

CNL_IS(20)03

Information to Inform a Discussion of the Implementation Plan Process for the Third Reporting Cycle

Purpose

To provide a briefing on Implementation Plan process issues that will be discussed via video conference at the Council Inter-Sessional Meeting in September.

Decisions

Council may wish to discuss whether the ‘Guidelines for the Preparation and Evaluation of NASCO Implementation Plans and for Reporting on Progress’, [CNL\(18\)49](#) (hereinafter referred to as the IP Guidelines), should be revised formally to take account of:

- the revised schedule for the Implementation Plans;
- the wording around acceptability of Implementation Plans; and
- Annual Progress Reports being based on Implementation Plans that are not yet considered to be fully acceptable by the Review Group, if this is considered to be acceptable by Council.

Council may wish to discuss whether to make future revisions of Implementation Plans under the third reporting cycle freely available on the NASCO website prior to their review and, if so, revise the IP Guidelines accordingly.

Council may also wish to discuss how the Parties feel they can address the concerns expressed by the NGOs and reiterated by the Review Group members, especially in relation to limited progress made by some Parties on the aquaculture theme.

Council may wish to consider:

- how many reviews of individual Implementation Plans it is prepared to allow to enable acceptance by the Review Group; and
- whether any further changes to the IP Guidelines are, therefore, required.

Background

A number of issues related to Implementation Plans have been postponed recently. First, there was an item – ‘Discussion of NGO Input to NASCO Business.’ – on the Draft Agenda of the Heads of Delegations’ Inter-Sessional Meeting in March that was cancelled due to the Covid-19 pandemic. This was to discuss concerns raised by the NGO Co-Chairs in 2019. Whilst some of their concerns have been addressed (such as holding a Theme-based Special Session on aquaculture), some remain and are set out below.

Second, a Special Session on the Evaluation of the 2019 – 2024 Implementation Plans had been scheduled for the 2020 Annual Meeting, as required by the IP Guidelines, [CNL\(18\)49](#). However, during the Covid-19 planning process the Parties agreed that it was no longer possible to hold this Special Session then. This would have allowed Parties and NGOs to comment on the Implementation Plans and their reviews in an open forum.

Third, at the 2020 Annual Meeting, under the Agenda item ‘Evaluation of Implementation Plans under the Third Reporting Cycle (2019 – 2024)’, the Secretary noted that for many of the Implementation Plans that had not yet been fully accepted, only a small amount of work

may be required so that they are accepted. For others, especially regarding sea lice and containment, it appeared that it may not be possible to meet the requirements agreed in the IP Guidelines, [CNL\(18\)49](#). The Secretary indicated that it would be preferable, therefore, to have a discussion about the process before the Implementation Plans were reviewed again.

At the 2020 Annual Meeting, Council noted that discussion of the Implementation Plan process (hereinafter referred to as the ‘IP process’) in light of various concerns would be postponed until the autumn Inter-Sessional Council Meeting.

Implementation Plans – Their Purpose

The purpose of Implementation Plans, together with annual reporting of progress on the actions contained within them, is to provide a succinct, transparent, fair and balanced approach for reporting on the implementation of NASCO’s Resolutions, Agreements and Guidelines by the Parties / jurisdictions in relation to three theme areas. These are: management of salmon fisheries; habitat protection and restoration; and minimising the adverse impacts of aquaculture, introductions and transfers and transgenics.

Implementation Plans – A Gradual Strengthening of Requirements

The [first Implementation Plans](#), focused around the three theme areas, were developed in 2007, and the first cycle of reporting was completed in 2012. During this period, reports on the actions taken under the Implementation Plans were made through detailed Focus Area Reports, which were critically reviewed, and Annual Reports.

There was a comprehensive review of the strengths and weaknesses of the first reporting cycle in 2011, [CNL\(11\)12](#) (Annex 4) and [CNL\(12\)12](#), and it was agreed that Implementation Plans, based on an agreed template, would be the key document in the second reporting cycle. However, greater emphasis would be placed on: the actions to be taken over a five year period; clearly identifiable measurable outcomes and timescales; and appropriate monitoring to evaluate the effectiveness of the measures taken. The Implementation Plans continued to be focused around the three main theme areas. Reporting was done annually, through Annual Progress Reports. The [second reporting cycle](#) ran from 2013 to 2018.

After a comprehensive review of the strengths and weaknesses of the second reporting cycle, it was agreed that Implementation Plans, based on an agreed template, would continue to be the key document in the [third reporting cycle](#), with annual reporting to continue through Annual Progress Reports. However, the Council expressed a wish to strengthen the process still further in the third reporting cycle, including a greater emphasis on Parties / jurisdictions working toward the achievement of the NASCO and ISFA’s international goals for sea lice and containment by the end of the reporting period. To this end, mandatory actions were introduced, in relation to mixed-stock fisheries and to NASCO and ISFA’s international goals as they relate to sea lice and containment. In addition, in light of the need to move toward more measurable actions to demonstrate progress toward attainment of NASCO’s goals, a ‘SMART’ approach for actions was agreed. Finally, consultation with NGOs and other relevant stakeholders and industries during the preparation of the Implementation Plans was also required.

Implementation Plans – More Stringent Review

Concomitant with a more stringent approach to the Implementation Plans themselves, their review is also more stringent. For their reviews at the start of the second reporting cycle, the Implementation Plan / Annual Progress Report Review Group only assessed whether the answers to the questions were satisfactory or not, [CNL\(13\)12](#). In the third reporting cycle, there are four aspects to the review of each Implementation Plan, which were agreed by Council and are described in detail in the ‘Guidelines for the Preparation and Evaluation of NASCO

Implementation Plans and for Reporting on Progress’, [CNL\(18\)49](#) (hereinafter referred to as the IP Guidelines), as follows:

1. Identifying whether the answers by each Party / jurisdiction to the questions posed in the IP template are satisfactory;
2. Identifying clearly that the threats and challenges to the management of wild Atlantic salmon identified under each theme are related to NASCO’s Resolutions, Agreements and Guidelines;
3. Determining that each action addresses the main (relevant) threats and challenges identified for that Party / jurisdiction and assessing the description of each action to ensure that it adheres to the ‘SMART’ descriptors such that progress over time can be assessed objectively; and
4. Determining that the mandatory actions required for that Party / jurisdiction are present.

The Third Reporting Cycle

Under the third reporting cycle 21 Implementation Plans have been submitted, with 14 EU jurisdictions now having prepared Implementation Plans, two more than in the second reporting cycle. To date, there have been two rounds of review of the Implementation Plans. Two Implementation Plans have been assessed as being fully acceptable to the Implementation Plan / Annual Progress Report Review Group.

The Review Group considered that there has been considerable progress by almost all Parties / jurisdictions from the first round to the second round of review ([CNL\(20\)17](#)). However, there were still concerns over the lack of acceptable Implementation Plans after two rounds of review and, in particular, the failure by some Parties / jurisdictions to respond satisfactorily to the questions on, or adopt actions specifically aimed at, protecting wild salmonids from the adverse impacts of aquaculture escapes and sea lice – in line with the International Goals agreed by NASCO and ISFA. An infographic (Figure 1 below) illustrates the status of the various sections of the Implementation Plans after two rounds of review by comparing the number of answers / threats and challenges / actions considered to be acceptable to the Review Group after their first and second rounds of review.

Revision of the Schedule and Guidelines Under the Third Reporting Cycle

A number of revisions have been made to the IP Guidelines since they were originally agreed.

1. Following the first round of review, and deliberations amongst Heads of Delegations during the 2019 Annual Meeting, it was agreed that the review schedule for the Implementation Plans in the IP Guidelines would be extended (Annex 1);
2. In discussion after the 2019 Annual Meeting and in advance of the second round of review of the Implementation Plans in November 2019, Heads of Delegations discussed and agreed that there should be two categories of acceptability for the Implementation Plans: being either ‘Accepted’ or ‘Acceptable subject to revision’; and
3. It was also agreed that the Implementation Plans as at 30 November 2019 would be used as the basis for reporting in the 2020 Annual Progress Reports, regardless of whether they were accepted by the Review Group. This was felt to be preferable than continuing to report on the Implementation Plans from the second reporting cycle as it would enable the improvements made on the second reporting cycle to be harnessed.

None of these revisions have, however, been incorporated into the IP Guidelines.

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Figure 1. Infographic to Show the Status of the Various Sections of the Implementation Plans After Two Rounds of Review

Key										
	Fully acceptable after 1st round of review									
	Fully acceptable after 2nd round of review									
	Progress between reviews; response / actions not yet fully acceptable									
	No progress between reviews; response / actions not yet acceptable									
	No acceptable actions									
Questions on Salmon Management				Threats / challenges to Wild Salmon			SMART Actions			
Management	Fisheries Management	Habitats	Aquaculture, disease, transfers & transgenics	Fisheries Management	Habitats	Aquaculture, disease, transfers & transgenics	Fisheries Management	Habitats	Aquaculture, disease, transfers & transgenics	
Canada										
DFG Faroe Islands					No salmon habitat			No salmon habitat		
DFG Greenland	Accepted after first round review									
EU-Denmark				No threats given			No actions given			
EU-Finland										
EU-France										
EU-Germany										
EU-Ireland										
EU-Portugal									No aquaculture	
EU-Spain (Asturias)						No aquaculture			No aquaculture	
EU-Spain (Cantabria)	No revisions to IP									
EU-Spain (Galicia)	No revisions to IP									
EU-Spain (Navarra)	No revisions to IP									
EU-Sweden										
EU-UK (England & Wales)										
EU-UK (Northern Ireland)										
EU-UK (Scotland)										
Norway										
Russian Federation										
United States										

Source: Second Interim Report of the IP / APR Review Group for the Review of Implementation Plans under the Third Cycle of Reporting (2019 – 2024), [CNL\(20\)17](#)

Concerns About the IP Process

The NGO Co-Chairs raised several concerns about the IP process in early December 2019 in an email to the Secretary and President. There followed a period of correspondence between then and mid-January 2020, mostly between the NGO Co-Chairs, the previous President and the Secretary. The full correspondence is available in document HDIS(20)07, circulated to Heads of Delegations on 17 February 2020. The Opening Statement made by the NGOs to the Implementation Plan / Annual Progress Report Review Group meeting in November 2019 also noted these concerns (Annex 1 in document [CNL\(20\)17](#)).

The NGO Co-Chairs raised concerns in three main areas related to the IP process:

1. Deviation from the adopted IP Guidelines in relation to the Implementation Plan evaluations and 2020 Annual Progress Reports;
2. The inability for NGOs to access the original and revised Implementation Plans in advance of their review, as had been the practice during the second reporting cycle; and
3. The lack of progress in the third reporting cycle, particularly on the threats posed by aquaculture.

1. Deviation from the adopted IP Guidelines for the Implementation Plan Evaluations and 2020 Annual Progress Reports

In an email on 6 December 2019, the NGO Co-Chairs noted that on the NASCO [website](#) the Implementation Plans are presented as being either ‘Accepted’ or ‘Acceptable subject to revision’. They stated:

‘This way of reporting was presented to us as a fait accompli and there was no discussion on the matter within the Review Group. However, we have checked the report of the 2019 Annual Meeting of the Council and can see no such decision, and this wording would not be consistent with the ‘Guidelines for the Preparation and Evaluation of NASCO Implementation Plans and for Reporting on Progress’, CNL(18)49, which were unanimously adopted by the Council in 2018 as a basis for the Review Group’s work.

That being the case, surely only a decision of the Council could change those Guidelines but there has been no intersessional meeting of the Council since June. If there had been, the NGOs, and others, would have been invited to participate in, and contribute to, the proceedings but that has not been the case. The [IP] guidelines indicate that answers to questions and actions should be evaluated as ‘Satisfactory/Acceptable’ or ‘Unsatisfactory/Unacceptable’. You will appreciate that there is a considerable difference between these descriptors and those currently shown on the website, which are very concerning to the NGOs, especially those with salmon farming industries in their jurisdictions.’

The rationale for deviating from the agreed IP Guidelines in terms of the acceptability status of the Implementation Plans was given to the NGO Co-Chairs in the previous President’s first reply on 19 December 2019. He stated that it was related to the general acknowledgement that the new Implementation Plans, although imperfect, were still a significant improvement on the Implementation Plans for the second reporting cycle. It was, therefore, considered by the Parties and himself, during their conference call of 8 October 2019, that it would be beneficial to allow some flexibility in the evaluation process such that the Parties / jurisdictions would be able to use the new Implementation Plans as the basis for the next round of reporting under the Annual Progress Reports, while they would still be required to continue to work on improving their Plans in line with the Review Group’s feedback. It was felt that this would be a positive

development to support salmon conservation.

In their email to the President and Secretary on 3 January 2020, the NGO Co-Chairs then wrote:

‘Meanwhile, until the way forward with the Implementation Plans is resolved through deliberations that involve the NGOs, we would ask Emma not to initiate the next reporting cycle. We believe that to do so would not be appropriate in the current circumstances. The NGOs are particularly concerned that requiring Parties and Jurisdictions to commence reporting through the APR process on actions in Implementation Plans which are still not acceptable to the Review Group will do nothing to enhance commitment to NASCO agreements.’

In the NGO Co-Chairs email of 5 January 2019 they commented further on the decision to base the 2020 Annual Progress Reports on Implementation Plans that had yet to be accepted, as follows:

‘One of the clear lessons from the second reporting cycle was that allowing reporting on unsatisfactory plans was a mistake and it seems that the HoD are prepared to proceed on a similar basis in the third reporting cycle, which, as already stated, is not consistent with the Council-agreed Guidelines. Why then would the Parties decide to ignore that warning and not learn from the lessons of the second reporting cycle? From the NGO perspective, this greatly weakens NASCO’s effectiveness and, indeed, reputation.’

Additionally, in their email of 15 January the NGO Co-Chairs stated:

‘It is not acceptable to us to simply say that the new process is more stringent, and we have to be more patient because we are ‘gradually getting there’, however slowly. Parties have made commitments to achieving the goals of NASCO and these plans should be in place in every relevant Party and Jurisdiction already, and they plainly are not. Our request that the APR process be delayed for a year was aimed solely at allowing the Parties/Jurisdictions to continue to direct their limited resources into finalising their IPs rather than expending those resources producing APRs on actions that have not yet been deemed acceptable. We now have to accept your decision on that and see how the April Review Group meeting goes, but we must urge Council to take our fundamental question (above) seriously and find an answer to this impasse, especially over salmon farming regulation. Only then, we believe, can NASCO be seen as a truly wild salmon conservation organisation.’

Discussion: Council may wish to discuss whether the IP Guidelines should be revised formally to take account of:

- the revised schedule for the Implementation Plans;
- the wording around acceptability of Implementation Plans; and
- Annual Progress Reports being based on Implementation Plans that are not yet considered to be fully acceptable by the Review Group, if this is considered to be acceptable by Council.

2. The inability for NGOs to access the original and revised Implementation Plans in advance of their review

In their email of 6 December 2019 the NGO Co-Chairs also raised the inability for all of the NGOs to have full access to the draft (and revised) Implementation Plans, for comment, prior to their review by the Review Group whereas, they stated, in the second reporting cycle this had not been the case. The various NGO representatives had not, therefore, been able to feed

in their reviews and comments on the relevant Plans to the NGO Co-Chairs in advance of the Plans' review in both rounds.

Full access was given to the draft Implementation Plans in the second reporting cycle, but not for the third reporting cycle.

In the second reporting cycle, once the Plans were deemed by the Secretariat as able to be reviewed (referred to as 'accepted' in the Guidelines document, [CNL\(12\)44](#)), they were put onto the NASCO website for everyone to see. The wording in the Guidelines document, [CNL\(12\)44](#) is as follows: '*Once accepted (i.e. following re-submission, where appropriate), the Implementation Plans will then be made available on the NASCO website to permit equal access to the information to all stakeholders*'. NASCO's then President noted in his response to the NGOs that it was possible that a lack of familiarity with the previous reporting cycle by many of the then new Heads of Delegations and the new Secretary may have contributed to the lack of access by all stakeholders and he felt this should be raised with the Parties.

Discussion: Council may wish to discuss whether to make future revisions of Implementation Plans under the third reporting cycle freely available on the NASCO website prior to their review and, if so, revise the IP Guidelines accordingly.

3. The lack of progress on aquaculture in the third reporting cycle

In an email of 23 October 2019, the NGO Co-Chairs requested a Theme-based Special Session (TBSS) on aquaculture at the 2020 Annual Meeting to address the limited progress made by many of the Parties / jurisdictions in this area in their third reporting cycle Implementation Plans, despite Council having agreed in 2018 that there should be a greater emphasis on Parties / jurisdictions working toward the achievement of the NASCO and ISFA's international goals for sea lice and containment by the end of the reporting period.

A TBSS was agreed inter-sessionally, although it did not take place in 2020 due to the change in format of the NASCO Annual Meeting as a result of the Covid-19 pandemic. A full-day TBSS on aquaculture is planned, instead, for 2021.

In their Opening Statement to the Review Group meeting in November 2019, the NGO Co-Chairs stated ([CNL\(20\)17](#)):

'once again, the NGOs have severe concerns that the Implementation Plan theme most at threat from continuing failure is aquaculture, and we do request that the Review Group seeks a way in which we can genuinely hold relevant Parties and jurisdictions to account over this most important issue during the upcoming APR process, otherwise this 3rd IP / APR cycle will not be deemed successful – not least by the imminent external performance review.'

As shown in Figure 1 above it appears that the aquaculture theme is proving the hardest for Parties / jurisdictions to address to enable their Plans to be deemed as acceptable by the Review Group.

In their email of 15 January to the former President and Secretary, the NGO Co-Chairs also commented as follows:

'Our major issue is with those Parties/Jurisdictions with salmon farming industries, where it is plainly obvious that protecting the industry is given a higher priority than protecting wild fish. We believe that is totally unacceptable for a forum that has science-based conservation of wild salmon at its heart. We feel very strongly that the NASCO IP/APR process - and Report from the November meeting - must highlight these

issues and put significant pressure on Parties/Jurisdictions to face up to their international obligations.

So, rather than bang on any more, we would like to put this question back at the HoD, for discussion at the Intersessional meeting: How does NASCO Council persuade the Parties/Jurisdictions to produce actions which are genuinely aimed at protecting and conserving wild Atlantic salmon, particularly from the adverse impacts of aquaculture (but not limited to that one issue)?'

This concern is shared by the Review Group. In its report it states ([CNL\(20\)17](#)):

'there are still concerns over the lack of acceptable IPs after two review periods and, in particular, the failure by some Parties / jurisdictions to adopt actions specifically aimed at protecting wild salmonids from the adverse impacts of aquaculture escapes and sea lice – in line with the International Goals agreed by NASCO and ISFA.'

Discussion: A discussion would be welcomed on how the Parties feel they can address the concerns expressed by the NGOs and reiterated by the Review Group members, especially in relation to the aquaculture theme.

The Way Forward?

It has been stated a number of times by Parties / jurisdictions that the Implementation Plans for the third reporting cycle are much more challenging to complete than in the past. As set out above, and stated clearly in the IP Guidelines, this is what Council wanted, especially around the aquaculture theme.

The more stringent review required by Council has also given a greater challenge to the Review Group itself, with four separate areas to review for each individual Implementation Plan. The Review Group commented that ([CNL\(19\)14](#)):

'The level of assessment required, for each of the Implementation Plans that were submitted, was considerably more work than anticipated. In particular, developing clear and consistent guidance for the Parties / jurisdictions was challenging as many Implementation Plans only loosely followed the IP Guidelines.'

There was definite progress following their first round of review. Although this was across each of the theme areas, the aquaculture theme showed the least improvement. However, the Review Group commented that no clear progress had been seen in several cases, despite their efforts to provide clear and consistent feedback to Parties / jurisdictions in their individual reviews, [CNL\(20\)17](#). Clear and instructive information was also provided to Parties / jurisdictions during the Special Session on Implementation Plans at the 2019 Annual Meeting.

The Implementation Plan review schedule has already been revised once, to add a third period of review of revised Implementation Plans. The NGOs had expected that the standard of revised Implementation Plans would have been higher after the first round of review, as had the Review Group. Neither the Secretariat nor most Review Group members have received many requests for help to guide Parties / jurisdictions to produce Implementation Plans that are likely to be acceptable to the Review Group. The IP Guidelines have not, in many instances, been followed carefully, despite giving concrete examples of acceptable actions etc.

Discussion: Bearing in mind that, two years into the third reporting cycle, two out of 21 Implementation Plans are deemed acceptable, Council may wish to consider:

- how many reviews of individual Implementation Plans it is prepared to allow to enable acceptance by the Review Group; and

- whether any further changes to the IP Guidelines are, therefore, required.

Secretariat
Edinburgh
July 2020

***The Revised Schedule for Submission, Review and Distribution of
Implementation Plans as Distributed in July 2019***

Date / deadline	Responsibility	Action required
26 – 28 February 2019	Review Group	Meets and develops its evaluation of the Implementation Plans
15 & 22 March and 5 April 2019	Review Group	Meets by conference call to continue its evaluation of the Implementation Plans
9 April 2019	Review Group	Meets for one day in advance of the APR review meeting to finalise its evaluation of the Implementation Plans
30 April 2019	Secretary	Returns Implementation Plans requiring modification to Parties / jurisdictions with clear guidance on the Review Group's recommendations for improvements
30 April 2019	Secretary	Sends the Implementation Plans to NASCO Heads of Delegation for information
30 April 2019	Secretary	Uploads Implementation Plans accepted after the first round of review to NASCO website
13 May 2019	Review Group	Meets by conference call to evaluate the Implementation Plan from the United States
15 May 2019	Secretary	Returns United States' Implementation Plan with clear guidance on the Review Group's recommendations for improvements
6 June 2019	Review Group	Presents report to the Council in Special Session
1 November 2019	Parties / jurisdictions	<u>Deadline</u> for submission of revised Implementation Plans to NASCO
18 – 22 November 2019	Review Group	Meets and develops its evaluation of the revised Implementation Plans
30 November 2019	Secretary	Uploads all Implementation Plans to NASCO website (whether accepted or not) AND Returns Implementation Plans requiring further modification to Parties / jurisdictions with clear guidance on the Review Group's recommendations for improvements*
1 May 2020	Parties / jurisdictions	If Implementation Plans still considered to be unacceptable by the Review Group after the November 2019 review, <u>deadline</u> for return of revised Implementation Plans to NASCO
May 2020	Secretary	Distributes revised Implementation Plans to NASCO delegates

June 2020		All Implementation Plans whether accepted or not, will be discussed at the Special Session of the Council
1 November 2020	Parties / jurisdictions	<u>Deadline</u> for revised Implementation Plans after open review in Special Session. Revised IPs can be uploaded to the website at this stage.
TBD November 2020	Review Group	Meets and develops its evaluation of the revised Implementation Plans
30 November 2020	Secretary	Uploads accepted Implementation Plans to NASCO website
1 November 2021 / 2022 / 2023	Parties / jurisdictions	<u>Deadline</u> for modified Implementation Plan in the event of circumstances changing significantly
30 November 2021 / 2022 / 2023	Secretary	Either: Uploads accepted modified Implementation Plans to NASCO website Or: Returns modified Implementation Plans to Parties / jurisdictions with clear guidance on the Review Group's recommendations for improvements
31 December 2021 / 2022 / 2023	Parties / jurisdictions	<u>Deadline</u> for return of modified Implementation Plans to NASCO for inclusion in APR template

*Note. The Implementation Plans as at 30 November 2019 will be used as the basis for reporting in 2020, regardless of whether they are accepted by the IP / APR Review Group.