

Council

CNL(12)16

***Draft Terms of Reference for a Working Group on the Need for Changes to the
Convention to Support NASCO's Objectives***

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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: 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 process resulted in the adoption of a Strategic Approach for NASCO's 'Next Steps', CNL(05)49. From 2007 to 2011, NASCO and its Parties completed the first cycle of development and review of Implementation Plans and Focus Area Reports (FARs) highlighting actions being taken domestically to implement NASCO agreements. The reviews highlighted the need for additional actions by all jurisdictions and led to the adoption of guidelines on: management of salmon fisheries; guidelines on habitat protection, restoration and enhancement; and guidance on best management practices to address impacts of sea lice and escaped farmed salmon. These guidelines are intended to assist the Parties in making further progress in implementing NASCO's agreements, to provide a basis for exchange of information and to assist in the identification of additional actions.

Review of the 'Next Steps' process

2. In 2010, a 'Next Steps' Review Group was established to highlight what the process had delivered, advise on where it had worked well and to make recommendations for any actions required to ensure that all recommendations in the Strategic Approach for NASCO's 'Next Steps' had been implemented. The Review Group's report was tabled at the 2011 Annual Meeting, CNL(11)12. The need for the next cycle of Implementation Plans to place greater emphasis on monitoring and evaluation and for reporting to be more streamlined had been stressed. In the light of this review, the Council established a Working Group on Future Reporting under the Implementation Plans and Evaluation of the Reports. The Working Group's report was tabled at the 2012 Annual Meeting, CNL(12)12.

External Performance Review

3. At its 2011 Annual Meeting, the Council agreed that an external review of NASCO's work should be conducted with the purpose of assessing the performance of NASCO since its establishment in 1984 against the objectives set out in its Convention and other relevant international instruments addressing the conservation and management of aquatic living resources. In its report to the 2012 Annual Meeting, CNL(12)11, the External Performance Review Panel, hereinafter referred to as the 'Review Panel', commended the 'Next Steps' process and the great efforts made by NASCO to address issues affecting all phases of the salmon's life cycle. It also made a number

of recommendations regarding the NASCO Convention, the functions of the Council and Commissions, the institutional structure of NASCO, and the duties and obligations of the Parties. While the Review Panel indicated that there may be many advantages to opening the Convention to renegotiation it also noted that there could be disadvantages and that other options such as a legally binding Protocol would 'serve the purpose equally well'. Given the scope and complexity of the Review Panels recommendations, the Council agrees that a Working Group is needed to decide what action should be taken.

Previous discussions concerning Convention change

4. Consideration had been given to changing the NASCO Convention at various stages during the 'Next Steps' process. The NGOs had proposed this in a 2004 review document, during the 2006 Task Force meeting, and again during the 2011 review of the 'Next Steps' process, NS(11)7. While indicating that they favored changing NASCO's mandate, the NGOs recognized the difficulty of such a change and the possibility of unintended consequences. NASCO had chosen to move forward quickly with the changes arising from the 'Next Steps' process with the goal of improving implementation, commitment and accountability; transparency and inclusivity; and raising NASCO's profile. It was agreed that changes to the Convention could be reconsidered if these goals were not being achieved through implementation of the 'Next Steps' recommendations. The NGOs had supported the alternative of developing Implementation Plans and critical reviews of the progress made. Furthermore, at the 2011 Annual Meeting the NGOs reaffirmed that while Convention change remains their ultimate objective, in the short-term they wish to see the second Implementation Plan cycle address the shortcomings identified in the first round of reviews, and concentrate on measurable outcomes which can be scrutinized.

Terms of Reference

5. The Council welcomes the findings of the Review Panel and its endorsement of NASCO's work, including the changes introduced as a consequence of the 'Next Steps' process, and the support to move forward with this in a second cycle of Implementation Plans. The goal of the Council in initiating the review in 2004 had been to maximize the efficiency and the effectiveness of the Organization in meeting its mandate of promoting the conservation, restoration, enhancement and rational management of salmon stocks in the North Atlantic Ocean. The Council reaffirms and strengthens its commitment to that objective.
6. The Council, therefore, decides to establish a Working Group, under the Chairmanship of the President, to evaluate all of the recommendations relating to the Convention and their potential benefit in fulfilling NASCO's objective. The Working Group should report back to the Council no later than 1 April 2013. The Working Group should comprise two, and not more than three, representatives from each Party, including if possible Heads of Delegations, and two representatives of

NASCO's accredited NGOs. The Terms of Reference for this Working Group are as follows:

(a) Review and evaluate the recommendations of the External Performance Review Panel that have not already been acted upon by the Council, including those that relate to the Convention (recommendations 1 and 7 - 35 of the section entitled 'Convention on the Conservation of Salmon in the North Atlantic Ocean');

(b) Consider other recommendations from the 'Next Steps' Process that have not yet been implemented, as well as any other relevant information concerning the improvement of the functioning and operation of NASCO;

(c) Develop recommendations for consideration by the Council on potential actions including:

- (i) The rationale for these actions and their anticipated effect on the ability of NASCO to fulfill its objectives;*
- (ii) Options for implementing the actions, including changes to the Organization's Basic Texts and/or the development of legally-binding protocols.*

President/Secretary
Edinburgh
28 May 2012