO Convention [12].

⁸⁹ Article 12(2)(c) NEAFC Convention [13].

“relieved forthwith of any obligation to give effect”⁹⁰ or “shall not be bound”⁹¹). Moreover, based on the wording of the relevant provisions, the removal of the legally binding force of a CMM has *erga omnes partes*⁹² effect and, therefore, renders the CMM non-binding for all members and probably also CNCPs of the RFMO (e.g., “any Contracting Party”,⁹³ “the other Members”⁹⁴ or “the other Contracting Parties”⁹⁵ – only the ICCAT Convention does not specify for whom the CMM “shall not become effective”⁹⁶). The most important aspect of this *erga omnes partes* annulment of the CMM is that even non-objecting members cannot invoke the CMM in their relationship with each other. The *erga omnes partes* effect of CMM nullification provisions is fundamentally different from the relative suspensive effect of individual objections which do not impact the overall legally binding character of the CMM. As explicitly stated by the constitutive treaties of GFCM, IOTC, NAFO and NEAFC, non-objecting members are merely left with the option to agree among themselves to give effect to the CMM.⁹⁷ Given that such an agreement would turn a non-binding document into a formally binding arrangement between the parties to the agreement, it would constitute a treaty.⁹⁸ Such a ‘CMM-treaty’, although explicitly sanctioned by the RFMO’s constitutive instrument, would be adopted in the context of, but not by, the RFMO. As such, it would not formally form part of the legal framework of the RFMO. This means that references to CMMs adopted by the RFMO, for example in the context of measures and procedures concerning compliance, would likely not extend to such a ‘CMM-treaty’. To the knowledge of this author, no such agreement has ever been concluded.

4.5. Permanent nature of legal effect

The CMM nullification provisions of GFCM, ICCAT, IOTC and NEAFC do not explicitly state whether the legal effect constitutes a (*temporary*) suspension or a (*permanent*) nullification of the CMM. If the legal effect was merely temporary, each individual objection would retain its suspensive nature and could be withdrawn by the relevant RFMO member at any time. Accordingly, the number of objections could fall below the CMM nullification threshold after the objection deadline has lapsed, in which case the CMM would then be ‘revived’ and become binding on all members that do not themselves have an objection in place. Conversely, if the legal effect constituted a nullification, it would permanently remove the CMM’s binding force with *erga omnes partes* effect – as if the RFMO had taken a decision to revoke it.⁹⁹ A nullification logically would also mean that all individual objections are rendered without object (the CMM has no binding effect that could be deprived) so that their withdrawal is either impossible or does not create any legal effects.

⁹⁰ Article 13(4) GFCM Agreement [11].

⁹¹ Article IX(6) IOTC Agreement [14].

⁹² This article uses the term *erga omnes partes* in its Latin meaning (“in relation to all parties”) to refer to legal effects that extend to all members of an RFMO (and, depending on the circumstances, also CNCPs) as opposed to relative legal effects only for specific members (e.g., objectors). This meaning of the term may be found in domestic public law, international institutional law and international procedural law. It is not to be confused with the concept of *erga omnes* obligations in public international law. On the latter concept, see Frowein [65].

⁹³ Article 12(2)(c) NEAFC Convention [13].

⁹⁴ Article IX(6) IOTC Agreement [14].

⁹⁵ Article 13(4) GFCM Agreement [11].

⁹⁶ Article VIII(3)(g) ICCAT Convention [10].

⁹⁷ Article 13(4) GFCM Agreement [11]; Article IX(6) IOTC Agreement [14]; Article XIV(2) NAFO Convention [12]; Article 12(2)(e) NEAFC Convention [13]. The ICCAT Convention [10] does not contain an explicit provision dealing with this issue.

⁹⁸ For the definition of a (written) treaty, see Article 2(1)(a) VCLT [48].

⁹⁹ Cf. Klein [66], para. 12; Schermers and Blokker [67], p. 625: “When revoked, a decision disappears entirely”.

Due to the lack of explicit wording in the constitutive treaties of GFCM, ICCAT, IOTC and NEAFC, the question must be decided through treaty interpretation.¹⁰⁰ In this respect, the NEAFC Convention, which – as stated – is probably the origin of this type of provision, contains helpful guidance. It states that objections *cannot* be withdrawn if NEAFC’s CMM nullification provision has been triggered.¹⁰¹ The only possible explanation for this rule is that the CMM nullification provision *permanently* renders all individual objections without object. Put differently, the relative suspensive legal effect of the individual objections is transformed into a collective permanent effect for all members of the RFMO – following which the legal effect of the objections is ‘used up’.

While this interpretation is without alternative for NEAFC’s CMM nullification provision, it must be borne in mind that each treaty must be interpreted independently on its own terms.¹⁰² That said, a permanent nullification of the relevant CMM is the only reasonable interpretation also with respect to GFCM, ICCAT and IOTC. This view is based on the fundamental functioning and balance of the system of objections. In this system, objections and withdrawals of objections have relative effect only for the objecting member itself. CMM nullification provisions deviate from this general principle by annulling CMMs with *erga omnes partes* effect. This exceptional legal effect is justified by two conjunctive special requirements, namely the collective lodgment of (1) a certain number of objections in (2) a strictly defined period. In this system, it would be entirely out of place to grant individual members the power to *unilaterally* revive the binding effect of the relevant CMM for all non-objecting members by withdrawing a single objection. Moreover, none of the analyzed RFMO treaties contain a procedure or timeframes for such a revival of a CMM – despite the existence of provisions on withdrawals of individual objections.¹⁰³ Without a specified period of time, a single member could revive a CMM many years after it has been rendered non-binding, and this would have immediate legal effect for all other members. This would not only be absurd as a matter of legal principle but also highly undesirable from the perspective of legal predictability and stability. A side-effect of the permanent nullification of the CMM is that the objections of the individual members can no longer be considered as ‘active’, meaning that they should not feature in an RFMO’s list of active objections, such as the annual review of objections of IOTC. Against this background, it is surprising that the IOTC Secretariat listed Resolution 23/02 in its annual review of objections in 2024, adding that there were “currently” 11 objections in place.¹⁰⁴ Another interesting instance of practice that points towards doubts of at least some IOTC members regarding the fate of Resolution 23/02 is a provision in the recently adopted IOTC Resolution 24-02 On Management of Drifting Fish Aggregating Devices (FADS) in the IOTC Area of Competence, which explicitly “supersedes” Resolution 23/02.¹⁰⁵ It appears that this provision has its origin in a proposal of the EU, an objector to and

¹⁰⁰ See, in particular, Article 31 VCLT [48].

¹⁰¹ Article 12(2)(d) NEAFC Convention [13].

¹⁰² See, e.g., The MOX Plant Case (Ireland v. United Kingdom), Order (Provisional Measures) [68], para. 51; Request for an Advisory Opinion Submitted by the Sub-Regional Fisheries Commission (SRFC) [69], para. 57.

¹⁰³ Article IX(5) IOTC Agreement [14]; Article VIII(4) ICCAT Convention [10]; Article 13(3) GFCM Agreement [11].

¹⁰⁴ IOTC Secretariat, Review of Objections Received under Article IX.5, pp. 2-3 [47].

¹⁰⁵ Paragraph 54 Resolution 24/02 [70].

staunch opponent of Resolution 23/02, that sought to "repeal" Resolution 23/02.¹⁰⁶ Under the view proposed in this article, no such provision would have been necessary as Resolution 23/02 was already permanently nullified.

4.6. Non-acceptance procedures and CMM nullification

As some RFMOs, including NAFO and NEAFC, provide for non-acceptance procedures in addition to objection procedures, it is important to explore their relationship with the concept of CMM nullification procedures. Under non-acceptance procedures, a member may notify the RFMO of its intention not to be bound by a CMM that has already been in force for a certain period (e.g., one year).¹⁰⁷ The CMM subsequently ceases to be binding (i.e., is *suspended*) for the member after a specified period (e.g., another year).¹⁰⁸ Thereafter, other members have the opportunity to also opt out of the CMM.¹⁰⁹ This mechanism is remarkable in that it removes much of the legal certainty and predictability left by the normal objection procedures (with their objection deadlines) from the regulatory activity of the RFMO. Importantly, notifications of non-acceptance do not trigger the objection-based CMM nullification provisions of NAFO and NEAFC regardless of the number of such notifications. However, NEAFC has a separate CMM nullification provision for notifications of non-acceptance of coastal State members with respect to CMMs that are exceptionally applicable within the coastal State's jurisdiction.¹¹⁰ Under this provision, the right to notify non-acceptance of the CMM is reserved to the relevant coastal State, and upon its notification, the CMM is nullified with *erga omnes partes* effect ("shall cease to be binding on any Contracting Party") after a period of 90 days from the date of the notification.¹¹¹ This mechanism may be seen as less problematic than general CMM nullification provisions given that it enables a coastal State to nullify a CMM that only exceptionally applies in its waters based on its explicit consent.¹¹²

5. Conclusion

Part of the success of RFMOs in exercising their conservation and management mandate will depend on their ability to consistently improve their decision-making procedures to allow for the adoption of sufficiently stringent CMMs without losing the support of members that want to retain a degree of regulatory discretion even if they are in the minority. A suggested best practice, which is a very common approach by RFMOs, is to require all possibilities of reaching consensus to be exhausted before a decision on a CMM is taken through qualified majority voting.¹¹³ Moreover, it is widely accepted that unconstrained unilateral objection procedures should be removed from RFMO

decision-making.¹¹⁴ Ideally, they would be replaced with Review Panel procedures such as those of the Western and Central Pacific Fisheries Commission (WCPFC), which allows members to trigger a review of the legality and non-discriminatory character of contentious CMMs following their adoption.¹¹⁵

Against the background of this trend in the improvement of RFMO decision-making procedures, there is a case for a phase-out of CMM nullification provisions. These provisions are closely tied to the outdated practice of unconstrained unilateral objection procedures. Moreover, they raise additional legitimacy questions given that they result in the nullification of CMMs that have been democratically adopted in conformity with the legitimate decision-making procedures of the respective RFMO. In particular, the threshold for the nullification of CMMs in some cases constitutes only more than one third of the members of the RFMO – a very low threshold to revoke a lawful decision of, for example, a two-thirds majority of members present and voting. If a sufficiently large number of RFMO members consider that a CMM can no longer serve its purpose due to the number of objections that have been lodged, they can revoke or modify it using the normal decision-making procedures. This is particularly so where only a specific part or provision of the CMM is the cause of the objections.

If traditional objection procedures are replaced by Review Panel procedures in accordance with current best practices, there is no longer a place for CMM nullification provisions based on such objection procedures. It would be difficult to reconcile the continued existence of objection-based nullifications of CMMs with Review Panel procedures such as those of WCPFC or the South Pacific Regional Fisheries Management Organisation (SPRFMO). Already the significantly less sophisticated *ad hoc* expert panel procedure of NAFO loses much of its value if NAFO's CMM nullification provision is triggered – as individual objectors cannot withdraw their objections even if the recommendations of the panel point in this direction.¹¹⁶ Under such circumstances, they also have no more incentive to adopt alternative measures as suggested by the NAFO Convention.¹¹⁷ Finally, through proper Review Panel procedures, members of the RFMO also have a legal avenue to challenge CMMs that they consider illegal or discriminatory so that they no longer need a safeguard in the form of CMM nullification provisions.

Whether it will be possible to phase out these provisions (ideally together with unilateral objections altogether) in the future will depend on the political will of RFMO members to continue to improve the decision-making frameworks of the organizations. The empirical situation suggests that this is not yet the case in RFMOs that already existed when the UNFSA was concluded. The 2007 amendment of the NAFO Convention, which entered into force in 2017, resulted in limited constraints on the objection procedure (such as an explanation requirement, alternative measures, and optional *ad hoc* panel proceedings resulting in non-binding recommendations), but unilateral objections and CMM nullifications remain possible.¹¹⁸ The 2019 amendment of the ICCAT Convention, which has not yet entered into force,¹¹⁹ is even more limited in terms of constraining objections (objections require explanation and alternative measures) and equally upholds the possibility of

¹⁰⁶ Paragraph 33 Proposal on FAD Management (EU) [71].

¹⁰⁷ Article XIV(4)(a) NAFO Convention [12]; Article 13(1)(a) NEAFC Convention [13].

¹⁰⁸ Article XIV(4)(a) NAFO Convention [12]; Article 13(1)(a) NEAFC Convention [13].

¹⁰⁹ Article XIV(4)(b) NAFO Convention [12]; Article 13(1)(b) NEAFC Convention [13].

¹¹⁰ Article 13(2) NEAFC Convention [13].

¹¹¹ Article 13(2) NEAFC Convention [13].

¹¹² On the application of NEAFC CMMs in waters within coastal State jurisdiction, see Schatz [72], pp. 214–215.

¹¹³ Lodge et al. [31], p. 75.

¹¹⁴ *Ibid.*, p. 76; Churchill et al. [73], p. 579.

¹¹⁵ Schatz [7], para. 34; Harrison [2], p. 91; Churchill et al. [73], p. 579.

¹¹⁶ Article XIV(7)-(11) NAFO Convention [12].

¹¹⁷ Article XIV(5), (6)(a) and (10)(b) NAFO Convention [12].

¹¹⁸ Council Decision of 8 November 2010 [74].

¹¹⁹ Protocol amending the ICCAT Convention [75].

unilateral objections and CMM nullifications.¹²⁰ Moreover, the inclusion of a unilateral objection procedure into the new Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ Agreement)¹²¹ may serve as a reminder that progress is not guaranteed.

Author statement

This is an original article about a feature of objection procedures within RFMOs that has so far not been the subject of in-depth study in the literature: provisions that result in the nullification of a conservation and management measure (CMM) if a certain amount of RFMO members lodges a unilateral objection following adoption of the CMM. The effectiveness of RFMO decision-making procedures is a recurring topic in fisheries law and governance, and objection mechanisms constitute the perhaps most widely criticized aspect in this broader debate. This article places CMM nullification provisions in this broader debate, using the first ever instance of such a provision being used (in 2023 – in the Indian Ocean Tuna Commission) as a reason to have a closer look at this feature of RFMO decision-making.

CRedit authorship contribution statement

Valentin Schatz: Conceptualization, Data curation, Formal analysis, Funding acquisition, Investigation, Methodology, Project administration, Resources, Software, Supervision, Validation, Visualization, Writing – original draft, Writing – review & editing.

Data Availability

No data was used for the research described in the article.

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