



Northwest Atlantic Fisheries Organization

P.O. Box 638 • Dartmouth • Nova Scotia • B2Y 3Y9 • Canada
Telephone (+1-902) 468-5590 • Fax (+1-902) 468-5538
Email: info@nafo.int • Website: www.nafo.int

In all correspondence,
please refer to:

NAFO/19-097

29 March 2019

Mr. Miguel de Serpa Soares
Under- Secretary-General for Legal Affairs
and United Nations Legal Counsel
Office of Legal Affairs
Division for Ocean Affairs and the Law of the Sea
Room No. DC2-0433A
New York, NY USA 10017
Email: doalos@un.org
amerim@un.org

Dear Mr. Miguel de Serpa Soares,

Subject: NAFO input to the UN on the topic entitled, "*Performance reviews of regional fisheries management organizations and arrangements.*"

Further to your correspondence of 28 December 2018, please find enclosed the **input of the Northwest Atlantic Fisheries Organization (NAFO)** on the topic entitled, "*Performance reviews of regional fisheries management organizations and arrangements.*"

Yours sincerely,

Fred Kingston
Executive Secretary

FK:ll

Enclosed: NAFO Response (03 pgs.)

**NAFO response to
"Performance reviews of regional fisheries management organizations and arrangements"**

At its 2017 Annual Meeting, the Northwest Atlantic Fisheries Organization (NAFO) agreed to launch its second Performance Review. The first Performance Review (PR1) took place in 2011. Since then, all 225 recommendations arising out of this PR1 have been implemented or addressed.

The second Performance Review of NAFO was comprehensive, addressing issues regarding conservation and management; compliance and enforcement; governance; science; international cooperation; and financial and administrative issues. It also assessed how NAFO has addressed the recommendations of its first Performance Review.

Once the Terms of Reference were agreed, and the decision to launch at the 2017 Annual Meeting of NAFO was made, the Performance Review began with the selection of panel members in October/November 2017. The Performance Review panel consisted of three external experts and three internal experts. The external experts were Bárbara Boechat de Almeida (legal framework of international fisheries instruments and organizations), Jane Willing (fisheries management and Coordinator of the Panel) and Poul Degnbol (fisheries science). The internal experts were James Baird (Canada), Maria Fuensanta Candela Castillo (EU) and Terje Løbach (Norway). The Panel's report and its 36 recommendations were presented and accepted at the Annual Meeting of NAFO in September 2018.

To follow up to the Performance Review Panel's 36 recommendations, Contracting Parties agreed to form a Working Group to develop an Action Plan to address each recommendation individually. This Working Group will designate those recommendations that should be addressed immediately, as well as establishing individual plans of action to address the remaining recommendations in the short, medium and long-term.

The Report and recommendations of NAFO's 2018 Performance Review can be found at this link:

<https://www.nafo.int/Portals/0/PDFs/Performance/NAFOPerformanceReviewPanelRpt2018.pdf>

The Report and recommendations of NAFO's first Performance Assessment Review in 2011 can be found at this link:

<https://www.nafo.int/Portals/0/PDFs/Performance/PAR-2011.pdf>

(i) the scope of performance reviews of regional fisheries management organizations and arrangements and the importance and role of such reviews for the implementation of the Agreement;

The scope of the 2018 NAFO Performance Review was determined by NAFO Contracting Parties (CPs), which formed a Working Group to develop the Performance Review's Terms of Reference.

As per the Terms of Reference for the NAFO Performance Review, the scope and objectives of the work to be carried out by the Review Panel were ([NAFO/COM Doc. 17-21](#)):

1. To evaluate **how NAFO has responded to the outcome of 2011 NAFO Performance Review** (PR 1), taking into consideration the work and practices of NAFO's bodies, subsidiary bodies and working groups to date, and also the implementation of the action plan resulting from the recommendations of the 2011 NAFO Performance Review.

2. To identify areas where improvements are needed to strengthen the organization in order to advance the objectives of the **NAFO Convention and the subsequent 2007 amendments**.
3. To assess the functioning and efficiency of all **NAFO bodies, subsidiary bodies and working groups**, taking into account, among other:
 - a. The cooperation between Commission and Scientific Council in the context of the joint COM-SC working groups.
 - b. The findings mentioned in the Fisheries Commission's paper on "Improving Efficiency of NAFO Working Group Process" (NAFO/FC Doc. 15-18).

Under the Terms of Reference this Performance Review was also comprehensive, requesting the Panel to look into issues regarding conservation and management; compliance and enforcement; governance; science; international cooperation; and financial and administrative issues.

In the course of the Performance Review itself, the Panel was clear it wished to undertake an open and inclusive process and for key NAFO participants to have an opportunity to provide input and help inform the review. The Panel worked on the basis of documentation, feedback from Contracting Parties and accredited observers, and interviews with NAFO officials. All Contracting Parties were invited to submit views, orally or in writing, for the Panel to consider. The NAFO officials were requested to present their views and information on achievements, challenges and options for progress in relation to recommendations stemming from the first PR1, as well as any other issues that might have arisen since the completion of the previous exercise.

(ii) the process and structure of performance reviews of regional fisheries management organizations and arrangements, including in relation to independent evaluation, participation, transparency, accountability and periodicity;

The second Performance Review was built upon PR1 including a comprehensive review of the first Performance Review. The Terms of Reference for the second Performance Review of NAFO outline the: scope and objectives; criteria; review panel composition; external experts; internal experts; administrations; work schedule and the report of the Review Panel; along with the criteria for reviewing the performance of NAFO (NAFO/COM Doc. 17-21).

As mentioned in section (i), the Performance Review Panel kept an open relationship with NAFO CPs, and stakeholders, and allowed opportunity for evaluation, participation, transparency, accountability and periodicity, throughout the process of the second Performance Review.

(iii) implementation of the recommendations of, and other follow-up to, performance reviews of regional fisheries management organizations and arrangements;

In response to PR1, a Working Group was established to determine which body of NAFO should address what recommendation. Once this was agreed, it was then agreed that each body would report back at each Annual Meeting on its progress in addressing each of the recommendations. Joint Working Groups of NAFO's Scientific Council and Fisheries Commission were also established to improve the science-policy interface within NAFO – a key recommendation of PR1. Since the launch of PR1, all recommendations have now been addressed.

Concerning this process, the second Performance Review Panel commented in its Report that:

“NAFO has ensured a regular review of progress implementing PR1 recommendations since its 35th Annual Meeting in 2013. At that time, Contracting Parties agreed that review and updates regarding the recommendations and their implementation would take place annually in the respective meetings of NAFO bodies. In terms of substantive decisions, records show a positive response from decision-making NAFO bodies to the recommendations made by the various WGs.”

NAFO’s Contracting Parties decided to launch NAFO’s second Performance Review in 2017, building upon the work and recommendations of PR1. PR1’s report and recommendations were considered and reviewed extensively by the Panel of NAFO’s second Performance Review. The second Review concluded with 36 recommendations, and Contracting Parties agreed at the 2018 NAFO Annual Meeting to form a Working Group to develop an Action Plan to address each recommendation individually. This Working Group will designate those recommendations that should be addressed immediately, as well as establishing individual plans of action to address the remaining recommendations in the short, medium and long-term, and will forward its recommendations to NAFO at the September 2019 NAFO Annual Meeting.

(iv) lessons learned and best practices from past performance reviews of regional fisheries management organizations and arrangements;

As mentioned above, the second Performance Review Panel discussed and analyzed the work and practices of the PR1. Chapter II of the Performance Review Report, the Panel summarized the work of PR1 and concluded that it is, *“satisfied that NAFO established a comprehensive and detailed process to address key recommendations from the first review of its performance.”*

(v) actions needed to further strengthen the effectiveness of the performance review process, including through capacity-building.

NAFO has the necessary competencies and capacity to coordinate an effective performance review process and support the Commission, Scientific Council and underlying subsidiary bodies that carry-out and implement the performance review process.