

## Final Technical Report

Project title: Regional workshop to support the implementation of the Resolutions of the Indian Ocean Tuna Commission (IOTC).

**Project Number:** SA-2.1-B10

**Region:** Eastern and Southern Africa

**Beneficiary countries:** Eritrea, Kenya, Mozambique, Sudan, Tanzania, Seychelles, Mauritius and Comoros

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**A project implemented by:** Indian Ocean Tuna Commission



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*"The content of this document does not necessarily reflect the views of the concerned governments."*

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The generous contribution of the European Commission in financing the production of the Manuals used for 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.

Mention must also be made of the assistance provided by the ACP Fish II Coordination Unit, especially by the Programme Manager Ms. Alice BULGARELLI, who ensured that all the necessary arrangements were made, from logistics to production of materials for the Workshop. These timely arrangements were critical to the success of the Workshop and, therefore, very much appreciated.

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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## List of Acronyms

ACP	Africa, Caribbean, and Pacific (Group of States)
AFV	Authorized fishing vessel
APSM	Agreement on Port State Measures (2009)
BET	Bigeye Tuna
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CPCs	IOTC Contracting Parties (or “Members”) and Cooperating Non-contracting Parties
DWFN	Distant Water Fishing Nation
EEZ	Exclusive Economic Zone
EU	European Union
FAO	Food and Agriculture Organization of the UN
FAOCA	FAO Compliance Agreement (1993)
FDP	Fleet Development Plan (see Res. 12/11)
FMC	Fisheries Monitoring Centre
IOSEA MoU	Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia
IOTC	Indian Ocean Tuna Commission
IPOA	International Plan of Action
IUU	Illegal, unreported and unregulated (fishing)
LOA	Length overall (fishing vessel)
LSTV	Large-scale tuna vessel
LSTLV	Large-scale tuna longline fishing vessel
MCS	Monitoring, Control and Surveillance
MoU	Memorandum of Understanding
NCP	Non-contracting Party
NPOA	National Plan of Action
SKJ	Skipjack Tuna
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea (1982)
UNFSA	United Nations Fish Stock Agreement (1995)
VMS	Vessel Monitoring System
WPEB	Working Party on Ecosystems and Biodiversity
YFT	Yellowfin Tuna



## 1. 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 ACP Fish II Programme to fund 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 seven ACP Member States (Kenya, Mozambique, Sudan, Tanzania, Seychelles, Mauritius, and Comoros) plus one other non ACP State (Maldives), which are also IOTC Members.

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. At the conclusion of the Workshop the participants made nine recommendations, which in their view will result in improved implementation of the IOTC resolutions and a more effective Commission.





## 2. Background

The Indian Ocean Tuna Commission was established within the framework of the Food and Agriculture Organisation 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.

### *3. Project Objectives*

The main objective of this project 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 project 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/ACP 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/ACP Member States in the eastern and southern Africa regions.

### *4. Approach to the assignment*

The modality adopted for the implementation of this project was to combine responsibilities between the IOTC Secretariat and the ACP Fish II Co-ordination Unit in Brussels. Those responsibilities are outlined in the Memorandum of Understanding (MoU) signed by both parties (Annex 2).

### *5. Comments on the terms of reference*

As outlined in the Project Profile, which constituted an integral part of the MoU, the beneficiary countries were Eritrea, Kenya, Mozambique, Sudan, Tanzania, Seychelles, Mauritius and Comoros. Of the eight beneficiary countries, Eritrea was not represented at the Workshop. Both the IOTC Secretariat and the ACP Fish II Programme were not successfully in getting a timely feedback from Eritrea to facilitate their participation in the Workshop.

The IOTC Secretariat sought, and was granted, approval by the ACP Fish II Coordination Unit to invite two participants from the Republic of South Africa and Maldives at IOTC's cost, one additional Mozambican participant funded by Mozambique, plus some additional participants from the host country, Mauritius. The South African participants who were nominated to attend were ultimately unable to participate due to delays in their internal procedures to approve their travel.

In total, there were 27 participants from eight countries, plus a representative from the EU Delegation for Comoros, Mauritius and Seychelles, who was in attendance of some of the sessions. The List of Participants in the Workshop is presented in Annex 1.

## 6. Organisation and methodology

### 6.1. Delivery on assigned tasks

Task	Responsibility	Delivery report and comments
Review and approve the training outline, materials and other documentation prepared by the IOTC for the Workshop.	ACP Fish II Programme	All materials and documentations for the Workshop were submitted to the ACP Fish II and 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 ACP Fish II.
Ensure ACP Fish II is suitably represented at the Workshop both for technical and administrative purposes.		The ACP Fish II Programme was represented at the Workshop by the following personnel:  Ms. Alice BULGARELLI – Programme Manager Western Africa/Southern Africa  Mr. Oumar TALL - Administrative and Financial Expert



		Mr. Leone TARABUSI - Regional Manager Southern Africa
Provide formal approval of the FTR produced by the IOTC.		The FTR was submitted to the ACP Fish II Programme on 7 <sup>th</sup> October, 2013.
Use its Technical staff (From Compliance Section) or other party supported directly by the IOTC to ensure the training will meet the required objectives.	IOTC Secretariat	Mr. Rondolph PAYET – Executive Secretary IOTC – Workshop Moderator Mr. Gerard DOMINGUE – Compliance Coordinator IOTC – Workshop Facilitator Mr. Florian GIROUX – Compliance Officer – Workshop Facilitator
The officers will make technical preparations and submit a Training Outline, Training Modules (with session objectives), materials, handouts and supporting documents, detailed schedule and provisional list of participants and their contact details.		Technical preparations for the Workshop were done over the month of July and up to the third week of August. Some delays were experienced in making available some of the documents due to the heavy workload of the IOTC Technical staff.
Appoint an IOTC staff to liaise with ACP Fish II Coordination Unit for the workshop organisation and facilitation.		Ms. Claudia MARIE – Project Assistant/Secretary (IOTC) and Ms. Mirose GOVINDEN – Secretary (IOTC), were appointed for this task.
Prepare the list of participants to be invited and support in contacting them.		Beneficiary countries were invited to nominate three participants. The lists of nominees were communicated between the IOTC Secretariat and ACP Fish II Programme. Contacts with the participants were undertaken by the IOTC Secretariat or ACP Fish II Programme, depending on the nature

		of the communication that was required to be undertaken.
Send out the invitation letters for participants duly signed by IOTC at least 2 months ahead the event.		Letters of invitation were sent to the beneficiary countries, in respect of the stated timeline. No nominations were received from Eritrea, although the letter of invitation was sent in due time.
Prepare the training manual and hand-outs for all participants.		All of the listed materials under these tasks were made available in a single bound document.
The IOTC Agreement		
The Rules and Procedures of the IOTC		
The Roles and Responsibilities of the IOTC Secretariat		
Decisions of the IOTC (IOTC Resolutions and Recommendations)		
The Roles and Responsibilities of IOTC Members [and Cooperating non-Contracting Parties]		
Results of Assessment of compliance by Member States		
Will prepare the Final Technical Report in line with agreed ACP Fish II formats.		The Final Technical Report prepared in line with the ACP FISH II format.

The IOTC Secretariat received unparalleled support from the ACP Fish II Programme Coordination Unit with the preparation of the materials that were made available to the participants and facilitated, through the appointment of Travel Management Bureau, the arrangements for the Workshop venue and services.

### 6.2. 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 going to print.

For the remainder of the materials that comprised the remainder 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, and these are made available in Annex 4, under section 9.4.7. Preparations for the material utilised in the Group Works were carried 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.

### *6.3. Workshop venue and conduct*

The Workshop took place at Le Meridien Hotel, Mauritius, on 27<sup>th</sup> -30<sup>th</sup> August, 2013. The venue was well equipped all the necessary facilities, which included audio-visual equipment, as well as facility for simultaneous translation, 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 Annex 5, shows an overwhelming satisfaction of the participants with the venue and content of the Workshop.

Regional workshop to support the implementation of the Resolutions of the Indian Ocean Tuna Commission (IOTC), Le Meridien, Ile Maurice



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



Mr Rondolph Payet, Executive Secretary, IOTC (trainer)



Mr Gerard Domingue, Compliance Coordinator, IOTC (trainer)



Mr Florian Giroux, Compliance Officer, IOTC (trainer)

## 7. Conclusions

From the group of the eight countries that participated in this Regional Workshop, it is clear that there is diverse understanding of the obligations on the IOTC Member States. In the more extreme cases, this is further exacerbated by an absence of coordination and awareness, at the national level, of the responsibilities of Members.

The notion of giving effect to the decisions of the Commission remains, in good part, a challenge that most administrations will have to overcome, for the Commission to become more effective. In giving consideration to this, Member States will have to come up with solutions to address the current gaps in their legal framework that hinders the implementation of conservation and management measures. In addition to addressing the legal framework, it was clear during the Workshop that most administration would also have to revisit their institutional arrangements to ensure that adequate capacity, both human and capital, are available to respond to the challenges of giving effect to the decisions of the Commission.

Besides actions that are required to be taken at the national level, participants in the Workshop 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 were of the view that, at the level of the meetings of the Commissioners, where conservation and management measures are discussed and agreed upon, there is a fundamental lack of the necessary technical expertise to appreciate the difficulties encountered in the implementation of some of these CMMs. In that regard, the participants in the Workshop specifically called the attention of the Commission on this issue, as further elaborated in the following section.

## 8. Workshop Recommendations

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, challenges and to make recommendations which in their view will result in improved implementation of the IOTC resolutions.

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



1. Assistance, through appropriate training, should be provided to CPCs to better understand their obligations in the conservation and management of tuna and tuna-like species, including species caught in association with IOTC species.
2. Create an IOTC Working Party on Compliance, which will *inert alia*, review the implementation of IOTC Resolutions, share experiences, make recommendations on improving active resolutions and capacity building activities, etc. (TOR to be developed)
3. CPCs should foster closer collaboration between stakeholders and government agencies at national level, to improve the implementation of IOTC Resolutions.
4. More emphasis should be placed on improving communication and sharing of information between CPCs, for example between FMCs of CPCs. If required, this should be facilitated by the Secretariat of the IOTC.
5. Resolutions adopted by the Commission should be easily executable, with very clear language and reporting requirements clearly defined. Resolutions should also contain explanatory notes on implementations, including guidelines and reporting templates.
6. Where applicable, the financial implications for the implementation of resolutions should be provided for in the proposals for resolution.
7. CPCs are encouraged to improve the level of consultations between the technical staffs and Commissioners before and after the Commission meeting. CPCs are also encouraged to establish a mechanism at national level to address IOTC related issues.
8. The Secretariat should explore the possibility of setting up an interactive website, such as for reporting and providing feedback. The Secretariat should also improve its communication strategy.
9. Where required, CPCs are further encouraged to explore mechanisms to ensure that the industry comply to IOTC Resolutions; e.g. by introducing compliance bonds.

## 9. Annexes

### 9.1. Annex 1 - List of Participants

Country	Numbers	Names	Position	E-mail
Comoros	3	Mr. Mikidar Houmadi	Directeur Général des Ressources halieutiques	hmikdar@gmail.com
		Mr. Said Boina	Directeur du Centre National des Surveillances des Pêches	dalaili@live.fr
		Mr. Ahmed Said Soilihi	Chef de Service Pêche à la Direction Générale des Ressources Halieutiques	ahmed_ndevo@yahoo.fr
Kenya	2	Mr. Stephen Ndegwa	Marine Biologist (Fisheries Manager)	ndegwafish@yahoo.com
		Mr. Maxine Yalo	Research Scientist (Fisheries Manager)	maxyalo@yahoo.com
Maldives	2	Mr. Hussain Sinan	Director, Fisheries Management Agency	hussain.sinan@fishagri.gov.mv
		Mr. Ahmed Shifaz	Senior Research Officer	ahmed.shifaz@fishagri.gov.mv
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IOTC	3	Mr. Rondolph Payet	Executive Secretary	rp@iotc.org
		Mr. Florian Giroux	Compliance Officer	fg@iotc.org
		Mr. Gerard Domingue	Compliance Coordinator	gd@iotc.org



*9.2. Annex 2 - Memorandum of Understanding*

*9.3. Annex 3 - Programme of Work*

*9.4. Annex 4 - Documents*

*9.4.1. Manual Part A*

*9.4.2. Manual Part B*

*9.4.3. The IOTC Agreement*

*9.4.4. The Rules and Procedures of the IOTC*

*9.4.5. Decisions of the IOTC (IOTC Resolutions and Recommendations)*

*9.4.6. Results of Assessment of Compliance by Member States*

*9.4.7. Presentations from the Workshop*

*9.5. Annex 5 - Evaluation of the Workshop*

