

DECISION 06-2024

Second SPRFMO Performance Review

(Supersedes Decision 06-2018)

The Commission of the South Pacific Regional Fisheries Management Organisation:

RECALLING Article 30 (1) of the Convention, which provides that the Commission shall review the effectiveness of the conservation and management measures adopted by the Commission in meeting the objectives of this Convention and the consistency of such measures with the principles and approaches of Article 3 of the Convention. Such reviews may include examination of the effectiveness of the provisions of the Convention itself and shall be undertaken at least every five years;

BEARING IN MIND Article 30 (2) of the Convention that such reviews shall include contributions from the subsidiary bodies as appropriate and the participation of persons of recognised competence who are independent of the Commission;

RECOGNISING that Article 30 (4) of the Convention provides that the result of any such reviews shall be made publicly available following its submission to the Commission;

TAKING INTO ACCOUNT Article 8(p) of the Convention, which provides the Commission with the authority to take any decisions that may be necessary for achieving the objectives of the Convention;

RECALLING that the report of the First SPRFMO performance review panel was finalised on 1 December 2018 and presented to the 7th meeting of the Commission in The Hague, the Netherlands in January 2019;

GIVING EFFECT to Article 8 of the Convention, has decided to adopt the following Decision:

1. A performance review of SPRFMO shall be conducted during the 2024 intersessional period. The final report and its conclusions, including recommendations, of the Review Panel shall be submitted prior to the 2025 annual meeting of the Commission for its consideration at that meeting.
2. A Review Panel shall be appointed by the Commission. Panel members shall be independent and participate in their personal capacity. Their expertise should cover the relevant areas of science, fisheries and marine ecosystems management and legal matters, including compliance and enforcement issues.
3. The terms of reference for the review are listed in Annex 1 of this Decision. The Review Panel may consider adding criteria, if needed.

PANEL COMPOSITION

4. The Review Panel shall be composed of four international independent experts as follows:
 - a) two experts who are nationals of SPRFMO Members with experience in the SPRFMO context and a thorough understanding of the SPRFMO Convention;
 - b) two external experts, among whom there is experience in relevant areas of science, fisheries and marine ecosystems management and legal matters, including compliance and enforcement issues.
5. The Review Panel membership should aim to reflect the SPRFMO Membership in terms of regional balance, fishing and non-fishing nations and developing and developed countries.



SELECTION OF THE REVIEW PANEL MEMBERS

6. SPRFMO Members may provide in writing two names, one for each category, to the Chairperson of the Commission, through the Secretariat. SPRFMO Observers may provide in writing two names for the category of external experts. The submission will include a CV and a short presentation of each candidate and should be provided by 15 March 2024.
7. The Chairperson of the Commission, through the Secretariat, shall provide to Members, by 31 March 2024, two lists containing the names proposed for the appointment of the four experts.
8. SPRFMO Members shall immediately acknowledge receipt of the communication. Members may respond in writing to the Chairperson of the Commission, through the Secretariat, within 30 days indicating their vote for two persons from each list. In case of a tie between two or more candidates from the same list, a vote will be immediately re-run for those candidates. SPRFMO Members shall reply to the communication from the Chairperson with the list of tied candidates within 15 days indicating their vote for one person from the list/s.
9. The Chairperson of the Commission, immediately after the end of the 30-day period, or 15-day period in case of a re-run, shall, through the Secretariat, inform Members of the result of the selection process.
10. Once the persons with the highest votes have been identified, the Secretariat shall write to each person selected by the Members for appointment to the Review Panel, indicating SPRFMO's desire to appoint him or her, requesting their commitment to comply with the terms of the current Decision and seeking their positive response.

REVIEW PANEL FUNCTION AND TASKS

11. At the latest by 15 June 2024, the Review Panel will appoint a Chairperson amongst its Members by consensus. Immediately after his/her appointment the Chairperson shall start making the necessary arrangements to ensure the good organisation of the works of the Review Panel, including the distribution of tasks amongst Members of the Panel. The Review Panel will meet in Wellington unless a more cost-effective location is identified at a date convenient to all panel members but no later than 31 August 2024. Economy class travel, accommodation and subsistence costs will be available to Review Panel members, if requested, to support their participation. Costs will be borne by the SPRFMO budget either directly or through voluntary contributions.
12. The review shall include a desktop study with questionnaires and interviews carried out during July 2024 by the Review Panel in support of this work prior to the meeting of the Review Panel, addressed to all SPRFMO Members, Cooperating non-Contracting Parties (CNCs) and observers. All SPRFMO Members, CNCs and observers are encouraged to participate in the questionnaires and interviews. The replies from the questionnaires will be made available on the secure part of the SPRFMO website when the Panel's Final Report is made available in accordance with Article 30(4). Members of the Review Panel shall respect the applicable SPRFMO rules regarding any confidential information disclosed in the documents and information made available to them and only use them exclusively for the purposes of this Decision.
13. The SPRFMO Secretariat shall provide logistical support and information to the Review Panel but shall not form part of this Panel.
14. The Review Panel will adopt the report and its conclusions and recommendations by consensus. In the event consensus cannot be reached, individual members of the Panel may include their views in the Panel's report. The Panel may consider the use in the report of the terminology proposed in Annex 2 of this Decision.



TIMELINE

15. In accordance with paragraph 1, the final report and its conclusions, including recommendations and a table summarising the main findings, of the Review Panel shall be communicated by the Panel Chairperson to SPRFMO Members and CNCs and to the Chairpersons of the Scientific Committee (SC), the Compliance and Technical Committee (CTC) and the Finance and Administration Committee (FAC) no less than 50 days in advance of the dates fixed for the opening of their 2025 annual meetings for their consideration at those meetings.
16. The SC, CTC and FAC shall consider the final report during their meetings and report to the Commission the results of their discussions including plans for addressing any of the recommendations made by the performance review and tracking progress in that regard. Noting that the SC will not meet until after the next annual meeting of the Commission, the SC will report on its discussions to the Commission at its following annual meeting.
17. The final report and the conclusions of the Commission and each of its subsidiary bodies shall be placed on the SPRFMO website.
18. Following this performance review, subsequent reviews may be conducted at least every five years in accordance with Article 30 (1) of the SPRFMO Convention.



ANNEX I

This annex provides the terms of reference for the 2nd SPRFMO Performance review.

Part A:

The review panel shall base the first part of their report on analysing progress made by SPRFMO on implementation of the recommendations of the 2019 Performance Review. An analysis shall be carried out to consider the 2019 recommendations and identify where significant improvements have been made as well as highlighting areas where the Organisation could take action to close any remaining gaps.

Part B:

The second part of the review will focus on key aspects of SPRFMO's work and procedures, specifically on the effectiveness of our key conservation and management measures and MCS tools and the implementation of our decision making and objection procedures, how we are meeting the goals of SPRFMO; review the CMMs in light of compatible measures with adjacent EEZs and/or international instruments; and recommendations for improvement in these areas taking into account ongoing and potential future challenges for SPRFMO and the extent to which the Organisation is ready to address them (e.g., Climate change).



Decision 06-2024 - ANNEX 2

The following terms and associated definitions are proposed as guidance for the Commission and subsidiary bodies' discussions so as to remove ambiguity surrounding how particular paragraphs of the panel's report should be interpreted.

Level 1: **RECOMMENDED; RECOMMENDATION** (formal); **REQUESTED** (informal): A conclusion for an action to be undertaken by the Commission, a subsidiary (advisory) body of the Commission and/or the Secretariat. Note: Subsidiary (advisory) bodies of the Commission must have their Recommendations and Requests formally provided to and accepted by the Commission. The intention is that the higher body will consider the action for endorsement under its own mandate, if the subsidiary body does not already have the required mandate. Ideally, this should be task-specific and contain a timeframe for completion.

Level 2: **AGREED**: Any point of discussion from a meeting, which the SPRFMO Commission or relevant subsidiary bodies considers to be an agreed course of action covered by its mandate, which has not already been dealt with under Level 1 above; a general point of agreement among delegations/participants of a meeting which does not need to be elevated in the Commission's reporting structure.

Level 3: **NOTED/NOTING; CONSIDERED; URGED; ACKNOWLEDGED**: General terms to be used for consistency. Any point of discussion from a meeting, which the reviewers consider to be important enough to record in a meeting report for future reference. Any other term may be used to highlight to the reader of a SPRFMO report, the importance of the relevant paragraph. Other terms may be used but will be considered for explanatory/informational purposes only and shall have no higher rating within the reporting terminology hierarchy than Level 3.