



1st WORKSHOP ON CONNECTING THE IOTC SCIENCE AND MANAGEMENT PROCESSES (SMWS01) Implementation of Management Actions



INDIAN OCEAN TUNA COMMISSION
Secretariat



MEMBER OBLIGATIONS: Implementation



IOTC AGREEMENT

Article IX. PROCEDURES CONCERNING CONSERVATION AND MANAGEMENT MEASURES

Para: 1. Subject to paragraph 2, the Commission may, by a two-thirds majority of its Members present and voting, adopt conservation and management measures **binding on Members** of the Commission in accordance with this Article. *[120 days from announcement]*



MEMBER OBLIGATIONS: Implementation



IOTC AGREEMENT

Article X. IMPLEMENTATION

Para. 1. 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 under paragraph 1 of Article IX.



MEMBER OBLIGATIONS: Implementation



IOTC AGREEMENT

Article X. IMPLEMENTATION

Para. 2. Each Member of the Commission shall transmit to the Commission an **annual statement of the actions** it has taken pursuant to paragraph 1. Such statement shall be sent to the Secretary of the Commission not later than 60 days before the date of the following regular session of the Commission.



MEMBER OBLIGATIONS: Implementation



IOTC AGREEMENT

Article X. IMPLEMENTATION

Para. 3. The Members of the Commission shall cooperate, through the Commission, in the establishment of an appropriate **system to keep under review the implementation of conservation and management measures** adopted under paragraph 1 of Article IX, taking into account appropriate and effective tools and techniques to monitor the fishing activities and to gather the scientific information required for the purposes of this Agreement.



MEMBER OBLIGATIONS: Implementation



IOTC AGREEMENT

Article X. IMPLEMENTATION

Para. 4. The Members of the Commission shall cooperate in the **exchange of information** regarding any fishing for stocks covered by this Agreement by nationals of any State or entity which is not a Member of the Commission.

CMMs:

Resolutions contain all of the legally binding elements for Members to implement...

Recommendation contain other elements that Members may implement if desired.

POOR IMPLEMENTATION

1) Poorly drafted CMMs lead to poor implementation



2) Poor implementation by CPCs in terms of domestic enforcement

- For example, many Members have still not implemented or enforced regulations specified within IOTC Resolutions



3) Lack of domestic political will is also responsible for failures to adopt IOTC Resolutions under national legislation.

IMPROVE IMPLEMENTATION

1) Clear CMMs based on scientific evidence to ensure improved implementation?



2) Understand the process (Science to decision makers to implementation and compliance)



3) Know how to influence/communicate effectively



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION



Science Process

Step I: generating advice based on best available science



Data Collection and reporting to the IOTC Secretariat

Information centralised and prepared at the IOTC Secretariat (quality controlled)

Scientists as individuals gather at Working Parties to conduct stock assessments and review analyses of the data

Working Parties issue recommendations to the Scientific Committee



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION



Science Process

Step I: generating advice based on best available science (cont.)



Scientific Committee review Working Party recommendations

Advise the Commission about the status of the stocks

Capacity building (data collection, indicator development, stock assessment, databases, review of statistical systems)



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION



Leading up to the Commission

Step II: The decision making process



Report of the Scientific Committee is circulated to all Members, who initiate a period of internal consultation with their scientists

Recommendations are considered and translated, when necessary, to proposals for CMMs

Briefings are prepared by national administrations (internal consultation), to define the position of the delegations on various matters



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION



Leading up to the Commission, and the Session

Step II: The decision making process (cont.)



Necessity for action on other areas (e.g. Compliance, combat of IUU fishing) are also included in the briefings consolidating the position of the national delegations

At the Annual Session, matters are raised and negotiated seeking, when possible, consensus in the action

Binding Resolutions are adopted during the Session, as well as non-binding recommendations



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION



- Two Types of Decisions (Article IX)
 - **Recommendations** (voluntary and/or transitional)
 - **Resolutions** (binding) – after 120 days following the Executive Secretary's notification
- Approval Process
 - Consensus process or majority consensus approach
 - Voting Process – two thirds majority of those present and voting
 - Voting Process (Rule IX of Rules of procedure)
 - show of hands
 - by roll call (requested by a member)
 - secret ballot (requested by a member and seconded by another member)



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION



Objection process (Article X)

Any member of the Commission may, within 120 days object to a management measure and shall not be bound by the measure.

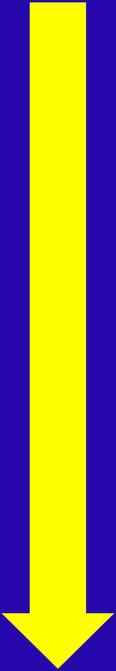
Any other member may within 60 days from the expiry of the 120 days object to any management measure

If objections to a measure adopted under above is more than a $\frac{1}{3}$, the other members shall not be bound but shall not preclude any other members from giving it effect.

Any member can withdraw its objection and be bound by the measure at anytime.

Post Commission

Step III: implementation and compliance



Upon return from the Annual Session, each delegation briefs higher authorities on the outcomes

The need for changes in the domestic legislation arising from any agreed measure is evaluated, and action is taken to modify legislation as necessary

Contacts are established with other agencies and institutions that could be responsible for implementation of some of the actions (e.g. Port Authority, provincial authorities)



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION



Step III: implementation and compliance (cont.)



Meeting with stakeholders are scheduled to brief them on the outcomes of the Commission Session and their consequences at the domestic level

Monitoring and reporting of activities to the IOTC Secretariat proceeds inter-sessionally according to the agreed schedule of reporting

Level of compliance is indicative of the effectiveness of the Commission



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION



Compliance Process

IOTC Compliance Committee

- Review all aspects of IOTC CPCs individual compliance with IOTC resolutions in the IOTC Area (Compliance country reports).
- Reports directly to the Commission on its deliberations and recommendations
- Commission issues Feedback letters to concerned CPCs based on the recommendations
- CPCs corrective actions to address the issues raise in the feedback letters (90 days before the Compliance Committee)



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION



Compliance Process

IOTC Secretariat Compliance Section

- Provide support to CPCs in the implementation of Monitoring, Control and Surveillance (MCS) tools adopted by the IOTC Members
- Capacity building (compliance support missions, PSM, Regional workshops on CMMs.)



YOUR OPINIONS



The IOTC is as good as how its members participate (*in full*)
in these processes

- 1) How effective is the IOTC Process?
- 2) National experience.