



Planning for the 2nd IPHC Performance Review

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PURPOSE

To provide the Commission with a draft process for undertaking a 2nd Performance Review of the IPHC in 2017.

BACKGROUND

The Performance Review process is based upon the principles discussed at the 26th Session of the FAO Committee on Fisheries (COFI26), held in 2005. During that session the importance of establishing principles to review the performance of RFMOs in meeting their objectives as well as the obligations and principles in relevant international instruments was highlighted.

At the 4th Meeting of Rights-based Fisheries Bodies (RFBs) in 2005, participants addressed in greater depth the role of RFBs and external factors affecting fisheries management, partly in response to the proposal made at COFI26. In this context, COFI had stressed the need to develop a process to assess the performance of RFMOs as well as to promote best practices across RFMOs. It was considered that the proposed performance reviews should be independent and recognize the diversities of RFMOs, but should not be an efficiency assessment of secretariats.

The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP), which facilitates the review by the United Nations General Assembly (UNGA) of developments in ocean affairs and the law of the sea, addressed the role of RFMOs at its 6th Session in 2005. The important role of RFMOs was underlined, and a strengthening of their role and modernization of their operation was advocated. The meeting indicated that the point was not to focus on deficiencies or performance or gaps in coverage of RFBs, but to support the trend of enhancement of the performance of RFBs.

The ICP outcome was followed by the 2005 UNGA Resolution on Sustainable Fisheries (UNGA 60/31), which encouraged States through their participation in RFMOs to initiate processes for their performance review and welcomed the work of FAO in the development of general objective criteria for such reviews. It called for further efforts by RFMOs, as a matter of priority, to strengthen and modernise their mandates to include an ecosystem approach to fisheries management and biodiversity considerations. The Resolution also emphasized the importance of decision-making processes in RFMOs and encouraged the incorporation of a precautionary approach and the adoption of related measures.

The Review Conference on the UNFSA, held in New York in May 2006, reviewed and assessed the adequacy of the provisions of the Agreement and proposed means of strengthening the substance and methods of their implementation. The review and assessment of key issues included the strengthening of RFMOs mandates and measures to implement modern approaches to fisheries management reflected in the Agreement. In addition, the conference recommended a systematic review and assessment of RFMO performance. As a result, actions were agreed that should be taken by States individually and

through RFMOs to strengthen mechanisms for international cooperation, including performance reviews. States were to:

- a. urge RFMOs of which they were members to undergo performance reviews on an urgent basis;
- b. encourage an element of independent evaluation in such reviews; and
- c. ensure that the results are made publicly available.

The UNGA Resolution on Sustainable Fisheries (UNGA 61/105) considered by the 61st Session in 2006 continued to call on RFMOs to strengthen their mandates and the measures they adopt to implement modern approaches to fisheries management. This reflected the recommendation of the 7th Meeting of the ICP in 2006, that implementation of an ecosystem approach could be achieved through, inter alia, where appropriate, strengthening RFMOs, adapting their mandates and modernizing their operations in accordance with international law. Moreover, the UNGA Resolution urged States through RFMOs to undertake performance reviews. It also addressed the process and the criteria for such reviews. RFMOs were encouraged to include some element of independent evaluation and make the results publicly available.

International Pacific Halibut Commission

Noting that the 1st Performance Review of the IPHC occurred in 2011-12, and that the generally agreed best practice among RFMO's requires a Performance Review to be undertaken every 3-5 years, the IPHC has agreed to undertake a 2nd Performance Review of the IPHC in 2017.

In its January 2014 progress report, the Commission noted that:

“Performance reviews are an important tool to help ensure the Commission continues to fulfill its mission and maintain accountability to its stakeholders and community. The Commission has benefitted significantly from the 2012 performance review and intends to continue the work stemming from that review...”

“One fundamental best practice that stands out in the literature is the need to review performance on a regular basis. The Commission intends to make periodic performance reviews a regular feature of its operations. Future reviews may be structured as broad looks or as more focused evaluations, depending on conditions and developments at the time. They may be performed by internal or external reviewers. Key to a successful review program is to track all recommendations, actions, and outcomes, so that each review builds on its predecessors.

“The Commission also continues to solicit comment and advice from stakeholders on its ongoing performance review process.”

DISCUSSION

Other RFMOs have based their performance reviews on the same or similar criteria, which generally include the following elements:

- a. Legal analysis of the Convention/Agreement to ensure its adequacy relative to current best practice principles of fisheries management;

- b. Conservation and management (status of living marine resources; quality and provision of scientific advice; data collection and sharing; adoption of conservation and management measures, including measures adopted at the coastal State level; compatibility of conservation and management measures; fishing allocations);
- c. Consistency between scientific advice and conservation and management measures adopted;
- d. Compliance and enforcement (flag State duties; monitoring, control and surveillance activities; port State measures; follow-up on infringements; cooperative mechanisms to detect and deter non-compliance; market-related measures);
- e. Decision-making and dispute settlement;
- f. International cooperation (transparency; relationship to cooperating non-members; relationship to non-cooperating non-members, cooperation with other RFMOs and special requirements of developing States); and
- g. Efficiency and transparency of financial and administrative management.

Noting that not all of the above elements would apply to the IPHC, a revised set of criteria for evaluation in 2017 needs to be developed.

RECOMMENDATIONS

That the Commission:

- 1) **NOTE** paper IPHC-2016-IM092-15, which provides the Commission with a draft process for undertaking a 2nd Performance Review of the IPHC in 2017.
- 2) **REQUEST** that the IPHC Secretariat finalise the draft performance review terms of reference and criteria to conduct the review, to be considered at the 2017 Annual Meeting (AM093) for implementation throughout 2017.

ADDITIONAL DOCUMENTATION / REFERENCES

FAO (Food and Agriculture Organization of the United Nations). 2015. Fisheries and Aquaculture Circular The implementation of performance review reports by regional fishery bodies 2004–2014. ISSN 2070-6065

(<http://www.fao.org/publications/card/en/c/4a6d5533-785a-4d6a-8827-c1af46abdf50/>)