



REPORT

JOINT MEETING OF THE MANAGEMENT COMMITTEES

18 February 2021
Online

*RESPONSE TO RECOMMENDATIONS
FROM THE PERFORMANCE REVIEW PANEL*

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1. WELCOME FROM THE CHAIR & OPENING REMARKS

The Chair of the joint meeting of the NAMMCO Management Committees (MCJ), Guro Gjelsvik (NO), welcomed participants and noted who was present from each of the Member Countries and the Secretariat (see Appendix 3 for the full participant list). She also notified the MCJ that Fern Wickson from the Secretariat would serve as rapporteur for the meeting.

2. ADOPTION OF AGENDA

The Chair proposed a slight amendment to the order of items for discussion. She suggested that the item dealing with the recommendation from the performance review on developing rebuilding plans for depleted stocks (item 4.3 in the draft agenda) be taken directly after the item dealing with the recommendation regarding the application of a precautionary approach to management (item 4.1 in the draft agenda) as discussion of the two items was likely to be interconnected.

The agenda was adopted with this minor amendment and is available as Appendix 1 to this report.

3. REVIEW OF AVAILABLE DOCUMENTS

The Chair noted that all the meeting documents (with the exception of documents NAMMCO/MCJ-February-2021/5a&b) had been made available to participants on the NAMMCO website 2 weeks prior to the meeting. Drafts of working documents 5a&b were circulated to the Heads of Delegation by email, with a request to include any additional available information or relevant updates and return the working documents to the Secretariat prior to the meeting.

The full list of meeting documents is available in Appendix 2 of this report.

4. PERFORMANCE REVIEW FOLLOW-UP

At its annual meeting in 2017, the Council agreed that NAMMCO should undergo a performance review. This work was carried out in 2018 by a panel of external experts, who delivered their report with recommendations in February 2019. At its annual meeting in 2019, the NAMMCO Council established an *ad hoc* Working Group (led by the Chair of Council, Kate Sanderson (FO)) to review and follow up on the recommendations from the performance review panel (PRP).

The Chair noted that the NAMMCO Management Committees (MCs) had been asked by the *ad hoc* Performance Review Working Group (PRWG) to consider and respond to the recommendations that were of specific relevance to them (13 in total). In a letter to the MCs from the PRWG (NAMMCO/MCJ-February-2021/03), the MCs were asked to:

- a) Consider the relevance of the recommendations
- b) Identify any other related matters for which they may have suggestions for improvements to their work and working procedures
- c) Propose ways for implementing the recommendations and improving processes, where relevant.

The Chair noted that meeting document NAMMCO/MCJ-February-2021/04 collated the recommendations specific to the MCs and not already dealt with by other committees or the Commission and identified the following five overarching issues for attention of the MCs:

1. Application of a precautionary approach
2. Rebuilding plans for depleted stocks
3. Prioritisation of assessment efforts
4. Facilitating responses of the Scientific Committee to requests for advice
5. Management Committees and the Scientific Committee: prerogatives and relationship

The remainder of the meeting focused on the response of the MCs to the recommendations from the PRP on these issues, the outcomes of which will be forwarded to the PRWG for their consideration.

4.1 APPLICATION OF A PRECAUTIONARY APPROACH

One of the areas where the PRP saw potential for further development and improvement within NAMMCO was in its definition and application of a precautionary approach to management. While the PRP recognised that precaution is an important concept within NAMMCO, it made a number of recommendations related to how the organisation could develop a more structured approach to the operationalisation of a precautionary approach to management. Specifically, the PRP referred to the definition of a precautionary approach as provided in Article 6 of the 1995 UN Fish Stock Agreement (provided as NAMMCO/MCJ-February-2021/FI02) and indicated that developing a harvest strategy approach similar to that used within fisheries management (with stock-specific reference points and associated management actions) would be a useful way to proceed.

Several meeting documents were provided as background information to inform the discussion on this item, including overviews on harvest strategies, reference points, and control rules as used within fisheries management (NAMMCO/MCJ-February-2021/FI03, FI04, FI05, FI06, FI07). A short presentation was also given at the meeting by Caterina Fortuna. This presentation had been prepared together with Russell Smith. Both Fortuna and Smith were members of the PRP. The presentation noted that except for a few stocks, NAMMCO did not currently work with harvest strategies (including stock specific reference points) or harvest control rules (including monitoring, assessment and associated management actions that are automatically taken if a reference point is exceeded). The presentation outlined how these approaches were understood and applied within fisheries management, as well as why they were important mechanisms for managing uncertainty and providing transparent approaches to management and foreseeable actions when certain conditions were met.

Discussion

All parties thanked Fortuna for her informative presentation and reiterated their appreciation for the extensive work carried out by the PRP.

Norway emphasised that it implements precaution in all areas of marine mammal management and that the concept had always been important for NAMMCO. They also suggested that it was both timely and useful to discuss how NAMMCO could be clearer in its approach to operationalising a precautionary approach to management. They proposed that work to deal with the topic in a systematic way across the organisation be carried out and that the Scientific Committee (SC) be involved. It was suggested that an appropriate way to advance on this would be to suggest that Council make a formal request for advice on this topic to the SC.

Iceland agreed that working to further develop and clarify how NAMMCO operationalised a precautionary approach to management was important and that the SC should be involved. It did, however, seek clarification on whether the advice currently received on baleen whale stocks generated through the Revised Management Procedure (RMP) of the International Whaling Commission (IWC) met the requirements of a precautionary approach as described in the presentation, or whether further articulation of reference limits etc would also be required for these species. Fortuna confirmed that the RMP used by the IWC implements a precautionary approach to management and that further elaboration would not be required for the stocks for which this approach was applied. She also noted that while the PRP highlighted the importance of developing a consistent approach within NAMMCO, this did not necessarily mean that the same framework had to be applied for all species/cases, but rather that there was value in having a consistent overarching strategy and definition.

Greenland also expressed its support for operating with precautionary approaches to management and having a definition that is consistent, agreed and understood by all. However, they questioned how consistency may be achieved given the different ways in which the IWC and NAMMCO approach the generation of management advice. They also emphasised that the differences between science

and user knowledge would need to be taken into account in any development of harvest strategies or control rules.

The Faroe Islands noted that it was familiar with the precautionary approach to management used within fisheries and suggested that it would be important to consider what type of changes or modifications may be required to adapt such an approach to the different context of marine mammals.

Fortuna noted that precaution as it is operationalised within fisheries management aims to create an industry that is sustainable over the long-term. As such, precautionary approaches to management were not against using a resource, but rather were focused on implementing measures to ensure that resources were managed sustainably and could therefore continue being used indefinitely.

The MCJ **agreed** that this recommendation from the PRP was important and relevant and that NAMMCO should work to more clearly articulate how the precautionary approach is operationalised and consistently applied within the organisation.

The MCJ also **agreed** that it would be valuable to define its precautionary approach to management more specifically through developing harvest strategies, including reference limits and harvest control rules. It was **agreed** that this process should involve the SC and recognise the importance of taking both science and user knowledge into account.

The MCJ **recommended** that the PRWG propose to Council that a request be made to the SC to clarify NAMMCO's precautionary approach to management through the development of harvest strategies (including stock-specific reference points and harvest control rules).

The Chair of the MCJ, together with interested parties, **agreed** to provide draft text for the proposed request for further discussion at the next MCJ meeting during the annual meeting in March.

4.2 REBUILDING PLANS FOR DEPLETED STOCKS

The PRP noted that NAMMCO does not have rebuilding plans for depleted (and/or extirpated) stocks and the MCJ discussed whether these should be developed.

Discussion

The Secretariat noted that at both its 26th and 27th meetings, the SC had made recommendations that NAMMCO develop a principle-based approach to dealing with small or depleted stocks.

The MCJ **agreed** that although it would be valuable to have guidelines for rebuilding plans developed by the SC, any implementation of these would be at the discretion of the Member Countries.

The MCJ **recommended** that the rebuilding of small or depleted stocks be included in the proposed work to more clearly define NAMMCO's precautionary approach to management (as described under 2.1) and that it should therefore be incorporated as an issue to be addressed in the request.

4.3 PRIORITISATION OF ASSESSMENT EFFORTS

The PRP recommended that as part of NAMMCO's work to develop a more strategic approach, it should establish a systematic way to prioritise the assessments of the different species and stocks. It noted that this should include prioritisation based on factors such as the biological status of the stock ("unknown", "of concern" etc).

Working documents NAMMCO/MCJ-February-2021/05a&b provided an overview of the different cetacean and pinniped species and management areas in the purview of NAMMCO, information on whether they had been assessed, and the year in which they were last assessed.

Discussion

Greenland noted that although it might be useful to discuss general principles, Member Countries may have different approaches to prioritisation and any position on priorities that may be taken by NAMMCO as an organisation would have to be coordinated with the Member Countries.

The Chair of Council noted that NAMMCO has two different Management Committees and each of these may formulate priorities for their specific areas of responsibility (i.e., pinniped and cetacean species), as well as for the issues of shared concern that are handled in joint meetings (e.g., environmental and ecosystem issues).

Iceland asked for clarification regarding whether the approach to prioritisation being discussed was intended to cover existing or future requests for advice. It was noted that the recommendation from the PRP to develop a systematic approach and define the factors for determining when assessments would be required/prioritised was of a general character.

The Chair of Council noted that Council sets the priorities for the SC and is therefore the appropriate body within NAMMCO for taking decisions regarding any prioritisation of requests.

The Member Countries noted that the organisation already follows some implicit rules regarding how assessments are prioritised (e.g., prioritising hunted stocks, species with important roles in the ecosystems, and the needs of member countries). It therefore **agreed** that there was no pressing need to develop a systematic approach for prioritising assessments at this point. It did, however, acknowledge that the issue would be returned to in a future meeting if further clarification was required.

4.4 FACILITATING RESPONSES OF THE SCIENTIFIC COMMITTEE TO REQUESTS FOR ADVICE

The PRP concluded that the SC would be better able to provide relevant advice to the NAMMCO Member Countries if the MCs identified the relevant management objectives when formulating recommendations concerning scientific research and requests for advice.

Prior to this meeting, an excel sheet to collate an overview of existing management objectives for all cetacean and pinniped species in the different sub-areas of relevance to NAMMCO was created (NAMMCO/MCJ-February-2021/05a&b). The Secretariat completed the sections where the information was available to them and asked Member Countries to send any additional information before the meeting. No updates to these overview documents were received.

Discussion

Several member countries noted difficulties in completing certain aspects of the overview files and asked questions for clarification. This included questions regarding the abbreviations used, the level of detail to include, what reference levels should be used for determining whether stocks were reduced or recovered, whether assessments from before NAMMCO was created were relevant to include, and what the information provided would be used for. It was also suggested that it would be more useful to provide information on current stock status (e.g., increasing, decreasing, stable, unknown) vs whether stocks were reduced/recovered in relation to historical levels.

The Secretariat proposed that the column on whether stocks were reduced or recovered according to historical levels be removed and a column to record the current status of the stock be added. It noted that including a column on stock status in the overview had always been intended, but that only the necessary first step of having the SC review and approve information on management areas and sub-areas had been completed to date. It was further noted that for several stocks the status would be unknown, but that knowing where data was insufficient to determine current stock status was still valuable information to have. It was also suggested that the forms could be expanded to include an additional column to indicate where management plans were in place at the national level. The Secretariat proposed that information on assessments carried out prior to the establishment of NAMMCO not be included in the overview but that it would more clearly specify the meaning of the abbreviations used in the files.

Greenland noted that the Ministry operates with species by species management plans, which could be added to the overview when they are published.

The MCJ **agreed** that management objectives were important for effective conservation and management and noted that they are defined by Member Countries rather than NAMMCO as an organisation.

Recognising that it was important that the assessments performed within NAMMCO be aware of management objectives, the MCJ **recommended** that member countries provide information on the management objectives that exist for the different species and stocks of relevance to NAMMCO.

The MCJ acknowledged that having an overview of management objectives was useful but **agreed** that the excel files that had been circulated were still in a preliminary draft form and should therefore be limited to internal use at this stage.

The MCJ **recommended** that the discussed changes to the draft overview files be implemented and a new version circulated to Member Countries for their input. It was noted that Member Countries would be asked to submit available updates and additional information within the first week of March.

4.5 MANAGEMENT COMMITTEES & SCIENTIFIC COMMITTEE: PREROGATIVES AND RELATIONSHIP

The PRP noted circumstances in which the MCs did not follow the advice of the SC and how this created some tension between NAMMCO bodies. The PRP therefore recommended that Rules of Procedure be developed to define the relationship between the MCs and the SC and how they interact. The PRP proposed that these rules confirm the different areas of responsibility of the MCs and the SC and address how the MCs use SC advice in their recommendations for conservation and management measures.

In the SC response to this particular recommendation from the PRP, it was proposed that one way forward would be to create graphic illustrations of the workflow within NAMMCO, the process for generating management advice, and some text describing the roles and responsibilities of the different actor groups within the organisation. The SC noted that this could specifically include the different matters taken into consideration by the SC and the MC, and that this may help explain why these committees can reach differing conclusions regarding management advice.

Working documents NAMMCO/MCJ-February-2021/06 and 07 were provided to help inform the discussion, with draft illustrations of how management advice is generated in NAMMCO. The current Rules of Procedure for the MCs and the SC were also provided as meeting documents NAMMCO/MCJ-February-2021/09 and 10.

Discussion

Although the MCJ felt that the PRP had not been entirely clear in its reasoning for this recommendation, it was acknowledged that there are currently no terms of reference for the MCs, beyond the general information provided in Article 5 of the NAMMCO Agreement. It was also noted that although Rules of Procedure tend to primarily deal with procedural issues, these could be expanded to clarify the scope of work of the MCs.

The MCJ discussed the value of defining specific terms of reference for the MCs, as well as the importance of clearly articulating the reasons behind MC decisions, especially when they do not follow SC advice. The sufficiency of the current draft graphic illustrations created by the Secretariat were also discussed, including what constituted an appropriate and accurate location for user knowledge in the workflow.

Consensus was not obtained on the matter of defining terms of reference for the MCs.

The MCJ **agreed** with the SC that having a graphic visualisation of the relationship between the different component parts of NAMMCO and the workflow of the advisory process would be clarifying and useful.

The MCJ **recommended** that all reports from MC meetings clearly articulate the reasons why decisions are made, and that particular attention be given to this in cases where decisions are taken that differ from the advice provided by the SC.

5. OTHER SUGGESTED IMPROVEMENTS TO WORK AND WORKING PROCEDURES

The MCJ had no other improvements to suggest for their working procedures.

6. ANY OTHER BUSINESS

No other items were presented for discussion.

7. CLOSE OF MEETING

The Chair noted that given the short timeframe available before the annual meeting, Member Countries would need to provide their comments on the draft report relatively quickly and within the last week of February.

The Chair thanked the participants for their attendance and contributions to the discussion.

The meeting was closed at 16:00 on 18 February 2021.

8. ADOPTION OF REPORT

A draft of the report was circulated to participants on 22 February 2021, with a deadline for feedback and amendments on 1 March 2021. The report was finalised on 01 March 2021 and forwarded to the PRWG for their consideration.

APPENDIX 1: AGENDA

NAMMCO MANAGEMENT COMMITTEES

18 February, Online meeting

AGENDA

- 1. Welcome from the Chair and Opening Remarks**
- 2. Adoption of Agenda**
- 3. Review of Available Documents and Reports**
- 4. Performance Review Follow Up**
 - 4.1. Application of a precautionary approach
 - 4.2. Rebuilding plans for depleted stocks
 - 4.3. Prioritisation of assessment efforts
 - 4.4. Facilitating responses of the SC to requests for advice
 - 4.5. MCs and SC: prerogatives and relationship
- 5. Other Suggested Improvements to Work and Working Procedures**
- 6. Any Other Business**

APPENDIX 2: DOCUMENT LIST**NAMMCO MANAGEMENT COMMITTEES***18 February, Online meeting***LIST OF DOCUMENTS****Working Documents**

Doc. No.	Title	Agenda
MCJ/2021/00	List of Participants	
MCJ/2021/01	List of Documents for the Management Committees	3
MCJ/2021/02	Draft Annotated Agenda Joint Meeting of the Management Committees (MCJ)	1
MCJ/2021/03	Performance Review Recommendations for MCs	4
MCJ/2021/04	Summary of Performance Review Recommendations for MCs	4
MCJ/2021/05	Overview of Management Areas & Assessment Status in NAMMCO 05a: Cetaceans and 05b: Seals	4.4
MCJ/2021/06	NAMMCO Management Advisory Process	4.5
MCJ/2021/07	NAMMCO Scientific Advisory Process	4.5
MCJ/2021/08	Presentation by Caterina Fortuna	4.1, 4.3
MCJ/2021/09	Rules of Procedure of the MCs	4.5
MCJ/2021/10	Rules of Procedure of the SC	4.5

For Information Documents

Doc. No.	Title
MCJ/2021/FI01	Full Report of the Performance Review Panel 2019
MCJ/2021/FI02	UN Fish Stock Agreement
MCJ/2021/FI03	Video on Benefits of Harvest Strategies by Doug Butterworth
MCJ/2021/FI04	Harvest Strategies – a brief from the PEW Charitable Trusts
MCJ/2021/FI05	Management Objectives – a fact sheet from the PEW Charitable Trusts
MCJ/2021/FI06	Reference Points - a fact sheet from the PEW Charitable Trusts

MCJ/2021/FI07	Control Rules - a fact sheet from the PEW Charitable Trusts
MCJ/2021/FI08	Report WGHARP 2005 with reference points for harps and hoods
MCJ/2021/FI09	Kvamsdal, S. F., Eide, A., Ekerhovd, N. A., Enberg, K., Gudmundsdottir, A., Hoel, A. H., ... & Hannesson, R. (2016). Harvest control rules in modern fisheries managementHarvest control rules in modern fisheries management. <i>Elementa: Science of the Anthropocene</i> , 4.

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