

DISCUSSION DOCUMENT

STACFAD Chair

This document is intended to complement the documents STF-206/2018 and STF-212A/2018 to guide discussions on the relevant topics to be addressed at STACFAD sessions. It is also intended with this document to provide CPCs with a general outlook on how some of recommendations emanating from the process of the 2nd Independent Performance Review of ICCAT could be materialized through a direct transposition to be made into the relevant Basic Texts of ICCAT.

Below is a list of recommendations emanating from the Second Performance Review of ICCAT, as well as potential actions and suggestions for solutions to some of these recommendations that are still pending for conceptual discussions at the 21st Special Meeting of the Commission. Without prejudice to any formal discussions at STACFAD, the following proposals are given for informative purposes with a view to fomenting further deliberations by CPCs, and they do not reflect any formal positions.

Recommendations emanating from the Second Performance Review of ICCAT

Consolidated Versions of ICCAT Basic Texts:

Relevant Panel Recommendations

Item 92 (Decision Making) - Reviews its Rules of Procedure, among other things to integrate its 2011 Deadlines and Guidelines for the Submission of Draft Proposals, Rec. 03-20 and Res. 94-06.

Points for Discussion at STACFAD

In order to address performance review recommendation #92, the following provisions could either be incorporated into an existing Rule (i.e, Rule 8) or into additional new Rule(s) (i.e., relating "Submission of Proposals") within ICCAT's Rule of Procedure;

Proposed Amendment to ICCAT's Rules of Procedure

Rule 8 - Agenda

4. Any proposal for which the SCRS advice is not required or for which SCRS advice was given in previous years should be submitted to the Secretariat one month before the opening of the meeting, together with a brief explanation if required. Such proposals will be translated by the Secretariat and circulated two weeks before the meeting. In the event that the Party(ies) making the proposal receive comments from other Contracting Parties and wish to amend their proposal before discussion at the meeting, the revised version should be submitted to the Secretariat as soon as possible, and not later than the first day of the meeting. The proposals can be revised as often as necessary following first discussion.
5. Any proposal which requires the most recent available scientific advice should be sent to the Secretariat, if possible, at least one week in advance of the meeting, and otherwise no later than five days before the end of the Meeting. These will be translated by the Secretariat and distributed by the first day of the annual meeting, or as soon as possible thereafter. The proposals can be revised as often as necessary following first discussion.
6. Cooperating Parties may attend the meetings of ICCAT as observers. Any non-Contracting Party, Entity, or Fishing Entity that seeks to be accorded the status of a Cooperating non-Contracting Party, Entity or Fishing Entity shall apply to the Executive Secretary. Requests must be received by the Executive Secretary no later than ninety (90) days in advance of an ICCAT annual meeting, to be considered at that meeting.

Incorporating Transparency and Review of ICCAT Policy on NGO Participation

Relevant Panel Recommendations

Item 94 (Transparency) - Considers codifying its practices on participation by NGOs - which are consistent with international minimum standards and comparable to those of other tuna RFMOs - by amending the ICCAT Observer Guidelines and Criteria or the ICCAT Rules of Procedure.

Item 95 (Transparency) - Considers requiring Contracting Parties that object to an application by an NGO for Observer Status with ICCAT to provide their reasons in writing.

Item 96 (Transparency) - Considers that closing formal ICCAT meetings to observers requires an explicit and reasoned decision supported by a simple majority of Contracting Parties.

Points for Discussion:

STACFAD is expected to undertake a general review of the policy on NGOs' attendance at ICCAT meetings and provide advice to the Commission on necessary changes to be reflected at ICCAT's Rules of Procedure and observer rules and on the timing for posting of these documents on the ICCAT website.

In order to address performance review recommendations # 94, 95 and 96, the following provisions could be incorporated into Rule 5 of ICCAT Rules of Procedure relating to "Observers".

Proposed Amendment for ICCAT's Rules of Procedure

Rule 5 – Observers*

The Commission may invite international organizations and any Government which is a Member of the United Nations or of any Specialized Agency of the United Nations and which is not a member of the Commission, to send observers to its meetings. Observers may, with the authorization of the Chairman, address the meeting to which they are invited and otherwise participate in its work, but without the right to vote.

The Commission may also invite, upon request, non-governmental organizations having special competence in the field of activity of the Commission to attend such of its meetings as the Commission may specify in accordance with the procedures defined in the Guidelines and Criteria for Granting Observer Status of the Commission. The list of the NGOs wishing to be invited will be submitted beforehand by the Executive Secretary to the members of the Commission, no later than 45 days before the meeting. If one of the members of the Commission objects giving in writing its reasons within 30 days, the matter will then be subject to decision of the Commission out of meeting by written procedure. Once an NGO has had its application for Observer status approved, such observer status shall remain in effect for future sessions unless the Commission decides otherwise.

Meetings of the Commission shall be [open to participation by observers] [public] unless the Commission otherwise decides based on an explicit and reasoned decision supported by a simple majority of Contracting Parties.

Impacts of New Management Measures on Workload of ICCAT Secretariat

Relevant Panel Recommendations

Item 86 (Reporting Requirements) - The Panel recommends that before the adoption of each new recommendation, there should be an assessment as to the likely impact on the Secretariat's workload that its implementation implies.

* At its 11th Special Meeting (Santiago de Compostela, November 1998) the Commission adopted the *Guidelines and Criteria for Granting Observer Status at ICCAT Meetings*, which was later amended by the Commission at its 19th Regular Meeting (Seville, November 2005) [Ref. 05-12].

Points for Discussion:

In order to address the performance review recommendation # 86, the Secretariat could develop a cover note format that will embrace the following elements for an initial assessment of impact of new management measures on ICCAT Secretariat's workload.

Proposed Assessment Process and Elements of the Cover Note

In advance of the adoption of each new recommendation, the relevant Panels in collaboration with the Executive Secretary shall make an assessment as to the likely impact of the new management measure on the Secretariat's workload. Such assessment shall be completed before adoption by the relevant Panel of the new recommendation in question, and a "cover note" comprising of the following clarification elements will be embedded in the proposed recommendation;

- Whether there is the sufficient capacity and budget resources to implement the management measure recommendation, and if not, how might these resources/capacity be achieved?
- Are any external sources of expertise or advice required to respond successfully to the requirements of the measure (i.e., for assisting CPCs, reviewing the quality of the statistics available, collection, processing, and reporting of data, as well as implementation of monitoring systems)?
- What level of human or financial resources is required to fully respond the requirements of the new recommendation by the ICCAT Secretariat?
- Proposed timeframe for implementation.

Strengthening Participation & Capacity Building

Relevant Panel Recommendations

Item 108 (Participation and Capacity Building) - Considers pursuing capacity building initiatives to strengthen participation in ICCAT meetings in a broader sense - including for key ICCAT positions - for instance by human resource development (e.g. by training courses on participation in, and chairing of, intergovernmental negotiations and bodies).

Item 109 (Participation and Capacity Building) - Develops an overarching strategy for capacity building and assistance programs, which integrates the various existing capacity building initiatives.

Points for Discussion:

In order to address the performance review recommendations # 108 and 109, the Terms of Reference of the Standing Working Group to Enhance Dialogue between Fisheries Scientists and Managers (SWGSM) could be updated to incorporate focused actions to develop an overarching capacity building and assistance strategy for ICCAT.

Proposed Amendment to Paragraph 2 of Rec. 14-13

2. The objective of the SWGSM is to enhance communication and foster mutual understanding between fisheries managers and scientists, by establishing a forum to exchange views and to support the development and effective implementation of management and capacity building strategies, in particular through, inter alia:
 - g. The identification of the specific mechanisms to ensure that more scientists with knowledge of the fisheries and MSE process participate in stock assessment meetings and are directly involved in assessment teams.

Level of Working Capital Fund to Ensure a Sound Financial Management

Relevant Panel Recommendations

Item 127 (Financial and Administrative Issues) - The Panel recommends that a Working Capital Fund equivalent to 70% of the Annual Budget is prudent. This fund needs to be kept at that level in the interest of sound financial management. It should also be borne in mind that there are no guarantees that the costs of Annual meetings and scientific programmes etc., will continue to be financed by extra budgetary funds.

Points for Discussion:

The downward trend of the level of WCF has continued in 2017 and 2018 in terms of percentage of the Budget; 19.30 % in 2017 and -4.89% in 2018 (the latter is estimated according to the Secretariat's expenditure forecasts in the case that no additional contributions are received before the end of the year).

In order to address the performance review recommendation # 127, STACFAD could provide the following advise to the Commission regarding adoption of a more practical level of WCF.

The level of Working Capital Fund should be maintained at a level of at least 30 % of the approved annual budget until such time as the Commission determines a more appropriate level based on prevailing circumstances.

Introduction of a Total Quality Management process for the ICCAT Secretariat

Relevant Panel Recommendations

Item 130 (Financial and Administrative Issues) - The Panel recommends, in line with good management practice, that ICCAT reviews every five years, through an independent human resources consultancy company, the staffing profile and workload of the Secretariat and, if necessary, adjust it to accurately reflect current and programmed workloads. In that review, the company should also review the staff assessment process.

Item 131 (Financial and Administrative Issues) - The Panel recommends that STACFAD be responsible for the terms of reference and the follow-up to the report of the consultancy.

Points for Discussion:

In order to address the performance review recommendations # 130 and 131, ICCAT Secretariat has already made a preliminary examination in the interim period and contacted a few HRs consultancy companies to receive tenders for an independent review of the staffing profile, staff assessment process and Secretariat's workload (STF-206/18). Depending on the outcomes aforementioned process, the Commission would need to consider appropriate actions to be taken should commencement of a Total Quality Management project or should any other improvements are deemed necessary to maintain the qualified key personnel in ICCAT.

Proposed Elements of the Terms of Reference for HRs Consultancy

Duties of the Consultancy is to carry-out the following:

- Review of organizational structure and staffing profile of the ICCAT Secretariat;
- Review the staff assessment process of the ICCAT Secretariat;
- Comparison of personal benefits/remunerations offered by other RFMOs;
- Analysis and assessment of the workload of the ICCAT Secretariat.

Expected Outcomes:

- Concrete proposals on improvement of organizational structure, staffing profile and staff assessment processes;
- An analysis document on the workload of the ICCAT Secretariat comprising of proposed solutions for adjustment to accurately reflect current and programmed workload.