

***Question and Answer Session held during the  
External Performance Review Special Session***

The presentation is available here: [Presentation from the Chair of the Third Performance Review Panel](#)

**Verbal Statement given by Paul Knight on behalf of the NGOs**

Firstly, the NGOs would like to thank the three members of the Review Panel for their in-depth work and reporting, and especially for the 46 recommendations they make for NASCO's evolution in support of wild Atlantic salmon conservation.

One of my predecessors as NGO Chair, Chris Poupard, once said to me that he started every NASCO meeting in a state of high anticipation that this would be the year when Council took some concrete decisions that would better protect and conserve wild salmon. At the end of each successive NASCO meeting, he was left in despair that yet another year had gone by and nothing meaningful had been achieved – outside of limiting the fisheries at Greenland and the Faroe Islands, the one issue with which NASCO has had some success and can offer itself a modicum of congratulation. However, the sacrifices made by Greenland and the Faroe Islands have certainly not been reciprocated by sufficient meaningful action in other jurisdictions, and this must rapidly change.

NASCO is a wild salmon conservation organization but one issue which the NGOs believe was not fully covered by the EPR Group is this lack of commitment from the Parties to deliver the Organization's major conservation objective through delivery of NASCO's goals and international agreements. The EPR Group certainly says that NASCO can and must do better, but perhaps diplomacy stopped them short of commenting outright on the lack of political will in home governments to embrace policies that genuinely protect wild salmon from the many issues limiting their numbers across their north Atlantic range.

Wild salmon deserve so much more from this Organization than a lack of committed response to the 46 EPR recommendations. The reactions of Parties so far suggests that the easy recommendations will be acted upon, but the difficult ones will be kicked into the long grass. This cannot become just another NASCO box-ticking exercise – wild salmon can no longer afford that. My colleague, Steve Sutton, attended the Heads of Delegation meeting yesterday where these issues were discussed and, led by the President, he was impressed by the renewed enthusiasm for changing the way in which NASCO currently operates. However, NASCO must be held to account for a rapid process for change – and they will be by the NGOs and wider salmon world. Wild salmon need more than just fine words – this is a species in deep crisis, recognised by the public as the most iconic natural indicator of a pristine freshwater and oceanic environment, but wild salmon need direct action now if they are not to become extinct in many of their historic global habitats.

All too often in the past, the priority of NASCO Parties seems to be to make excuses for supporting activities that potentially impact salmon rather than protecting them, as NASCO's constitution demands. Whether it be salmon farming, bycatch, agricultural or point source pollution, hydro generation, or operations which cause barriers to migration, water scarcity or damage to freshwater habitats, these activities seem to get the bulk of NASCO Party support before any thought is given to conserving wild salmon. The EPR Report recognises many of these issues and NASCO's lack of addressing them, and after 40 years of existence, this should

be a matter of deep shame for this Organization. Thankfully, the President has now made it crystal clear that NASCO has to change the way it operates – the status quo should no longer be acceptable to anyone in this Organization.

The NGOs would go one stage further and say that if NASCO doesn't radically change its attitude towards wild salmon conservation, this Organization will cease to have any relevance to modern salmon conservation and will gradually die. In many cases, the wider salmon world already ignores anything that NASCO says, writes or does – to them, this Organization is already an irrelevance. That thought might appeal to some of you, but it does precious little to conserve wild salmon which, I repeat, is the primary objective of this Organization. If you are not prepared to work for that conservation target, you shouldn't be here at all. Wild salmon don't need your excuses, they need positive action, and in its present mode of operation NASCO is plainly failing to action anything meaningful beyond fisheries management decisions affecting Greenland and the Faroe Islands. Plenty of good words are written in NASCO's goals and international agreements, but they seldom turn into actions that benefit wild salmon and that should be a matter of deep concern within this room. Fine words must now turn into direct action, and we will hold the Parties to account for the speed with which they adopt their new commitment to conserving the species, as NASCO's Convention requires.

The NGOs quite understand the point made recently by the Norwegian Head of Delegation that political decisions get in the way of what is agreed at NASCO. However, we see all too often that rather than fight to embed NASCO's international agreements into home government policies, Heads of Delegation come here in defensive mode and, all the while, wild salmon continue on their crisis path. On one occasion, I mentioned NASCO to a former fisheries minister and although he vaguely knew about the Organization, he had little idea of what it did or stood for. NASCO's international goals had obviously not crossed his desk, and we strongly suspect this is being replicated in other jurisdictions.

This must change and so the NGOs suggest you look seriously at EPR recommendation 46 and organize ministerial meetings – perhaps two in each IP cycle; one to explain IPs at the beginning of the cycle and one as a mid-term report – so we know for certain that NASCO's primary conservation objective and its international goals have reached political decision makers. It is essential that our politicians understand the issues currently impacting wild salmon if we are to make any meaningful headway in conserving the species into the future. And along similar lines, the NGOs would repeat our earlier suggestion that the EPR group should be asked to report on NASCO's response to their 46 recommendations – perhaps in three years to act as referees as to how much fine talk has been turned into action!

So, Mr President, the EPR Report and recommendations offer NASCO Council one last chance to live up to this Organization's Convention and start delivering concrete actions to benefit wild salmon. The NGOs completely support your call for greater action, but we would go further and say that this is NASCO's last chance to be seen as a decisive force for good in wild salmon conservation. The reports from your Head of Delegation meeting yesterday are encouraging, but if you do not take this opportunity, or the Parties merely agree to action the easy options and continue to ignore the more difficult issues, then we see little point in NASCO's continued existence. The NGOs will gradually melt away and the wider salmon world will completely ignore what goes on within this Organization, continuing their conservation work in spite of NASCO, not because the Parties offer any meaningful assistance in protecting wild Atlantic salmon populations.

It is now up to NASCO Parties, Mr President, to adopt a rapid process of change – but as far as the wider salmon world is concerned, the clock is already ticking – fast!

**Arnaud Peyronnet (President):** thank you Paul and thank you to the NGOs for their very frank, very honest statement. I'd just like to say that while I share the view that yes, perhaps NASCO did not deliver on certain aspects I think it is important to underline that Parties and, in particular, the people who are here representing the Parties today, are working very hard, and have always been working hard, towards improving the status of salmon and we have some very positive results. One can only wonder, if it wasn't for that work, where we would be. It would be even worse. I am now going to open the floor for questions.

**Todd Broomfield (Canada):** thank you, Mr Chair. Todd Broomfield, Nunatsiavut Government. I'd just like to highlight that, in Northern Labrador, we are bucking the trend, if you're wanting to call it that. We have lots of salmon rivers. Our salmon numbers are increasing. There's evidence from the one counting fence that is in Northern Labrador at English River that numbers are going up.

And what we see in our communities with traditional knowledge in our food fishery, people set nets primarily to catch char and trout, with salmon as a bycatch. And you move your net to try to avoid salmon and, wherever you move your net, there's salmon. So, we're not seeing the problems that are happening in the southern areas.

I don't know if there's any comfort in that, but I just wanted to highlight that, in Labrador in particular, we have lots of rivers that produce salmon, and the numbers have been increasing over the past number of years. So, it's a good news story, I guess, in a bigger picture with lots of bad news.

**Arnaud Peyronnet (President):** thank you for that. Anyone else? Raoul, please.

**Raoul Bierach (Norway):** thank you and thank you for your really good presentation wrapping up the extensive report. I think your findings and your analysis of what went well, and not, and why are correct. At least, I share these views.

But I was wondering, in your experience, because I'm not in other international organizations, what are the important or the most important conditions prior to launch something like a Convention change, or even what you suggested as an alternative, in order to succeed? What do you think has to be the launching point for when it's the time right to do that, and which conditions should be in place in order to succeed, actually to achieve what you want? Thank you.

**Erik Molenaar (Chair of the External Performance Review Panel):** Thank you, Raoul, and thank you, also, for your co-operation throughout the process. So, for Convention change and also the agreed interpretations, there is a need for consensus there, all the NASCO Parties would have to agree on this. So, in each individual NASCO Party, I think there has to be political support that something has to be done on these non-fisheries issues.

And so, one way, as a lawyer, you automatically reach for a mandate to adopt legally binding instruments. I realise that this is special because most of these impacts occur either on territory or in waters that are part of a state's territory. So, there is a concern about restrictions on sovereignty – the domestic arena. But, in itself, that doesn't really stop states from doing that.

So, basically, states are sovereign, but they are happy or they are able to transfer some of that sovereignty to inter-governmental organizations. Of course, the European Union is one example of that. So, it's a voluntary step to accept restrictions on your sovereignty.

Another step, a step you would be pioneering in international law, would basically give an international organization the power to have real teeth on something that happens in your territory. But that is probably the only way in which this will succeed, or perhaps you, in the room, have different ideas.

So, restrictions on sovereignty are often necessary to make progress on issues that are transboundary or where all parties contribute to a problem. So, it has to be transformed from contributing to a problem to contributing to a solution. Thank you.

**Arnaud Peyronnet (President):** thank you, Erik. Yes, this question is really going at the heart of it, isn't it? And I don't know if some of the other Parties want to intervene on this. This has been a key challenge for NASCO, without a doubt.

**Steve Sutton (Atlantic Salmon Federation):** Steve Sutton, NGO Co-Chair. Just to follow up on Raoul's question, could you speak a bit more about what an agreed interpretation is and give us an example of how that might work as an alternative to a Convention change?

**Erik Molenaar (Chair of the External Performance Review Panel):** that's a really detailed question, but I think, in the NASCO Handbook of Basic Texts, there are footnotes in the text on provisions in the Convention on which these Parties have agreed to maybe deviate a little bit or to operationalise or apply this provision in special circumstances. So, it's an alternative for Convention change.

For instance, if you look at the Law of the Sea Convention, which I'm most familiar with, it has a very elaborate procedure for Convention amendment which has never been used because it's really too difficult. And so, what Parties have decided is to adopt Implementation Agreements, so that's the Deep Seabed Mining Agreement, the Fish Stocks Agreement and, now, the newest, the BBNJ (Biodiversity beyond National Jurisdiction) Agreement. So, states can find a way around this if they agree to do that. So, obviously, you need consensus.

Another example that I'm familiar with is the North-East Atlantic Fisheries Commission. So, the shift from targeted fishing to, let's say, impacts on bycatch species, that started to shift around the early 2000s, and they have had a Convention with an objective that's very focused on targeted fishing. They decided, okay, this is not sufficient, and they immediately adopted some measures without changing the Convention. At the same time, they also started to work on Convention change.

So, the key message is really that you are the States party to this Organization and, if you want to do something, you can do this, and you will find a way.

**Arnaud Peyronnet (President):** thank you, Erik, and thank you, Steve, for the question.

**Alexander Kinninmonth (United Kingdom):** just following on from that and notwithstanding NASCO's uniqueness, I wondered if you could give some other examples of similar organizations where legally binding instruments apply. Just in your answer to the question from Norway, you described that we could be pioneering. Is that the case? Would that be quite a precedent-setting move?

**Erik Molenaar (Chair of the External Performance Review Panel):** I'm sure there are many precedent-setting or, basically, many pioneering activities. So, I'm most familiar with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) on the Antarctic. So, they have a precautionary approach, an *avant la lettre* in the treaty, and as the ecosystem approach to fisheries management, an *avant la lettre*.

The CCAMLR Convention was adopted, I think, at the same time as the NASCO Convention, so early maybe 1980 entered into force. CCAMLR has been a pioneer in implementing and operationalising the Convention, and that has become the norm in many RMFOs. And, actually, at the moment, there's so many problems in CCAMLR that some RMFOs are actually more progressive. So, it is possible.

I was just telling Arnaud that I'm also involved in the Central Arctic Ocean Fisheries

Agreement in which the participation of Indigenous peoples is very prominent, and this is certainly a new development in international law. And so, with the adoption of this Central Arctic Ocean Fisheries Agreement, and many of the Parties here today are also Parties to that treaty, they took a new step that pioneered in international law by acknowledging the role of Indigenous, local knowledge and the ability of Indigenous peoples to participate in meetings of the Central Arctic Ocean Fisheries Agreement.

So, I think, again, there are many examples. And the process is then, often, that, in international fisheries law, the regional bodies, they are the key institutions. And they basically develop new practice that creates a minimum standard, and then the minimum standard is elevated to the global level. So, the Fish Stocks Agreement incorporates a lot of the pioneering practice of the leading RMFOs. So, it's up to you to take a step and look at other pioneering steps in other regions around the world.

**Arnaud Peyronnet (President):** thank you, Erik. So, I guess we can summarise this as saying, when there is a will, there's a way. We also can get inspiration from other RMFOs or organizations. I don't necessarily want to move on from that topic. I think it's a very important one.

**Niall Greene (Salmon Watch Ireland):** hello. I'm Niall Greene of Salmon Watch Ireland, an NGO. I don't have a question, Chairman, but, with your permission, I'd like to make a few comments over which hang some very large questions.

We're meeting in a year where, in Ireland and Britain, both returns of multi-sea-winter fish and one-sea-winter fish are at unprecedented low levels and well below even pessimistic trend forecasts. If this was maintained for the rest of the year, and it may not be if we get plenty of rain, the current levels of return would have a catastrophic impact on 2023 production, which will carry over into subsequent years.

The three members of the Panel deserve our thanks for their very thorough report and for the effort that went into producing it in a relatively short time. One does not have to agree with all of their assessments and conclusions to acknowledge that they have written a deeply thought-provoking piece of work and a thorough piece of work and that they deserve our honest and serious consideration and implementation.

As Paul Knight has already said, the report and its recommendations present a major challenge for NASCO and its Parties. The nature and depth of the recommendations are such that they do not fit neatly into a narrow, siloed approach to the mission of NASCO and its constituent jurisdictions.

Unfortunately, the results of the initial considerations of the EPR recommendations by the Heads of Delegation, and as reported in one of the NASCO papers, are so tentative and defensive that it makes one worry about whether they can make any progress. But I understand that a more positive assessment is now beginning to emerge, and we welcome that.

The recommendations demand, in many instances, an ecosystem-based approach to the protection and conservation of the species and one that goes beyond the tightly bound constraints of national, ministerial, and departmental demarcations.

In his presentation, Erik listed three reasons as to why NASCO may have been, or was unsuccessful in going beyond, fishery issues. I would add a fourth, which is the very vertical way in which government departments and its agencies are organized in respect of their responsibilities and the general inability, sometimes unwillingness, of governments in all jurisdictions to work horizontally. And that, I think, is a major problem which faces the NASCO jurisdictions.

The report lays out most of the demands that must be made, not just on NASCO, but especially on our national jurisdictions so that the wild salmon has some chance of survival, even at the current battered population levels. The Panel has produced many entirely workable components to answer the question what is to be done.

The first thing that has to be done is we have to raise the capability of our freshwater systems to produce more stronger and healthier smolts. In that regard, the Panel recommends the development of salmon habitat and restoration plans on an individual river system and to embed them in the IP / APR process. That is good stuff if the plans lead to action, but many cannot be actioned within the narrow mandate of many government departments and agencies concerned with salmon. It will require missionary work and not a little passion to get some plans to execution.

Secondly, we have to deal with direct human interventions in the life cycle of the salmon. Principal among these are salmon farming, bycatch, and levels of exploitation. The massive negative effect of salmon farming doesn't need to be rehearsed any further here, but, in the case of bycatch, the attention given to it by the panel of experts is welcome. Salmon Watch became involved with this question in respect of the blue whiting fishery in 2016 and, with the support of the EU delegation, had the issue raised in the request to ICES that year. ICES responded in 2017 to the effect that the Faroese and Norwegian authorities had no evidence of such bycatch but that 'uncertainties remain'. In the six years since then, the uncertainties have become more concrete and, in the 2023 report to NASCO, ICES, as we know, recommends a number of measures to investigate the matter further, including the adoption of a PIT tag programme on a North Atlantic-wide scale to investigate the issue. That may involve embarrassing problems for some jurisdictions in relation to their pelagic fisheries, but it chimes with the Panel's recommendation that NASCO, 'operationalise the precautionary approach for the bycatch of salmon in other fisheries'.

Finally, in relation to human interventions, the Panel recommends that we evaluate if more conservative, i.e. higher, SERs and CLs are needed to stop or revert the declining trends in PFAs. That can be done at a national level now and does not need to await NASCO reaching a consensus on it.

Against that background of so much work to be done, we welcome the recommendations for improving NASCO's effectiveness by the Panel, especially those in relation to seeking ways to adopt legally binding instruments for non-fishery issues and the occasional addition of ministerial involvement in NASCO deliberations.

Some years ago, I worked for a number of years as a political advisor to a minister in the Irish Government, and I well know the antipathy and sometimes well-placed antipathy that civil servants have for getting ministers involved in things that they're not currently involved in. But you can take a positive view of it as well, that if you can turn ministers into champions for salmon conservation, then it's a powerful instrument in government, and it is a layer of involvement that perhaps the NGOs should themselves be taking more interest in bringing about.

These are some highlights of the Panel's work from our point of view. With our fellow NGOs, we will be diligent in pursuing the re-implementation, both within NASCO and in our home jurisdictions. Thank you for your time, Mr President.

**Arnaud Peyronnet (President):** thank you very much, Niall, and I think they are very pertinent comments. I particularly relate to what you said at the end of your intervention there. I think we will need political will, and we will need to have people convinced that we need to act. That's something we're also working on with the Parties at the moment.

I think it's important also to mention that we, at the moment, are having those discussions. The Heads of Delegation are thinking hard about how to address the various recommendations, and they will address some of your concerns. I'm thinking, in terms of habitat, for instance, and those issues, this is something that is also being considered.

We will come back later in the week as to what type of decisions are going to be taken, and we are not there yet, but I am reasonably optimistic that we will have something that will be ambitious enough for the challenge we are currently facing.

**Paul Knight (Wildfish):** Mr President, I've got a statement from Nigel Milner of the Institute of Fisheries Management. He says this constructive, well-argued review covers most of the points in the Institute of Fisheries Management consultation response, and we're glad that it was commissioned and delivered. So, well done, Erik.

First, we recognise and praise the amazingly effective management of salmon marine fisheries that Parties have delivered by their collaborative efforts through NASCO. However, without detracting from that, it is true that those fisheries are not now the major problem behind the accelerating decline of salmon in many regions. The central theme in the IFM response was that, to cover the full range of risks to salmon, NASCO's Parties and jurisdictions should adopt a more proactive, effective approach to the evaluation and resolution of pressures on salmon in home waters, particularly, but not exclusively, in fresh water. This message is repeated throughout the EPR report.

We do not here list many pressures, but most lie in the major categories of: (1) connectivity to complete life cycles in; (2) river catchment environment quality and flow regimes affecting outputs indexed by the abundance and quality of smolts; and (3) anthropogenic pressures on smolts in transitional and coastal waters.

The management of non-fisheries pressures looks in disarray for four main reasons. (1) shortage of good juvenile assessment data measured to a high scientific standard and ordered in such a way (GIS-based mapping of habitat and biota) as to usefully inform on priorities and intensity of pressures and, ultimately, the benefits of measures. (2) complementing (1), is the constraint of still-limited understanding of how freshwater and marine pressures integrate across the life cycle. We see that significant progress is now being made by LSF and LC modelling initiatives by, or associated with, ICES. (3) weak, poorly-supported infrastructure to deliver effective measures and (4) apparent lack of application by governments for home water salmon conservation and lack of clarity in how they see and rank the problems facing them.

The EPR makes recommendations on all these, intended to improve the underpinning science and make more effective the existing Resolutions, Agreements, and Guidelines. For example,

- habitat restoration and protection plans based on GIS mapping and national salmon standing management committees to oversee them;
- derivation and accuracy of conservation limits, other BRPs and related assessments. These would be greatly aided by the habitat and LC modelling recommendations;
- bycatch, a coastal and high-seas topic raised by the NGOs in 2022;
- climate change and ecosystem effects, and
- raising the policy profile and decision level of the salmon problem through ministerial engagement, initiating an outreach strategy, and raising public awareness.

That very much supports what we were saying earlier. Nigel's concluding point is several recommendations that are repeats from previous EPRs, but many are new (conservation limits, HRPP, climate and structural) because salmon and their ecosystems face long-standing and

new, increasingly intense pressures. We emphasise that many of the recommendations are complementary and synergistic. Such that they are fully effective, they must be enacted together. Therefore, we urge Council not to pick just the easy ones but to think creatively and embrace with determination all of them on the salmon's behalf.

**Arnaud Peyronnet (President):** thank you, Paul, and thank you to Nigel. And, yes, we have already gone through some of those elements, and I think, as I said, there are discussions at the moment on those aspects.

**Katrine Kærgaard (Denmark (in respect of the Faroe Islands and Greenland)):** I want to thank the Panel for your work and very important recommendations. Thank you very much. I also want to thank the NGOs for your intervention. Thank you very much.

We are very pleased with the conclusion that NASCO needs to focus on other things than fisheries, the other stressors, the other threats there are to wild Atlantic salmon. It's something that our delegation has been saying and pushing for for years, so we're very pleased that others seem to begin to come to that conclusion as well. I think the result of this EPR is really our opportunity in NASCO to have a good, hard look at what we do, and how we can do it even better, and how we need to focus on the most important threats.

So, my question to you, Erik, is, if NASCO is going to make a strategy on the most important things that we can do for the next five to ten years, which would have the biggest impact on the conservation of salmon? Having worked through this report, what is your and the Panel's input to that? What could be the most important things that we could do that would have the greatest impact on the conservation of salmon in the coming years? Thank you.

**Erik Molenaar (Chair of the External Performance Review Panel):** I actually hoped that I had already addressed that, Katrine. I'm a lawyer, I don't have a good idea on attributing the impact, but I understand that also the scientists really don't know what the impacts are. So, in my presentation, I linked this to the precautionary approach. In the absence of complete scientific certainty, and if there are indications of serious impacts and, in particular, irreversible impacts, States are required to take precautionary measures. It seems to me that this is really a classic scenario where you have to be very cautious, even if you don't really know how serious the problems are. And so, this is why the precautionary approach was developed, and this is not just a matter of fisheries management. Of course, the precautionary approach was included in the Rio Declaration of 1992. The Fish Stocks Agreement operationalises the precautionary approach to fisheries management, but NASCO does much more. So, it's basically a precautionary approach to salmon conservation, and so you have to look at all the relevant aspects. That's what I tried to capture or we tried to capture with the notion of holistic approaches.

**Arnaud Peyronnet (President):** thank you, Erik. Yes, the precautionary approach, and I think, in the context of climate change as well, we see something that resonates with all managers, how do we go about incorporating that into our day-to-day actions.

**Bénédicte Valadou (European Union):** I'm Bénédicte Valadou from France, EU. So, my question is whether it is possible for NASCO to have regular meetings with administrations such as the EU, because the EU is working on such big issues as nature restoration and conservation. NASCO could be there at the first consultation. For me, it's very important that NASCO could be involved in that way. I think it's the same in EU, in America, in Canada and in Russia.

**Arnaud Peyronnet (President):** thank you, Bénédicte. I won't comment on the process in the European Union. Maybe our colleagues from the EU might at some stage. Yes, this is about NASCO being heard, and we are also talking about this with the Heads of Delegation, to make



sure that those issues are being heard by the decision makers.

Yes, you're right. At the moment there's a process, a nature restoration law, and that seems to be really ambitious. And we need to try not only to be heard but to make some coherence there with initiatives like this and to walk closer with people when, one day, they look at developing these types of laws. It's far reaching and, yes, it's very relevant, I think. Your intervention makes sense. Now, it's all how do we do this? I'm not sure at the moment we are equipped to do this, and we will have to think carefully on how this can be done.

**Dave Meerburg (Atlantic Salmon Federation):** hello. I'm Dave Meerburg with the Atlantic Salmon Federation, one of the NGOs here. I've been involved in the NASCO process actually since year one, so I've attended most of the 40 years of meetings, and part of that time was as a Department of Fisheries and Oceans Canadian representative biologist and, more lately, as an NGO. So, I'd like to comment on the procedure, and the process, and the Review Panel's work. I congratulate them on a very comprehensive report. I really couldn't find many recommendations that I would disagree with. I would encourage the Parties to look at them very carefully and take them up on that.

But what I would like to comment on here is to follow up on a few statements about ministerial involvement. When I was with the Department of Fisheries and Oceans, I know we used to have regular meetings of something called the Atlantic Council of Fisheries Ministers. Occasionally, we would get Atlantic salmon on the agenda for those fisheries ministers when they met around the North Atlantic. So, my question, and maybe this is something that Erik's not aware of but the Parties could respond, is does that Council of Fisheries Ministers still meet regularly? Is there any opportunity to have a more focused approach on one of their meetings on NASCO and the issues with Atlantic salmon around the North Atlantic? I know the issue in the past was always that the Atlantic Council of Fisheries Ministers deal primarily with fisheries and ministers themselves may not have the capability to discuss issues if, say, for example, some of them were aquaculture or habitat for salmon. But I think, if they had such a meeting and perhaps the President came and talked about the issue, I think that other ministers from each of the Parties or each of the countries involved in that process could be involved. That would have capability of doing something in the future on some of these issues other than just the fisheries. So, the question is does that Council of Fisheries Ministers still meet, and do they ever talk about salmon?

**Arnaud Peyronnet (President):** thank you, Dave. To my knowledge, it's not the case, but I don't know. Maybe the Parties have more information on this. I don't think this is the case anymore. So, yes, for me, a missed opportunity there.

**Raoul Bierach (Norway):** We've put into place, in order to achieve some of the things you were talking about, the IP process. We have had that now for quite a few years. When the Panel had a look at that, do you think it has achieved anything? Do you think it's a positive cost benefit, because we have really used a lot of energy on it? Is it worth doing? And did you have some sort of input, some thoughts, reflections, about how we could make it more effective? You have said a bit about it in the report, but please elaborate because it's a very important element. We have to think about that very carefully, and how we continue with this process.

**Arnaud Peyronnet (President):** thank you, Raoul. A very good question, especially since this is on our agenda this year. We have to think about the possibility to have a fourth reporting cycle, what it would look like, but, also, a bit of a provocative question. Has it delivered, has it done anything? I think it's good to ask that question. Erik, please.

**Erik Molenaar (Chair of the External Performance Review Panel):** yes, thank you for that question, which is a very difficult one. I think the report could have done a bit better on this

aspect. I guess we had a lot on our plate, and so we did not focus sufficient attention on this. So, Philip had a look at a lot of these documents and the information. There is just so much, and we had so little time, so it's very difficult to come up with credible conclusions in such a short timeframe for people who are completely new to this process.

I think we noticed that only one or two of the Parties or jurisdictions had an adequate assessment of the most recent Annual Progress Reports. That's more or less correct, and I think we used that as an indicator of the fact that this is not performing well. We don't really know how this can be strengthened. The key issue is a non-fisheries issues, and there is no legally binding mandate for this, so I assume that NASCO Parties do not take this as seriously as they should and that was the power for a recommendation. But I hope that you maybe have alternative ideas.

**Arnaud Peyronnet (President):** thank you, Erik, and maybe a slight addition here. If we don't have a positive assessment of the APR, this will not necessarily be because the process is not working. The process itself of IP / APR, is really valued by the Parties, by the NGOs, because it puts the spotlight on certain issues and also the work of the Parties. When we get a negative assessment, in my mind, the process is working. So, this is an important process, I think.

**Ken Whelan (Atlantic Salmon Trust):** First of all, to say how sorry I am that I'm not with you all there in person. My first NASCO meeting was indeed in the Miramichi area, so it would've been nice to go back again. Secondly, just to congratulate the authors on what I think is an extremely valuable and challenging report.

I have one concern, and my concern is that in terms of trying to get to grips with the very important recommendations that Erik made earlier, the legal recommendations, the very difficult process that may be involved in terms of trying to make at least some of our recommendations mandatory. And I don't think we have that time.

To give you an example, my colleagues from Inland Fisheries Ireland issued a very timely warning this weekend. Imagine a warning in relation to warm water in Ireland in June. That says it all. There's no time here in terms of making progress on these things. So, I was thinking about what the Parties could bring back to their colleagues that are involved in other departments that could make this process work in a more timely fashion.

I think, probably, the most important aspects of NASCO to date are in relation to the targets that we manage to set. Some of these targets, a lot of these targets, may not have been implemented, particularly the ones in relation to aquaculture, but going back to the precautionary approach, looking at aquaculture, looking at habitat, looking, for example, at catch and release, looking at the very good recommendations in terms of PFAs, looking at the recommendations in the report in terms of conservation levels, they're all screaming to be reviewed.

I really feel very strongly that, in parallel with the process that might be taken forward legally, that it is time now to review these in the context of climate change. My comments may very well span both of our Special Sessions because the two things are so integrated. I really do feel that, in the context of some of these targets, NASCO needs to review them in a very timely way. In the discussions that will go forward, I think it is really useful when you're speaking to ministers. When you're speaking to ministers, when you're speaking to people in the Department of Agriculture, they want to know what are the targets that we have to meet. So, certainly, I think that the Parties can bring back targets.

They may not be able to implement those targets for the moment themselves, but I think that element of our work, and it was outlined several times by Erik when he commented on the precautionary approach, is important. What do we mean at the moment in terms of

precautionary approach? Are our words that we have written down adequate? I feel that we really should be looking at a process, a very timely process, that will give us revised targets against which we're going to actually judge our performance reviews, against which we're going to judge then our success in terms of stemming the loss of the Atlantic salmon.

**Arnaud Peyronnet (President):** thank you very much, Ken, and I share the view that we don't have the time. You're right. We started to work with the Heads of Delegation back at the start of February on the draft recommendations. We met, also, at the end of April. We've met for the last two days, and what we are very much looking at is a process for things to happen and to happen quickly.

Now, your point on the targets is very valuable, and there's also thinking going on about how do we make those things more quantitative, so that we have something to report. So that we can tell the managers but also the people about the status of salmon and what we achieve. So, yes, what you said there is going to be of great interest to the Parties.

**Ben Wilson (United Kingdom):** Ben Wilson, Natural Resources Wales. The country, not the animal. The very first question, for you, Erik, was around what are the conditions for success? How is this going to work? What's the key to this working well? I want to turn that on its head and ask the question, if in, say, five years' time, come the next EPR, we look back and we go, this didn't work, we weren't successful in implementing these recommendations, we weren't successful in making a difference, why might that be? A pre-disastering question. If this goes wrong, what would be the causes of that?

**Erik Molenaar (Chair of the External Performance Review Panel):** I think I tried to explain that by these three factors, during my presentation, which relates to the mandate, the complexity, and a cost of measures to address the impacts. It's easier to deal with targeted salmon fishing than with the very complex, multi-source stressors, agriculture, aquaculture, river-based transport, hydroelectricity and the impacts of taking measures to address certain activities. There is also a disbalance. So, if you shut down a fishery, the socioeconomic interests are quite limited compared to if you prohibit shipping on the Rhine. So, I think those are the reasons, and Niall mentioned the structure or the composition of national delegations here, in NASCO. So, it's quite likely that, on the delegation of NASCO Parties, there are no representatives of all the relevant ministries involved, and I think that's a very good point.

So, that means that there is probably insufficient co-operation and co-ordination domestically and, therefore, implementation of what is agreed here will be more difficult. But maybe I overlook something, maybe a factor, or if there are delegations that don't agree with this.

**Arnaud Peyronnet (President):** thank you, Erik. Yes, and just to clarify that closing fisheries can also be challenging and complex.

**Erik Molenaar (Chair of the External Performance Review Panel):** in France.

**Arnaud Peyronnet (President):** and we have seen that, also, in NASCO, not so long ago. I'm thinking of the northwest of Ireland where there was a fishery. It wasn't something easy, it has economic implications.

On the cost of the measures, I think it's also linked to what we discussed before about the need to raise salmon profile, salmon conservation. Because, suddenly, you're looking at a cost that may not be as high if you have all the elements and if you can put a value on salmon. That is something that I've shared with some colleagues. I think this is one way to do it. We need to be able to put a value on salmon stocks. At the moment, if you look at it just from the point of view of fisheries activities, recreational fisheries and even tourism, but there is also a strong social value for salmon. There's also a cost of losing those populations, a biodiversity cost, and

we have not been able to materialise, to really put to decision makers and to say, this is what you will lose.

**Erik Molenaar (Chair of the External Performance Review Panel):** yes. It appeared to me that whales, the species, is an interesting comparison. So, the international community has been able to give high priority to shutting down targeted, industrial, whaling. The main problem at the moment with whales is not whale harvesting, in my view. These are many other impacts on whales. So, there are comparisons. So, if the international community is able to, or the North Atlantic community is able to, put salmon conservation to a higher political level, it may be easier to get very difficult things done. And, in that sense, I think a comparison with whale conservation is appropriate.

**Arnaud Peyronnet (President):** thank you, Erik. So, anyone with a question or comment maybe triggered by the recent discussion there?

**Kim Blankenbeker (USA):** I work for the National Marine Fisheries Service in the International Trade and Commerce Office there. Erik, just to return for a second to the recommendation concerning the question of interpreting the Convention to take binding decisions on non-fisheries issues. It's a really interesting idea, very creative, and I was hoping to explore it a bit further. In your experience, how have other organizations reinterpreted their Conventions to confer binding management authority on them? That's not clearly specified in those Conventions.

I ask this because it seems that there could be a pretty substantial domestic legal risk within countries if they move forward in this way. What I mean by that is, when Parties ratify a convention, they do it based on their understanding of the legal obligations they're accepting. The process often involves not only the executive branches of a government, but their legislative branches as well for advice and consent, like we do in the US with our Senate. Then we usually develop or pass domestic laws through our legislative branches, under which we can implement binding decisions that are taken by an RFMO. Those statutes are generally tailored pretty closely to our understanding of the scope of the Convention. In fact, I think this is why most Conventions, in fact, all Conventions, have provisions in them that allow them to be amended if you find that they're not exactly fit for purpose anymore, or they're too old.

So, I'm wondering how interpretive approaches that have been made, in your experience, by other IGOs can be reconciled or address these legal issues and risks. Just to be clear, I'm not talking about the kinds of actions that NASCO may have taken to reinterpret its Convention or its Rules of Procedure with respect to who can serve as an officer in the Organization. Those kinds of things don't really imply the need to take regulatory action at home, and they don't bring, therefore, a legal risk that we'll do something that's outside the scope of our authority and then be sued and not be able to implement a binding decision that we agreed to internationally.

So, I hope that's clear and appreciate your background and experience as a lawyer. I was hopeful that you could just help us understand this creative idea that you've put on the table.

**Erik Molenaar (Chair of the External Performance Review Panel):** yes, Kim, thank you for your intervention. In my presentation, I also mentioned that we are aware that there are various hurdles. The text responds directly to your intervention. I guess, on the one side, I'm a lawyer, and, on the other side, I try to be creative, and this is really to help you. So, I have tried to come up with alternatives for Convention change.

One of the cases I'm familiar with is this action by the North East Atlantic Fisheries Commission, at the time, around 2004 or so, which dealt with the impact of deep-sea bottom fishing on deep water on cold-water corals. It was not a target fishery issue but an impact issue.

They did take action despite the fact that the objective of the NEAFC Convention did not provide for that.

So, I acknowledge that it may be difficult to do this. I just identified it as a possibility. If you decide, together, that this is not possible, that's of course totally correct. So, nothing in the report, as such, is binding on the NASCO Parties. We were trying to find solutions, and maybe that's too creative.

**Arnaud Peyronnet (President):** thank you, Erik, and thank you, Kim, also, for bringing that up. I have a small comment on this. I just think that, yes, we see this is really the elephant in the room in terms of our Convention, and the mandate of the Organization. I don't have a perfect solution there, or any solution for the time being. But I would just like to mention, to the Parties, that, very often, when an organization like NASCO doesn't find a way to deal with those issues, someone else does, and we lose control. I've seen that happening in the past in other organizations where some issues weren't looked at. It's only when someone else started to look at it, that we started to find ways. And the problem in this particular case is that we no longer have the time to wait for someone else to come with a solution for those particular problems.

I wanted to mention it because it's really important for all the Parties to take that into account and to go beyond those impediments and try to find ways to address those issues more proactively. Yes, it's not directly another mandate, yes, that brings legal uncertainty, but are there actions that we can find together that would lead to different ways to look at it and different solutions? That's also something we need to think about.

**Cathal Gallagher (European Union):** good afternoon, everyone. Just thinking about the mandatory nature of control of salmon, there's a good example in the EU already where we've handed over conservation legislative control of salmon through the EU directive, where we are obliged to take actions, develop management plans, report on conservation status. And whether, in the EU jurisdictions, that is something that would come back to the jurisdictions or if there is some way NASCO could be involved at the EU level under the Habitats Directive. I think it might be a little bit complex. So, I don't know, Erik, if you had any thoughts around that. I forgot to mention at the start, also, compliments on the report, and we found it very useful and thought-provoking. Thank you.

**Erik Molenaar (Chair of the External Performance Review Panel):** I don't really understand the question. Could you maybe repeat the essence of it? So, EU is, of course, a member of NASCO.

**Cathal Gallagher (European Union):** the EU is a member of NASCO, and jurisdictions inside the EU are obliged under the Habitats Directive to perform conservation tasks, conservation objectives. The Habitats Directive legislation is then handed back to individual jurisdictions who then have to implement measures. So, it's an example of individual jurisdictions handing the conservation powers over through the EU. So, I was just wondering then, if you were looking at it from an individual jurisdiction perspective, how would that work? We've already handed over powers to the EU, and then you would be handing over mandatory conservation efforts to an organization like NASCO as well. Is there any thought around that, or maybe your thoughts around how that is working, because that was the purpose of the Habitats Directive, to direct the conservation of salmon and other species. Thank you.

**Erik Molenaar (Chair of the External Performance Review Panel):** yes. So, the essence of what you're saying, is that for the EU, it would not really make a big difference. That's what you were saying, because EU member states already have to comply with a body of legally binding, overarching rules. It's an example of States agreeing voluntarily to transform some of

their competence to a super national body. The same thing would be for States that are Parties to NASCO but not to the EU.

It is an effort for States to solve problems that can be transboundary or that they contribute jointly to a problem and to make a joint effort to solve that problem by making international organizations stronger. Yes, I agree that this would be the way forward, and this is probably unusual because a lot of these non-fisheries issues are happening on territory.

That is something very sad in international governments, that we can sometimes agree on issues that take place on the high seas, for instance, through the BBNJ agreement, but we have to be honest that most of the pressing problems do not occur in areas beyond national jurisdiction. They occur on land and in areas within the national jurisdiction. States are often unwilling to make international organizations stronger to solve those problems, but this has to happen in one way or another.

**Arnaud Peyronnet (President):** thank you, Erik. Just a small clarification on that point because it's interesting to draw that parallel, but we also see some other constraints. That's because, when you deal with fisheries, the EU and the Commission also have exclusive competence but not in freshwater. Here, you have a body of legislation which is a Directive or several Directives, in fact, and they are environmental legislation, but it's up to the Party, in that case, the Member States, to decide how they implement them. So, I think it's a reflection of the challenges in pushing national authorities to give up on their right to decide how they manage things in order to do things. So, there's a parallel there, definitely.

**Katrine Kærgaard (Denmark (in respect of the Faroe Islands and Greenland)):** thank you. So, I just want to try to rephrase my question from before. You have 46 recommendations, and I think we can all be honest and say that we will not be able to implement all 46 recommendations at once. So, if we can pick, let's say, the top five that we'd need to do as fast as possible... We would need to prioritise them. From your point of view, what would be the top five that we need to do as soon as possible? Thank you.

**Erik Molenaar (Chair of the External Performance Review Panel):** that's really difficult, Katrine, because they're so wide ranging. I think the intervention made by Paul on someone else's intervention highlighted that there are a number of more scientific-oriented recommendations relating to conservation limits. Philip developed a lot of recommendations relating to aquaculture. That sounds like a high priority, to me.

I focused on different parts of the report. I tried to, in this presentation, bring everything together through the lens of the precautionary approach and that it's really all about the amount of risk that NASCO Parties are prepared to make for loss of biodiversity. So, it's a balancing of costs against conservation burdens.

**Steve Sutton (Atlantic Salmon Federation):** I'd like to bring the conversation back to whales. The animal, not the place. When you answered the question, at the end you talked about how political will can get things done, and I think that's a really important point. I think that recommendation about elevating salmon to a higher political level is probably one of the most important ones. Because we keep coming up against this idea that the political will is just not there to get things done, and to me, we need that political will. We need to really be building that political will. That's really important and building political will is not easy. It takes effort. It takes time. It's about more than just meeting a minister once or twice. That will take a strategy. It goes hand in hand with the other recommendation about NASCO taking a role in educating the public about the plight of salmon and what needs to be done. Because, if you want to build political will, you need to be educating the constituents, the people who make the decisions. So, to me, that goes hand in hand.

I think that's a really exciting new role for NASCO, and it's an area where the NGOs can play a really strong role as well. So, I'm really excited about that, and I'm very excited to understand that NASCO sees that as a new focus for the Organization as well.

I just wanted to make that point and bring it back to close that loop on the whales. That's a very good example of what you can do when you have the political will. Without that, with things like aquaculture, we're not going to get anywhere. So, that recommendation, to me, is very important, and it's something we need to put some attention to and figure out exactly what it is we're talking about when we're talking about elevating to a higher political level.

**Arnaud Peyronnet (President):** thank you very much, Steve. I couldn't agree more. I've said it to some other colleagues. Sometimes, the feeling we operate into a NASCO bubble, and nothing comes out of it. People outside of it don't have the understanding that we have of the problem, and the possible solution, and how we should get there. And it's back to what I was saying, nobody can hear us.

**Ben Wilson (United Kingdom):** I'm indebted to Nigel Milner, who published an evidence report for Natural Resources Wales which has highlighted the extinction risk for salmon in Wales on a number of our rivers. That has highlighted to members of Welsh Government, and not least the salmon species champion, that the plight of salmon rests not only on taking action for salmon but taking action to preserve our rivers. I am highlighting the point around the need for broad consensus and that our role, and NASCO's role, is around that advocacy piece about demonstrating the value of salmon, not just as an economic resource but as an emblem of the importance of the wider freshwater and marine environment as well. Maybe that's the thing we need to be quantifying or valuing just as much as salmon itself but the other benefits that accrue from healthy freshwater and marine ecosystems.

**Erik Molenaar (Chair of the External Performance Review Panel):** so, that's, in a sense, then, its role as an indicator species of a healthy environment. I agree.

**Barry Fulham (European Union):** I work for the Irish government. We have an International Union for Conservation of Nature (IUCN) list on threatened species in the world which looks at conservation status of species ranging from extinct, to threatened, to least concern. It sends out an absurd message that, on IUCN list for the Atlantic salmon, the species is classified as of least concern. Is there a way that NASCO, as an intergovernmental organization, could put pressure on a fellow intergovernmental organization, such as the IUCN, to review that classification so we can transmit a message to the world that the status of salmon is significantly threatened to focus that political will more acutely?

**Arnaud Peyronnet (President):** You're absolutely right, and that's the way the assessments are done, and we have seen some... excuse me for saying it, funny things coming from an IUCN list in the past because they are trying to apply a methodology which is fitting for most stocks, but, in some cases, it's not necessarily adapted. Here we talk about the species, but, when we talk population, and stocks, and that genetic value is lost when we lose a population, that's not reflected in the assessment by IUCN.

So, can NASCO engage with IUCN? That's a very good question. I personally think that we should most definitely try to argue for that point. We may have a number of populations still there, but, in some other cases, we're losing this population, and we're losing thousands of years of evolution, and there's no coming back. That's part of the advocacy. That's part, again, of trying to make people understand about salmon.

**Erik Molenaar (Chair of the External Performance Review Panel):** so, you're from Ireland? So, the Netherlands is a member of IUCN. Is Ireland a member of IUCN? A lot of the NASCO Parties are also members of IUCN and, therefore, have direct access to calling for

such a re-assessment of that status or looking at a different type of assessment for salmon.

**Paul Knight (Wildfish):** thanks, Mr President. My own organization, WildFish, that used to be Salmon and Trout Conservation, has commissioned IUCN over the last year to look at wild salmon populations, and they've reported, and we're about to come out with a press release. They have put Atlantic salmon in the UK on their red list. I believe the rest of the Northern Hemisphere is on their amber list. But we have done that work, and it cost an awful lot of money for a very small organization like ourselves.

But, certainly, the UK is on their red list and, hopefully, that'll help NASCO Parties and the wider salmon world to get more political pressure to protect the species. As we've all been saying, there are populations that are on the verge of extinction, and we just can't let that happen. So, hopefully, it's going to help, but that work has been done. Thank you.

**Arnaud Peyronnet (President):** thank you, Paul. Yes, and I recalled engaging before with IUCN on different issues, and it is true that they make you pay for the assessment.

**Alan Walker (United Kingdom):** I'd just like to note a point of clarification there, that the IUCN red list...the whole list is red, but being on the list doesn't mean anything in itself. A species or a stock can be on the list and be in a perfectly great state. The listing itself has different categories, like endangered, or critically endangered, or of least concern. So, just to say, having a species on the red list doesn't mean it's red, but I'm sure, Paul, in the press release, it'll explain the actual categorisation of the salmon. Thank you.

**Arnaud Peyronnet (President):** thank you. Just to recap, thanks to Erik Molenaar for being here today to present the outcome of the Performance Review and for answering all the questions. And thank you all for your questions. I think it was valuable. We see some interesting trends there in terms of the expectations. There seems to be some consensus for the need for NASCO to shift gear and to change its approach in terms of trying to bring salmon as a big conservation issue. We heard about educating people and to make sure also that we get to the point that politicians are going to rally behind the salmon cause. We also had a discussion on the current limits of the Convention. Something that has been discussed many times. How do we change that; how do we get around that? For me those are the main messages today. I should also add we operate now in a different system – climate change is really starting to materialise in a big way for salmon. We have been talking about climate change for twenty years but now we are really seeing the changes so this is going to be the crucial element to everything we decide to do. The precautionary approach as well. So, we will close the meeting. Thank you very much for your participation.