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**ON THE SECOND PERFORMANCE REVIEW FOLLOW-UP**

**SUBMITTED BY: EUROPEAN UNION, 13 APRIL 2016**

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*Explanatory Memorandum*

*First performance review of the IOTC*

At the 11<sup>th</sup> Session of the Indian Ocean Tuna Commission (IOTC), held in Grand Baie, Mauritius on 13–18 May 2007, the Commission agreed to undertake a Performance Review of its activities through an evaluation process aimed at identifying weaknesses and gaps in its structure and necessary actions to improve its effectiveness and efficiency in fulfilling its mandate.

The aim was to evaluate if the IOTC, in its current legal and operational structure, fulfils its basic objective and, on the basis of this evaluation, identify any weaknesses and present possible actions to address the issues. It was also to evaluate how up to date the Agreement is in relation to other international fisheries instruments.

Subsequently, at its 13<sup>th</sup> Session in 2009, the Commission adopted *Resolution 09/01 On the performance review follow-up* that takes the first steps to progress the recommendations arising from the Report of the Performance Review Panel with the aim of strengthening the effectiveness of the IOTC.

The Commission and its subsidiary bodies annually reviews progress made in implementing each of the recommendations arising from the Performance Review, and the latest updates are included as an appendix to each report of the Commission.

*Second performance review of the IOTC*

At the 17<sup>th</sup> Session of the IOTC, held at the same venue six years later (2013), the Commission agreed that a second Performance Review of the IOTC be undertaken in 2014, with terms of reference to be developed by interested CPCs and circulated for wider agreement via an IOTC Circular.

The following year, at its 18<sup>th</sup> Session held in Colombo, Sri Lanka, the Commission endorsed a set of Terms of Reference and criteria to conduct the 2<sup>nd</sup> Performance Review of the IOTC and agreed on a process to start undertaking the review in 2014.

The review was undertaken in 2015, through two (2) physical meetings and via electronic means. The core objectives were 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.

After two meetings held in February and December 2015, the panel of the 2<sup>nd</sup> Performance Review concluded its report at the beginning of 2016, recommending that the Commission establish an ad-hoc Working Party on the Modernisation of the IOTC Agreement, based on the following scope:

- a) Develop proposed language for the IOTC Agreement that takes into account modern principles of fisheries management;
- b) Develop a multi-year Program of Work that outlines the specific priority issues to be discussed using the legal analysis to inform the Working Party deliberations;
- c) Proposals to enable the participation of all fishing players with direct fishing interest in the IOTC;



- d) That all CPCs should participate in the Working Party and that funds be provided to support the participation of developing coastal States in the meetings;
- e) That the working group meet at least annually and to the extent possible progress its work inter-sessionally using electronic means.

In addition the panel also recommended that the IOTC would be more appropriate as an independent entity. As such, as a matter of the highest priority, the Commission should decide whether the IOTC should remain within the FAO framework similarly to other tuna RFMOs or become a separate legal entity, and as necessary, begin consultations with the FAO on this matter.

In this context it is proposed to adopt a Resolution to deliberate on recommendations made by the panel of 2<sup>nd</sup> Performance Review and create a Technical Committee on the Performance Review in order to address all recommendations of the Performance Review Panel Report in an appropriate formation.



**RESOLUTION 16/XX**  
**ON THE SECOND PERFORMANCE REVIEW FOLLOW-UP**

**Keywords:** Performance review; IOTC Agreement

**The Indian Ocean Tuna Commission (IOTC),**

CONSIDERING the course of action agreed at the meeting of the five Tuna Regional Fisheries Management Organisations (RFMOs) held in Kobe in January 2007, and in particular the commitment to undertake Performance Reviews of each Tuna RFMOs in order to strengthen the effectiveness of the Organisations;

TAKING NOTE of the decision taken by the IOTC at its 18<sup>th</sup> Session in June 2014 to undertake the 2<sup>nd</sup> IOTC Performance Review;

CONSIDERING the report of the 2<sup>nd</sup> IOTC Performance Review Panel (PRIOTC02) as analysed by the Commission at its 20<sup>th</sup> Session held in La Reunion (France) in May 2016;

RECOGNISING that a number of the recommendations arising from the PRIOTC02 report can be progressed by individual Contracting Parties, including through proposing draft Resolutions for consideration by the Commission, while other initiatives may benefit from consideration by relevant committees of the Commission;

FURTHER RECOGNISING that the PRIOTC02 recommended that the Agreement needs to be amended or replaced in order to incorporate modern fisheries management principles, such as the precautionary approach, ecosystem based approaches, inclusions of highly-migratory species caught in IOTC fisheries, protection of marine biodiversity, reducing the harmful impacts of fishing on marine environment and to allow the full participation of all fishing players.

NOTING that the weaknesses and gaps identified by PRIOTC02 are, or have a potential to be, major impediments to the effective and efficient functioning of the Commission and its ability to adopt and implement measures aimed at long-term conservation and sustainable exploitation of stocks, according to model fisheries management instruments and more fundamentally, these deficiencies are likely to prevent the Commission from achieving its basic objectives.

CONSIDERING the 24 recommendations put forth by the 2<sup>nd</sup> Performance Review Panel report to the 20<sup>th</sup> Session of the Commission in 2016;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. The Commission endorses the recommendations of the Panel Report (**Annex I**).
2. To improve the functioning of the IOTC and to address its deficiencies, including the possible need to amend the IOTC Agreement, an ad-hoc Technical Committee (Terms of Reference in **Annex II**) will be set up with the objective of preparing a Program of Work with concrete actions on the recommendations, including priorities, proposed timelines, budgets, and a possible text of a new agreement. The Technical Committee shall complete its work by October 2019 in accordance with its Terms of Reference.
3. The draft Work Plan and the recommendations of the Technical Committee will be reviewed by the Scientific Committee, Compliance Committee and the Standing Committee on Administration and Finance. After this review, the Commission will consider the Work Plan.



4. A Performance Review of the IOTC shall be carried out every five (5) years in line with the recommendations of the Kobe process.
5. This Resolution supersedes Resolution 09/01 *On the performance review follow-up*.

**ANNEX I**  
**RECOMMENDATIONS ARISING FROM THE 2<sup>ND</sup> IOTC PERFORMANCE REVIEW PANEL**  
(paragraph numbers refer to the Report of the 2<sup>nd</sup> IOTC Performance Review: IOTC–2016–PRIOTC02–R)

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
PRIOTC02.01 ( <a href="#">para. 81</a> )	<b><i>Analysis of the IOTC Agreement against other international instruments</i></b> <b>NOTING <a href="#">para 80</a>, the PRIOTC02 RECOMMENDED</b> that the Commission establish an ad-hoc Working Party on the Modernisation of the IOTC Agreement, based on the following scope:	<i>Commission &amp; ad-hoc Working Party</i>	Pending	TBD	TBD
	a) Develop proposed language for the IOTC Agreement that takes into account modern principles of fisheries management;				
	b) Develop a multi-year Program of Work that outlines the specific priority issues to be discussed using the legal analysis contained in <a href="#">Appendix III</a> of this report to inform the working party deliberations;	<i>Commission &amp; ad-hoc Working Party</i>	Pending	TBD	TBD
	c) Proposals to enable the participation of all fishing players with direct fishing interests in IOTC;	<i>Commission &amp; ad-hoc Working Party</i>	Pending	TBD	TBD
	d) That all CPCs should participate in the Working Party and that funds be provided to support the participation of developing coastal States in the meetings;	<i>Commission &amp; ad-hoc Working Party</i>	Pending	TBD	TBD
	e) That the working group meet at least annually and to the extent possible progress its work inter-sessionally using electronic means.	<i>Commission &amp; ad-hoc Working Party</i>	Pending	TBD	TBD

<p>PRIOTC02.02 (<a href="#">para. 86</a>)</p>	<p><b><i>Status of living marine resources</i></b> The PRIOTC02 <b>RECOMMENDED</b> that: a) while continuing to work on improving data collection and reporting, the Scientific Committee should continue to utilise qualitative stock assessment methodologies for species where there is limited data available, including ecological risk based approaches, and support the development and refinement of data poor fisheries stock assessment techniques to support the determination of stock status.</p>	<p><i>Scientific Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) confidentiality provisions and issues of accessibility to data by the scientists involved needs to be clearly delineated, and/or amended if necessary, so that stock assessment analysis can be replicated.</p>	<p><i>Scientific Committee &amp; Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>c) chairpersons and Vice-Chairpersons of the Scientific Committee and respective Working Parties, in conjunction with the IOTC Secretariat, develop guiding principles for the provision of papers to ensure that they are directly related to the Program of Work of the respective Working Party and/or Scientific Committee, as endorsed by the Commission, while still encouraging for new and emerging issues to be presented.</p>	<p><i>Scientific Committee &amp; Working Party Chairs and Vice-Chairs</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>d) ongoing peer review and input by external scientific experts should be incorporated as standard best practice for Working Parties and included in the Commission's regular budget.</p>	<p><i>Scientific Committee &amp; Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

<p>PRIOTC02.03 (<a href="#">para. 96</a>)</p>	<p><b>Data collection and reporting</b> The PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the Commission make further investments in data collection and targeted capacity building, which is necessary for further improvement in the provision and quality of data in support of the Commission's objectives, as well as to identify the sources of the uncertainty in data and work towards reducing that uncertainty.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) while there are budgetary implications, the IOTC Secretariat staffing dedicated to data collection and data capacity building activities should be increased from 3 to 5 full-time data staff.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>c) the IOTC Secretariat should facilitate discussions with coastal State non-CPCs and other non-CPCs fishing within the IOTC area of competence to formalise long-term strategies for data submission to the IOTC Secretariat, including all relevant historical data sets.</p>	<p><i>IOTC Secretariat</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>d) steps to gain access to fine-scale data to be used in joint analysis, with sufficient protection of confidentiality, should be taken.</p>	<p><i>IOTC Secretariat</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>e) where budgets and other resources permit, to encourage data preparatory meetings preceding stock assessment review meetings (Working Parties).</p>	<p><i>Scientific Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>f) innovative and/or alternative means of data collection and reporting should be explored and, as appropriate, implemented, including a move towards electronic data collection and reporting for all fleets.</p>	<p><i>Scientific Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

<p>PRIOTC02.04 (<a href="#">para. 102</a>)</p>	<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>	<p><i>Commission and Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<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>	<p><i>Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>



	<p>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.</p>	<p><i>Commission and Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>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.</p>	<p><i>Commission and Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

<p>PRIOTC02.05 (<a href="#">para. 104</a>)</p>	<p><b>Capacity building (Data Collection)</b> The PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the Commission expand its current data support and data compliance missions and that the IOTC Secretariat should be granted increased autonomy to seek and attract external donor funds to support the work approved by the Commission, including supporting actions and/or capacity building initiatives from Compliance Missions that are applicable to more than two CPCs.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) the IOTC should continue the workshop series aimed at Connecting the IOTC Science and Management processes. The aims of the workshop series should be to: 1) improve the level of comprehension among IOTC CPCs on how the scientific process informs the management process for managing of IOTC species and ecosystem-based management; 2) increase the awareness of IOTC Contracting Parties to their obligations, as stipulated in the Commissions' Conservation and Management Measures which are based on rigorous scientific advice; 3) improve the decision making process within the IOTC; and 4) to provide direct assistance in the drafting of proposals for Conservation and Management Measures.</p>	<p><i>Commission &amp; Secretariat</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.06 (<a href="#">para. 106</a>)</p>	<p><b>Non-target species</b> The PRIOTC02 <b>RECOMMENDED</b> that the Commission should continue to improve upon the requirements of data collection and reporting mechanisms of non-IOTC species that interact with IOTC fisheries.</p>	<p><i>Commission and Scientific Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>



<p>PRIOTC02.07 (<a href="#">para. 112</a>)</p>	<p><b>Quality and provision of scientific advice</b> The PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the Scientific Committee should continue the good work undertaken since the PRIOTC01 and strive to make further improvements in the way it communicates information about stock status and future prospects for the stocks to the Commission.</p>	<p><i>Scientific Committee &amp; Working Parties</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) an independent peer review process (and budgeting mechanism) for stock assessments should be implemented if IOTC science is to be considered to be in line with best practice and to maintain a high standard of quality assurance.</p>	<p><i>Scientific Committee &amp; Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>c) the Scientific Committee, through its Working Party on Ecosystems and Bycatch should pursue the application of ecosystem modelling frameworks.</p>	<p><i>Scientific Committee &amp; Working Party on Ecosystems and Bycatch</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>d) continue to develop and adopt robust target and limit reference points, and species or fishery specific harvest control rules through management strategy evaluations, noting that this process has commenced for several species and is specified in IOTC Resolution 15/10 <i>on target and limit reference points and a decision framework</i>. The mandated Resolution 14/03 <i>on enhancing the dialogue between fisheries scientists and managers</i>, will benefit from having communication between the Scientific Committee and the Commission more formally structured, facilitated dialogue to enhance understanding and inform decision making.</p>	<p><i>Scientific Committee &amp; Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

	e) the Commission and its subsidiary bodies continue to ensure that meeting schedules and activities are rationalised so that the already heavy workload of those involved, and budgeting constraints, are taken into account.	<i>Commission &amp; Scientific Committee</i>	Pending	TBD	TBD
	f) the Commission fully implements Resolution 12/01 <i>On the implementation of the precautionary approach</i> , so as to apply the precautionary approach, in accordance with relevant internationally agreed standards, in particular with the guidelines set forth in the UNFSA, and to ensure the sustainable utilisation of fisheries resources as set forth in Article V of the IOTC Agreement, including ensuring that a lack of information or increased uncertainty in datasets/stock assessment, is not used as a justification to delay taking management actions to ensure the sustainability of IOTC species and those impacted by IOTC fisheries.	<i>Commission</i>	Pending	TBD	TBD
	g) while there are budgetary implications, the IOTC Secretariat staffing dedicated to scientific analysis should be increased from 2 to 4 full-time science staff.	<i>Commission</i>	Pending	TBD	TBD
PRIOTC02.08 ( <a href="#">para. 123</a> )	<b><i>Adoption of Conservation and Management Measures</i></b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the Commission acknowledge the inherent difficulty in managing small scale and data poor fisheries and continue efforts to adopt adequate fisheries management arrangements and to assist developing coastal States to overcome constraints to implement the CMMs.	<i>Commission</i>	Pending	TBD	TBD

	b) as the IOTC has faced the management of the main targeted stock under its purview only through a regulation of the fishing effort; other approaches should be explored, such as those envisioned in Resolutions 05/01 and 14/02, including catch limits, total allowable catch (TAC) or total allowable effort (TAE).	<i>Commission &amp; Scientific Committee</i>	Pending	TBD	TBD
	c) the Science-Management Dialogue is strengthened to improve understanding of modern approaches to fisheries management, including the implementation of Harvest Strategies through the use of Management Strategy Evaluation. The Commission adopt a formal process of developing and implementing Harvest Strategies within a prescribed timeframe.	<i>Commission &amp; Scientific Committee</i>	Pending	TBD	TBD
PRIOTC02.09 ( <a href="#">para. 129</a> )	<b><i>Fishing capacity management</i></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>	Pending	TBD	TBD
	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>	Pending	TBD	TBD

<p>PRIOTC02.10 (<a href="#">para. 133</a>)</p>	<p><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.</p>	<p><i>Secretariat &amp; CPCs</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.11 (<a href="#">para. 136</a>)</p>	<p><b>Fishing allocations and opportunities</b> The PRIOTC02 <b>RECOMMENDED</b> that the IOTC develop allocation criteria or any other relevant measures as a matter of urgency through the established Technical Committee on Allocation Criteria (TCAC) process, and that it include consideration of how catches by current non-CPCs would be accounted for. This process should not delay the development and adoption of other management measures, based on the advice of the Scientific Committee.</p>	<p><i>Commission &amp; Technical Committee on Allocation Criteria</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.12 (<a href="#">para. 139</a>)</p>	<p><b>Flag State duties</b> The PRIOTC02 <b>RECOMMENDED</b> that any amendment to or replacement of the IOTC Agreement should include specific provisions on Member's duties as flag States, drawing on the relevant provisions of the UNFSA and take due note of the FAO Guidelines on flag State performance.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

<p>PRIOTC02.13 (<a href="#">para. 144</a>)</p>	<p><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.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>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></p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.14 (<a href="#">para. 149</a>)</p>	<p><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.</p>	<p><i>Commission &amp; Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

	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>	Pending	TBD	TBD
PRIOTC02.15 ( <a href="#">para. 153</a> )	<b><i>Follow-up on infringements</i></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>	Pending	TBD	TBD
	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>	Pending	TBD	TBD
	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>	Pending	TBD	TBD



<p>PRIOTC02.16 (<a href="#">para. 159</a>)</p>	<p><b>Cooperative mechanisms to detect and deter non-compliance</b></p> <p>The PRIOTC02 <b>RECOMMENDED</b> that the Commission considers strengthening the intersessional decision making processes in situations where CPCs have not transmitted a response such that a decision can be taken for effective operational cooperative mechanisms and that the Commission encourages the CPCs to be more involved in decision making and for the Commission to collaborate to the greatest extent possible with other RFMOs.</p>	<p>Commission</p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.17 (<a href="#">para. 163</a>)</p>	<p><b>Market-related measures</b></p> <p>The PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the Commission considers strengthening the market related measure (Resolution 10/10 <i>Concerning market related measures</i>) to make it more effective.</p>	<p>Commission</p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) the Commission considers to invite key non-CPCs market States that are the main recipient of IOTC catches as observers to its meetings with the aim of entering into cooperative arrangements.</p>	<p>Commission</p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.18 (<a href="#">para. 169</a>)</p>	<p><b>Fishing capacity</b></p> <p>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.</p>	<p>Commission &amp; Compliance Committee</p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

<p>PRIOTC02.19 (<a href="#">para. 175</a>)</p>	<p><b>Decision-making</b> The PRIOTC02 <b>RECOMMENDED</b> that intersessional processes be utilised (e.g. via formal or informal subsidiary bodies, or through facilitated electronic working groups) such that proposals brought to the Commission have been subject to debate and consideration by all CPCs.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.20 (<a href="#">para. 198</a>)</p>	<p><b>Relationship to Non-Cooperating Non-Members (Non-CPCs)</b> The PRIOTC02 <b>RECOMMENDED</b> that the IOTC continue to strengthen its actions towards coastal State non-CPCs to have all such coastal States included under its remit, and that Contracting Parties take diplomatic missions to coastal State non-CPCs with active vessels in the IOTC area of competence.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.21 (<a href="#">para. 204</a>)</p>	<p><b>Cooperation with other RFMOs</b> The PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>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.</p>	<p><i>Commission &amp; Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) The IOTC should develop cooperative mechanisms, such as MoUs, to work in a coordinated manner on issues of common interest, in particular non-target species and an ecosystem approach with other RFMOs especially with SIOFA.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>



PRIOTC02.22 ( <a href="#">para. 211</a> )	<b><i>Special requirements of developing States</i></b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the continuation and optimisation of the IOTC Meeting Participation Fund indefinitely as part of the IOTC Regular Budget, and that the MPF is used to support participation of all eligible Contracting Parties in order to create a more balanced attendance to both science and non-science meetings of the Commission.	<i>Commission</i>	Pending	TBD	TBD
	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>	Pending	TBD	TBD
PRIOTC02.23 ( <a href="#">para. 228</a> )	<b><i>Availability of resources for IOTC activities &amp; Efficiency and cost-effectiveness</i></b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC continue to strengthen its actions towards non-paying Contracting Parties including consideration of diplomatic missions to non-paying Contracting Parties to encourage payment and to explore other mechanisms to recover the outstanding contributions (debt), and collaborate with FAO to identify the difficulties faced in recovering outstanding contributions.	<i>Commission</i>	Pending	TBD	TBD

	<p>b) consistent with best practice governance procedures, that the Commission:</p> <ul style="list-style-type: none"> <li>i. Amend or replace the IOTC Financial Regulations (1999) as a matter of urgency in order to increase Contracting Parties’ as well as the Secretariat’s control of all the budget elements, including staff costs of the budget, consistent with best practice governance procedures.</li> <li>ii. A system of cost-recovery should be considered as a possible funding mechanism for new activities and/or ongoing activities.</li> <li>iii. An annual external financial audit of the organisation be implemented as soon as possible, and include a focus on whether IOTC is efficiently and effectively managing its human and financial resources, including those of the IOTC Secretariat.</li> <li>iv. Develop guidelines for the acceptance of extra-budgetary funds to undertake elements of the Commission’s Program of Work, or those of its subsidiary bodies.</li> <li>v. Explore opportunities to improve efficiency concerning financial contributions, including extra-budgetary funds in support of the Commission’s Program of Work, including the possibility of minimising project support costs.</li> <li>vi. Develop and implement staff development, performance and accountability evaluations and procedures, for inclusion within the IOTC Rules of Procedure (2014).</li> </ul>	<p><i>Commission &amp; Standing Committee on Administration and Finance</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
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	c) the Commission, as a matter of urgency, decide whether remaining inside the FAO structure (as an Article XIV body) provides the most suitable means to effectively deliver upon the IOTC Objectives.		Pending	TBD	TBD
PRIOTC02.24 ( <a href="#">para. 233</a> )	<b>FAO</b> The PRIOTC02 <b>RECOMMENDED</b> that the IOTC would be more appropriate as an independent entity. As such, as a matter of the highest priority, the Commission should decide whether the IOTC should remain within the FAO framework or become a separate legal entity, and as necessary, begin consultations with the FAO on this matter.	<i>Commission</i>	Pending	TBD	TBD

**ANNEX II**  
**TERMS OF REFERENCE - TECHNICAL COMMITTEE ON PERFORMANCE REVIEW**

A Technical Committee is established with the following Terms of Reference:

1. To prepare a Work Plan with concrete actions on the recommendations of the Performance Review Panel Report, including priorities, proposed timelines, budgets.
2. To develop a new text of the IOTC Agreement with respect to the recommendations of the 2PRP and based on the following scope:
  - a) Develop proposed language for the IOTC Agreement that takes into account modern principles of fisheries management;
  - b) Develop a multi-year Program of Work that outlines the specific priority issues to be discussed using the legal analysis contained in this report to inform the Technical Committee deliberations;
  - c) Make proposals to enable the participation of all fishing players in IOTC;
  - d) That all CPCs, wishing so, should participate in this Technical Committee and that funds be provided to support the participation of developing coastal States in the meetings;
  - e) That the Technical Committee meets at least annually and to the extent possible progress on its work inter-sessionally using electronic means.
3. To make a recommendation to the Commission to decide whether the IOTC should remain within the FAO framework or become a separate legal entity, and as necessary as a matter of the highest priority, begin consultations with the FAO. If necessary and appropriate in order to adopt an Agreement as an independent legal identity, the Technical Committee can propose to terminate the IOTC Agreement in accordance to the Article XXII of the of the current Agreement.
4. To report and make recommendations, as appropriate, to the Commission on the progress regarding Resolution 09/01 *on the Performance Review follow-up*.
5. In developing proposed amendments to the current Agreement and producing draft recommendations, to take into account the input of IOTC Contracting Parties, Cooperating Non-Contracting Parties and other IOTC Fishing players.
6. The Technical Committee will carry out its work in accordance with the following Program of Work:

2016–17	2017–18	2018–19
Meet intersessionally to discuss proposed amendments to the Agreement, including draft text, and to produce a recommendation to the Commission to decide whether the IOTC should remain within the FAO framework or become a separate legal entity at the 2018 Annual Meeting.	Meet intersessionally to continue discussion of proposed amendments to the Agreement, and develop consolidated proposed Agreement texts that will serve as a negotiating text for future meeting(s).	Meet intersessionally to finalise, if possible, proposed amendments to the Agreement. Present the final proposed Agreement text for adoption.