

**Council**

**CNL(10)41**

***Draft Terms of Reference for a  
Review of the 'Next Steps' Process***

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#### **Background**

1. Commencing in 2004, NASCO undertook a comprehensive and critical review of its work. This review, called the 'Next Steps' for NASCO, identified the challenges facing NASCO in the management and conservation of wild Atlantic salmon and ways to address these; reviewed the management and organizational structure of NASCO; and considered the procedural aspects of NASCO and the relationship between the Organization, its Parties and stakeholders. This work was conducted by a Working Group comprising representatives of the Parties and the NGOs and involved open consultation meetings with stakeholders in Europe and North America. It resulted in the adoption of a Strategic Approach for NASCO's 'Next Steps', CNL(05)49, which contained recommendations for action in relation to three main challenges. These were:
  - Implementation, commitment and accountability;
  - Transparency and inclusivity; and
  - Raising NASCO's profile.

#### **Progress to date**

2. The Council has moved rapidly to address these challenges. In relation to implementation, commitment and accountability the jurisdictions developed Implementation Plans in 2007 and have reported annually on progress (according to a new agreed format) and on a three year cycle through in-depth focus area reports (FARs). These FARs have been subject to review, which resulted in recommendations for additional actions to improve commitment to NASCO's agreements. FARs have been prepared and reviewed relating to management of salmon fisheries (2008); habitat protection, restoration and enhancement (2009) and aquaculture and related activities (2010). The first cycle of FAR reporting and review will be completed in 2010. The review process has also led to the adoption of guidelines on management of salmon fisheries and guidelines are being developed in relation to habitat protection, restoration and enhancement. The Aquaculture and related activities FAR Review group was also asked to develop recommendations on best practice. However, this work has been conducted through a Task Force set up by the ISFA/NASCO Liaison Group which has developed Guidance on Best Management Practices to Address Impacts of Sea Lice and Escaped Farmed Salmon. This BMP Guidance was adopted by the Council and has been reviewed by the aquaculture and related activities FAR Review Group. With regard to transparency and inclusivity, procedures have been agreed to allow greater involvement of the NGOs in NASCO's work through the opportunity to contribute on all agenda items in the Council and Commissions (other than finance and administrative matters) and participation in Committees, the IASRB and Working Groups. The NGOs

have welcomed these changes. To raise NASCO's profile, a PR Group has been established (Chaired by the Chairman of NASCO's accredited NGOs) and both the NASCO and IASRB websites have been redesigned. Thus, NASCO has conducted a thorough, wide-ranging and open performance review of its activities, and in the five years since the adoption of the Strategic Approach it has moved rapidly to implement the broad-ranging changes that were proposed.

### **Need for a Further Performance Review**

3. During the implementation of the recommendations in the Strategic Approach for NASCO's 'Next Steps', the United Nations' General Assembly adopted a Resolution (61/105) in December 2006 concerning sustainable fisheries. This Resolution related *inter alia* to the implementation of the UN Agreement concerning the conservation and management of straddling and highly migratory fish stocks and related instruments. The Atlantic salmon is not classed as either a highly migratory or a straddling fish stock in the UN Convention on the Law of the Sea, but the Resolution includes recommendations concerning the performance of Regional Fisheries Management Organizations (RFMOs). These include the following:
  - urging further efforts by RFMOs to strengthen and modernise their mandates and the measures adopted to reflect modern approaches to fisheries management including relying on best scientific information and application of the Precautionary and Ecosystem Approaches;
  - urging RFMOs to improve transparency and to ensure that decision-making processes are fair and transparent, rely on best scientific information and incorporate the Precautionary and Ecosystem Approaches; and
  - urging States, through participation in RFMOs, to undertake, on an urgent basis, performance reviews of those RFMOs initiated either by the organization itself or with external partners.
4. In 2007 and 2008, the Council discussed the need for a further performance review of NASCO's work in the light of the UN General Assembly Resolution 61/105. It was recognized that the timing of any further review of NASCO's work would be critically important given that the Organization was in the midst of implementing the core elements of the 'Next Steps' process. However, the Parties committed to set up, at the 2010 Annual Meeting, a Review Group to assess the Next Steps process and to advise on the need for, and format of, a further performance review.

### **Terms of Reference**

5. In the light of the Council's agreed approach on this matter, it is proposed that a 'Next Steps' Review Group be established with the following Terms of Reference:
  - (a) to review the 'Next Steps' process, highlighting what this process had delivered, where it had worked well and making recommendations for any actions required to ensure that all the recommendations in the Strategic Approach for NASCO's 'Next Steps' have been implemented;

- (b) to identify any additional areas that might need to be addressed to ensure that NASCO can meet the challenges it faces in managing and conserving Atlantic salmon;
- (c) to review the consistency of the 'Next Steps' review with UN General Assembly Resolution 61/105, and identify any further actions that might be required in accordance with the relevant provisions of this Resolution relating to RFMOs; and
- (c) to advise the Council on the further performance review of NASCO taking into account *inter alia* the provisions of UN General Assembly Resolution 61/105.

### **Work schedule**

6. The Review Group should complete its work no later than 1 April 2011 so that its report can be circulated to the Parties and accredited NGOs prior to the Twenty-Eighth Annual Meeting. The Review Group should present an overview of its findings during a Special Session at the Twenty-Eighth Annual Meeting to allow for an open debate and feedback from all delegates.

### **Composition of the Review Group**

7. One option might be that the Review Group comprises the following:
  - (a) one or two representatives from each NASCO Party; and
  - (b) two representatives from the accredited NGOs (preferably one from a European and one from a North American NGO).
8. It would be desirable that Heads of Delegations participate in the work of the Review Group. The Review Group could be chaired by the President or Vice-President and would be supported by the Secretariat.

### **Council Decision Regarding a Further Performance Review**

9. A further performance review shall be conducted to assess the performance of NASCO since 1983 against the objectives set out in its Convention and other relevant international instruments addressing the conservation and management of marine living resources. This review will take into account *inter alia* the NASCO 'Next Steps' process and the criteria associated with UN Resolution 61/105.
10. A Panel shall be created to conduct this further performance review and shall be composed of 3 internationally recognized external experts. Any additional individuals to facilitate the work of the Panel will be agreed at the 2011 Annual Meeting. The NASCO Secretariat shall provide logistical support to the Review Panel and shall not form part of the Panel.

11. At the 2011 Annual Meeting of NASCO, Terms of Reference, criteria and a budget will be agreed for this review. This further performance review shall be initiated immediately following the 2011 Annual Meeting of NASCO.
12. The Panel should complete its work no later than 1 April 2012 so that its report can be circulated to the Parties and accredited NGOs prior to the Twenty-Ninth Annual NASCO Meeting where the report shall be presented to NASCO by the Panel Chair.