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**PERFORMANCE REVIEW UPDATE (RESOLUTION 09/01 – ON THE PERFORMANCE REVIEW FOLLOW-UP)**

**PREPARED BY: IOTC SECRETARIAT; 27 MARCH, 2013**

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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 IOTC Performance Review Panel.

**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 formed a Review Panel, consisting of an independent legal expert, an independent scientific expert, six IOTC Members and a non-governmental organisation observer, which concluded its report to the Commission in January 2009. The Panel's review was based on the criteria developed as a result of a joint meeting of tuna RFMOs, Kobe, Japan, 2007 and concentrated on the following issues:

- Adequacy of the Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC Agreement) relative to current principles of fisheries management;
- Consistency between scientific advice and conservation and management measures adopted;
- Effectiveness of control measures established by the IOTC; and
- Efficiency and transparency of financial and administrative management.

In 2009, the IOTC performance review panel published a report outlining 75 recommendations to improve the functioning of the IOTC ([Anon 2009](#)).

**DISCUSSION**

At the 16<sup>th</sup> Session of the Commission held in April 2012, members noted the status of implementation for each of the recommendations arising from the report of the performance review panel. Members agreed that the Secretariat and Chair of each of the three Committees should further develop the status table by including a work plan with proposed timelines and priorities ([Appendix A](#)).

Members tasked the Secretariat with ensuring that the relevant sections of the revised table ([Appendix A](#)) be provided to the respective Committees in advance of their next Sessions, in accordance with the IOTC rules of procedure.

The Commission agreed that each of the Committees should carry out a comprehensive evaluation of the status and priority of each of the recommendations from the Performance Review, and for a revised document to be provided to the Commission at its next Session.

**RECOMMENDATION/S**

That the Compliance Committee:

- 1) **NOTE** the current status, work plan and proposed priorities for each of the recommendations from the performance review relevant to the CoC;
- 2) **REVIEW** and **UPDATE** the status table, including a work plan with proposed timelines and priorities for each recommendation relevant to the work of the CoC, for the Commission's consideration.

**APPENDICES**

[Appendix A](#): CoC: Update on progress regarding the Performance Review (Resolution 09/01).

## APPENDIX A

**CoC: UPDATE ON PROGRESS REGARDING THE PERFORMANCE REVIEW (RESOLUTION 09/01)**  
**(NOTE: NUMBERING AND RECOMMENDATIONS AS PER APPENDIX I OF RESOLUTION 09/01)**

ON CONSERVATION AND MANAGEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
<b>Data collection and sharing</b>				
4. The deadline to provide data on active vessels be modified to a reasonable time in advance of the meeting of the Compliance Committee. This deadline is to be defined by the Compliance Committee.	<i>Compliance Committee</i>	<b>Completed:</b> Resolutions 10/07 and 10/08 have modified the reporting date for active vessels, which is now in the month preceding the meeting of the Compliance Committee. Resolution 10/08 establishes February 15 <sup>th</sup> as the new deadline for submission of the list of active vessels for the previous year.	Periodic review of Resolutions.	Low
7. Non-compliance be adequately monitored and identified at individual Member level, including data reporting.	<i>Compliance Committee</i>	<b>Ongoing:</b> Resolution 10/09 has partially been developed for this purpose. Reports on compliance with data reporting requirements have been regularly reviewed by the Compliance Committee, as well as discussed at the species Working Parties, the Working Party on Data Collection and Statistics and the Scientific Committee. For the Compliance Committee meetings, country-based reports have been prepared for this purpose since the 2011 meeting.  A first implementation of this approach took place in the Compliance Committee meeting 2011 (Colombo, Sri Lanka)  There remains a need to setup a scheme of penalties and incentives.	Annual review at Compliance Committee meeting	High

8. The causes of non-compliance be identified in cooperation with the Member concerned.	<i>Compliance Committee</i>	<p><b>Ongoing:</b> The Terms of Reference of the Compliance Committee was revised in 2010 (Resolution 10/09) and provides for the assessment of compliance by CPCs. The Secretariat, via the Compliance Section, maintains contact with national officers to determine the reasons for non-compliance, in particular, concerning data reporting.</p> <p>The identification of non-compliance causes started with the country based approach (Compliance Committee meeting 2011 – Colombo, Sri Lanka).</p> <p>Starting in 2013 the Compliance Section has begun conducting Compliance Support Mission. Sri Lanka and Indonesia have already benefitted from this initiative.</p>	Review annually at the Compliance Committee meeting	High
9. When the causes of non-compliance are identified and all reasonable efforts to improve the situation are exhausted, any Member or non-Member continuing to not-comply be adequately sanctioned (such as market related measures).	<i>Compliance Committee</i>	<p><b>Pending:</b> Resolution 10/10 provides the necessary framework in which to apply market related measures, following an appropriate process. Reductions in future quota allocation have been proposed as deterrents for non-compliance. Process still to be implemented</p>	Review annually at the Compliance Committee meeting	High
17. The obligation incumbent to a flag State to report data for its vessels be included in a separate Resolution from the obligation incumbent on Members to report data on the vessels of third countries they licence to fish in their exclusive economic zones (EEZs).	<i>Compliance Committee</i>	<p><b>Completed:</b> Resolutions 12/07 (formerly 10/07) and 10/08 address the reporting requirements of flag and coastal States responsibilities, with regards to vessels that are active in the IOTC Area.</p>	Review annually at the Compliance Committee meetings	Medium
<b>Quality and provision of scientific advice</b>				
24. More emphasis should be given to adherence to data collection requirements.	<i>Compliance Committee</i>	<p><b>Ongoing:</b> The Working Party on Data Collection and Statistics and the species Working Parties evaluate the availability and quality of data, and make recommendations to the Scientific Committee on how to improve data quality. The country-based compliance report submitted to the Compliance Committee provides information on the timeliness and completeness of the reporting of data required by the various Resolutions of the Commission.</p>	Review annually at the Compliance Committee meeting.	High
<b>ON COMPLIANCE AND ENFORCEMENT</b>	<b>RESPONSIBILITY</b>	<b>UPDATE/STATUS</b>	<b>WORKPLAN/TIMELINE</b>	<b>PRIORITY</b>

<b>Monitoring, Control and Surveillance</b>				
51. IOTC should 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 a possible on-board regional observers' scheme, a possible catch documentation scheme as well as a possible system on boarding and inspection.	<i>Compliance Committee</i>	<p><b>Ongoing:</b> IOTC already has an extensive number of MCS related measures. However, the implementation of these measures are the duty and responsibility of the CPCs. Proposals to introduce a catch documentation scheme, especially for the major IOTC species, have until now been rejected by CPCs. Resolution 11/04 – observers and field samplers are required to monitor the landing and unloading of catches respectively.</p> <p>The IOTC Regional Observer Programme (ROP) has over the last two years been expanded in scope to include the verification of documents on board fishing vessels (flag State Authorisation To Fish and fishing logbook), marking of vessels (consistent with information in the IOTC Record of Authorised Vessels) as well as their VMS.</p>	Review annually at IOTC meetings.	High
<b>Follow-up on infringements</b>				
53. IOTC should explore options concerning the possible lack of follow-up on infringements by CPCs.	<i>Compliance Committee</i>	<p><b>Ongoing:</b> The Compliance Committee, under its revised terms of reference, was in a better position to assess such cases through the country-based Compliance Reports, and will continue to do so in 2013.</p> <p>Infringements detected under the ROP are communicated to the concerned fleets for their investigation and provision of explanations and/or actions taken.</p>	Review annually at IOTC meetings	Medium
54. IOTC should establish a sanction mechanism for non-compliance, and task the Compliance Committee to develop a structured approach for cases of infringement.	<i>Compliance Committee</i>	<p><b>Pending:</b> The Compliance Committee, under its revised terms of reference, shall develop a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs.</p>	Commenced in 2012. Small working group of CPCs to lead.	High
<b>Cooperative mechanisms to detect and deter non-compliance</b>				
56. A structured, integrated approach to evaluate the compliance of each of the Members against the IOTC Resolutions in force should be developed by the Compliance Committee.	<i>Compliance Committee</i>	<p><b>Ongoing:</b> Since the 2011 Compliance Committee meeting, country-based reports have been prepared for this purpose on the basis of the Resolution 10/09.</p>	Review annually at the Compliance Committee meeting	High

57. CPCs should be reminded of their duty to implement in their national legislations the conservation and management measures adopted by IOTC.	<i>Compliance Committee</i>	<b>Ongoing:</b> CPCs are reminded annually about the responsibility of integrating IOTC conservation and management measures in their national legislation. The Reports of Implementation, mandated in the IOTC Agreement, provide a mechanism to monitor progress of implementation at the national level.  The IOTC Secretariat has proposed a project under the WB/IOC grant for <i>Global Partnership for Oceans</i> , to develop a model legal framework to facilitate CPCs to efficiently transpose conservation and management measures adopted by the Commission into their national legislation.	Review annually at IOTC meetings	High
58. The requirement to present national reports on the implementation of IOTC measures should be reinforced.	<i>Compliance Committee</i>	<b>Ongoing:</b> Reminders are sent to CPCs prior to the Commission meeting and a template, which is revised annually, is provided by the Secretariat to facilitate CPCs preparation of national reports on implementation of IOTC measures. Compliance with this requirement is assessed in the country-based compliance reports.	Review annually at IOTC meetings	High
59. The sense of accountability within IOTC seems to be very low; therefore more accountability is required. There is probably a need for an assessment of the performance of CPCs.	<i>Compliance Committee</i>	<b>Ongoing:</b> The revised terms of reference of the Compliance Committee now facilitates this assessment in the form of the country reports prepared for the Compliance Committee meeting.  Through the Compliance Support Mission, CPCs are becoming more conscious of their role in ensuring the effectiveness of the Commission.	Review annually at IOTC meetings	High
60. Establishment of formal mechanisms of MCS (e.g. observers programmes) should be considered	<i>Compliance Committee</i>	<b>Ongoing:</b> Resolution 12/05 provides for an observer programme to monitor at sea transshipments, by placing observers on carrier vessels. Resolution 11/04 (superseding Resolution 09/04 and 10/04) establishes a Regional Observer Scheme that includes observers on board fishing vessels and port sampling for artisanal fisheries.  Implementation remains pending for a number of CPCs.	Review annually at IOTC meetings	Medium
<b>ON INTERNATIONAL COOPERATION</b>	<b>RESPONSIBILITY</b>	<b>UPDATE/STATUS</b>	<b>WORKPLAN/TIMELINE</b>	<b>PRIORITY</b>
<b>Relationship to non cooperating non Members</b>				

<p>70. When non-cooperation is identified and all reasonable efforts to improve the situation are exhausted, any non-Members continuing not to cooperate should be adequately sanctioned by, for example, market related measures.</p>	<p><i>Compliance Committee</i></p>	<p><b>Ongoing:</b> Resolution 10/10 provides the necessary framework in which to apply market related measures. Actions are to be taken by the Compliance Committee, under its revised terms of reference.</p> <p>However, the creation of a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs is still <b>pending</b>.</p>	<p>Review annually at IOTC meetings</p>	<p>High</p>
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