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

PREPARED BY: IOTC SECRETARIAT; 25 APRIL 2016

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 1st IOTC Performance Review Panel, relevant to the CoC.

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 81 recommendations to improve the functioning of the IOTC ([Anon 2009](#)).

DISCUSSION

At the 19th Session of the Commission held in April/May 2015, Members noted the status of implementation of each of the recommendations arising from the report of the performance review panel. 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. The Recommendations relevant to the CoC are provided at [Appendix A](#) for consideration.

RECOMMENDATION/S

That the Compliance Committee:

- 1) **NOTE** paper IOTC–2016–CoC13–06 which details the status of each of the recommendations from the performance review, as agreed to by the Commission at its 19th Session, with updates for 2015 shown in tracked-changes 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, for the Commission's consideration.

APPENDICES

[Appendix A](#): CoC: Update on progress regarding the Resolution 09/01 *On the performance review follow-up*.

APPENDIX A

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

ON CONSERVATION AND MANAGEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
Data collection and sharing				
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>	Completed: 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 th 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>	Ongoing: 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. <i>A first implementation of this approach took place in the Compliance Committee meeting 2011 (Colombo, Sri Lanka)</i> There remains a need to setup a scheme of penalties and incentives.	Annual review at Compliance Committee meeting	High

ON CONSERVATION AND MANAGEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
8. The causes of non-compliance be identified in cooperation with the Member concerned.	<i>Compliance Committee</i>	<p>Ongoing: 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 been conducting Compliance Support Missions (CSM). To date 1517 CPCs have benefitted from CSMs and sixseveral CPCs have benefitted from follow-up CSMs.</p> <p>During the intersessional period, staffstaffs of the Secretariat have conducted CSMs in Comoros, India, Malaysia, Seychelles/Somalia, South AfricaIran and Thailandthe Maldives, where a Compliance Action PlanPlans have been developed with these CPCs. Follow-up Compliance Support missions were conducted in Kenya, Madagascar, Mauritius, Mozambique and Tanzania</p> <p>The Capacity Building activities planned for 2015/162016/17 are detailed in the annual Programme of work and budget for the Secretariat. Refer: IOTC-2015-SCAF12-052016-SCAF13-09.</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>Pending: 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>Completed: Resolutions 14/05 (formerly 12/07) 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

ON CONSERVATION AND MANAGEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
Quality and provision of scientific advice				
24. More emphasis should be given to adherence to data collection requirements.	<i>Compliance Committee</i>	<p>Ongoing: 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> <p>A Regional Workshop was conducted in February 2014 to address the issue of data reporting, for compliance with IOTC requirements. A conclusion from the Regional Workshop is that the Secretariat will need to conduct in country missions in several of the Member States.</p>	Review annually at the Compliance Committee meeting.	High

ON COMPLIANCE AND ENFORCEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
Monitoring, Control and Surveillance				
<p>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.</p>	<p><i>Compliance Committee</i></p>	<p>Ongoing: 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 not received the agreements of CPCs. As a way forward, the Commission agreed to set up an IOTC Intersessional Working Party to make progress on a catch documentation scheme for tropical tuna species.</p> <p>During the intersessional period the EU circulated two documents to the WG for comments and Mozambique produced a document designed to capture comments. Beyond this not much progress has been made, as it was not possible to hold a meeting.</p> <p>It should be noted that there is a Project under the ABNJ Programme, on Tuna Traceability & CDS Best Practices. It would be advisable that the Working Party waits for the conclusion of this project so that it can be better guided in its work.</p> <p>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 years 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> <p>The results of a study on options for a regional high-seas boarding and inspection scheme, for the IOTC Area, was presented to the last 11th Session of the Compliance Committee meeting (CoC11). However, CPCs were of the opinion that the further work is required to adapt the option for the IOTC Area. For this purpose, the Commission requested that an informal Working Group be constituted.</p> <p>Not much progress has been made by the Working Group in the intersessional period.</p>	<p>Review annually at IOTC meetings.</p>	<p>High</p>

ON COMPLIANCE AND ENFORCEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
		<p><u>During the intersessional period three Members of the Working Group (the European Union, Japan and Seychelles) met in Seychelles to further refine the proposal for a High Seas Boarding and Inspection Scheme. Inputs on the proposal were also provided by Members (Australia, Mozambique and United Kingdom (OT)) who were not able to participate in the meeting.</u></p>		
Follow-up on infringements				
<p>53. IOTC should explore options concerning the possible lack of follow-up on infringements by CPCs.</p>	<p><i>Compliance Committee</i></p>	<p>Ongoing: The Compliance Committee, under its revised terms of reference, is in a better position to assess such cases through the country-based Compliance Reports, and will continue to do so in 20152016.</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> <p>There remains a need to setup a scheme of penalties and incentives.</p>	<p>Review annually at IOTC meetings</p>	<p>Medium</p>
<p>54. IOTC should establish a sanction mechanism for non-compliance, and task the Compliance Committee to develop a structured approach for cases of infringement.</p>	<p><i>Compliance Committee</i></p>	<p>Pending: 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> <p>There remains a need to setup a scheme of penalties and incentives.</p>	<p>Attempts over the last two years to introduce a scheme of penalties to be applied in case of non-fulfilment of reporting obligations have so far not received the required support for adoption.</p> <p>There is a need to continue with these efforts.</p>	<p>High</p>
Cooperative mechanisms to detect and deter non-compliance				
<p>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.</p>	<p><i>Compliance Committee</i></p>	<p>Ongoing: Since the 2011 Compliance Committee meeting, country-based reports have been prepared for this purpose on the basis of Resolution 10/09, <u>which is now integrated into the IOTC Rules of Procedure, Appendix V.</u></p>	<p>Review annually at the Compliance Committee meeting</p>	<p>High</p>

ON COMPLIANCE AND ENFORCEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
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>	<p>Ongoing: 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.</p> <p>The first phase of a project sponsored through the WB/IOC grant for <i>Global Partnership for Oceans</i>, has just been completed<u>is finishing in June 2016</u>. The objective of the project is was to develop a model legal framework to facilitate CPCs to efficiently transpose conservation and management measures adopted by the Commission into their national legislation.</p> <p><u>Additional legal support has been secured through EU grant.</u></p>	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>	<p>Ongoing: 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. With the introduction of the country-based Compliance Reports, this reporting requirement has gone from 52% for 2010 to <u>a high of 82%</u> for 2012, and down to 76% in 2013<u>has since been sliding</u>. <u>The compliance rate for 2015 was at 71%.</u></p>	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>	<p>Ongoing: 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.</p> <p>Through the Compliance Support Mission, CPCs are becoming more conscious of their role in ensuring the effectiveness of the Commission.</p>	Review annually at IOTC meetings	High

ON COMPLIANCE AND ENFORCEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
60. Establishment of formal mechanisms of MCS (e.g. observers programmes) should be considered	<i>Compliance Committee</i>	<p>Ongoing: Resolution 14/06 (superseding Resolutions 12/05, 11/05, 08/02 and 06/02) provides for an observer programme to monitor at sea transhipments, 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.</p> <p>Implementation remains pending for a number of CPCs.</p>	Review annually at IOTC meetings	Medium
ON INTERNATIONAL COOPERATION	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
Relationship to non cooperating non Members				
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.	<i>Compliance Committee</i>	<p>Ongoing: 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 pending.</p>	Review annually at IOTC meetings	High