
Terms of Reference

IOTC Second Performance Review Independent Chair and Legal Expert

Last updated: 28 November 2014

Background

The IOTC is an intergovernmental organization established under article XIV of the FAO constitution. The IOTC agreement was concluded in 1993 and entered in force in 1996. The IOTC is mandated to manage tuna and tuna-like species in the Indian Ocean and adjacent seas with primary objective the conservation and optimum utilization of the stocks for long-term sustainability.

The main functions of the IOTC are to keep under review the conditions and trends of the stocks and to gather, analyse and disseminate scientific information, catch and effort statistics and other data relevant to the conservation and management of the stocks and to fisheries based on the stocks covered by the Agreement, and to encourage, recommend, and coordinate research and development activities in respect of the stocks and fisheries covered by the Agreement, and such other activities as the Commission may decide appropriate, including activities connected with transfer of technology, training and enhancement, having due regard to the need to ensure the equitable participation of Members of the Commission in the fisheries and the special interests and needs of Members in the region that are developing countries.

Aims and Objectives:

The review will evaluate progress made on the recommendations arising from the first performance review. In addition it will focus on the effectiveness of the Commission to fulfil its mandate, in accordance to the ToR and criteria to conduct the second Performance Review of the IOTC, and notably to the criteria set forth below with regards to the legal framework of the IOTC.

The overall objective is to:

1. Chair the Second Performance Review Panel
2. Lead the drafting of the Report of the Second Performance, in consultation with the Panel
3. Review the recommendations of the first performance review, notably through the tables/matrix prepared by the secretariat.
4. Make recommendations on how to improve the legal framework of the IOTC

Scope:

The work to be carried by expert shall be in accordance to the following criteria.

DECISION-MAKING AND DISPUTE SETTLEMENT

Decision-making

- Extent to which IOTC has transparent and consistent decision-making procedures that facilitate the adoption of Conservation and Management Measures in a timely and effective manner.

Dispute settlement

- Extent to which the IOTC has established adequate mechanisms for resolving disputes.

INTERNATIONAL COOPERATION

Transparency

- Extent to which the IOTC 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 IOTC decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.

Relationship to Cooperating Non-Contracting Parties

- Extent to which the IOTC facilitates cooperation between Members and Cooperating Non-Contracting Parties, including through the adoption and implementation of procedures for granting cooperating status.

Relationship to Non-Cooperating Non-Members (Non-CPCs)

- Extent of fishing activity by vessels of non-members that are not cooperating with the IOTC, as well as measures to deter such activities.
- Extent to which non-members fishing in IOTC are respecting IOTC legislation and contributing to management. Remedial measures should be recommended.

Cooperation with other RFMOs

Extent to which the IOTC cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.

- Extent to which IOTC works intra-regionally to adopt common regulatory principles, standards and operational schemes, and processes where appropriate, e.g., observer coverage, FADs management, access rules and appropriate financial mechanisms.

Special requirements of developing States

- Extent to which the IOTC recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5.
- Extent to which IOTC Members, individually or through the IOTC, provide relevant assistance to developing States, as reflected in UNFSA Article 26.

Participation

- Number of member coastal States / total number of coastal States.
- Number of member countries / total number of countries.
- Extent to which all fishing entities active in the area discharge their obligations in line with the UNFSA.

Estimated time frame:

It is estimated that a consultant would be required for 36 working days to carry out the work spread over a period of 15 months. This would include the following outputs:

1. A draft report containing the results of analysis based on the above criteria including recommendations.
2. A draft report of the Second Performance Review.
3. Chair's Performance Review Panel meeting minutes

Estimated budget and suggested timelines:

Component/Activity	Target	Total cost (US\$)
Desk review on the legal framework and drafting report	8 days	4800
Chairing of IOTC Performance Review Panel Meeting Secretariat (Seychelles – DSA +Tickets x2)	13 days	18000
Drafting of the Performance Review Report	15 days	9600
Total estimated cost	36 days	32,400