

STATEMENT MADE BY NEAFC AT THE TWENTY-SEVENTH SESSION OF THE FAO COMMITTEE ON FISHERIES 8 MARCH 2007

NEAFC Performance review

At the twenty-sixth Session of COFI in March 2005 the importance of establishing principles to review the obligations and principles set forth in relevant international instruments and the performance of RFMOs in meeting their objectives was discussed. This could be shaped by consultations among RFMOs, the result of which could then be fed back to COFI for further actions. COFI encouraged RFMOs to participate in the development of parameters for any such review and it was suggested that any review of RFMO performance should be in the form of an independent review, even in cases where RFMOs were considering internal assessments.¹

The issue of RFMO performance was also extensively discussed at the Review Conference on the United Nations Fish Stocks Agreement (New York, 22-26 May 2006).

Delegations meeting at the Review Conference highlighted that RFMOs were at the centre of the implementation of the conservation and sustainable management measures contained in the Agreement. They were also aware of the need to improve their functions by updating and aligning their Conventions and measures with modern global fisheries instruments, in particular the UNFA. This was identified as a priority.²

The Review Conference agreed that States individually, and collectively through RFMOs, should urgently continue to strengthen the mandates of, and measures adopted by, RFMOs to implement modern approaches to fisheries management as reflected in the UN Fish Stocks Agreement and other relevant international instruments, including relying on the best scientific information available, applying the precautionary approach, and incorporating an ecosystem response to fisheries management. NEAFC has in 2006 amended its Convention to this effect and the Contracting Parties have agreed in the London Declaration November 2005 to implement the amended convention on a provisional basis.

In this context, the Review Conference urged the adoption of performance reviews of RFMOs, whether initiated by RFMOs themselves or with external partners.

NEAFC decided in November 2005 recalling the importance attached to evaluating the RFMOs, expressed i.e. at the March 2005 meeting of the FAO Fisheries Committee (COFI) to undertake a performance review. The purpose of such a review was to provide for a systematic check of the performance of the organisation and its consistency with the NEAFC Convention, UNFA and other relevant international agreements and instruments.

The report of the NEAFC Performance Review Panels is specifically a tool for the NEAFC Commission to use for improving performance. The Working Group on the future of NEAFC has already analysed the Panels comment and made proposals that will be considered by the NEAFC Commission in June this year. It should however be of

¹ FAO Fisheries Report No. 780, Report of the twenty-sixth session of the Committee on Fisheries, Rome, 7–11 March 2005, paragraphs 111-112.

² The report of the Review Conference is contained in United Nations document A/CONF.210/2006/15, available at www.un.org/depts/los. See, in particular, paragraphs 60 and 85 of the report.

interest, considering earlier discussions in COFI, to report how the review was organised to secure an independent review and the robustness of the process followed.

The panel was set up with 3 independent “external” members:

- A fisheries management expert nominated by the Fisheries Department of the Food and Agriculture Organisation of the United Nations (FAO); Michael Arbuckle (Panel Moderator);
- A marine scientist nominated by the Department of Fisheries and Oceans, Canada; Bruce Atkinson ;
- An international law of the sea expert nominated by United Nations Division for Oceans Affairs and the Law of the Sea of the Office of Legal Affairs (UNDOALOS); **Valentina Germani; and**
- three internal members who held key positions within the NEAFC structure The chairman of the Working Group on the Future of NEAFC, Kolbeinn Árnason, the chairman of NEAFC Permanent Committee on Control and Enforcement, PECCOE, Martin Newman and the Secretary of NEAFC, Kjartan Hoydal

The three “internal” members had the detailed knowledge that allowed the Panel to focus on evaluation. They also made sure that comments of the panel were efficiently brought to the attention of the NEAFC and its Contracting Parties so NEAFC assumed “ownership” of the Review, without affecting the independence of Review.

The three independent members reported that “overall the Panel found that the approach adopted was effective and the outputs unbiased by the construct and conduct of Panel members. It advised that the inclusion of both internal and external Panel members was a successful approach that could be adopted in future exercises of this kind, particularly where resources are limited”.

It is reassuring for NEAFC and its Contracting Parties that the findings of the Panel were positive on major accounts and developments after the Panel submitted its report in November 2006 have met further concerns expressed by the panel. A short update on these developments has been circulated at this meeting of COFI.

NEAFC is ready to answer questions and share its experience with other parties if they so wish. The Report of the Performance Review Panel can be downloaded from the NEAFC website.

Let me end by thanking FAO, DOALOS and DFO, Canada for - on very short notice - nominating the capable external panel members, thus securing the independence of the review.

NEAFC Secretariat