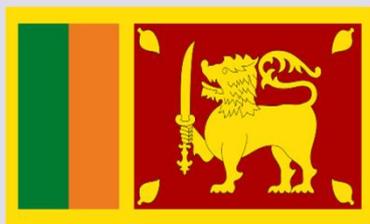
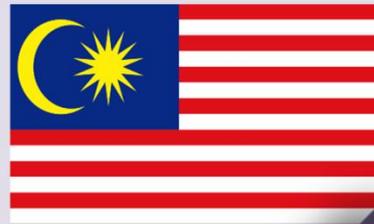




Bay of Bengal Large Marine Ecosystem Project



Report of the
Regional workshop to support the implementation of the Resolutions
of the Indian Ocean Tuna Commission (IOTC)
11-14 February 2014 • Kuala Lumpur Malaysia

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Final report

Regional workshop to support the implementation of the Resolutions of the Indian Ocean Tuna Commission (IOTC)

Beneficiary countries: Bangladesh, India, Indonesia, Iran I.R., Malaysia, Myanmar, Oman, Pakistan, Philippines, Sri Lanka and Thailand

Date: 11–14 February, 2014

Venue: Kuala Lumpur, Malaysia

A project implemented by: Indian Ocean Tuna Commission



With co-financing of: The Bay of Bengal Large Marine Ecosystem (BOBLME) Project



Executive summary

The Indian Ocean Tuna Commission (IOTC) is an intergovernmental organisation mandated to manage tuna and tuna-like species in the Indian Ocean and adjacent seas. Its objective is to promote cooperation among its members with a view to ensuring, through appropriate management, the conservation and optimum utilisation of stocks and encouraging sustainable development of fisheries based on such stocks.

Since 1998, the IOTC has adopted a series of conservation and management measures at its annual session. As required by Article X of the IOTC agreement, each Member of the Commission shall ensure that such action is taken, under its national legislation, including the imposition of adequate penalties for violations, as may be necessary to make effective the provisions of this agreement and to implement conservation and management measures which become binding on it.

At the fourteenth session of the IOTC, held in March 2010 as well as in previous sessions of the Commission, a general conclusion of the Commission was with regard to the low level of implementation of IOTC Resolutions. In particular it was noted that in some of the Member States and Cooperating non-Contracting Parties (CPCs) the concerned personnel of the fisheries administrations and other stakeholders (e.g., vessels' owners) still have limited awareness of the objectives of the Commission; the IOTC Resolutions and the country obligations.

In this context, the IOTC Secretariat solicited, and was granted assistance by the Bay of Bengal Large Marine Ecosystem (BOBLME) Project to co-finance a regional workshop to support the implementation of the Resolutions of the Indian Ocean Tuna Commission. The objectives of the workshop were to build the capacity of some IOTC member countries to implement the decisions (Resolutions) of the Commission and to discuss and understand some of the difficulties that these countries are faced with in the process of implementing these decisions. The workshop also discussed measures that would help improve their compliance level.

The workshop saw the participation from four IOTC/BOBLME Member States (Indonesia, Malaysia, Pakistan, Sri Lanka and Thailand), two BOBLME Member States (Bangladesh and Myanmar) who are not yet member or Cooperating non-Contracting Party to the IOTC, plus two other IOTC members (Iran I.R. and Oman) not affiliated to the BOBLME Project.

The workshop provided the ideal opportunity for the technical staff of the beneficiary countries, who are involved in implementing the decisions of the Commission, to share their experiences and challenges. It was also an opportunity to engage with colleagues from Bangladesh and Myanmar, two Indian Ocean coastal States with important catches of IOTC species. At the conclusion of the workshop the participants made eleven recommendations, which in their view will result in improved implementation of the IOTC resolutions and a more effective Commission.

Group photo: Regional workshop to support the implementation of the Resolutions of the Indian Ocean Tuna Commission (IOTC), Kuala Lumpur, Malaysia



Acknowledgements

This regional workshop was implemented by staff members of the Secretariat of the Indian Ocean Tuna Commission (IOTC) in partnership with the Bay of Bengal Large Marine Ecosystem (BOBLME) Project. The principal staff of the IOTC Secretariat who facilitated this regional workshop, Mr Rondolph Payet, Mr Gerard Domingue and Mr Florian Giroux would like to extend their sincere appreciation and thanks to everyone who contributed towards the success of this regional workshop.

The generous contribution of the BOBLME in co-financing this workshop is highly appreciated. We thank Mr Gilles Hosch for the hard work he undertook towards the preparation of the Manuals. The gratuitous offer by the former Executive Secretary of the IOTC, Dr Alejandro Anganuzzi, to critically review the manuals is also highly appreciated.

Our thanks also go to the staff of the Grand Millennium Hotel, who ensured that the venue for the workshop was comfortable and equipped for the successful delivery of this project.

The kind acceptance of the Government of Malaysia, through the Ministry of Agriculture and Agro-Based Industry, to host the workshop is highly appreciated. The support of the staff of the Department of Fisheries, both in the preparation and during the workshop is highly commendable.

Finally thanks goes to the Governments who responded positively by accepting to nominate candidates to attend the workshop, and to the participants themselves for their active participation in the workshop.

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Acronyms used

BOBLME	Bay of Bengal Large Marine Ecosystem
CPC	Cooperating non-Contracting Parties
EEZ	Exclusive Economic Zone
IOTC	Indian Ocean Tuna Commission
MIMA	Maritime Institute of Malaysia
TOR	Terms of Reference

1. Background

The Indian Ocean Tuna Commission was established within the framework of the Food and Agriculture Organization of the United Nations in 1993 and the agreement establishing the IOTC came into force in 1996. The objective of the IOTC is to promote cooperation among its members with a view to ensuring, through appropriate management, the conservation and optimum utilisation of stocks covered by the agreement (tuna and tuna-like species) and encouraging sustainable development of fisheries based on such stocks in the Indian Ocean and adjacent seas.

The main functions of the IOTC are to keep under review the conditions and trends of the stocks and to gather, analyse and disseminate scientific information, catch and effort statistics and other data relevant to the conservation and management of the stocks and to fisheries based on the stocks covered by the agreement; and to encourage, recommend, and coordinate research and development activities in respect of the stocks and fisheries covered by the agreement, and such other activities as the Commission may decide appropriate, including activities connected with transfer of technology, training and enhancement, having due regard to the need to ensure the equitable participation of members of the Commission in the fisheries and the special interests and needs of members in the region that are developing countries.

The Commission may, by a two-thirds majority of its members present and voting, adopt conservation and management measures which are binding on members of the Commission. The Secretary shall notify the members of the Commission of any conservation and management measures adopted by the Commission. Conservation and management measures adopted by the Commission become binding on members 120 days from the date specified in the Secretary's notification or on such other date as may be specified by the Commission. Any member of the Commission may object to a conservation or management measure so long as the objection is made within 120 days from the date specified. If an objection is filed, the member of the Commission making such an objection shall not be bound thereby. A member of the Commission may also withdraw its objection at any time and become bound by the measure immediately if the measure is already in effect or at such time as it may come into effect under Article X.

At the fourteenth session of the IOTC, held in March 2010 as well as in previous sessions of the Commission, a general conclusion of the Commission was with regard to the low level of implementation of IOTC Resolutions. In particular it was noted that in some of the Member States and Cooperating non-Contracting Parties (CPCs) the concerned personnel of the fisheries administrations and other stakeholders (e.g., vessels' owners) still have limited awareness of the objectives of the Commission; the IOTC Resolutions and the country obligations. In recent years, 2011 and 2012, the compliance committee of the IOTC has moved towards a country based process of evaluating compliance of CPCs, rather than the traditional Resolution based approach. This provides the Commission with a better understanding of how CPCs are performing towards their obligations to give effect to the decisions of the Commission.

2. Project objectives

The main objective of this workshop is to strengthen the concerned countries understanding of the objectives of the IOTC and increase their ability to implement the Resolutions of the Commission. Specifically, this workshop seeks to:

- i. increase the awareness of concerned personnel of the administration and other stakeholders (e.g., representative of a fishermen/boat owners association) in selected IOTC/BOBLME Member States on the objectives of the Commission and the decisions (IOTC

Resolutions) taken by the Commission toward attaining those objectives, so as to improve the knowledge and understanding of Member States' with regards to their obligations;

- ii. improve the implementation of, and compliance with, IOTC Resolutions by selected IOTC/BOBLME Member States in the eastern and southern Africa regions.

3. Participants in the workshop

In total, there were 25 participants from nine countries, plus a representative from the BOBLME Project and one other representative from the Maritime Institute of Malaysia (MIMA), who were in attendance of the first session. The list of participants in the workshop is presented in **Appendix I**.

The participants from India who were nominated to attend were ultimately unable to participate due to delays in obtaining visa to enter Malaysia. The Philippines did not nominate any participant to attend this workshop.

4. Organisation and methodology

4.1. Delivery on assigned tasks

Task	Responsibility	Delivery report and comments
Review and approve the training outline, materials and other documentation for the workshop.	IOTC Secretariat	All materials and documentations for the workshop were reviewed and approved.
Make all logistical arrangements for the workshop (including accommodation for the participants, local transport for the participants).		All arrangements under these tasks were handled by Travel Management Bureau.
Organise itinerary and purchase air-tickets for all agreed participants with the support of the IOTC staff appointed for this event.		All arrangements under these tasks were handled by Global Link Travel and Tours Ltd.
Make per diem payments directly to the participants at the moment of the workshop and to the venue for refreshments and provision of services and facilities.		All arrangements under these tasks were handled by IOTC.
Ensure BOBLME is suitably represented at the workshop.		Due to other commitments the BOBLME Secretariat was represented at only the first session of the workshop, by its Chief Technical Advisor, Dr Rudolf Hermes. Ms Cheryl Rita Kaur of the Maritime Institute of Malaysia (MIMA) also gave a presentation on behalf of BOBLME.

<p>IOTC Secretariat’s staff members responsible for the workshop.</p>	<p>IOTC Secretariat</p>	<p>Mr Rondolph Payet – Executive Secretary IOTC – workshop moderator Mr Gerard Domingue – Compliance Coordinator IOTC – workshop facilitator Mr Florian Giroux – Compliance Officer – workshop facilitator</p>
<p>Prepare the list of participants to be invited and support in contacting them.</p>		<p>Beneficiary countries were invited to nominate between two and three participants, depending on the source of financing.</p>
<p>Send out the invitation letters for participants duly signed by IOTC at least 2 months ahead the event.</p>		<p>Letters of invitation were sent to the beneficiary countries, by the IOTC Secretariat and BOBLME Secretariat.</p>
<p>Prepare the training manual and hand-outs for all participants.</p>		<p>All of the listed materials under these tasks were made available in a single bound document.</p>
<p>The IOTC agreement</p>		
<p>The rules and procedures of the IOTC</p>		
<p>The roles and responsibilities of the IOTC Secretariat</p>		
<p>Decisions of the IOTC (IOTC Resolutions and Recommendations)</p>		
<p>The roles and responsibilities of IOTC members [and Cooperating non-Contracting Parties]</p>		
<p>Results of assessment of compliance by Member States</p>		

The IOTC Secretariat received support from the Department of Fisheries, Malaysia, to coordinate at national level the reproduction of the materials to be used in the workshop.

4.2. Preparation of workshop materials

Preparations of the manuals Part A and Part B were made possible through a Grant Agreement signed between the IOTC and the European Commission, to provide technical assistance to developing countries party to the IOTC Agreement. The bulk of the work towards the completion of the Manuals was carried out from the middle September to the end of November 2012. The manuals were critically reviewed in June/July 2013, before being used in a similar workshop, which took place in August 2013.

For the remainder of the materials that comprised of the package made available to participants, these were documents available from the IOTC Secretariat and, therefore, no additional work was required on the part of the IOTC Secretariat to make these available.

As per the programme of work, a series of presentations were delivered during the workshop. The preparations of these presentations were made by the respective presenters. Preparations for the material utilised in the group works were done out by the workshop facilitators.

All materials for the workshop, plus other essential reference materials, were made available to each participant through an electronic library.

4.3. Workshop venue and conduct

The workshop took place at the Grand Millennium Hotel, Kuala Lumpur, on 11-14 February, 2014. The venue was well equipped with all the necessary facilities, which included audio-visual equipment, which was of high quality.

The facilitators of the workshop presented a global overview of the regime for managing highly migratory fish stocks, which was then narrowed down to place it into the context of the IOTC, which is responsible for managing the tuna and tuna-like species in the Indian Ocean. These presentations were supplemented with group work, designed to help the participants better understand their respective country's obligations towards the Commission.

The result of the evaluation of the workshop, which is presented in **Appendix II**, shows a high level of satisfaction of the participants with the venue and content of the workshop.

5. Conclusions

The group of the nine countries that participated in this regional workshop had a diverse understanding of the obligations on the IOTC Member States. An absence of coordination and awareness at the national level, of the responsibilities of members was identified as one of the main problem which hinders the ability of members to comply with their obligations.

The notion of giving effect to the decisions of the Commission remains a challenge for most administrations and the consequence of this a less effective Commission. To overcome this, Member States will have to find solutions address the existing gaps in their administrative and legal framework that restricts their ability to properly implementation the conservation and management measures adopted by the Commission. It was clear during the workshop that most administration would also have to reconsider their institutional arrangements to ensure that adequate capacity, both human and capital, are made available to respond to their responsibilities towards the Commission.

In addition to the actions that are required to be taken at the national level, participants in the workshop also recognised that there are problems inherent to some of the conservation and management measures, which results in a lack of clarity, thus hampering effort for implementation. Participants recognised the need for more technical input when conservation and management measures are discussed. They were of the view that this element will serve to frame conservation and management measures in a manner that will facilitate their implementation. In that regard, the

participants in the workshop specifically called the attention of the Commission on this issue, as articulated their recommendations.

6. Workshop recommendations

The workshop was successful, thanks to the efforts of the participants who recognized the challenges in implementing IOTC Resolutions. The workshop provided opportunities to share the experiences of participating countries, and what institutional arrangements exist at national level that would allow improved implementation of the IOTC resolutions.

Upon wrapping up the active and constructive discussions over the four days, the workshop made the following recommendations:

1. The Secretariat should assist the member countries in increasing their capacity (human), through appropriate training, to implement conservation and management measures adopted by the Commission.
2. The Commission should consider creating an IOTC working party on compliance. The working party will review implementation of resolutions, share experiences, make recommendations on active resolutions and capacity building activities (TOR is required to be developed).
3. Encourage closer collaboration between stakeholders and government agencies at national level to improve implementation of IOTC Resolutions.
4. Secretariat should improve its communication and information sharing strategy to the IOTC members; e.g. ensuring that communications from the secretariat reaches national focal points.
5. Resolutions should be easily executable, with very clear language and reporting requirements clearly defined. Where appropriate, reporting templates should be developed to facilitate the reporting requirements.
6. Where applicable, the financial implications for implementation of resolutions should be provided for in proposals for resolutions.
7. CPCs to improve consultations between the different tiers at national level (technical and policy) before and after the Commission meeting. CPCs are encouraged to establish a mechanism at national level to address IOTC related issues.
8. The Commission should develop mechanisms for engaging coastal countries not part of the IOTC process, with the aim of getting these countries to participate in the work of the Commission.
9. CPCs are encouraged to explore mechanisms to improve compliance by the industry, e.g. by engaging them in the pre and post meeting discussions.
10. CPCs are encouraged to foster greater collaboration on matters considered by the Commission, with the aim of developing a common position for “like-minded” states.
11. The Commission should consider the publication of country-based compliance scoreboard, which will provide CPCs with a visual appreciation of their compliance performance. The need for confidentiality should be carefully considered.

Appendix I List of participants

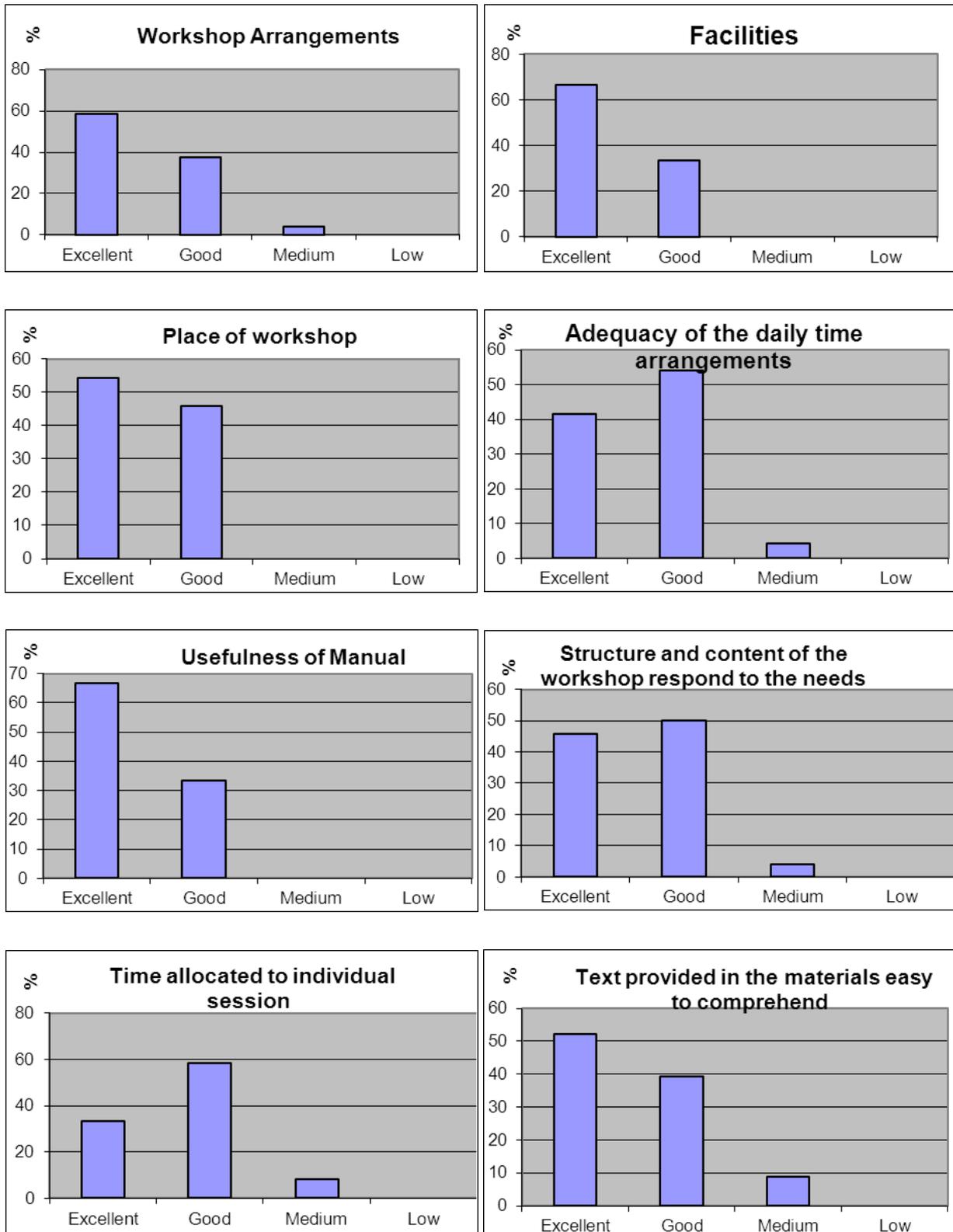
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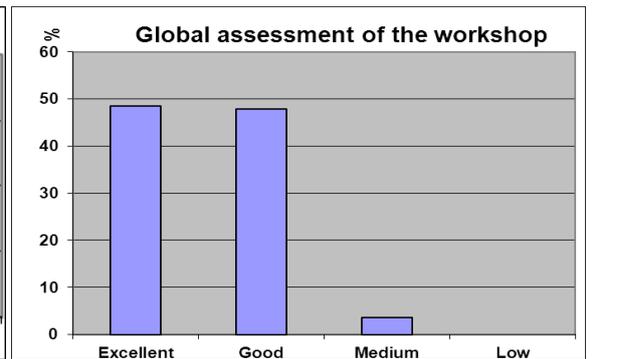
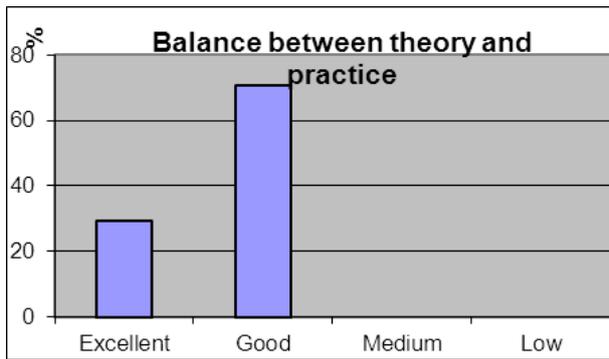
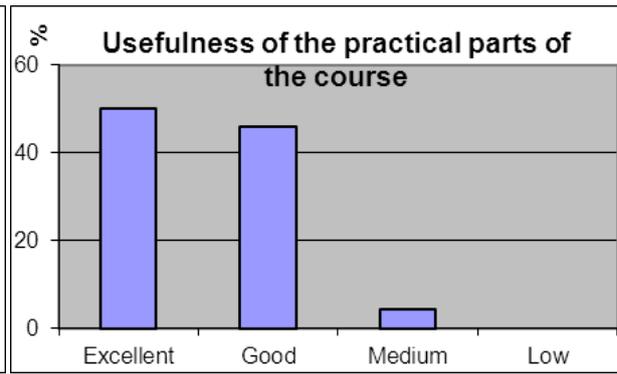
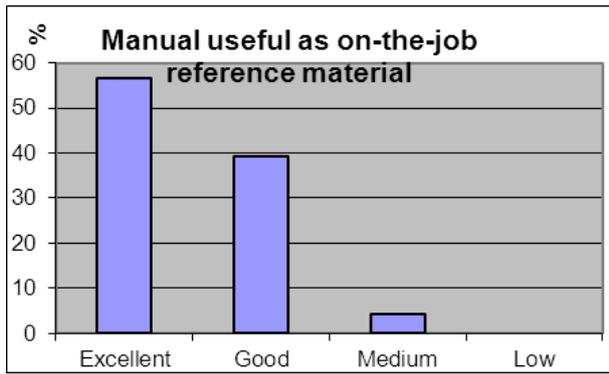
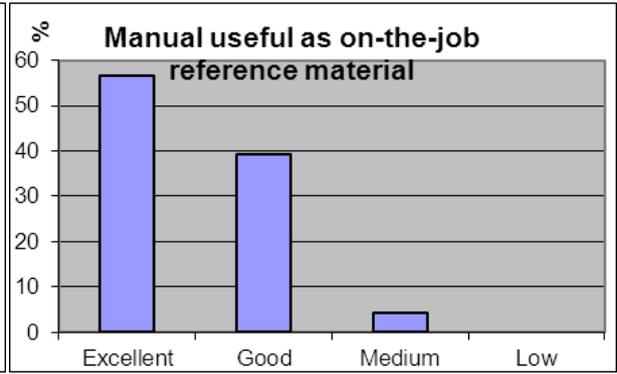
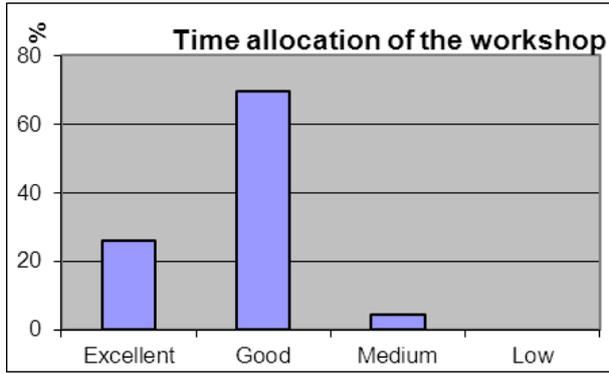
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Appendix II Evaluation of the workshop







Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, Sri Lanka and Thailand are working together through the Bay of Bengal Large Marine Ecosystem (BOBLME) Project to lay the foundations for a coordinated programme of action designed to better the lives of the coastal populations through improved regional management of the Bay of Bengal environment and its fisheries.

The Food and Agriculture Organization (FAO) is the implementing agency for the BOBLME Project.

The Project is funded principally by the Global Environment Facility (GEF), Norway, the Swedish International Development Cooperation Agency, the FAO, and the National Oceanic and Atmospheric Administration of the USA.

For more information, please visit www.boblme.org



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