



NAMMCO PERFORMANCE REVIEW

First Meeting of the Performance Review Panel

Skype call - January 10, 13:00 (Tromsø time)

Meeting Report

1. Opening of the meeting

a. Welcome and presentation

NAMMCO's General Secretary (GS), Genevieve Desportes, opened the meeting by welcoming all participants.

The members of the Performance Review Panel introduced themselves.

Dan Goodman, FAO nominee, is a Canadian citizen residing in Japan and has a background as a biologist. He is employed by the Fisheries Agency of Japan and is also a Counsellor at the Institute of Cetacean Research in Tokyo. Goodman is one of the primary drafters of the 1990 Memorandum of Understanding establishing the North Atlantic Commission (NAC) and the 1992 Agreement on Cooperation in Research, Conservation and Management of Marine Mammals in the North Atlantic (NAMMCO). He served as Canadian observer to meetings of NAMMCO 1992-1997 and as Japan's observer to meetings of NAMMCO in the period 2000-2009.

Caterina Maria Fortuna, IWC nominee, is an Italian citizen and has a background as marine biologist. She currently holds a permanent position as Researcher at the Italian National Institute for Environmental Protection and Research (ISPRA). She has 25 years of experience in the field of cetacean research and conservation/management. Her scientific expertise includes abundance estimation and population assessment of cetaceans, sea turtles and elasmobranchs. Fortuna is a member of IWC Scientific Committee since 2001 and currently serves as Chair of the Scientific Committee (2015-2018).

Russell Smith, NAFO nominee, is a US citizen and has a background as a lawyer. He has worked both in private practice in the USA and later for the US government, including for the Department of Justice, the Office of the U.S. Trade Representative and the National Oceanic and Atmospheric Administration (NOAA), focusing on international environmental and trade issues, among other things. He has served as the US Commissioner for the International Commission for the Conservation of Atlantic Tuna (ICCAT), the Western and Central Pacific Fisheries Commission (WCPFC), and the International Whaling Commission (IWC).

The panel agreed that it was important to clearly explain the selection process of the panel members in the review report.

b. Election of Chair of the Review Panel / Meeting Chair

Fortuna was unanimously elected Chair of the Performance Review Panel.

c. Appointment of rapporteur

The NAMMCO Secretariat (Ivanovic seconded by Desportes) acted as a rapporteur. The Panel agreed that the report of the meeting should be decision-minutes.

d. Adoption of agenda

The Review Panel adopted the revised agenda (attached) without amendments.



e. Review of Objectives and Terms of Reference

The panel noted that the Terms of Reference of the Performance Review as adopted by Council 25 are general and do not completely match the criteria. However, the Panel determined not to suggest changes to the Terms of Reference.

2. Evaluation of present arrangements

a. Time line

The final report of this review is to be presented by the Chair of the Panel to the 2019 annual meeting of NAMMCO in Spring.

The Panel agreed that the final draft of the review report should be finalized by December 2018, making allowance for fact checking and minor corrections of the report, if needed. It would also allow the Council to get it well in advance of the Council meeting.

b. Criteria

The proposed review criteria for NAMMCO have been developed from the “Kobe Criteria for Reviewing the Performance of RFMOs” and amended to reflect NAMMCO’s mandate and membership.

The panel considered the proposed criteria insufficient to come to the final product of the review. Prior to the meeting, Fortuna circulated among the Panel members and the Secretariat the document MOPAN 3.0, that contains overarching criteria that may be interesting to use in the review. She agreed to further consider this matter.

The panel agreed to submit to the Council four proposed modifications to the criteria.

- Concerning Criteria 1: *Conservation and Management* - insertion of an additional point between the existing 2 bullet points as follows: “*The extent to which NAMMCO advice takes into account climate and environments factors*”.
- Concerning Criteria 4: *Decision Making*, add a point on users’ involvement in decision making “*How are resource users and stakeholders involved in NAMMCO decision making*”

The question of stakeholders and resource users’ involvement could also be considered in the way the Parties were dealing with the advice given by NAMMCO.

The Panel agreed to recommend addition of a similar sentence as above both in Area 1 Conservation and Management and Area 2 Hunting Activities in the General Criteria concerning the Adoption of advice... as a last bullet point: “How are resource users and stakeholders involved by NAMMCO Parties in applying the advice given by NAMMCO”.

After the adoption of the report, the Secretariat will forward the proposed modifications to the Council.

c. Panel composition

The Panel considered that the present panel covered quite a range of expertise and decided to leave this item open until later, if it then appears preferable to add expertise to the Panel.

d. Resources

Council 25 anticipates that the review will be accomplished by one to two, 3-day face to face meetings of the Review Panel, the preparatory and subsequent tasks being conducted by correspondence, with a total of 5 supplementary working days.

The Panel members expressed concerns whether the five days limit was realistic and suggested some flexibility. Desportes confirmed that some flexibility was possible, but underlined that this is not an open-ended process and the budget for the performance review is closed. As the Panel starts with three members (and not four), this gives flexibility and possibility of adding some working days. But, as it has been the



practice in other Performance Review of RFMOs, the Panel can only do as much as the budget allowed and must plan his review process according to the resources engaged.

Desportes underlined that usually panel reviews work on the base of overviews and material provided by organisations' secretariats. She has therefore proposed a list of overview documents to provide the Panel with: time line and activities of NAMMCO, list of advice given and answers to advice (see under point 4.b). The Secretariat is already working on these overviews and will prepare other documents if asked for.

The Panel appreciated the offer of the Secretariat but was concerned about basing its performance analysis solely on overviews of original NAMMCO documents prepared by the Secretariat and decided that it would review as many of the original documents as possible.

However, due to the volume of relevant documentation and the allocated time for the performance review, the panel agreed that the Secretariat should prepare tables and summaries of the original NAMMCO documents for the Panel, as a starting point. It was noted that such conduct is well-spread in IWC and RFMO practices and RFMOs performance reviews.

The Secretariat informed that it had become the new practice of NAMMCO to have all documents made public and available on its website (except FAC reports) – and therefore also accessible to the Panel.

3. Modus operandi

a. Overview of issues to be looked at

Not discussed further than the discussion on criteria.

b. Work division & c. Mechanic of producing the document

Given the need to evaluate the type of work based on the material that will be made available by the Secretariat, the Panel agreed to postpone this discussion to the next skype call, when it will receive the review documents prepared by the Secretariat.

d. Work schedule

- The Panel envisaged that questionnaires for distribution to stakeholders should be developed by the end of January
- The Secretariat should aim at sending the review documents (see below) by the end of January as well
- The Panel will have a second skype meeting on January 29 (same time).
- The Panel envisaged to observe the Council meeting in Tromsø in March 2018, conduct interviews during or after the meeting and have the first face-to-face meeting after the Council meeting.
- The Panel agreed that the final draft of the review report should be finalized by the end of December 2018.

The work schedule will be further developed during the next meeting.

e. Meeting schedule

The Panel agreed to reconsider this matter as soon as more information becomes available on the Secretariat on NAMMCO meetings and review documents.

f. f. Other

4. Definition of needs

a. Consultation of interested entities

The Panel members agreed that the best way to start the review was to address questionnaires to stakeholders, both internal and external. These are to be followed with interviews. Members agreed that the



Council meeting in Tromsø in March 2018 is the most suitable occasion to conduct interviews and make the necessary observations.

b. Documents

The Secretariat will prepare the following documents for the Panel for the end of January:

- List of Annual reports and information on the Council meetings, Scientific Committee meetings and National Progress reports they cover/refer to, with information on Chairs.
- Time line of events/activities/ main decisions
- List of key people in NAMMCO
- List of requests of advice from Council to Committees and answers by committees
- List of all advice provided to the Council/Management Committees (MCs) by all committees, decision by Council/MCs, and answers by Parties
- Review of international legal instruments which may be relevant to NAMMCO
- Overview of observation activities (incl. target hunts and efforts)
- Draft timetable of interviews for the Council meeting week in March 2018.

The documents will be made available online.

The Panel will prepare the questionnaires to be addressed to Parties, Chair of committees and Observers

- Fortuna will prepare the questions directly related to the criteria
- Goodman and Smith will prepare the questions of more general character concerning the process and the performance of the organisation.

c. Other documents

Fortuna will draft some idea on how aspects of the MOPAN approach could be applied to NAMMCO Review.

Desportes suggested that it could also be relevant, if not more, to look at how the performance review of other RFMOs have been conducted and the report structured. Another interesting document are the FAO review of the RFMOs performance reviews and the advice provided. The Panel agreed with this. Desportes will set these documents online.

d. Others

Not discussed.

5. Next meeting

The second meeting of the Performance Review Panel will be via Skype call, on January 29, 2018, at 13:00 - Tromsø time (7:00 Washington DC, 12:00 UK, 21:00 Japan).



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Draft Agenda 2 (10-01-2018)

1. Opening of the meeting

- a. Welcome to Panel & Panel member's presentation
- b. Election of Chair of the Review Panel / Meeting Chair
- c. Appointment of rapporteur (Secretariat)
- d. Adoption of agenda
- e. Review of Objectives and Terms of Reference

2. Evaluation of present arrangements

- a. Time line
- b. Criteria
- c. Panel composition
- d. Resources

3. *Modus operandi*

- a. Overview of issues to be looked at
- b. Work division (panel members, secretariat)
- c. Mechanic of producing the document
- d. Work schedule
- e. Meeting schedule
- f. Other

4. Definition of needs

- a. Consultation of interested entities
 - i. Parties (e.g. member countries and resource users)
 - ii. Non-parties (e.g. observers)
 - iii. Modus operandi (Interviews or questionnaires)
- b. Overview documents (e.g., Relevant international instrument, General time line, Request for advice and answers, Management proposals and answers)
- c. Other documents/reports
- d. Others

5. Next meeting