



Minutes of the 2nd Session of the 2nd IOTC Performance Review Panel

Mahé, Seychelles, 14–18 December 2015

DISTRIBUTION:

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Organizations
FAO Fisheries Department
FAO Regional Fishery Officers

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TABLE OF CONTENTS

1.	Opening of the Meeting.....	4
2.	Adoption of the Agenda	4
3.	Arrangements for the session and program of work	4
4.	Chair’s draft performance review report	4
5.	External science review.....	4
6.	Cost and benefit of IOTC in FAO and/or outside	4
7.	Recommendations concerning the criteria adopted.....	4
8.	The future of the IOTC Agreement.....	5
9.	Process for adoption of the PRIOTC02 report.....	5
10.	Presentation of the report of the PRIOTC02 at the 20th session of the Commission	5
11.	Other business	5
12.	Adoption of the meeting minutes	5
	Appendix I List of participants.....	6
	Appendix II Agenda for the 2nd PerformAnce Review of the IOTC (2nd Meeting).....	7
	Appendix III List of documents.....	8

1. OPENING OF THE MEETING

1. The 2nd Session of the Indian Ocean Tuna Commission's (IOTC) 2nd Performance Review Panel (PRIOTC02) was held in Mahe, Seychelles, from 14 to 18 December 2015. The meeting was opened by the Chair who welcomed participants to Seychelles. The IOTC Members – European Union, Japan, Maldives, Mauritius, Oman and Seychelles, two non-governmental organisations – ISSF and PEW Charitable Trusts, plus the WCPFC and ICCAT were represented at the meeting with the IOTC Secretariat in support. The list of participants is provided at [Appendix I](#).

2. ADOPTION OF THE AGENDA

2. The Agenda provided at [Appendix II](#) was agreed and the list of documents is provided in [Appendix III](#).

3. ARRANGEMENTS FOR THE SESSION AND PROGRAM OF WORK

3. The Chair noted the good progress made at the previous session, and that assessments of only a few topics were outstanding. He stressed that this was the second and final session, and consequently the Panel's objective would be to finalise the assessment process, focus on the subsequent recommendations and to prepare a draft report.

4. CHAIR'S DRAFT PERFORMANCE REVIEW REPORT

4. The Chair had in late September, based on the analysis and discussions at the Panel's first session in February, distributed a draft report to the Panel members for comments. As agreed at the first session, this draft focussed on the performance analysis of the IOTC which was the main issues discussed at the first session, and did not contain any recommendations. When preparing the report, the Chair had taken into account that the scope of the review was to evaluate progress made on recommendations arising from the first performance review, as well as the effectiveness of the Commission to fulfil its mandate in accordance with a list of 25 general criteria. Each criteria was accompanied by 53 detailed criteria. The draft report was thus an assessment of each general criteria combined with the detailed criteria and progress made in relation to recommendations by the first review panel. Based on comments and suggestions by members, the Chair had made the required amendments and this new draft was the basis for the discussion of recommendations at the second session.

5. EXTERNAL SCIENCE REVIEW

5. The science expert, who was a member of the Panel (via remote access), had prepared a paper concerning an assessment of the IOTC science process, which was presented to the Panel via Skype. Following some questions and clarifications, that document combined with the verbal explanations by the science expert was used as basis for the Panel's assessment and the subsequent recommendations. These inputs were in particular relevant to the status of living marine resources, and to the analysis and recommendations about data collection and reporting, as well as the quality and provision of scientific advice. The Panel agreed that many of the recommendations made had already been implemented by the IOTC, or was in the progress of implementation and thus, would not be incorporated in the final recommendations of the PRIOTC02.

6. COST AND BENEFIT OF IOTC IN FAO AND/OR OUTSIDE

6. The consultant that had been assigned to conduct an analysis of cost and benefit of the IOTC within and outside the FAO had prepared a draft report, which was presented to the Panel via Skype. The Panel noted that the analysis had been requested by the Commission, and thus as a stand-alone document that will be submitted to the Commission's next session. The Panel considered that the analysis was incomplete, lacked comparative adequate scenarios and was unbalanced on identification of advantages and disadvantages about the IOTC as a FAO body. In order to assist the consultant to finalise the document, some Panel members sent a table summarising the incompleteness of the analysis to the consultant. Although it is for the Commission to assess, the draft report, the presentation and the discussion with the consultant were useful inputs to the Panel's deliberations.

7. RECOMMENDATIONS CONCERNING THE CRITERIA ADOPTED

7. Based on the analysis of each assessment criteria and progress made in relation to recommendations by the first review panel, the Panel agreed to put forward a total of 24 recommendations.

8. THE FUTURE OF THE IOTC AGREEMENT

8. The Panel conducted at its first session, a comprehensive analysis of the IOTC Agreement. At this session it was agreed 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. The weaknesses and gaps 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. More fundamentally, these deficiencies are likely to prevent the Commission from achieving its basic objectives.
9. The Panel recommended 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 contained in this report to inform the working party deliberations;
 - c) Proposals to enable the participation of all fishing players;
 - 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.
10. 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 or become a separate legal entity, and as necessary, begin consultations with the FAO on this matter.

9. PROCESS FOR ADOPTION OF THE PRIOTC02 REPORT

11. The Panel agreed to provide edits via correspondence by 15 January 2016. Edits would then be confirmed among Panel members no later than 22nd when the Report will be adopted.

10. PRESENTATION OF THE REPORT OF THE PRIOTC02 AT THE 20TH SESSION OF THE COMMISSION

12. The Panel agreed that either the Chairperson or the IOTC Secretariat (Executive Secretary) will present the report of the PRIOTC02 to the Commission at its 20th Session.

11. OTHER BUSINESS

13. Nil.

12. ADOPTION OF THE MEETING MINUTES

14. The Minutes of the 2nd Session of the PRIOTC02 were adopted via correspondence on 22 January 2016.

APPENDIX I LIST OF PARTICIPANTS

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APPENDIX II

AGENDA FOR THE 2ND PERFORMANCE REVIEW OF THE IOTC (2ND MEETING)

Date: 14–18 December 2015

Location: IOTC Secretariat, Le Chantier Mall, Victoria, Seychelles

Time: 09:00–17:00 daily

Chairperson: Mr Terje Lobach

1. **OPENING OF THE MEETING** (Chairperson)
2. **ADOPTION OF THE AGENDA** (Chairperson)
3. **ARRANGEMENTS FOR THE SESSION AND PROGRAM OF WORK** (Chairperson and IOTC Secretariat)
4. **CHAIR'S DRAFT PERFORMANCE REVIEW REPORT**
5. **EXTERNAL SCIENCE REVIEW** (Consultant)
6. **COST AND BENEFIT OF IOTC IN FAO AND/OR OUTSIDE** (Consultant)
7. **RECOMMENDATIONS CONCERNING THE CRITERIA ADOPTED** (Chairperson)
 - 7.1 Conservation and management
 - 7.2 Compliance and enforcement
 - 7.3 Decision-making and dispute settlement
 - 7.4 International cooperation
 - 7.5 Financial and administrative issues
 - 7.6 FAO
 - 7.7 First Performance Review
8. **THE FUTURE OF THE IOTC AGREEMENT** (Chairperson)
9. **PROCESS FOR ADOPTION OF THE PRIOTC02 REPORT** (Panel)
10. **PRESENTATION OF THE REPORT OF THE PRIOTC02 AT THE 20th SESSION OF THE COMMISSION** (Chairperson)
11. **OTHER BUSINESS** (Chairperson)
12. **ADOPTION OF THE MEETING MINUTES** (Chairperson)

APPENDIX III
LIST OF DOCUMENTS

Document	Title	Availability
IOTC-2015-PRIOTC02b-01	Draft: Agenda - 2 nd Session of the Performance Review of the IOTC (PRIOTC02)	✓ (1 December 2015)
IOTC-2015-PRIOTC02b-02	Draft: List of documents - 2 nd Session of the Performance Review of the IOTC (PRIOTC02)	✓ (1 December 2015)
<i>Consultant Reports</i>		
IOTC-2015-PRIOTC02b-03	Assessment of the IOTC Science Process (G. Scott)	✓ (1 December 2015)
IOTC-2015-PRIOTC02b-04	Cost and benefit of the Indian Ocean Tuna Commission (IOTC) within and outside of the Food and Agriculture Organisation (FAO) (G. Hurry)	✓ (1 December 2015)
IOTC-2015-PRIOTC02b-05	1 st Performance Review: Recommendations and implementation status (1 December 2015 update)	✓ (1 December 2015)
<i>Information Papers</i>		
IOTC-2015-PRIOTC02-R	DRAFT: Report of the 2 nd IOTC Performance Review panel (PRIOTC02)	✓ (1 December 2015)