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2nd WORKSHOP ON CONNECTING THE IOTC SCIENCE AND MANAGEMENT PROCESSES (SMWS02)

Implementation of Management Actions

INDIAN OCEAN TUNA COMMISSION
Secretariat

[HTTP://WWW.I](http://www.iotc.int)



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.



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NEGOTIATION



IOTC DECISION MAKING PROCESSES NEGOTIATING IN A MULTILATERAL ENVIRONMENT

Negotiations

- Three dimensions
 - International Level (e.g. United Nations)
 - Regional Level (RFMOs)
 - National Level (Fisheries & Environment Departments)
- International Level
 - Port State Agreements, UNFSA, UNCLOS,
- Regional Level
 - Indian Ocean Tuna Commission :Conservations and management measures
- National Level:
 - States need to assess: Capacity and needs, implications for implementation and enforcement, what are the most important options for addressing those issues (e.g. sea birds, sharks)
 - May include sustainability impact assessments





IOTC DECISION MAKING PROCESSES NEGOTIATING IN A MULTILATERAL ENVIRONMENT

Negotiations

Relationship

Compromise

Dialogue

Agree

Results



NEGOTIATIONS THE EIGHT STEPS

- **PREPARE**
- **ARGUE**
- **SIGNAL**
- **PROPOSE**
- **PACKAGE**
- **BARGAIN**
- **CLOSE**
- **AGREE**





IOTC DECISION MAKING PROCESSES NEGOTIATING IN A MULTILATERAL ENVIRONMENT

Negotiations

- States view IOTC Resolutions too lightly or unimportant.
- States develop a national position on IOTC resolutions, which can also evolve in negotiations
- Ideally with the involvement of all relevant national stakeholders (including State or provincial governments, NGOs, private sector, etc. in the development of national positions).
- Create a forum for discussion and consultations before a national position is prepared.
- May include representatives from NGOs, private sector, or sub-national governmental bodies.
- Preparation of briefing notes on each draft of the resolutions.



IOTC DECISION MAKING PROCESSES

NEGOTIATING IN A MULTILATERAL ENVIRONMENT

Negotiations

- Plenary session for formal negotiations of less complex and controversial issues
- More complex issues referred to subsidiary bodies or working groups.
- Deferred discussions
- Unilateral solutions (not always the best solution but effective with some limitations)





IOTC DECISION MAKING PROCESSES NEGOTIATING IN A MULTILATERAL ENVIRONMENT

Negotiations

- States often form coalitions of States that have the same interests (issues or politics); this is called a “negotiating bloc” – e.g. the G16 group
- Necessary when many States participate in the negotiations
- Helps to manage the process by decreasing the number of negotiating groups
- Can increase leverage and decrease costs for small and developing countries
- Can advance agendas and break or modify agendas
- **Disadvantage:** it is difficult to move between coalitions and difficult to shift from a consensus point once its taken



IOTC DECISION MAKING PROCESSES NEGOTIATING IN A MULTILATERAL ENVIRONMENT

Negotiations

- Participants may make oral interventions concerning:
 - Country positions
 - Constraints (e.g. time limits, funding,)
 - Points of order
- Negotiating strategies:
 - Distributive
 - Integrative
- Negotiations may result in a conclusions, recommendations, and or resolutions.
- Possible objections

**COMPETITIVE
STANCES BREED
COMPETITIVE
STANCES.**

**CO-OPERATIVE
STANCES CREATE
WIN - WIN
NEGOTIATIONS.**



DISCUSSING RESOLUTIONS

ASK YOURSELF WHAT?

WHAT? – Theirs and Ours

What are the issues?

What are the concerns?

What are the strengths and weaknesses?

What are the consequences of not agreeing?

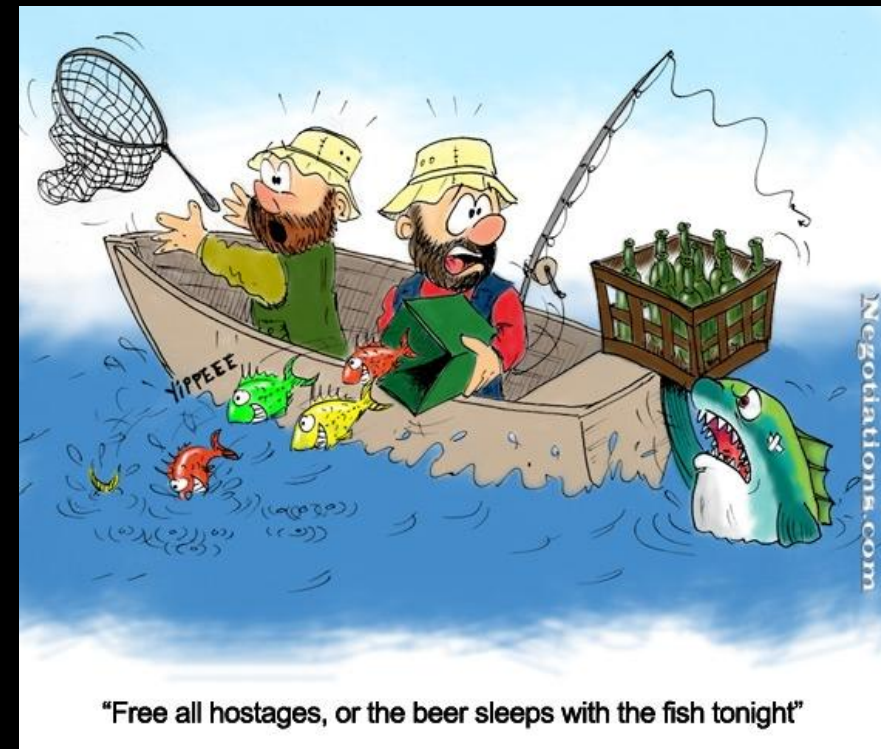
What are the interests and inhibitions?

What are the hidden agendas?

What are the time constraints?

What peer pressures are they under?

What are the alternatives?





DISCUSSING RESOLUTIONS

ASK YOURSELF WHY?

- Why do they need that information?
- Why is that an issue?
- Why is that not an issue?
- Why won't they listen to our point of view?
- Why won't they give us that information?
- Why is that important?
- Why are they giving us a hard time?
- Why is our proposal unacceptable?
- Why are they resisting our proposal?
- Why are they being inflexible?
- Why does that give them a problem?
- Why won't they tell us their concerns?
- Why won't they tell us their priorities?
- Why do they feel threatened?
- Why is their perception different from ours?
- Why do I feel I have missed something?
- Why is it taking so long for them to agree?
- Why should we agree to that?



ADJOURNMENTS

WHEN TO TAKE THEM:

- When you feel that you may have to reconsider your objectives in the light of changing circumstances.
- When you discover new critical information which needs to be factored into your calculations.
- When your strategy has been overtaken by events or has proved to be inappropriate to the Circumstances.
- When you are stuck in circular argument.
- When you need to consult your colleagues.
- Whenever you feel either party needs time to consider a proposal, new information, deadlock, how to repackage a proposal, what price to put on a demand and so on.

HOW TO TAKE THEM:

- Always summarise the position the negotiation has reached. Explain that you wish to consider certain points which have been raised.
- Try to withdraw to a private area where you can discuss matters freely with your colleagues.
- If you feel inhibited about asking for "time to think", then use naturally occurring breaks in the meeting: telephone interruptions, meal breaks, requests for some information or to calculate some figures.
- You may wish to give the other party issues for them to consider during the adjournment.
- In a formal adjournment you may need to agree how the meeting is going to be reconvened.



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IMPLEMENTATION



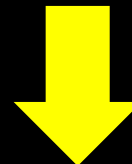
IOTC DECISION MAKING PROCESSES POOR IMPLEMENTATION

- 1) Poorly drafted CMMs lead to poor implementation



- 1) Poor implementation by CPCs in terms of domestic enforcement

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

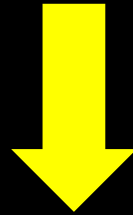


- 2) Lack of domestic political will is also responsible for failures to adopt IOTC Resolutions under national legislation.

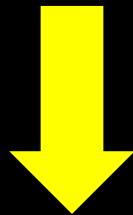


IOTC DECISION MAKING PROCESSES IMPROVE IMPLEMENTATION

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

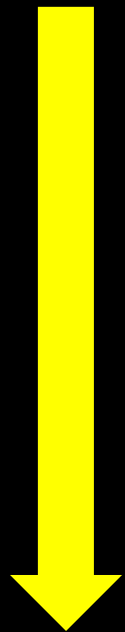
Science Process

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)

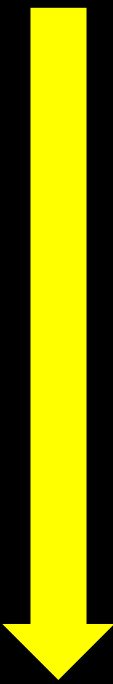




IOTC DECISION MAKING PROCESSES & IMPLEMENTATION

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

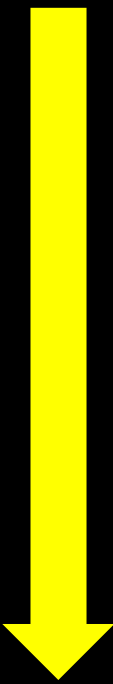
Briefings are prepared by national administrations (internal consultation), to define the position of the delegations on various matters



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 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.



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION

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

- Compliance is increasingly recognised as a key issue for international agreements. the creation of a compliance body capable of dealing with non-compliance issues.
- These bodies or committees may be authorised to assess instances of non-compliance and determine whether the breach of an agreement stems from negligence or insufficient capacity.
- For those countries lacking capacity, a compliance body may serve to facilitate or support that country in ongoing efforts to meet its obligations.



IOTC DECISION MAKING PROCESSES & IMPLEMENTATION

Compliance Process

Compliance Committee created in 2002 (Res 02/03 Terms of reference for the IOTC Compliance Committee - superseded in 2010 by Res 10/09

<http://www.iotc.org/cmms>

Compliance section created in 2008

Assess/review all compliance aspects related to the implementation of the IOTC Conservation and Management Measures

Provide support to CPCs in the implementation of MCS tools adopted by the IOTC Members



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.)

COMPLIANCE ASSESSMENT

Compliance Committee

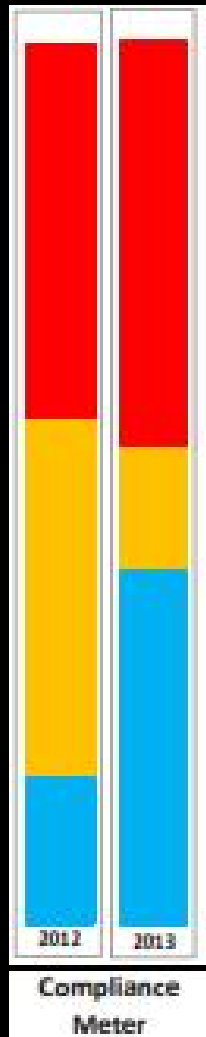
Compliance reports



N°	Source	Information required	Deadline/ Remark	Previous Status ^a		Current Status		Observations	CoC Remarks
				Timeliness	Content	Timeliness	Content		
1. Implementation obligations									
1.1.	Art. X Agreement	Report of Implementation	Session - 60 ds (07.03.2013)	L	C	C	C		
1.2.	Res. 10/09	Compliance Questionnaire	20.02.2013	C	C	C	C		
2. Management Standards									
2.1.	Res. 01/02	Documents listed in this resolution on board ^b	07.03.2013	C	C	C	C		
		Marking of vessels ^c		C	C	C	C		
		Marking of gears ^d		C	C	C	C		
		Marking of FADs ^e		N/A	N/A	N/A	N/A	No purse seine fleet.	
		Logbook on board ^f		C	C	C	C		
2.2.	Res. 12/12	Ban on large-scale driftnets ^g	07.03.2013	C	C	C	P/C	Mozambican flag vessel is briefed annually.	
2.3.	Res. 12/13	Legal and administrative measures to implement the area Closure	For LL 18.12.2012 For PS 17.09.2012	C	C	L	C	Longline vessel was notified.	
				N/A	N/A	N/A	N/A	No purse seine fleet.	
2.4.									
3. Reporting on Vessels									
3.1.	Res. 10/08	List of Active vessels	15.02	N/C	N/C	L	C		
3.2.	Res. 12/11	Fleet Development Plan (FDP)	By 31.12.2010 (10 years)	N/C	N/C	L	P/C	Target species for longliners not at IOTC Resolution Standard.	
3.3.	Res. 12/11	List of vessels ^h for Tropical Tuna during 2006	31.12.2009	N/A	N/A	N/A	N/A	Did not have a fleet during these reference years.	
		List of vessels ^h for SWO and ALB during 2007		N/A	N/A	N/A	N/A		
3.4.	Res. 07/02	List of Authorized vessels 24 metres in length overall or more	Since 01.07.2003	C	P/C	C	P/C	Information on the capacity of the vessel not to IOTC standard; reported GRT instead of GT.	



IOTC COMPLIANCE SCORE BOARD

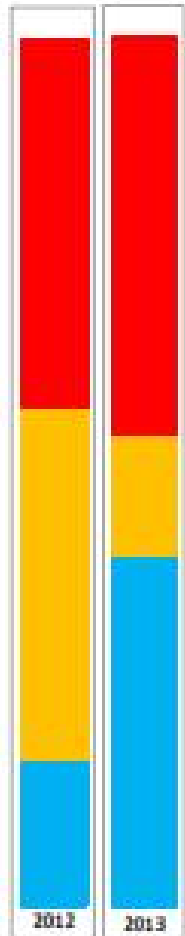


Objective: facilitate the assessment of the compliance status of each CPCs
Descriptive and quantitative approach to compliance behaviour – main tools/indicators:

- Compliance meter
- Compliance rate (% of requirements COMPLIANT)
- Compliance by resolution (29)
- Compliance by requirement (80)
- List of compliance issues (P/C & N/C)
- Actions Plan
- Follow up



IOTC COMPLIANCE SCORE BOARD



Compliance Meter

Compliance rate **40%** 2013
 Trend **17%** 2012

Applicable resolutions **25** 2013
19 2012

Applicable requirements **57** 2013
47 2012

Compliance by resolution

(29 Resolutions)

Year	Compliant	Partially Compliant	Not Compliant	Resolutions N/A
2013	8	12	5	4
2012	3	12	4	3

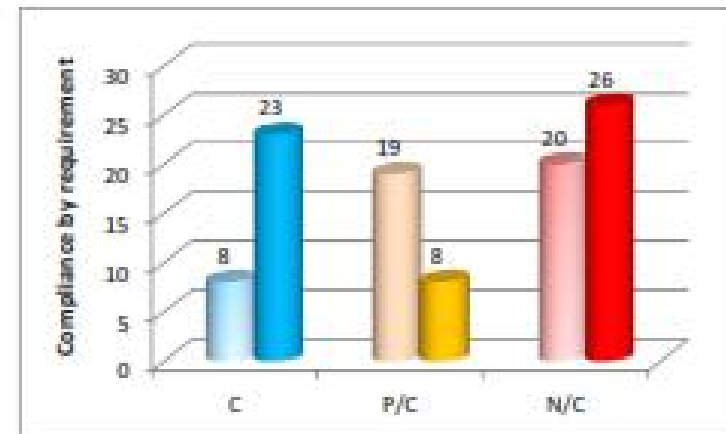
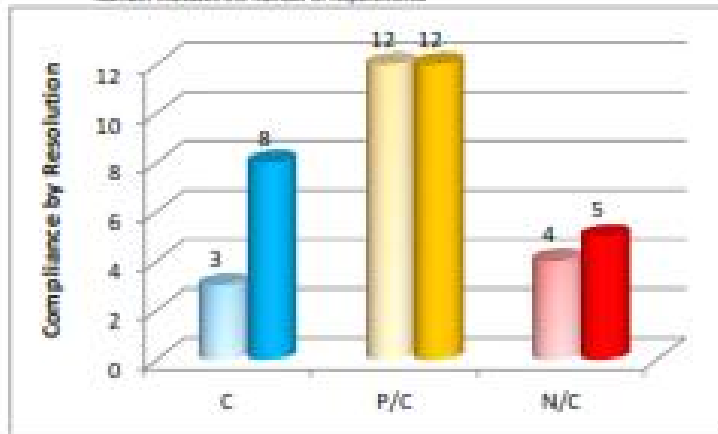
Nb of resolutions 100% compliant Nb of resolution with at least 1 requirement not compliant Nb of resolution with 100% not compliant

Compliance by requirement

(80 Requirements)

Year	Compliant	Partially Compliant	Not Compliant	Not Applicable
2013	23	8	26	23
2012	8	19	20	18

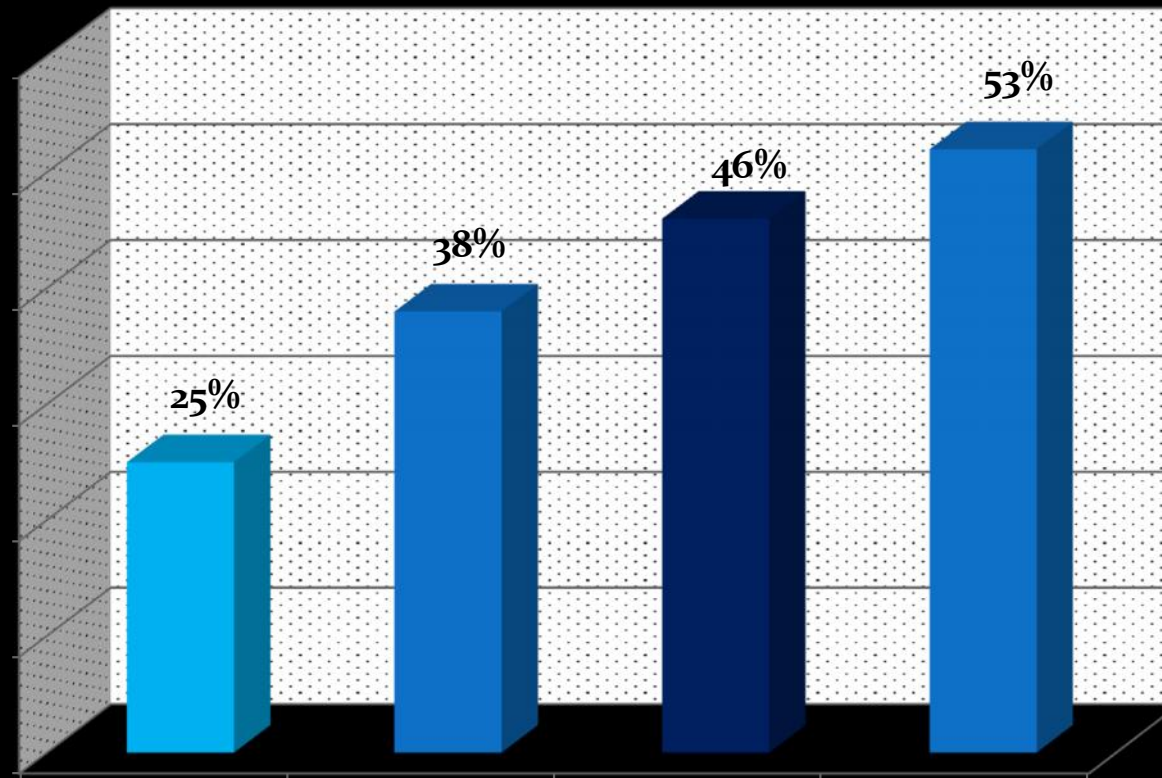
Number indicates the number of requirements





COMPLIANCE – WHERE ARE WE?

Implementing year	2010	2011	2012	2013
Compliance rate	25%	38%	46%	53%

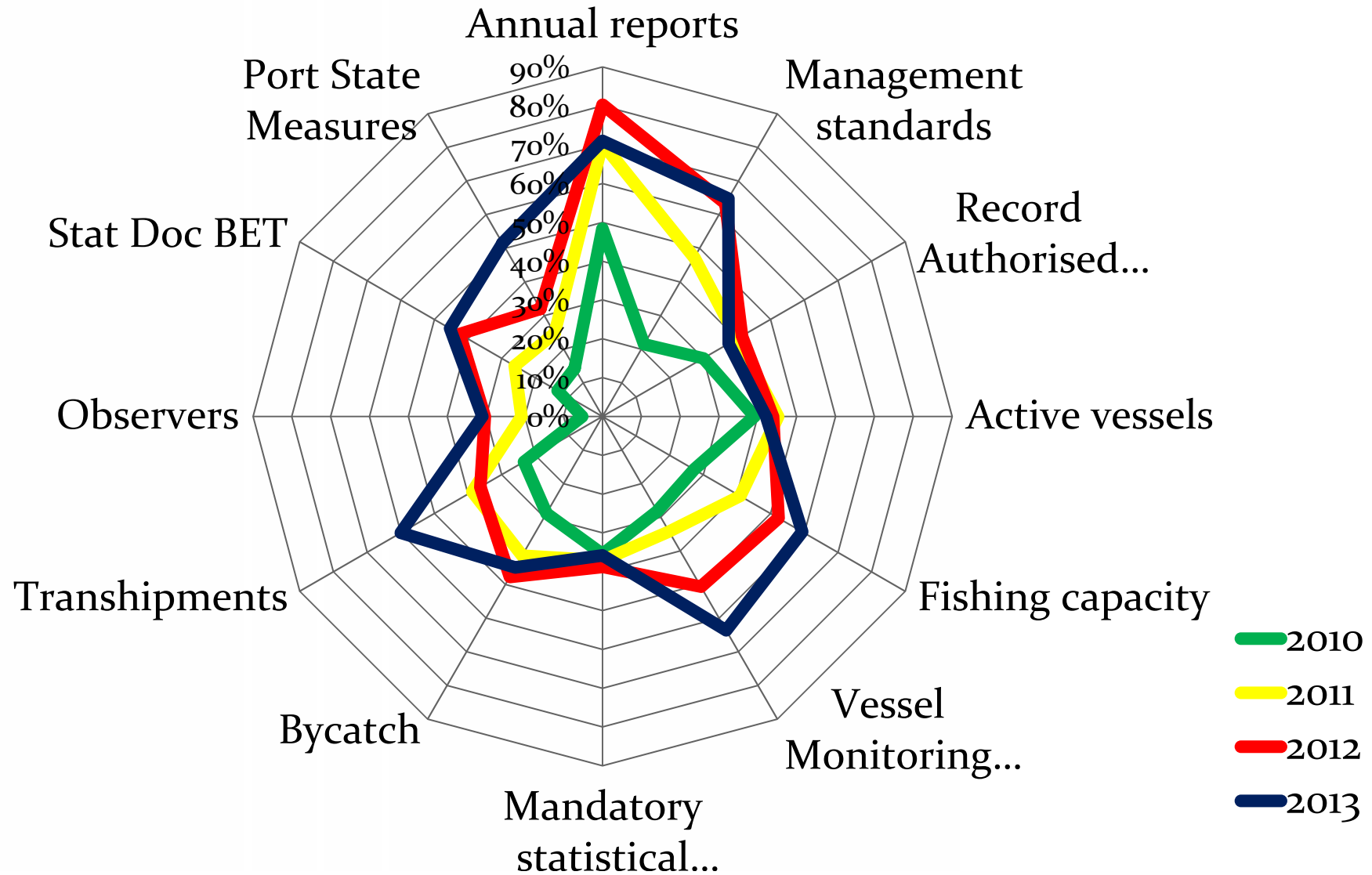


Compliance
Meter

 Compliant  Partially Compliant  Not Compliant



OVERALL COMPLIANCE – WHERE ARE WE?





COMPLIANCE - CHALLENGES

- Implementation capacity different among CPCs
- Poor link between the decision makers and those responsible for giving effect to these decisions
- Developing CPCs lack implementation capacity and face constraints at policy, legal, institutional, administrative, human resources and operational levels



YOUR OPINIONS

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

- 1) How effective is the IOTC Process?
- 2) Sanctions for Non – Compliance?
- 3) National processes and experience?
- 4) Objections & withdrawals