

	<p>Council</p> <p><i>Terms of Reference for the Third Performance Review of NASCO</i></p>	<p>CNL(21)22</p>
---	--	-------------------------

Terms of Reference for the Third Performance Review of NASCO

1. Purpose

The Council seeks to facilitate a review of all aspects of the North Atlantic Salmon Conservation Organization’s (NASCO) work with the purpose of:

- a) assessing the performance of NASCO since its previous review in 2012, against the objectives, goals, and measures set out in the [Convention](#) for the Conservation of Salmon in the North Atlantic Ocean, and in Resolutions, Agreements, and Guidelines adopted pursuant to the Convention, as well as other international instruments addressing the conservation of aquatic living resources as these relate to salmon stocks which migrate beyond areas of fisheries jurisdiction of coastal States of the Atlantic Ocean north of 36°N latitude throughout their migratory range) (as defined in Article 1.1 of that Convention) (hereinafter referred to as ‘salmon’); and
- b) assessing NASCO’s effectiveness in addressing current threats and challenges facing salmon and identifying any areas where improvements to its effectiveness are needed.

2. Scope

The scope of the work to be carried out by the Review Panel will be to:

- a) evaluate the functioning and effectiveness of NASCO, including its Secretariat, since 2012, including how NASCO has responded to the recommendations contained in the 2012 external performance review, [CNL\(12\)11](#), through implementation of the ‘Action Plan for taking forward the recommendations of the External Performance Review and the review of the ‘Next Steps’ for NASCO’’, [CNL\(13\)38](#); and
- b) identify areas where improvements are needed to strengthen the Organization, and to enhance the implementation of the NASCO Convention, and NASCO’s Resolutions, Agreements, and Guidelines.

In carrying out this work special attention should be given to the [second](#) and [third](#) cycles of Implementation Plans (IPs) and Annual Progress Reports (APRs) and whether these have resulted in improvements to the implementation of, and engagement with, NASCO’s Resolutions, Agreements and Guidelines. The ‘Recommendations to NASCO to Address Future Management Challenges in the Report from the Tromsø Steering Committee’, [CNL\(19\)16](#), and recommendations from NASCO’s [Theme-based Special Sessions](#), held in 2014 – 2017 and 2021, including the Council’s responses to these recommendations, should be considered by the Review Panel in formulating their own recommendations.

3. Criteria

Within the purpose and scope outlined above, the review will be performed on the basis of the specific criteria detailed in Annex 1. Of particular importance are: Status of living marine resources; Data collection and sharing; Quality and provision of scientific advice; Adoption of conservation and management measures; NASCO Resolutions, Agreements and Guidelines; Transparency; Monitoring and Control; Availability of resources for activities; and Efficiency and cost effectiveness.

4. Review Panel Functions and Tasks

The Review Panel will appoint a Chairperson from amongst its members by consensus. Following their appointment, the Chairperson will make the necessary arrangements to organize the work of the Review Panel, including the distribution of tasks amongst members of the Panel.

The Review Panel Chair (or their nominee from among the other members of the Review Panel) will be invited to attend the NASCO Annual Meeting in 2022, to gather insight and information on the work of NASCO. Other members of the Panel may also be invited if the relevant Annual Meeting is conducted by video conference.

The Review Panel will decide how to conduct its business within the budget. A face-to-face meeting is encouraged, and funds to allow this are provided.

The Review Panel should seek consensus from the Panel members on its report, including its conclusions and prioritised recommendations. In the event that consensus cannot be reached, individual members of the Panel may include their views in the Panel's report.

The Review Panel should submit its draft report to the President of NASCO no later than 4 January 2023, and earlier if feasible.

The draft report will be available for review and correction of any technical / factual errors by the NASCO Parties, accredited NGOs and Secretariat. The Secretariat will compile these technical and factual comments on the draft report and pass them to the Review Panel Chair. The Review Panel should consider these comments in finalising its report. The Review Panel should submit its final report to the President of NASCO no later than 14 March 2023, and earlier if feasible.

The Review Panel's report will be presented to NASCO, by the Chair of the Review Panel or their nominee, during a Special Session at the NASCO Annual Meeting in 2023. This will allow an open discussion of the findings and recommendations of the Review.

5. Logistical support and background information to the Review Panel

The NASCO Secretariat's role will be to provide logistical support and background information to the Review Panel, as requested; it will not form part of the Panel.

NASCO Parties and accredited NGOs may submit views, in confidence, for consideration by the Review Panel.

Additionally, in conducting its work the Review Panel may wish to communicate with, and request background information from, NASCO's Parties, States not party to the Convention (France (in respect of St Pierre and Miquelon) and Iceland), accredited NGOs, the Secretariat and other individuals and organizations as it sees fit. If requested, these communications may be treated as confidential and unattributed to those providing the information.

Review Criteria

In the criteria, 'salmon' refers to salmon stocks which migrate beyond areas of fisheries jurisdiction of coastal States of the Atlantic Ocean north of 36°N latitude throughout their migratory range (as defined in Article 1.1 of the Conservation of Salmon in the North Atlantic Ocean).

Within the purpose and scope outlined above, the Review Panel will perform its review on the basis of the specific criteria covering the following categories:

	<i>Area</i>	<i>General criteria</i>	<i>Detailed criteria</i>
<i>I.</i>	<i>Conservation and management</i>	Status of living aquatic resources	1. Status, and trends in the status, of salmon in the Convention area;
		Data collection and sharing	2. Extent to which NASCO has agreed formats, specifications and time frames for data submissions; 3. Extent to which NASCO Parties collect and share, through NASCO, complete and accurate data concerning wild salmon in the Convention area in a timely manner, including: analysis of trends in fishing activities over time; fishing and research data; fishing vessel and research vessel data and fishing effort data; and 4. Extent to which NASCO is addressing any gaps in the collection and sharing of data as required;
		Quality and provision of scientific advice	5. Extent to which NASCO produces or receives the best scientific advice and other information relevant to the conservation, restoration, and rational management of salmon and their habitats.

		Adoption of conservation and management measures	<p>6. Extent to which NASCO has adopted measures and developed guidance based on the best scientific advice available to ensure the long-term conservation, restoration, and rational management of salmon;</p> <p>7. Extent to which NASCO has adopted and applied a precautionary approach as detailed in Article 6 of the 1995 UN Fish Stocks Agreement, and the UN FAO Code of Conduct for Responsible Fisheries, including the application of precautionary reference points;</p> <p>8. Extent to which NASCO has adopted and applied an ecosystem approach (for example, FAO Guidelines 2003);</p> <p>9. Extent to which management measures consistent / compatible with the NASCO Convention have been adopted (for example, as set out in Article 7 of the 1995 UN Fish Stocks Agreement);</p> <p>10. Extent to which NASCO successfully establishes regulatory measures in accordance with Articles 7 and 8 of the NASCO Convention, taking into account Article 9 of the Convention, and Article 11 of the 1995 UN Fish Stocks Agreement; and</p> <p>11. Extent to which NASCO has moved toward the adoption of conservation and management measures for previously unregulated salmon fisheries, including new and exploratory fisheries where these exist.</p>
		NASCO's Resolutions, Agreements and Guidelines	<p>12. Extent to which NASCO has developed, reviewed and updated its Resolutions, Agreements and Guidelines in general and assessed progress with their implementation;</p> <p>13. Extent to which there has been progress in implementing NASCO's Resolutions, Agreements and Guidelines on the Management of Salmon Fisheries;</p> <p>14. Extent to which there has been progress in implementing NASCO's Resolutions, Agreements and Guidelines on the Protection and Restoration of Salmon Habitat; and</p> <p>15. Extent to which there has been progress in implementing NASCO's Resolutions, Agreements and Guidelines on the Management of Aquaculture, Introductions and Transfers, and Transgenics.</p>
II.	<i>Compliance and</i>	Monitoring, control, and	<p>16. Extent to which NASCO has adopted monitoring, control, and surveillance (MCS) measures; and</p>

	<i>enforcement</i>	surveillance	17. Extent to which these MCS measures are implemented effectively.
		Flag State duties	18. Extent to which NASCO Parties are fulfilling their duties as flag States under the NASCO Convention, pursuant to measures adopted by NASCO, and under other international instruments, including, <i>inter alia</i> , the 1982 Law of the Sea Convention, 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement, as applicable.
		Port State measures	19. Extent to which NASCO has adopted measures relating to the exercise of the rights and duties of its Parties as port States, as reflected in Article 23 of the 1995 UN Fish Stocks Agreement, as well as the minimum standards set out in the 2009 FAO Agreement on Port State Measures to Combat Illegal, Unreported, and Unregulated Fishing.
III.	<i>Decision-making and dispute settlement</i>	Decision-making	20. Efficiency of NASCO's bodies, including subsidiary bodies, and the Commissions in addressing critical issues in a timely and effective manner, including new and emerging issues; and 21. Extent to which NASCO has transparent, consistent and adequate decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner.
		Dispute settlement	22. Extent to which NASCO has established adequate mechanisms for resolving disputes.
IV.	<i>International co-operation</i>	Transparency	23. Extent to which NASCO is operating in a transparent manner, taking into account Article 12 of the 1995 UN Fish Stocks Agreement and the UN FAO Code of Conduct for Responsible Fisheries; 24. Extent to which NASCO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion; 25. Extent to which NASCO has developed an effective communications strategy to raise awareness of successes relating to, and challenges facing, the conservation of salmon with the public, other countries and relevant organizations. 26. Extent to which NASCO provides a forum for knowledge sharing among NASCO Parties and its accredited NGOs on best management practices and new and emerging threats to

			salmon conservation; and 27. Extent to which accredited NGOs and other observers are included in NASCO processes.
		Relationship with non-NASCO Parties	28. Extent to which non-NASCO Parties have undertaken salmon fishing activities in the NASCO Convention Area; 29. Extent to which NASCO facilitates co-operation with non-NASCO Parties, including encouraging non-NASCO Parties to become Parties or to implement NASCO conservation and management measures voluntarily; and 30. Extent to which NASCO provides for action in accordance with international law against non-NASCO Parties undermining the objective of the Convention, as well as measures to deter such activities.
		Co-operation with other international organizations	31. Extent to which NASCO co-operates and engages with other regional fisheries management organizations and other relevant organizations.
V.	<i>Financial and administrative issues</i>	Availability of resources for activities	32. Extent to which financial and other resources are made available to achieve the aims of NASCO and to implement NASCO's decisions.
		Efficiency and cost effectiveness	33. Extent to which NASCO is managing human and financial resources effectively, including those of its Secretariat, in order to support NASCO's objectives and to ensure continuity of operations; 34. Assess the efficiency, cost effectiveness and governance processes of NASCO including its Secretariat, and its associated bodies; and 35. Extent to which the schedule and organization of the meetings could be improved.