

SECTION VI
(pages 201 to 211)

Report of the GC Performance Assessment Working Group (PAWG)
26-27 April 2010
Halifax, Nova Scotia, Canada

Report of the PAWG	203
1. Opening	203
2. Appointment of Rapporteur	203
3. Adoption of Agenda.....	203
4. Terms of Reference for the performance assessment.....	203
5. Assessment Criteria	203
6. Panel Composition (including appointment procedure, numbers and chairperson).....	203
7. Budgetary and administrative considerations	203
8. Other Matters	203
9. Adoption of Report	204
10. Adjournment	204
Annex 1. List of Participants.....	205
Annex 2. Agenda.....	207
Annex 3. Terms of Reference of the NAFO Performance Review Panel	208
Annex 4. Criteria for Reviewing the Performance of NAFO.....	209

**Report of the GC Performance Assessment
Working Group (PAWG)**
(GC Doc. 10/1)

**26-27 April 2010
Halifax, N.S., Canada**

1. Opening

The meeting was opened by the Chair, Terje Lobach, Norway, at 1000 hrs on Monday, 26 April 2010 at the Prince George Hotel, in Halifax, NS, Canada. The Chair welcomed representatives from the following Contracting Parties to the meeting: Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), Norway, Russian Federation and the United States of America (USA) (Annex 1). The Secretariat was in attendance. Opening remarks were made by the Chair, Canada, EU and Denmark (in respect of the Faroe Islands and Greenland).

2. Appointment of Rapporteur

The Executive Secretary, Dr. Vladimir Shibanov, was appointed Rapporteur.

3. Adoption of Agenda

The provisional agenda was adopted without change. (Annex 2)

4. Terms of Reference for the performance assessment

The WG developed ToRs for the performance review which included the objective, assessment period, assessment criteria, panel composition, work schedule and reporting, as well as administrative issues. (Annex 3)

5. Assessment Criteria

The WG used assessment criteria developed by other RFMOs as a basis for their discussion and made adjustments for the NAFO context. The set of criteria agreed by the WG is found in Annex 4.

**6. Panel Composition (including appointment procedure,
numbers and chairperson)**

The WG agreed that the panel shall consist of external and internal experts, and that ICES, FAO and UNDOALOS shall be asked to nominate a scientist, a fisheries manager and a lawyer, respectively. Further, the WG agreed that the Chair/Vice-Chair of STACTIC shall be a panel member. The WG did not reach a conclusion concerning the selection of internal panel members and the possible invitation to an NGO to observe the work of the Panel.

7. Budgetary and Administrative Considerations

The WG recommends that within the NAFO budget of 2011 there should be a special item in the amount of \$100 000 Cdn to cover expenses of the assessment review process (external review panel members, printing, copying, meeting expenses, etc.). Any funds not incurred will be returned to the Accumulated Surplus.

It was agreed that the assessment review process be conducted in 2011 and the report made available to the NAFO Contracting Parties 45 days in advance of the 2011 Annual Meeting and presented to them by the Chair of the Review Panel at the 2011 Annual Meeting.

8. Other Matters

There were no other matters.

9. Adoption of Report

The report was circulated to participants and adopted by correspondence.

10. Adjournment

The meeting was adjourned on 27 April, 2010, 4:15 pm. The Chair thanked the participants for a successful meeting and thanked the Secretariat for their usual assistance.

Annex 1. List of Participants

PAWG Chair

Lobach, Terje, Senior Legal Adviser, Directorate of Fisheries, P. O. Box 2009 Nordnes, NO-5817 Bergen, Norway
Phone: +47 55 23 80 00 / 47 90 83 54 95 – Fax: +47 55 23 80 90 – E-mail: terje.lobach@fiskeridir.no

CANADA

Head of Delegation

Steinbock, Bob, Assistant Director, Straddling and Salmon Fish Stocks, International Affairs Directorate, Fisheries and Oceans Canada, 200 Kent St., Ottawa, ON K1A 0E6
Phone: +613 993 1836 – Fax: +613 993 5995 – E-mail: steinbob@dfo-mpo.gc.ca

Adviser

Gilchrist, Brett, Senior International Fisheries Advisor, International Fisheries Management Bureau, International Affairs Directorate, Fisheries and Oceans Canada, 200 Kent St., Ottawa, ON K1A 0E6
Phone: +1 613 991 0218 – Fax: +1 613 993 5995 – E-mail: brett.gilchrist@dfo-mpo.gc.ca

DENMARK (IN RESPECT OF THE FAROE ISLANDS AND GREENLAND)

Head of Delegation

Fuglholt, Rasmus, Head of Section, Greenland Self Rule, Agency of Fisheries, Hunting and Agriculture, Postbox 680, DK-3900 Nuuk, Greenland
Phone: +299 34 53 16 – Fax: +299 32 52 87 – E-mail: rafu@nanoq.gl

Alternate

Sanderson, Kate, Director, Department of Oceans and Environment, Ministry of Foreign Affairs, Tinganes, FO-110 Torshavn, Faroe Islands
Phone: + 298 30 61 37 – Fax: +298 30 61 05 - E-mail: kates@mfa.fo

EUROPEAN UNION

Head of Delegation

Kordecka, Aleksandra, International Relations Officer, International Affairs, Law of the Sea and Regional Fisheries Organizations, European Commission, Directorate-General for Maritime Affairs and Fisheries (DG MARE.B.1), 200 Rue de la Loi/Wetstraat, B-1049 Brussels, Belgium
Phone: +32 2 297 4070 – Fax: +32 2 295 5700 – E-mail: aleksandra.kordecka@ec.europa.eu

Advisers

Gray, Alan, International Relations Assistant, International and Regional Agreements, European Commission, Directorate General for Fisheries and Maritime Affairs (DG MARE.B.1), Rue Joseph II, 99, BE-1000 Brussels, Belgium

Phone: +32 2 299 0077 – Fax: +32 2 295 5700 – E-mail: alan.gray@ec.europa.eu

Mancebo Robledo, C. Margarita, Jefa de Area de Relaciones Pesqueras Internacionales, S. G. de Acuerdos y Organizaciones Regionales de Pesca, Direccion General de Recursos Pesqueros y Acuicultura, Secretaria General del Mar, C/Velázquez, 144, 28006 Madrid

Phone: +34 91 347 6129 – Fax: +34 91 347 6042 – E-mail: cmancebo@mapya.es

NORWAY**Head of Delegation**

Holst, Sigrun M., Deputy Director General, Ministry of Fisheries and Coastal Affairs, Dept. of Marine Resources and Coastal Management, P. O. Box 8118 Dep. NO-0032 Oslo
Phone: +47 22 24 65 76 – Fax: +47 22 24 95 85 – E-mail: sigrun.holst@fkd.dep.no

Advisers

Sira, Inger Helene, Higher Executive Officer, Ministry of Fisheries and Coastal Affairs, Dept. of Marine Resources and Coastal Management, P. O. Box 8118 Dep. NO-0032 Oslo
Phone: +47 22 24 64 68 – Fax: +47 22 24 95 85 – E-mail: ihs@fkd.dep.no
Ognedal, Hilde, Senior Adviser, Resource Management Dept., Directorate of Fisheries, P. O. Box 2009 Nordnes, NO-5817 Bergen
Phone: + 47 920 89 516 – Fax: +47 55 23 80 90 – E-mail: hilde.ognedal@fiskeridir.no

RUSSIAN FEDERATION**Head of Delegation**

Tairov, Temur, Representative of the Federal Agency for Fisheries of the Russian Federation in Canada, 47 Oceanview Drive, Bedford, NS, Canada B4A 4C4
Phone: +902 832 9225 – E-mail: rusfish@ns.sympatico.ca

UNITED STATES OF AMERICA**Head of Delegation**

Patrick Moran, Foreign Affairs Analyst, Office of International Affairs, F/IA-2, National Marine Fisheries Service, U.S. Dept. of Commerce, 1315 East-West Hwy., Silver Spring, MD 20910
Phone: +301 713 2276 – Fax: +301 713 2313 – E-mail: pat.moran@noaa.gov

NAFO Secretariat

Vladimir Shibanov, Executive Secretary
Stan Goodick, Senior Finance and Staff Administrator
Bev McLoon, Senior Personal Assistant to the Executive Secretary
Barbara Marshall, Information Officer

vshibanov@nafo.int
sgoodick@nafo.int
bmcloon@nafo.int
bmarshall@nafo.int

Annex 2. Agenda

1. Opening by the NAFO President, Chair of the PAWG
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Terms of reference for the performance assessment
5. Assessment criteria
6. Panel composition (including appointment procedure, numbers and chairperson)
 - 6.1. Internal members
 - 6.2. External members
7. Budgetary and administrative considerations
8. Other matters
9. Adoption of Report
10. Adjournment

Annex 3. Terms of Reference of the NAFO Performance Review Panel

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.

It was further decided that the review shall be performed on the basis of the criteria provided in Annex 4 and point to achievements as well as identify areas which could be improved.

Panel Composition

The Review Panel shall be composed as follows:

- Internal Experts: Three Contracting Parties shall each nominate one panel member with experience and knowledge of NAFO. [Selection of Contracting Parties to be decided.]

- The Chair/Vice Chair of STACTIC

- 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.

-[NGO Observer]

The Secretariat shall provide administrative assistance to the Panel.

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.

Administration

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

Contracting Parties [and the NGO] shall pay for the participation of their 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.

Annex 4. 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. • 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,

		<p>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.</p> <ul style="list-style-type: none"> • 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). • 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.