

**REPORT OF THE AD HOC WORKING GROUP FOR PREPARING
THE NEXT PERFORMANCE REVIEW**

The Chairman of the Commission, Mr. Stefaan Depypere, opened the meeting on May 19, 2015, in Coral Gables, Florida. The CPCs present were Brazil, Canada, EU, Ghana, Japan, Norway, and the United States.

Ms. Rachel O'Malley of the United States served as rapporteur.

The Chair referenced the virtual work of this group and explained that comments on the tentative agenda from Japan, Norway and the United States had been incorporated in a revised agenda (**Appendix 1**).

One CPC noted that the Terms of Reference for the Working Group on Performance Review contained in the Recommendation by ICCAT to Establish an Ad Hoc Working Group for Preparing the Next Performance Review [Rec. 14-12] refer to the Resolution by ICCAT on Best Available Science [Res. 11-17] and proposed that given the relevance of the Recommendation by ICCAT on the Principles of Decision Making for ICCAT Conservation and Management Measures [Rec. 11-13], a reference to this document should also be incorporated into the Agenda.

1. Consideration of assessment criteria for the performance review

There was general agreement that, in order to facilitate a comparison of findings, the assessment criteria for the upcoming performance review should not diverge substantially from the criteria applied in the first performance review. However, in some cases, the criteria must be revised to reflect developments since 2008 (e.g., port State measures).

The United States offered to circulate a matrix that summarizes information on criteria used in other recent performance reviews for RFMOs. This suggestion was welcomed by the group and it was agreed that further comments on potential criteria would be exchanged electronically.

2. Parameters for the composition of the performance review panel

The Working Group recalled the process used to select the reviewers for the first performance review, which was designed with transparency in mind. All CPCs were invited to nominate qualified experts, and then the CPCs engaged in a voting process to express their preference for reviewers. The panel for the 1st Performance Review included one legal expert, one fisheries scientist and one fisheries manager. All were external experts that did not have a current connection to ICCAT.

There was some discussion of the advantages and disadvantages of having a mixed panel for the second performance review that would include both external experts as well as one or more reviewers who are involved in the work of ICCAT. Some CPCs preferred that the review panel be composed of an equal number of outside and internal experts. Other CPCs expressed reservations about a mixed panel for various reasons including the also discussed inclusion of non-governmental organizations (environmental and industry) on the review panel. All agreed that achieving an appropriate balance of perspectives and expertise is critical. Concerning the size of the panel, it was acknowledged that a larger panel would provide additional perspectives but could also make the process more complicated and costly.

As a result three alternatives regarding the composition of the panel will be further considered:

- 1) three external experts;
- 2) external and internal experts (3-4 of each), potentially including NGOs (1 environmental and 1 representing industry);
- 3) a smaller group composed of primarily external experts with one or two internal experts on ICCAT management and administration.

In addition to expertise, the Working Group agreed that the independence of reviewers is an important factor to keep in mind during the selection process, and that reviewers should be appointed as individuals in their professional capacity.

It was noted that if NGOs are not included among the reviewers, these perspectives will nonetheless be represented through the review panel's outreach to interested NGOs representing industry and environmental concerns. It was also suggested that NGOs could be included in the meetings of the review panel as observers.

One CPC recalled that it was very difficult to select CPC representatives for the NAFO performance review and that ICCAT has a much higher membership than NAFO. It was suggested that this could be addressed by considering panel representation or geographic representation.

The Working Group agreed to consider these three alternatives virtually and convey their views to the Chair so that a preferred alternative can be identified, if possible.

3. The timeline for launching and implementing the review process

While the timeline will depend in part on the option selected, members of the Working Group concurred that selection of panelists should occur by February or March 2016 and that the review panel should be able to complete its work by the time of the subsequent annual meeting. There was general agreement that effort should be made to present the final report at the 2016 Commission meeting. Others noted that if a larger and more complex panel structure was selected, it is unlikely the report could be finalized until the 2017 Commission meeting. In this case, an update on the review panel's work could be provided at the 2016 Commission meeting.

4. Comparison of ICCAT's performance with the performance of other tuna RFMOs

The Working Group agreed that this comparison should be conducted with the goal of identifying best practices, and acknowledged that performance reviews conducted for other tuna RFMOs will provide relevant information for the reviewers to consider. In order to maximize the efficiency of the review panel's work, the number of issues identified for comparison should be limited to those considered the most critical.

5. Expected budget of performance review

The Working Group discussed concerns with the potential cost of this exercise, and possible ways to minimize costs to the extent possible. The cost of ICCAT's first performance review was 106,265.35 Euros. ICCAT's Executive Secretary informed the group that 600 Euros/day is typically the fee for expert consultants. One CPC suggested that ICCAT could circulate a call for tenders with a more reasonable consulting fee (e.g., 400 Euros/day).

It was noted that use of a reviewer who works for one of the CPC's governments could result in financial savings, as these reviewers are typically reimbursed only for their travel expenses. It was also agreed that (1) any developed State CPCs serving on the panel would need to cover their own costs; (2) developing State CPCs could receive travel assistance for their involvement; and (3) if NGOs were to serve on the panel, they would be required to cover their own costs.

The Executive Secretary asked the Working Group to consider that the budget for 2016-17 will be agreed at the annual meeting in Malta.

6. Presentation of the Terms of Reference developed by the Working Group

The Working Group will continue to meet virtually to consider the evaluation criteria and develop the terms of reference. These will be circulated to the CPCs in October 2015, in preparation for consideration by the Commission at the annual meeting in November 2015.

AGENDA FOR THE WORKING GROUP ON PERFORMANCE REVIEW
(virtual work to start February 2015)

1. Consideration of assessment criteria for the performance review

Recommendation 14-12 indicates that the assessment criteria should take into account, inter alia, the following:

- The criteria used by ICCAT during its first performance review
- The criteria for second performance reviews by other RFMOs
- Resolution by ICCAT on Best Available Science [Res. 11-17]
- The Kobe recommendations

The assessment criteria should also take into account the *Recommendation by ICCAT on the Principles of Decision Making for ICCAT Conservation and Management Measures* [Rec.11-13].

2. Parameters for the composition of the performance review panel

The following will need to be considered:

- The number of Panellists
- Qualifications of each Panellist
- Selection criteria for Panellists
- Method for inviting Panellists
- Suggestions for potential candidates
- Working language of the Panellists

3. The timeline for launching and implementing the review process

The Working Group will need to determine:

- Planning of the various steps of the review process
- Timeline for the selection of Panellists
- Deliverables expected and deadlines for each deliverable

The Commission should adopt the assessment criteria, and hence these should be submitted to the Secretariat in good time for translation and circulation. The criteria for the assessment of the SCRS should be submitted earlier, in order for the SCRS to review these before the Commission.

Potential deliverables could be:

- Evaluate how ICCAT has responded to the outcome of the first ICCAT performance review of 2008, taking into consideration the discussions/recommendations of the Working Group on the Future of ICCAT and subsequent decisions and practices by the Commission and its subsidiary bodies
- Taking into account the evaluation referred to above, assess the functioning of the Commission and its subsidiary bodies, in particular the Compliance Committee and the SCRS
- Compare, to the extent possible, the performance of ICCAT with that of other tuna RFMOs (see point 4)
- Advise the Commission on areas in need of strengthening and on ways to improve ICCAT performance

4. Comparison of ICCAT’s performance with the performance of other tuna RFMOs

- Consideration of elements which should be included in a comparative review
- Development of recommendations on how such a comparative performance review could be carried out by Panel experts

5. Expected budget of performance review

Depending on the experts chosen, the number of deliverables, and the deadlines imposed for deliverables, the Working Group will need to consider cost implications and propose a realistic budget. As needed, this budget proposal will be reviewed in light of the decision of the Commission concerning the Terms of Reference for the second performance review of ICCAT.

6. Presentation of the Terms of Reference developed by the Working Group

The proposed Terms of Reference and relevant explanatory information will be presented to the Commission at its 2015 annual meeting for consideration. Translation time should be taken into account when submitting to the Secretariat. The Terms of Reference and any explanatory information will be presented to the Commission by the Chair of the Working Group.

List of Documents

PER-001A	Agenda and documents list
PER-002	Recommendation by ICCAT to Establish an Ad Hoc Working Group for Preparing the Next Performance Review [Rec. 14-12]
PER-003	Report of First Performance Review
PER-004	Procedures adopted for selection of experts, budget and criteria of First Performance Review
PER-005	Progress made since the ICCAT Performance Review (Secretariat Document PLE-103/14)
PER-006	Resolution by ICCAT on Best Available Science [Res. 11-17]
PER-007	Terms of Reference for second performance review of CCSBT
PER-008	Terms of Reference for second performance review of IOTC
PER-009	Terms of Reference for performance review of WCPFC
PER-010	Recommendations of Kobe III
PER-011	Letter from the ISSF
PER-012	General presentation of the 2nd ICCAT performance review