

Fourteenth round of Informal Consultations of States Parties to the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (ICSP-14)

“Structure and conduct of performance reviews: experiences, best practices, challenges and opportunities”

Presentation Structure

1. Presentation of my own experience:
 - Member of two performance reviews - IOTC and NAFO
 - both organizations were going through their second performance review
 - In both cases as an external member of the panel
 - Member of the Brazilian delegation to ICCAT from 2013 to 2017 - period in which the organization was preparing to hold its second performance review.

2. Comments on Internal vs External panelist:
 - Need for a careful balance
 - Importance of internal panelists:
 - i. know the real challenges and difficulties
 - ii. have institutional memory
 - Disadvantage of Internal Panelists:
 - i. might be too involved with their own policies
 - Good balance might be found through nominating people who have been involved in the past and now have some distance.
 - Importance of External panelists:
 - i. have no direct interest in the organization
 - ii. bring a fresh perspective
 - Disadvantage of External Panelists:
 - i. it takes a long time to understand the structures, issue, challenges
 - Best way to assure is to guarantee that both internal and external panelists are part of the whole process and work constantly together.

3. Need to update the criteria and choice of experts as circumstances evolve:
 - Tendency to use same criteria and same structure of panelists
 - More streamlined criteria, focusing on the real issues faced by the organization, are key - panels usually have a short time to meet and come to conclusions;
 - Too many criteria and issues to develop might lead to general conclusions applied across the board, which might not be useful;

4. Performance reviews are not a silver bullet:
 - Many times difficult issues are sent for panels to opine on, but no solution will truly be found unless parties are committed.