



DRAFT AGENDA FOR THE 2ND TECHNICAL COMMITTEE ON PERFORMANCE REVIEW

v8Feb2019

Date: 14-15 March 2019

Venue: Eden Bleu Hotel, Seychelles

Time: 9:00–17:00 daily

Chairperson: Ms Kim Jung-re Riley

1. **OPENING OF THE SESSION**
2. **LETTER OF CREDENTIALS**
3. **ADMISSION OF OBSERVERS**
4. **ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION (IOTC-2019-TCPR02-01)**
5. **ACTONS ARISING FROM TCPR01 (No paper)**
6. **PROGRESS ON THE IMPLEMENTATION OF RECOMMENDATIONS FROM THE 2ND PERFORMANCE REVIEW PANEL REPORT (IOTC-2019-TCPR02-02)**

The Commission has requested that the TCPR monitor and report on the progress of the implementation of the recommendations arising from the report of the 2nd Performance Review Panel (IOTC-2016-PR1OTC02-R).
7. **MAKING A RECOMMENDATION TO THE COMMISSION ON THE INSTITUTIONAL LINK WITH FAO (No paper)**

The TCPR's terms of reference calls on the TCPR to make a recommendation to the Commission to decide whether the IOTC should remain within the FAO framework or become a separate legal entity. At the last TCPR meeting (March 2018), a number of CPCs indicated that they were not in a position to make a recommendation at this meeting.

At the Commission meeting in (June) 2018, most Members provided an update on their views relating to the matter of maintaining/changing the institutional link with FAO, and again there was no clear direction. Members were encouraged to continue their national discussions and were reminded that the TCPRs work to develop the text of a new IOTC agreement (phase I and II of the TCPR workplan) would continue in the meantime.

The Commission noted that the TCPR will be seeking a conclusion on the maintaining/changing the institutional link with FAO at the next meeting of the Commission (S23 in 2019) in order to be able to adapt the text of the IOTC Agreement accordingly and present it to the Commission by 2020.

This agenda item provides an opportunity to improve understanding of the issues surrounding this matter, exchange views, and prepare for further discussions on the matter at the 2019 commission meeting.
8. **REVIEWING THE DRAFT TEXT OF THE IOTC AGREEMENT (IOTC-2019-TCPR02-03 & 04)**

8.1. Draft text in support of developing language to modernize the text of the IOTC Agreement (Doc-03) was sent to the TCPR for review on 1 January 2019. Depending on the nature of any comments received by the end of February, an updated document may be produced for the meeting. Notwithstanding this, the text will be discussed by the TCPR before an agreed draft is provided to the Commission in June 2019.

8.2. Discussion on the processes likely to be required to put a new IOTC Agreement in place (Doc-04).
9. **REVIEW OF THE TCPR PROGRAMME OF WORK**
10. **OTHER BUSINESS**
11. **ADOPTION OF THE REPORT**

TERMS OF REFERENCE - TECHNICAL COMMITTEE ON PERFORMANCE REVIEW
(FROM RESOLUTION 16/03 – On the second performance review follow-up)

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 REVISED¹ Program of Work:

2018	2019	2020
1. Secretariat engagement of a Consultant by end of March. 2. Consultant completes Phase I and delivers outputs to the Drafting group end of May. 3. Drafting group approves the analysis by end of June. 4. Consultant completes phase II and delivers draft outputs to the drafting group by end of September.	1. Approved proposed text sent to TCPR for comment by end of December 2018 January . 2. Consultant compiles comments and amends proposed text received from the TCPR by end of February. 3. TCPR meets by the end of March. 4. TCPR reports to Commission mid-May.	1. TCPR approves the proposed text by end of January. 2. Proposed text submitted to the Commission by the end of March.

¹ Revised from the original

<p>5. Drafting group reviews the proposed outputs by end of October 2019.</p> <p>6. Consultant completes phase II and delivers final outputs to the drafting group by end of November.</p> <p>7. Drafting group approves the output by end of December.</p>	<p>5. TCPR meets on the margins of S23 to give directions as needed to the consultant for Phase III.</p> <p>6. Consultant completes phase III and delivers draft output to the drafting group by end of August.</p> <p>7. Drafting group reviews and comments on the draft outputs by end of October.</p> <p>8. Consultant completes phase III and delivers final outputs to the drafting group by end of November.</p> <p>9. Drafting group approves the output by end of December.</p>	
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