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NAFO Performance Review

I. Objective

The objective of the work to be carried out by the Review Panel shall be:

To assess the performance of NAFO since 1979 against the objectives set out in the NAFO Convention and other relevant international instruments addressing the conservation and management of marine living resources, with special emphasis on the period since 1995, duly noting the objectives reflected in the amendments to the Convention adopted by NAFO in 2007.

Consideration should be given to the developments in fisheries and ocean management that have taken place during the period covered by the review.

The review shall be performed on the basis of the criteria provided in the Annex and point to achievements as well as identify areas which could be improved.

II. Panel Composition

The Review Panel shall be composed as follows:

- External experts: Three external experts in fisheries management, fisheries science, and Law of the Sea matters, as proposed by FAO/ICES/UNDOALOS respectively, one of whom shall be the Chair of the Panel to be decided by the Panel. These experts shall not have participated in the work of NAFO, and shall not be a national of any NAFO Contracting Party.

- Internal experts: Canada, Denmark (in respect of Faroe Islands and Greenland), the European Union and the Russian Federation shall each nominate one panel member with experience and knowledge of NAFO. The names of experts should be forwarded to NAFO Secretariat by Contracting Parties selected as soon as possible and not later than 3 weeks after the NAFO Annual Meeting.

In addition the Chair of STACTIC shall act as a resource person to the Panel.

III. Administration

NAFO Executive Secretary shall contact ICES, FAO and UNDOALOS immediately after the Annual Meeting requesting nominees for the NAFO Performance Review Panel.

Meeting(s) of the Review Panel shall be held at the NAFO Headquarters in Dartmouth, NS, Canada.

The Secretariat shall provide administrative assistance to the Panel.

Contracting Parties shall pay for the participation of their respective representatives to meeting(s) of the Panel.

The travel costs of the external experts shall be reimbursed and they shall receive a per diem to cover their accommodation and subsistence costs. In addition the experts may receive a fee for the work undertaken.

IV. Report of the Review Panel

The report shall be provided to the NAFO Secretariat for distribution to its Contracting Parties at least 45 days before the 2011 Annual Meeting and subsequently made public on the NAFO website. The report shall be presented by the Chair of the Panel to that meeting.

Annex. Criteria for Reviewing the Performance of NAFO

<i>Area</i>	<i>General criteria</i>	<i>Detailed criteria</i>
<i>1. Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> • Status of marine living resources under the purview of NAFO. • Trends in the status of those resources. • Status of species that belong to the same ecosystems as, or are associated with or dependent upon, targeted marine living resources. • Trends in the status of those species.
	Ecosystem approach	<ul style="list-style-type: none"> • Extent to which NAFO decisions take account of and incorporate an ecosystem approach to fisheries management.
	Data collection and sharing	<ul style="list-style-type: none"> • Extent to which NAFO has agreed formats, specifications and timeframes for data submissions, taking into account Annex 1 of the 1995 UN Fish Stocks Agreement. • Extent to which NAFO Contracting Parties, individually or through NAFO, collect and share complete and accurate data concerning marine living resources and other relevant data in a timely manner, including analysis of trends in fishing activities over time. • Extent to which fishing and research data and fishing vessel and research vessel data are gathered by NAFO and shared among Contracting Parties. • Extent to which NAFO is addressing any gaps in the collection and sharing of data as required.
	Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which NAFO produces the best scientific advice relevant to the marine living resources under its purview, as well as to the effects of harvesting, research, conservation and associated activities, on the marine ecosystem.
	Adoption of conservation and management measures	<ul style="list-style-type: none"> • Extent to which NAFO has adopted measures based on the best scientific advice available to ensure the long-term conservation and sustainable use of marine living resources in the Convention Area. • Extent to which NAFO has applied a precautionary approach as set forth in Article 6 of the 1995 UN Fish Stocks Agreement, including the application of precautionary reference points. • Extent to which consistent/compatible management measures have been adopted as set out in Article 7 of the 1995 UN Fish Stocks Agreement. • Extent to which NAFO successfully allocates fishing opportunities consistent with the NAFO Convention and Article 11 of the 1995 UN Fish Stocks Agreement.

		<ul style="list-style-type: none"> • Extent to which NAFO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries. • Extent to which NAFO has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fishing activities and research on living marine resources and marine ecosystems. • Extent to which NAFO has adopted measures to minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target marine living resources, and impacts on associated or dependent species through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques. • Extent to which NAFO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks including guidance for stocks under moratoria.
	Capacity management	<ul style="list-style-type: none"> • Extent to which NAFO has identified fishing capacity levels commensurate with the conservation objectives of the NAFO Convention. • Extent to which NAFO has taken actions to prevent or eliminate excess fishing capacity and effort. • Extent to which NAFO monitors the levels of fishing effort, including taking into account annual notifications of participation by Contracting Parties.
<i>2. Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> • Extent to which NAFO Contracting Parties are fulfilling their duties as flag States under the NAFO Convention, pursuant to measures adopted by NAFO, and under other international instruments, including, inter alia, the 1982 Law of the Sea Convention, 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement, as applicable.
	Port State measures	<ul style="list-style-type: none"> • Extent to which NAFO has adopted measures relating to the exercise of the rights and duties of its Contracting 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 IUU Fishing. • Extent to which these measures are effectively implemented.
	Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> • Extent to which NAFO has adopted integrated MCS measures (e.g. required use of boarding and inspection schemes, VMS, observers, catch documentation and/or trade tracking schemes, and restrictions on transshipment).

		<ul style="list-style-type: none"> • Extent to which these measures are effectively implemented.
	Follow-up on infringements	<ul style="list-style-type: none"> • Extent to which NAFO and its Contracting Parties follow up on infringements to conservation and management measures.
	Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> • Extent to which NAFO has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g. compliance committees, vessel lists, sharing of information about non-compliance). • Extent to which these mechanisms are being effectively utilised.
	Market-related measures	<ul style="list-style-type: none"> • Extent to which NAFO has adopted measures relating to the exercise of the rights and duties of NAFO Contracting Parties as market States for marine living resources under the purview of NAFO. • Extent to which these measures are being effectively utilized.
<i>3. Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> • Efficiency of NAFO meetings in addressing critical issues in a timely and effective manner. • Extent to which NAFO 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	<ul style="list-style-type: none"> • Extent to which NAFO has established adequate mechanisms for resolving disputes.
<i>4. International cooperation</i>	Transparency	<ul style="list-style-type: none"> • Extent to which NAFO is operating in a transparent manner, taking into account Article 12 of the 1995 UN Fish Stocks Agreement. • Extent to which NAFO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.
	Relationship with non-Contracting Parties	<ul style="list-style-type: none"> • Extent to which non-Contracting Parties have undertaken fishing activities in the NAFO Regulatory Area. • Extent to which NAFO facilitates cooperation with non-Contracting Parties, including encouraging non-Contracting Parties to become Contracting Parties or to implement NAFO conservation and management measures voluntarily. • Extent to which NAFO provides for action in accordance with international law against non-Contracting Parties undermining the objective of the Convention, as well as measures to deter such activities.

	Cooperation with other international organisations	<ul style="list-style-type: none"> • Extent to which NAFO cooperates with Regional Fisheries Management Organizations and other international organisations.
	Special requirements of developing States	<ul style="list-style-type: none"> • Extent to which NAFO recognises the special needs of developing States and cooperates with developing States, taking into account Part VII of the 1995 UN Fish Stocks Agreement. • Extent to which NAFO Contracting Parties, individually or through the Commission, provide relevant assistance to developing States as reflected in Article 26 of UN Fish Stocks Agreement.
<i>5. Financial and administrative issues</i>	Availability of resources for activities	<ul style="list-style-type: none"> • Extent to which financial and other resources are made available to achieve the aims of NAFO and to implement NAFO's decisions.
	Efficiency and cost-effectiveness	<ul style="list-style-type: none"> • Extent to which NAFO is efficiently and effectively managing its human and financial resources, including those of the Secretariat. • Extent to which the schedule and organization of the meetings could be improved.