



**TERMS OF REFERENCE AND CRITERIA TO CONDUCT THE 2ND PERFORMANCE
REVIEW OF THE INTERNATIONAL PACIFIC HALIBUT COMMISSION (IPHC)**

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The following is a modified version of the Terms of Reference and Criteria for the 2nd Performance Review of the IPHC (PRIPHC02) adopted by the Commission.

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:

The review will evaluate progress made on the recommendations arising from the 1st performance review of the IPHC. In addition, it will focus on the effectiveness of the Commission to fulfil its mandate, in accordance with the criteria set forth below. In conducting the review, the strengths, weakness, opportunities and risks to the organisation shall also be evaluated.

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: 1 representative of each IPHC Contracting Party.

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 (NPFC), 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.

1.3 Meeting locations:

At least two (2) in-person Review Panel meetings will take place, one in the USA (at the seat of the Commission in Seattle or in Alaska) and one in Canada (location to be decided by Canada). Contracting Parties will cover the costs associated with the participation of their representative. However, the attendance of other Panel Members to the Review Panel meetings shall be funded under the Commission's 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 96th Session of the IPHC Annual Meeting (AM096) in 2020, and published on the IPHC website so as to maximize transparency.

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

Criteria 1: 1st Performance Review: to evaluate progress made on the implementation of the recommendations arising from the 1st performance review of the IPHC

Criteria 2: *Legal analysis of the Convention* to ensure its adequacy relative to current global best practice principles of fisheries management

Criteria 3: *Conservation and management* (status of living marine resources; quality and provision of scientific advice; data collection and sharing; adoption of fishery Regulations, also known in other RFMO's as Conservation and Management Measures, including measures adopted at the national level; compatibility of fishery Regulations)

- i. Status of living marine resources
 - Status of Pacific halibut stock under the purview of the IPHC in relation to relevant biological standards.
 - Trends in the status of the stock.
 - Status of species that belong to the same ecosystems as, or are associated with or dependent upon, Pacific halibut (hereinafter "non-target species").
 - Trends in the status of non-target species.
- ii. Quality and provision of scientific advice
 - Extent to which the IPHC receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.
 - Extent to which the IPHC obtains and evaluates scientific advice, reviews the status of the stock, promotes the conduct of relevant scientific research and disseminates the results thereof.

- iii. Data collection and sharing
- Extent to which the IPHC has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I.
 - Extent to which IPHC Contracting Parties, individually or through the IPHC, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner.
 - Extent to which fishing data and fishing vessel data are gathered by the IPHC and shared among Contracting Parties and other relevant bodies.
 - Extent to which the IPHC is addressing any gaps in the collection and sharing of data as required.
 - Extent to which the IPHC has set standards for the collection of socio-economic data from the fisheries; and extent to which this information is used to inform decisions by the Commission.
 - Extent to which the IPHC has set security and confidentiality standards and rules for sharing of sensitive science and operational/compliance data.
- iv. Consistency between scientific advice and fishery Regulations adopted;
- Extent to which the IPHC has adopted fishery Regulations for both Pacific halibut, and proposed regulations for non-target species to relevant bodies, that ensure the long-term sustainability of the ecosystem as well as of such stocks and species and are based on the best scientific evidence available.
 - Extent to which the IPHC has applied the precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points and harvest control rules.
 - Extent to which the IPHC has adopted and implemented effective rebuilding plans for depleted or overfished stocks.
 - Extent to which the IPHC has taken due account of the need to conserve marine biological diversity and minimise harmful impacts of fisheries on living marine resources and marine ecosystems.
 - Extent to which the IPHC has adopted measures to minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.
- v. Compatibility of management measures
- Extent to which measures have been adopted as reflected in UNFSA Article 7.
- vi. Fishing allocations and opportunities
- Extent to which the IPHC agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new Contracting Parties or participants as reflected in UNFSA Article 11.

Criteria 4: *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)

- i. Flag State duties
 - Extent to which IPHC Contracting Parties are fulfilling their duties as flag States under the Convention establishing the IPHC, pursuant to measures adopted by the IPHC, and under other international instruments, including, *inter alia*, the 1982 Law of the Sea Convention, and the UNFSA, as applicable.
- ii. Port State measures
 - Extent to which the IPHC has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3 and the FAO Port State Agreement.
 - Extent to which these measures are effectively implemented.
- iii. Monitoring, control and surveillance (MCS)
 - Extent to which the IPHC has adopted integrated MCS measures (e.g. required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes).
 - Extent to which these measures are effectively implemented.
- iv. Follow-up on infringements
 - Extent to which the IPHC Contracting Parties follow up on infringements to management measures.
- v. Cooperative mechanisms to detect and deter non-compliance
 - Extent to which the IPHC has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g. compliance committees, vessel lists, sharing of information about non-compliance, joint patrols, common Minimum Terms and Conditions for access, harmonised regulatory mechanisms, boarding schemes, regional/compatible VMS equipment and operational criteria, observer schemes, with common training standards for inspectors and observers, intra-regional cooperation, etc.).
 - Extent to which these mechanisms are being effectively utilised.
 - Extent to which the IPHC has adopted new measures to foster (reward/penalise) compliance within IPHC and effectiveness of such measures.
- vi. Market-related measures
 - Extent to which the IPHC has adopted measures relating to the exercise of the rights and duties of its Members as market States.
 - Extent to which these market-related measures are effectively implemented.

Criteria 5: *Decision-making and dispute settlement*

- i. Decision-making

- Extent to which IPHC has transparent and consistent decision-making procedures that facilitate the adoption of management regulations in a timely and effective manner.
- ii. Dispute settlement
 - Extent to which the IPHC has established adequate mechanisms for resolving disputes among Contracting Parties.

Criteria 6: *International cooperation* (transparency; relationship to non-Contracting Parties; cooperation with other RFMOs)

- i. Transparency
 - Extent to which the IPHC is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9.
 - Extent to which IPHC decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.
- ii. Relationship to non-Contracting Parties
 - Extent to which the IPHC facilitates cooperation among Contracting Parties and non-Contracting Parties which exploit the Pacific halibut stock, including through the adoption and implementation of procedures for granting Cooperating Non-Contracting Party status.
 - Extent of fishing activity by vessels of non-Contracting Parties that are not cooperating with the IPHC, as well as measures to deter such activities.
- iii. Cooperation with other RFMOs
 - Extent to which the IPHC cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.
 - Extent to which IPHC works intra-regionally to adopt common regulatory principles, standards and operational schemes, and processes where appropriate, e.g. observer coverage, gear management, access rules and appropriate financial mechanisms.
- iv. Participation
 - Extent to which all fishing entities active in the Convention area, and the stock range, discharge their obligations in line with the UNFSA.

Criteria 7: *Efficiency and transparency of financial and administrative management*

- i. Availability of resources for IPHC activities
 - Extent to which financial and other resources are made available to achieve the aims of the IPHC and to implement the Commission's decisions.
- ii. Efficiency and cost-effectiveness
 - Extent to which the IPHC is efficiently and effectively managing its human and financial resources.

- Extent to which the IPHC is managing its budget as well as its capacity to monitor and audit annual and multiannual expenditures.
 - Extent to which the IPHC Rules of Procedure and the IPHC Financial Regulations comply with international best practice.
- iii. Advisory structure
- Extent to which the IPHC has an adequate and effective set of subsidiary bodies which provide it with sound advice, and in accordance with best practice governance processes.