



Planning for the 2nd IPHC Performance Review

Agenda Item 10.7
[IPHC-2017-AM093-18](#)

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2nd IPHC Performance Review

PURPOSE: To provide the Commission with a draft process, terms of reference and assessment criteria for undertaking a 2nd Performance Review of the IPHC.

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 regional fishery management organisations (RFMOs) in meeting their objectives as well as the obligations and principles in relevant international instruments was highlighted.



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UNGA 60/31: The United Nations General Assembly Resolution on Sustainable Fisheries (UNGA 60/31), encouraged States through their participation in RFMOs to initiate processes for their performance review.

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.



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UNGA 61/105: The United Nations General Assembly Resolution on Sustainable Fisheries (UNGA 61/105) continued to call on RFMOs to strengthen their mandates and the measures they adopt to implement modern approaches to fisheries management.

This UNGA Resolution urged States through RFMOs to undertake performance reviews.

It also addressed the process and the criteria for such reviews.

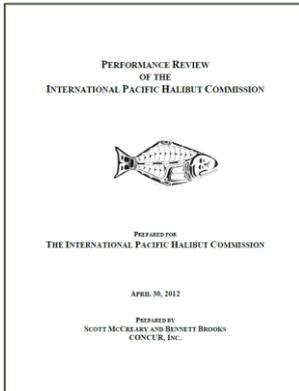
RFMOs were encouraged to include some element of independent evaluation and make the results publicly available.



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International Pacific Halibut Commission (IPHC)

Noting that the [1st Performance Review](#) of the IPHC occurred in 2011-12 (see paper [IPHC-2017-AM093-17](#), and that the generally agreed best practice among RFMOs 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 (see [IPHC-2016-IM092-R](#), para 77)



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

- **Legal analysis** of the Convention to ensure its adequacy relative to current best practice principles of fisheries management;
- **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);
- **Consistency between scientific advice and conservation and management measures** adopted;



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- **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);
- **Decision-making and dispute settlement;**
- **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
- **Efficiency and transparency** of financial and administrative management.



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Noting that not all of these elements would apply to the IPHC, a revised set of criteria for evaluation in 2017 is provided at:

[Appendix A](#) of paper [IPHC-2017-AM093-18](#)



TERMS OF REFERENCE, CRITERIA, PROCESS AND BUDGET

1. Terms of reference for the implementation of the 2nd Performance Review of the International Pacific Halibut Commission (PRIPHC02)

1.1 Scope of the review:

- Evaluate progress made on the recommendations arising from the 1st performance review of the IPHC.
- Examine the effectiveness of the Commission to fulfil its mandate, in accordance with the 'criteria'.
- In conducting the review, the strengths, weakness, opportunities and risks to the organisation shall also be evaluated.



TERMS OF REFERENCE, CRITERIA, PROCESS AND BUDGET

1.2 Composition of the Review Panel:

Chairperson: An independent Chairperson with legal fisheries background and a good understanding of Regional Fisheries Management Organisations (RFMO). The Chairperson should not be directly affiliated with any IPHC Contracting Party.

Contracting Parties: Four representatives of IPHC Contracting Parties: two from each.

Science Advisor: A science expert not affiliated with the IPHC Contracting Parties, and with expertise on groundfish and the ecosystems affected by Pacific halibut fisheries.

RFMOs: At least two members from other Regional Fisheries Management Organisations: e.g. Inter-American Tropical Tuna Commission (IATTC), North Pacific Fisheries Commission (NPFCC), North Pacific Anadromous Fish Commission (NPAFC).

NGOs: Two Non-Governmental Organisations (e.g. PEW Charitable Trust, Birdlife International (BL)).

IPHC Secretariat: The IPHC Secretariat will not be a part of the Review Panel but it will act as a facilitator of its activities, providing access to information and facilities that the Review Panel will require to conduct its work.



TERMS OF REFERENCE, CRITERIA, PROCESS AND BUDGET

1.3 Meeting locations:

- Two (2) in-person Review Panel meetings will take place, one in the USA (at the seat of the Commission in Seattle) and one in Canada (location to be decided by Canada).
- Contracting Parties would cover the costs associated with the participation of their representatives.
- However, the attendance of other Panel Members to the Review Panel meetings may be funded under the Commission's travel budget.
- Additional meetings may be required, as determined by the Panel, and will be conducted via electronic means facilitated by the IPHC Secretariat.

1.4 Work schedule

- The report of the Review Panel will be completed and made available no later than 30 days prior to the 94th Session of the IPHC Annual Meeting (AM094) in 2018, and published on the IPHC website so as to maximize transparency.



TERMS OF REFERENCE, CRITERIA, PROCESS AND BUDGET

1.5 Budget:

Budget Item	Details	Costs US\$
FY2017		
1 st Meeting of the PRIPHC02 (IPHC Offices, Seattle, USA)	4-day meeting: Catering (breaks/lunch) Meeting room/equipment provided by hosts.	1,500
Independent Chairperson: fees	5 days	5,000
Travel: 6 independent Panel members	Various to Seattle (flights [\$6,000], accommodation [\$9,000]; meals [\$1,650])	16,650
Legal review of the IPHC Convention	Desk analysis of the legal framework of the IPHC (5 days) by an International Fisheries Legal Expert	5,000
	Sub-Total	28,150
FY2018		
1 st Meeting of the PRIPHC02 (TBD, Vancouver, CAN)	4-day meeting: Catering (breaks/lunch) Meeting room/equipment provided by hosts.	1,500
Independent Chairperson: fees	5 days	5,000
Travel: 6 independent Panel members	Various to Vancouver (flights [\$6,000]; accommodation [\$9,000]; meals [\$1,965])	16,965
	Sub-Total	23,465
	Total	51,615



CRITERIA

2. Criteria for the 2nd Performance Review of the International Pacific Halibut Commission (PRIPHC02)

Criteria 1: Legal analysis of the Convention

Criteria 2: Conservation and management

Criteria 3: Compliance and enforcement

Criteria 4: Decision-making and dispute settlement

Criteria 5: International cooperation

Criteria 6: Efficiency and transparency of financial and administrative management



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RECOMMENDATIONS

That the Commission:

- 1) **NOTE** paper IPHC-2017-AM093-18, which provides the Commission with a draft process for undertaking a 2nd Performance Review of the IPHC in 2017.
- 2) **RECOMMEND** that the IPHC Secretariat finalise the draft performance review terms of reference and criteria to conduct the review, and implement the 2nd Performance Review throughout 2017, for presentation to the Commission at its 94th Annual Meeting in 2018.



