

CNL_IS(20)23

Planning for the Third Performance Review of NASCO

1. Purpose

This purpose of this document is to detail decisions related to the planning of the third performance review of NASCO. It should be read in association with the revised proposal for the draft Terms of Reference for the review (CNL_IS(20)14rev3).

2. Decisions

- agree the timing of the third performance review;
- agree the preferred composition of the Review Panel;
- agree the process for the selection of the Review Panel members;
- agree the maximum length of time required to conduct the review; and
- agree a daily consulting fee, that may be required by some experts.

3. Background

In 2018, Council agreed that the process to consider conducting the third performance review of NASCO should begin in 2019, with a view to holding the review in 2021 ([CNL\(18\)45](#)). At its Annual Meeting in 2020, Council agreed to delay the performance review by one or more years. Discussion of the process and decisions needed to arrange the third performance review took place during the September Inter-Sessional Council Meeting (reported in [CNL\(20\)56](#)).

At that meeting, Council agreed that Parties and the Secretariat would work together to refine the draft Terms of Reference for the third performance review. NGO input would be sought as appropriate. The final Terms of Reference would be agreed in December. Some elements, such as nominating experts for the Review Panel, may occur before final agreement of the Terms of Reference.

This document details issues that were discussed during the September Inter-Sessional Council Meeting and subsequently in correspondence, that relate to the planning of the third performance review.

4. Timing of the Review

As set out above, in 2018, Council agreed that the process to consider conducting the third performance review of NASCO should begin in 2019, with a view to holding the review in 2021 (reported in [CNL\(18\)45](#)). At its Annual Meeting in 2020, Council agreed to delay the performance review, planned originally for 2021, by one or more years (reported in [CNL\(20\)51](#)).

It has been proposed by Norway that Parties might consider whether the review should be delayed by another year (i.e. with reporting in 2023). Given that a face-to-face Annual Meeting of the Council in 2021 seems highly unlikely, due to the continuing Covid-19 pandemic, Norway has proposed that the delay would facilitate the Review Panel meetings and its effectiveness. Additionally, they noted that the Implementation Plan process, a major part of the review, should

be further advanced by then and any recommendations from the review could assist the next reporting cycle due to commence in 2025.

Additionally, attendance of a Review Panel member at a face-to-face Council Meeting might be more helpful to the work of the Review Panel.

- Council may wish to agree the timing of the third performance review, in light of the continuing global pandemic.

5. Review Panel Composition

The Review Panel will be composed of three independent external experts, among whom there should be expertise in relevant areas of:

- fisheries science;
- salmon conservation and management; and
- international marine or fisheries law.

Norway has proposed that the Panel should, if feasible, include one member who served on the 2012 NASCO External Review Panel.

The Review Panel in 2012 included: Michael Shewchuk, UNDOALOS, Judith Swan, FAO and Kjartan Hoydal the former Secretary of NEAFC, now deceased.

Members of the Panel should not be directly affiliated currently with any NASCO Party (i.e. not part of any nominated delegation to NASCO).

Canada has proposed that, rather than having a hybrid panel of both internal and external experts, which has not received widespread support, instead, two internal experts be appointed to aid the Review Panel. They would not be members of the Panel itself but could support the Panel regarding technical questions outside the expertise of the Secretariat.

The Secretariat is aware that the following people have been involved in several RFMO reviews; however, they are not salmon experts:

| Name | Title / Expertise | Affiliation (may not be current) |
|--------------------------------|--|---|
| Ms. Bárbara Boëchat de Almeida | Second Secretary | Permanent Mission of Brazil to the United Nations (not current) |
| Professor Fabio Hazin | Professor of Fisheries and Aquaculture | Universidade Federal Rural de Pernambuco, Brazil |
| Ms Holly Koehler | Vice President for Policy and Outreach | International Seafood Sustainability Foundation (ISSF), USA |
| Mr Terje Lobach | International legal expert (formerly president of NAFO and CCAMLR) | Norwegian Fisheries Ministry. Norway |
| Mr Michael Shewchuk | Legal Officer | UNDOALOS. USA |
| Mr John Spencer | Former EU Head of Delegation to NASCO, NAFO and NEAFC | Retired. Belgium |

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| Dr Judith Swan | International consultant on fisheries law, policy and institutions | Independent. Australia |
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Norway has also proposed that individuals from organizations such as ICES (but not WGNAS members), the Secretariat of the Convention on Biological Diversity, EIFAAC and academic institutions, could be approached to sit on the Review Panel. The Chair of the ICES Advisory Committee (ACOM) has certainly been involved in one or two RFMO performance reviews in the past, but not as many reviews as those named in the table above. The current Chair is Dr Mark Dickey-Collas.

- Council may wish to agree the preferred composition of the Review Panel.

6. Selection of the Review Panel Members

There was a strong preference for Parties to select the Review Panel members, rather than the Secretariat to propose them.

For selection of the external experts, NASCO Parties and the NASCO accredited NGO Co-Chairs may provide in writing candidates for each category in section 5 above to the President, through the Secretariat. The submission will include a CV and a short presentation of each candidate.

The President, through the Secretariat, will provide to Parties and NGO Co-Chairs a list of the experts proposed per each category. Parties and NGO Co-Chairs should indicate their preference for the candidates by ranking them within each category of Panel member.

The Secretariat will draw up a list of the highest-ranking candidates per category to Parties and NGO Co-Chairs, ensuring a mix of skills and experience is available.

The President and Vice-President could be asked to make the final selection (along with substitutes) based on the Parties' rankings.

Once the preferred Panel has been identified, the Secretariat will write to each person indicating NASCO's interest in appointing him or her to the Performance Review Panel, requesting his / her commitment to comply with the terms of the current decision, and seeking his / her positive response.

- Council may wish to agree this process for the selection of the Review Panel members.

7. Budget

NASCO will cover the costs associated with the participation of the selected external experts in the review. Costs will be borne by the NASCO budget either directly or through voluntary contributions.

To enable budget planning, Council may wish to agree:

- the maximum number of days associated with the review; and
- a daily consulting fee (may be required by external experts).

Economy travel and subsistence costs, should a face-to-face meeting be possible, would be based on the subsistence allowance rates set by the Co-ordinated Organizations and as followed by the NASCO Secretariat. This is how the Review Panel's reimbursement was set in 2012.

8. Timeline

The work schedule will include the following main steps. The dates are included for the time being until the timing of the third performance review is agreed by Council:

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| October – December 2020 | Develop Terms of Reference |
| December 2020 | Provision of Review Panel expert nominations by Parties and NGOs |
| December 2020 | Secretariat compiles nominations of Review Panel experts and NASCO Parties provide ranking. |
| 10 December 2020 | NASCO Parties adopt Terms of Reference |
| By mid-January | NASCO Parties agree preferred Review Panel members |
| By end January 2021 | Preferred Review Panel experts are contacted by the Secretariat for availability |
| By end of April 2021 | Review Panel meetings by video conference to elect a Review Panel Chair Review Panel Chair is invited to attend the 2021 NASCO Annual Meeting |
| June 2021 | Review Panel Chair attends the 2021 NASCO Annual Meeting |
| July 2021– February 2022 | Review Panel works to develop report |
| 1 March 2022 | Review Panel makes a draft report available for review (of technical / factual errors alone) by the NASCO Secretariat, Parties and NGOs for comments |
| 1 April 2022 | Deadline for technical and factual corrections by Parties and NGOs to the Review Panel's draft report |
| 1 – 15 April 2022 | Secretariat compiles all technical and factual corrections to the draft report and passes to the Review Panel Chair |
| 15 April – 1 May | Review Panel considers proposed revisions |
| 1 May 2022 | Review Panel's final report sent to Secretariat. Secretariat circulates the final report to Parties and NGOs, for discussion at the NASCO Annual Meeting in 2022. Report is posted on the NASCO website. |

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| Annual Meeting 2022 | The Review Panel Chair, or his / her designee, presents the final report at the NASCO Annual Meeting |
| Annual Meeting 2022 | Council considers the report and agrees the follow-up process. |
| After Annual Meeting 2022 | Follow-up as agreed at 2022 Annual Meeting |