

## North Atlantic Marine Mammal Commission- Performance Review

### 1. NAMMCO – NORTH ATLANTIC MARINE MAMMAL COMMISSION

NAMMCO is an international body for regional cooperation on conservation, rational management and study of cetaceans (whales, dolphins and porpoises) and pinnipeds (seals and walruses) in the North Atlantic. The members of NAMMCO — Faroe Islands, Greenland, Iceland and Norway — are committed to sustainable and responsible use of all living marine resources, including marine mammals. The NAMMCO Agreement was signed in Nuuk, Greenland, on 9 April 1992.

Through regional cooperation, NAMMCO member countries aim to strengthen and further develop effective conservation and management measures for marine mammals. Acknowledging the rights and needs of coastal communities to make a sustainable living from what the sea can provide, such measures should be based on the best available scientific evidence and user knowledge and take into account the complexity and vulnerability of the marine ecosystem.

NAMMCO has filled a gap in conservation and management for smaller whales, seals and walruses in the region, which had not previously been covered by any international agreements.

Following the recommendations of the Review Conference on the 1995 Agreement<sup>1</sup> conveyed by the FAO to RFMOs and pertaining to conducting performance reviews, NAMMCO Council agreed at its 25th Annual Meeting (2017) to undertake the first ever performance review of the organisation. It adopted a process, specifying the objectives of the Review, terms of reference, selection of the Review Panel, assessment criteria, procedure and administration.

### 2. SCOPE AND ARRANGEMENTS OF THE PERFORMANCE REVIEW

The purpose of the Performance Review was to provide the organisation with an external critical view of its work, generating constructive comments, new ideas and suggestions for improvements. It would also support transparency and openness.

The Review should give special emphasis to the objective of the Commission reflected in the NAMMCO Agreement, which is to contribute through regional consultation and cooperation to the conservation, rational management and study of marine mammals in the North Atlantic.

The Performance Review report should be distributed to Parties and observers and should become publicly available on the NAMMCO website and disseminated widely by the Secretariat.

#### Objectives

- To assess the performance and conformity of the organization with the NAMMCO Agreement and other relevant international instruments addressing the conservation and management of marine mammals,
- To assess the performance of the Parties in responding to NAMMCO recommendations and proposals,
- To propose ways ahead for areas where improvements are required,
- The Performance Review should aim at being completed in time for submission to Council at its 26th annual meeting in 2018,
- The Report of the Performance Review will be made public and available on the NAMMCO website.

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<sup>1</sup> Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.

### Terms of reference

- To assess the performance of NAMMCO since July 1992 (the date when the Agreement came into force) against the objectives set out in the Agreement and any other relevant international instruments addressing the conservation and management of marine mammals or living marine resources relevant to marine mammals.
- To assess the performance of the Parties of NAMMCO in following the recommendations and proposals of NAMMCO in terms of conservation and management, hunting methods and inspection and observation.
- Consideration should be given to developments in ocean management, monitoring techniques and technical development that have taken place during the period covered by the review.
- The review should be performed based on the criteria specified and should point both to achievements as well as areas which could be improved.

### Review Criteria and Panel

The review criteria were based on the “Kobe Criteria for Reviewing the Performance of RFMOs”<sup>2</sup> and amended to reflect NAMMCO’s mandate and membership.

The Performance Review Panel should be composed of external experts, non-nationals of and non-residents of any NAMMCO member countries to ensure objectivity and neutrality. The external experts should be internationally recognised and have long experience in their field of work and expertise. They should not be members of a NAMMCO Committee, but they may have or still be participating in the work of NAMMCO committees’ subsidiary bodies as external expert or observer.

Council agreed to ask the United Nations Food and Agriculture Organization (FAO), the International Whaling Commission (IWC) and the Northwest Atlantic Fisheries Organization (NAFO) to nominate one expert each to the Performance Review Panel.

## 3. PROCESS OF THE PERFORMANCE REVIEW

The United Nations Food and Agriculture Organization (FAO), the International Whaling Commission (IWC) and the Northwest Atlantic Fisheries Organization (NAFO) nominated respectively Dan Goodman (Canada/Japan), Caterina Fortuna (Italy) and Russell Smith (USA). The panel appointed Fortuna as its chair and started its work in January 2018.

The Panel assessed the performance of NAMMCO against its overall objectives and 47 detailed criteria established under the 7 general areas: conservation and management, hunting activities, compliance and enforcement, decision making, international cooperation, financial and administrative issues and, outreach.

The Panel applied three methods to collect evidence: (a) a questionnaire, (b) in-person and Skype interviews, and (c) a review of official documents including documents on the NAMMCO website and documents prepared for the Panel by the Secretariat. For each of the detailed criteria the Panel compiled a background section. These were sent to the NAMMCO Members and the Secretariat for fact checking.

To guide its work, the Panel developed a modus operandi inspired by the methodology of the Multilateral Organization Performance Network 3.0 (MOPAN 3.0). MOPAN 3.0 was adopted for this process because it is a well-respected process that the Panel believed would provide a general framework for a high-quality review of performance.

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<sup>2</sup> FAO. 2015. *The implementation of performance review reports by regional fishery bodies, 2004–2014*, by Péter D. Szigeti and Gail L. Lugten. FAO Fisheries and Aquaculture Circular No. 1108. Rome, Italy. Available at <http://www.fao.org/3/a-i4869e.pdf>

For the survey, respondents were asked to complete a multiple-choice questionnaire reflecting the criteria adopted for this Performance Review. The survey was sent to 132 potential respondents that included NAMMCO Councillors and other representatives of Member Countries, Chairs (present and past) of NAMMCO Committees, members of the Scientific Committee, past and present NAMMCO Secretariat staff and representatives of observers, including non-Member Countries, relevant Intergovernmental Organizations (IGOs) and Non-Governmental Organizations (NGOs), as well as external experts, journalists, and some parliamentarians.

The Panel also carried out substantive interviews with key NAMMCO officers, staff and stakeholders. These interviews helped to deepen the Panel's understanding of the information collected in the document reviews and the survey.

The Panel observed the 26<sup>th</sup> meeting of the Council and the Chair of the Panel observed the 25<sup>th</sup> meeting of the NAMMCO Scientific Committee. The Panel held two face-to-face meetings at NAMMCO Headquarters in Tromsø, Norway, as well as numerous skype and telephone meetings, with or without the presence of the Secretariat.

The travel and accommodation costs of the experts were covered by NAMMCO. In addition, the experts received an honorarium for the work undertaken.

The Performance Review Panel delivered its report to the General Secretary of NAMMCO on 1 March 2019.

The Chair of the Panel presented the process and the conclusions and recommendations of the Panel to the 27<sup>th</sup> Council of NAMMCO on 3 April 2019.

#### **4. FOLLOW UP TO THE PERFORMANCE REVIEW**

As a way forward, the NAMMCO Council decided at its 27<sup>th</sup> meeting, 3-4 on April 2019, to establish an ad hoc working group to review the recommendations introduced in the NAMMCO Performance Review Report.

The working group will seek the views of NAMMCO Committees and working groups on the recommendations specific to their areas of work.

Together with their input, the Working Group will discuss the cross-cutting and overarching aspects of the Performance Review's conclusions and recommendations, with a view to proposing to the Council any relevant follow up actions.