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**PERFORMANCE REVIEW UPDATE (RESOLUTION 16/03 – ON THE SECOND PERFORMANCE REVIEW FOLLOW-UP)****PREPARED BY: IOTC SECRETARIAT; 15 APRIL 2017**

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**PURPOSE**

To provide the Compliance Committee (CoC) with an opportunity to update the current status of implementation for each of the recommendations arising from the Report of the 2<sup>nd</sup> IOTC Performance Review Panel, relevant to the CoC and the IOTC Secretariat.

**BACKGROUND**

In response to calls from the international community for a review of the performance of Regional Fisheries Management Organisations (RFMOs), the Indian Ocean Tuna Commission (IOTC) agreed in 2007 to implement a process of Performance Review. The IOTC Performance Review Panel, concluded its report to the Commission in January 2009. Since 2009 the Commission has annually received an update on the status of implementation for each of the recommendations arising from the report of the PRIOTC01 ([Anon 2009](#)). In subsequent years, the updates were supplemented with a work plan with proposed timelines and priorities for each recommendation by the IOTC Secretariat and each of the three main subsidiary bodies of the Commission (the Committees).

In 2013 the Commission agreed to undertake a 2<sup>nd</sup> Performance Review of the Indian Ocean Tuna Commission (PRIOTC02) to:

- a) evaluate progress made on the recommendations arising from the 1<sup>st</sup> performance review;
- b) focus on the effectiveness of the Commission to fulfil its mandate, and
- c) evaluate the strengths, weaknesses, opportunities and risks to the organisation (the review did not include an audit of the finances of the Commission).

As with the 1<sup>st</sup> performance review, the assessment criteria for the 2<sup>nd</sup> performance review closely followed those recommended by the 1<sup>st</sup> Kobe meeting in 2007, with some minor additions. The PRIOTC02 Panel did not address the detailed criteria point by point, but rather, used them as a basis for assessing progress against the general criteria. Thus, the assessment of each general criteria is a combination of the detailed criteria and progress made in relation to recommendations by the PRIOTC01. The Second Performance Review Panel concluded its work in December 2015, with 24 recommendations to improve the functioning of the IOTC ([Anon 2015](#)).

**DISCUSSION**

At its 20<sup>th</sup> Session, in 2016, the Commission adopted Resolution 16/03 *On the second performance review follow-up*, which provided for the creation of an *ad-hoc* Technical Committee to deliberate on all recommendations of the 2<sup>nd</sup> Performance Review Panel Report in an appropriate forum. The first meeting of the Technical Committee on Performance Review (TCPR01), which was due to take place in February 2017, did not materialise for reasons beyond the control of the IOTC Secretariat and the Member State that had generously offered to host this meeting. In view that the TCPR01 was unable to meet during the last intersessional period, the Recommendations of the PRIOTC02 relevant to the CoC and the IOTC Secretariat are provided at [Appendix A](#) for consideration.

**RECOMMENDATION/S**

That the Compliance Committee:

- 1) **NOTE** paper IOTC–2017–CoC14–06, which details the status of each of the recommendations relevant to the CoC and the IOTC Secretariat, from the performance review recommendations listed in [Appendix A](#).
- 2) **REVIEW** and further **UPDATE** the status table, including the work plan with proposed timelines and priorities for each recommendation relevant to the work of the CoC and the IOTC Secretariat, for the Commission’s consideration.

**APPENDICES**

[Appendix A](#): CoC: Update on progress regarding the Resolution 16/03 *On the second performance review follow-up*.

## APPENDIX A

**CoC: UPDATE ON PROGRESS REGARDING RESOLUTION 16/03 – ON THE SECOND PERFORMANCE REVIEW FOLLOW-UP**  
**(NOTE: NUMBERING AND RECOMMENDATIONS AS PER ANNEX I OF RESOLUTION 16/03)**

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
PRIOTC02.04 ( <a href="#">para. 102</a> )	<p><b><i>Compliance with data collection and reporting requirements</i></b></p> <p>The Commission, through its Compliance Committee, needs to strengthen its compliance monitoring in relation to the timeliness and accuracy of data submissions. To that end, the PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the Commission review its compliance monitoring program conducted by the Compliance Committee, including identification of priority obligations (e.g. timely and accurate data reporting, catch and effort limits, accuracy of the supplied registered fishing vessel information, etc.).</p>	<i>Commission and Compliance Committee</i>	<b>Ongoing:</b> Since the 2011 Compliance Committee meeting, country-based reports have been prepared for this purpose on the basis of Resolution 10/09, which is now integrated into the IOTC Rules of Procedure, Appendix V.	Review annually at the Compliance Committee meeting.	High
	<p>b) the compliance monitoring program review all priority obligations and undertake the compliance review by obligation and by CPCs and that the Commission publish a report of each CPCs compliance by obligation and CPC. The reports of all Compliance Missions should be appended to the compliance report of that relevant CPC and where the CPC has identified an action plan, that they not be assessed for that obligation.</p>	<i>Compliance Committee</i>	<b>Ongoing:</b> Since the 2011 Compliance Committee meeting, country-based reports have been prepared for this purpose on the basis of Resolution 10/09, which is now integrated into the IOTC Rules of Procedure, Appendix V.	Review annually at the Compliance Committee meeting.	High

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
	c) the Commission develop a scheme of responses (in accordance with the IOTC Rules of Procedure (2014) Appendix V, para. 3b (iv)) to priority non-compliance areas, including the preparation of CPC Implementation Action Plans that outline how the CPC will, over time, implement its obligations and alternative responses to serious violations of IOTC CMMs taking into account the FAOs Voluntary Guidelines for Flag State Performance. Reforms to the compliance monitoring program should include the ability of developing CPCs to identify (through the preparation of an Implementation Action Plan) and seek assistance for obligations that they are currently non-compliant with, including for example requesting capacity assistance, capacity building, resources, etc., to enable, overtime, implement its obligations.	<i>Commission and Compliance Committee</i>	<b>Ongoing:</b> A scheme of response to priority non-compliance areas is done through the Feedback Letter issued during the Commission meeting and forms the basis for the Secretariat, together with concerned CPCs, to develop the Compliance Action Plan.	Review annually at the Compliance Committee meeting.	High
	d) to facilitate thorough reviews of compliance, the Commission should invest in the development and implementation of an integrated electronic reporting program. This should include automatic integration of data from CPCs into the IOTC Secretariat's databases and automatic cross-referencing obligations and reports for the various obligations, in particular related to the provision of scientific data.	<i>Commission and Compliance Committee</i>	<b>Ongoing:</b> Draft technical specifications of an application has been developed.	2016 onwards	Medium

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
PRIOTC02.09 ( <a href="#">para. 129</a> )	<b>Fishing capacity management</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC should establish a stronger policy on fishing capacity to prevent or eliminate all excess fishing capacity, including options to freeze capacity levels as an interim measure, while alternative management measures are considered. As current capacity limits are generic and apply across all fleets and their ability to control catch of particular species is limited, therefore alternative management measures should be considered which may include spatial-temporal area closures, quota allocation, etc.	<i>Commission</i>	<b>Ongoing:</b> Through IOTC Resolution 16/01 <i>On an Interim Plan for Rebuilding the Indian Ocean Yellowfin tuna Stock in the IOTC area of competence</i> , and IOTC Resolution 16/02 <i>On harvest control rules for Skipjack tuna in the IOTC area of competence</i> .	Review annually at the Compliance Committee meeting.	High
	b) the Commission undertake a formal process to develop transfer mechanisms to developing coastal States, and in particular the least developed among them, with a view to realising their fleet development aspirations within sustainable levels.	<i>Commission</i>	<b>Pending</b>	TBD	TBD
PRIOTC02.10 ( <a href="#">para. 133</a> )	<b>Compatibility of management measures</b> The PRIOTC02 <b>RECOMMENDED</b> that if needed, CPCs request assistance from other CPCs or PRIOTC02.01 (para. 81) the IOTC Secretariat to assist in the assessment of the legal needs to effectively implement IOTC CMMs, noting that this process has already commenced with a number of IOTC Contracting Parties.	<i>Secretariat &amp; CPCs</i>	<b>Ongoing:</b> Ten developing CPCs have benefitted from assistance to transpose IOTC resolutions into their legal framework. An additional five years of funding for this type of assistance have been secured through extra-budgetary contributions.	Review annually at the Compliance Committee meeting.	High
PRIOTC02.13 ( <a href="#">para. 144</a> )	<b>Port State measures</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) since port State measures are critical for the control of fishing in the IOTC area and beyond, CPCs should take action to ratify the FAO Agreement on Port State Measures, and the Commission explore possible ways of including ports situated outside the IOTC area known to be receiving IOTC catches in applying port State measures established by the IOTC.	<i>Commission</i>	<b>Ongoing:</b> 19 of the 35 CPCs have signed or ratified or accepted or approved or acceded to the FAO PSMA.	Review annually at IOTC meetings.	Medium

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
	b) the Commission, through its port State measures training, support the implementation, including support from FAO and other donors, of the requirements of the FAO PSMA and the IOTC Resolution 10/11 <i>On port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.</i>	<i>Commission</i>	<b>Ongoing:</b> The IOTC has a well-established capacity building programme for the implementation of port State measures.	Review annually at IOTC meetings.	Medium
PRIOTC02.14 ( <a href="#">para. 149</a> )	<b>Monitoring, control and surveillance (MCS)</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC should continue to develop a comprehensive monitoring, control and surveillance (MCS) system through the implementation of the measures already in force, and through the adoption of new measures and tools such as a possible catch documentation scheme, noting the process currently being undertaken within the FAO.	<i>Commission &amp; Compliance Committee</i>	<b>Ongoing:</b> A CDS Working Group for the IOTC exists.	Review annually at the Compliance Committee meeting.	Medium
	b) as a matter of priority review the IOTC monitoring, control and surveillance (MCS) measures, systems and processes, with the objective of providing advice and guidance on improving the integration of the different tools, identification of gaps and recommendations on how to move forward, taking into consideration the experiences of other RFMOs, and that the review should be used as a basis for strengthening MCS for the purpose of improving the ability of the Commission to deter non-compliance and IUU fishing.	<i>Commission &amp; Compliance Committee</i>	<b>Planned:</b> A review of existing IOTC MCS measures will be conducted in 2017/18 through extra-budgetary funds.	Review annually at the Compliance Committee meeting.	Medium
PRIOTC02.15 ( <a href="#">para. 153</a> )	<b>Follow-up on infringements</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC should establish a scheme of responses to non-compliance in relation to CPCs obligations, and task the Compliance Committee to further develop a structured approach for cases of infringement.	<i>Commission &amp; Compliance Committee</i>	<b>Ongoing:</b> To be implemented through IOTC Resolution 16/06 <i>On measures applicable in case of non-fulfilment of reporting obligations in the IOTC.</i>	Review annually at the Compliance Committee meeting.	High

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
	b) further develop an online reporting tool to facilitate reporting by CPCs and to support the IOTC Secretariat through the automation of identification of non-compliance.	<i>Commission &amp; Compliance Committee</i>	<b>Ongoing:</b> Draft technical specifications of an application has been developed.	Review annually at IOTC meetings	Medium
	c) reasons for the non-compliance should be identified, including whether it is related to the measure itself, a need for capacity assistance or whether it is wilful or repeated non-compliance, and that the Compliance Committee provide technical advice on obligations where there are high level of CPCs non-compliance.	<i>Commission &amp; Compliance Committee</i>	<b>Ongoing:</b> A scheme of response to priority non-compliance areas is done through the Feedback Letter issued during the Commission meeting and forms the basis for the Secretariat, together with concerned CPCs, to develop the Compliance Action Plan. This will be further addressed by the WPICMM to enhance the technical capacity of CPCs.	Review annually at the Compliance Committee meeting.	High
PRIOTC02.18 ( <a href="#">para. 169</a> )	<b>Fishing capacity</b> The PRIOTC02 <b>RECOMMENDED</b> that the Commission consider non-compliance with fishing capacity related measures as a priority in the scheme of responses to non-compliance, in order to ensure the sustainable exploitation of the relevant IOTC species.	<i>Commission &amp; Compliance Committee</i>	<b>Ongoing:</b> A scheme of response to priority non-compliance areas is done through the Feedback Letter issued during the Commission meeting.	Review annually at the IOTC meetings	High
PRIOTC02.21 ( <a href="#">para. 204</a> )	<b>Cooperation with other RFMOs</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC should further develop mutual recognition and possible exploration of cross-listings of IUU lists with other RFMOs to combat IUU activities globally.	<i>Commission &amp; Compliance Committee</i>	<b>Pending:</b> This recommendation should be addressed at the next opportunity when IOTC Resolution 11/03 <i>On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence</i> is amended.	Review annually at the IOTC meetings	High
PRIOTC02.22 ( <a href="#">para. 211</a> )	b) the IOTC Secretariat in partnership with development agencies and organisations, should develop a five year regional fisheries capacity development program to ensure coordinated capacity building activities across the region.	<i>Secretariat &amp; Commission</i>	<b>Ongoing:</b> Support have been made available by the World Bank, under the new SWIOFISH (2) project, for a duration of six years, with a total budget of approximately 3,000,000 USD, in order to assist eligible CPCs to strengthen their compliance with IOTC Resolutions and to build MCS capacity (IOTC Circular 2016-093).	Review annually at the Compliance Committee meeting.	Medium