**Terms of Reference for the Enlarged Regional Coordinating Unit/ Steering Committee (ERCU/Steering Committee)**

**1. ESTABLISHMENT**

These terms of reference define and formalise the role, functions and procedures of the ERCU/Steering Committee, which has been operating informally since 2007, based on the recommendation of the Indian Ocean Commission (IOC) Fisheries Ministers Conference held in July 2017 in Antananarivo, Madagascar to institutionalise the Regional Fisheries Surveillance Plan (PRSP), and in doing so review the governance framework.

**2.** **COMPOSITION**

The ERCU/Steering Committee shall be composed of two/three person from each PRSP Participating State, :

1. one senior official at the level, or equivalent, of Director of Fisheries or Permanent Secretary in the Ministry responsible for fisheries; and
2. one member of the Regional Coordination Unit,.

Kenya: Below come to assist/advise, a and b have a right to seek legal advice and may bring technical/legal advisors where necessary

Tanzania concurs. Two members assist senior officials.

Mauritius, Some small countries may need to send persons from a lower level. If persons accompanying are only to assist it should be clear that they do not have a role to intervene. M would prefer they have credentials and be duly mandated and able to speak.

Either: “or any other oficer deputized by any of them”. Kenya, nominated in writing.

Tanzania agrees.

Mauritius: The person who assists should be called a member.

But we should call “delegate”.

Mauritius. This will not resolve the issue. If the persons only assist and not intervene this should be spelled out.

Kenya. This is internal affairs (same as Tanzania). Prefers that it should be adviser, not accredited person to speak.

Mauritius: Agree internal process, but para a is specific, we need to cater for instances where they can’t attend, if the technical persons are not mandated to speak, there should be a fall back position. It has to be inserted. Fallback. “or any officer deputized by them”.

Kenya agrees. Include third eprson in the absence of ... must have full powers. In the absence of...

Tanzania: Para a should show that country internally will send delegates who have mandate to make decisions. Concur that legal/technical officers should be added but not taken as a member. Duty to assist senior officials.

Except for a, the other persons attending have no right to intervene.

1. A third person from the member may attend based on expertise needed at the discretion of the country.

In addition: Not sure.

1. Representative of IOC and
2. representative of the PRSP/RFMCSOC
3. Kenya: What is the total number of membership. 20 members
4. Mauritius. If the intention is 2 persons from each PState

**3. MEMBERSHIP NOTIFICATION**

1. . Office of PS or Director of Fisheries are members
2. Succession, not replacement. But State should decide. A Participating State may replace a member appointed under section 2(a) at any time, and such replacement shall take effect upon notification by the Participating State to the IOC. The Participating State shall notify the IOC as soon as reasonably practicable where there is a change.
3. #
4. Mauritius for high level officials, delete a
5. Kenya, opposed term limits. Same as Mauritius.
6. Include sentence... director of fisheries may carry technical/legal persons for advice. Advisers don’t have a vote.
7. **a can remain, title needs to change.**

**4. ROLE AND OBJECTIVES**

The ERCU/Steering Committee shall:

1. make recommendations to the Council of Ministers;
2. exercise governance over the activities of the PRSP Regional Fisheries Monitoring Control Surveillance and Observation Centre (PRSP/RFMCSOC); and
3. oversee and support the management and governance of the PRSP/RFMCSOC.
4. Same as other b to c etc

**5. FUNCTIONS AND RESPONSIBILITIES**

1. The ERCU/Steering Committee shall be responsible to give direction to the PRSP/RFMCSOC, including to define the general scope of activities, budget, specific activities and their related timeliness and methods used for determining its progress, and for any other matter which may be determined by the PRSP.
2. The members of the ERCU/Steering Committee shall provide guidance on the proposals and recommendations of the PRSP Regional Coordination Unit (RCU) toward strategic directions, and in doing so shall, as appropriate:
3. promote initiatives and recommendations across the wider range for the implementation of the PRSP/ RFMCSOC activities; (Mauritius: this should not appear first)
4. set the strategic direction of projects and activities;
5. provide advice or direct input on budgeting, including assets (including people), money, facilities, time, hiring, and other resources;
6. establish PRSP/RFMSOC goals and scope as well as determine performance indicators;
7. assess and approve or reject proposals/recommendations and bring changes and/or improvement to the proposals/recommendations;
8. prioritize project deliverables;
9. monitor PRSP/RFMSOC processes, plans and activities;
10. Comoros adopt method for strategies but didn’t take into account deletion proposed by Mauritius because it sounds like they are acting as consultancy service. (Jude: problem solving, Mauritius the rest of the paras do this)make recommendation and where necessary decide on concerns and issues related to projects or the overall organisational process;
11. facilitate resolution of conflicts between participating States; (Kenya: resolving disputes is not a good approach when no procedure. Wants a one page process, giving notice, convening meetings etc. Mauritius, mention be made specifically what is in Art 20(2) that the ERCU would look into an investigation – import language from Agreements. For Also import suspension for non-compliance. Don’t use conflict, just as issues on interpretation or implementation. M. thinks ERCU cannot be an abitral panel, quasi judicial or other forum. Can mediate. ,
12. develop any other tools or improve existing tools that may be agreed by the RCU and the ERCU
13. oversee the activities in the assessment of operational risks; and
14. monitor the quality of PRSP/RFMCSOC deliverables and adjust accordingly.

3 Decisions and recommendations of the ERCU/Steering Committee shall be submitted as guidance for policy decisions at meetings of the Fisheries Ministerial Conference and the Council of Ministers.

**6 MEETINGS**

1. 1. The Chair and the Co-Chair of the ERCU shall be representatives of Participating States on a rotational basis and elected to serve for a one year term
2. The ERCU shall meet annually and may agree to hold additional extraordinary meetings where one or more Participating States so requests. ire. Moz: An annual session, would others be extraordinary?
3. The Chair in consultation with the RFMCSOC shall decide on the date and venue of the meetings and shall transmit a draft agenda sufficiently in advance of the meetings to enable members to undertake appropriate preparations.
4. The duration of any meeting shall not exceed two days.
5. The Chair may communicate and if needed meet more frequently with the Secretary in order to manage the Committee agendas,.
6. 8. Members unable to attend physically may participate virtually, and aA quorum shall be be determined by a simple majority of ERCU members.
7. Decisions shall be made by a consensus of ERCU Participating States, but a Participating State that is not represented at the meeting shall not be bound by any decision or recommendation taken at such meeting.
8. A report of each meeting shall be promptly provided to the IOC and the PRSP.
9. **PROCEDURES Same as RCU**
10. Procedures for the agenda shall include the following:
11. the Chair upon request from the members, shall be responsible for finalizing the agenda, except that the Secretariat will prepare the agenda for the first meeting pending election of a Chair;
12. input to the agenda items may include items tabled by the members; and First sentence, then (a)
13. the provisional agenda and meeting materials should be made available at least five (5) working days in advance of each meeting.
14. The Minutes of each meeting shall be circulated to the members within fourteen (14) working days after an ERCU meeting for validation.
15. The IOC shall provide secretariat services to the ERCU/Steering Committee.

Mauritius;

Can have the same text in RCU as well: Best to elect a chair at the meeting, as it only meets once ayear. Vice Chair, Secretary. Formal process. For the first meeting, the Secretariat will prepare the agenda, after that the Chair is elected.

One Chair and one vice chair, chosen on a rotational basis

So chairmanship will be a country.

Shadrack: IOTC Chairs for three years, Consider this model as well.

Include reference to who the chair is, Jude, there is a procedure

The participating states may agree on such procedures as necessary for the purpose of meetings by consensus and delete paragraph 1.

Para 3: If IOC is not to provide secretariat services, does it need to be a member of that committee. IOC must decide this.

Wherever IOC appears, there has to be a question mark, also for membership

Jude: 1 and 2 would not apply, although it was put up for the RCU.

Mauritius: confidentiality is not set out anywhere. Can we inc lude a sentence: Unless all participating countries agree otherwise, all information re the rcu ercu shall be confidential. We don’t want any diplomatic faux pas.