

**REPORT OF THE CONSULTATIVE MEETING TO ESTABLISH MECHANISM
FOR THE COORDINATION OF COMMON POSITION AND VOICE AND TO
PROVIDE SUPPORT TO AU MEMBER STATES IN THE IMPLEMENTATION
OF REGIONAL FISHERIES MANAGEMENT ORGANIZATION (RFMOs)
RECOMMENDATIONS**



23rd – 24th MARCH 2017, MOMBASA, KENYA

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LIST OF ACRONYMS

ABNJ	Areas Beyond National Jurisdiction
AFRM	African Fisheries Reform Mechanism
AU	African Union
AU-MS	African Union Member States
AUC	African Union Commission
AU-IBAR	African Union Inter-African Bureau for Animal Resources
CAMFA	Conference of African Ministers of Fisheries and Aquaculture
CBD	Convention on Biological Diversity
CCAMLR	Convention for the Conservation of Antarctic Marine Living Resources
CITES	Convention on International Trade of Endangered Species
CMM	Conservation and Management Measure
CNCP	Cooperating Non-Contracting Party
COFI	FAO Committee on Fisheries
COREP	Commission Régionale des Pêches du Golfe de Guinée/Regional Fisheries Committee for the Gulf of Guinea
CP	Contracting Party
DWFN	Distant water fishing nation
BB	Baitboat
EEZ	Exclusive Economic Zone
EU	European Union
FAA	Fisheries Access Agreement
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross Domestic Product
GEF	Global Environment Facility
ICCAT	International Commission for the Conservation of Atlantic Tunas
IGAD	Intergovernmental Authority for Development in Eastern Africa
IUU fishing	Illegal, Unreported and Unregulated fishing
LL	longline
LME	Large Marine Ecosystem
MCS	Monitoring, Control and Surveillance
MOU	Memorandum of Understanding
NEPAD	New Partnership for Africa's Development
NGO	Non-Government Organization
NPCA	NEPAD Planning and Coordinating Agency
PFRS	Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa
PS	Purse Seine
PSMA	FAO Port State Measures Agreement
REC	Regional Economic Community
RFB	Regional Fishery Body
RFMO	Regional Fisheries Management Organization
SDG	Sustainable Development Goal
SEAFO	South-East Atlantic Fisheries Organization
SIDS	Small Island Developing State
TAC	Total Allowable Catch
UNCLOS	United Nations Convention on the Law of the Sea (1982)
UNFSA	United Nations Fish Stocks Agreement (1995)
WWF	World Wildlife Fund for Nature

EXECUTIVE SUMMARY

The African Union Inter-African Bureau for Animal Resources (AU-IBAR) in collaboration with the NEPAD Agency and with financial support from the European Union held a Consultative Meeting in Mombasa from 23-24 March, 2017 to explore ways and means of designing mechanisms to harmonize, coordinate and support a common position of African Union Member States in the Regional Fisheries Management Organizations (RFMOs) focussing on ICCAT, IOTC and other relevant international fora such as SEAFO, CCAMLR and CITES among others.

The workshop was organized in line with the policy arenas of the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS) with regards to the strengthening African participation in the governance and management of High Seas' Fisheries as well as their Conservation and Sustainable Resource-use.

Among the 32 Experts widely drawn from the continent who attended the workshop were representatives from twelve (12) AU-MS, six (6) RFMOs and relevant NGOs. Two facilitators namely Messrs. Papa Kebe and Andre Tahindro were specifically engaged to facilitate the workshop. A number of experts with wide experience in High Sea Fisheries Management Governance and in the Law of the Sea (UNCLOS, 1982), and other International Fisheries instruments were invited to introduce working documents to guide discussions during the meeting. The Facilitators were also mandated to prepare the final report with the outcomes of the meeting as indicated in the TOR for their engagement.

The overall goal of the Workshop was to strengthen the voice of Africa Union Member States in RFMOs. Specifically, the objectives of the Workshop were to:

- i) Assess the current status of the AU-MS participation in the governance of RFMOs;
- ii) Examine the availability of scientific knowledge and basic fisheries data and identify apparent critical information gaps to measure the contribution of RFMOs to the AU-MS economy;
- iii) Explore the constraints, including institutional and policy environment affecting implementation of recommendations/resolutions and other compliance issues of RFMOs by AU-MS;
- iv) Identify priority actions to improve and consolidate the effective participation of AU MS in the deliberations of RFMOs and contributing to their strengthening for effective governance of high Seas fisheries resources.

In addition, the Workshop took appropriate note of the fact that part of the recommendations of the Conference of Africa's Ministers of Fisheries and Aquaculture (CAMFA) required that country-level projects were in compliance with the decisions and recommendations of RFMOs. They should also be in support of agreed continental goals as well as in coordination with RFBs and GEF-sponsored LME Programmes.

After two days discussion the Workshop recommended the following:

ISSUES / Needed & Strategies	1	More AU-MS participation in appropriate RFMOS (as Contracting Parties / Cooperating non Contracting Parties status).
	2	Build up consensus around key fisheries issues of common interest to AU-MS.
	3	Assistance in harmonizing AU-MS positions around key issues before RFMOs meetings.
	4	Strengthen institutional and technical capacity of AU MS to ensure effective participation in RFMOs and derive benefits from membership.

The key prevailing constraints encountered by AU MS relating to RFMOs as identified by the Workshop are as shown below:

Current constraints	1	Difficulties in obtaining membership with full benefits in RFMOs.
	2	Lack of institutional and technical capacity to ensure effective participation in RFMOs.
	3	Insufficient knowledge of tangible benefits deriving from participation in RFMOs.
	4	Poor coordination among AU MS of RFMOs to advance key fisheries issues of common interest.
	5	Lack of an appropriate African mechanism to support AU MS effective participation and coordination of common African positions in some RFMOs.
	6	Lack of awareness of the contribution of tuna fisheries to the national economy.
	7	AU MS insufficient awareness of the value of RFMOs

With regards to the establishment of mechanism for coordinating AU-MS common position and effective participation in RFMOs, the Workshop outlined the following:

1. The adopted mechanism should be a Coordinating Unit (CU)_with an advisory status within the existing structures of the Inter-African Bureau for Animal Resources (AU-IBAR).
2. The Staff of the Coordinating Unit should be conversant with the international legal and policy, management, scientific and technical aspects of RFMOs governance.
3. The Unit should be entitled to contract MOU and or seek assistance from relevant organizations and others partners.
4. Proposed name for the CU: **AFRICAN VOICE for FISHERIES (AVF)**, with the possibility for the AU-IBAR to define the final denomination .
5. The Unit should be structured in such a way that it could be able to engage/interact with other relevant organizations e.g. RECs, RFMOs and Programmes.
6. The budget of the Coordinating Unit should come from the regular AU-IBAR budget.

The Workshop outlined the functions of the Coordinating Unit as follows:-

1. Increase and consolidate African position and a voice in RFMOs;
2. Promote African Policies, notably the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS);
3. Develop and prioritize Plan of Action (POA) programs to facilitate the participation of AU-MS in RFMOs;
4. Review gaps (Institutional, legal, policy, financial, technical etc.);
5. Harmonize, coordinate and advise AU-MS in relevant RFMOs ;
6. Prepare background documents on issues relevant to particular RFMOs as well as common discussion points for AU-MS in preparation RFMO meetings;
7. Collect and disseminate relevant RFMOs information to AU-MS;
8. Advise AU-MS on strategies to fully benefit from their membership in RFMOs;

9. Create platform for discussions and provide forum for coordination of AU-MS positions, as provided under the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS);
10. Monitor activities in various RFMOs;
11. Provide information on relevant RFMOs, e.g. to encourage and facilitate AU MS to seek membership;
12. Organize capacity-building programs including Compliances issues for strengthening various gaps in fighting for stronger AU-MS voice and deriving full benefits from RFMOs;
13. Develop plan for seeking financial and technical partners to support the Secretariat work;
14. Set up regular annual meeting to discuss the work of the Unit and monitor progress based on annual report developed by the Unit;
15. Provide technical support to secure full and effective participation of AU-MS in relevant international fora, such as ABNJ, SDG 14, Blue Economy, CITES, SIDS, COFI.

I. INTRODUCTION

The Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS), endorsed by the Summit of Head of States and Government of the African Union, in June 2014, emphasized the need to increase and consolidate the African Voice in the governance and management of high seas. The PFRS noted also that major concerns with high seas fisheries are the difficulties associated with obtaining membership in several RFMOs by non-Member States, lack of harmonized positions of AU-MS in RFMOs that renders their participation ineffective and results in poor benefits from membership, poor compliance with RFMO conservation and management measures, and quota allocation issues.

Accordingly, the African Union Inter-African Bureau for Animal Resources (AU-IBAR), in collaboration with the NEPAD Agency and with the support from the European Union, organized a Workshop in Mombasa, Kenya, on 23 and 24 March 2017, with the overall objective of developing an appropriate mechanism to consolidate African Positions and increase the African Voice in the governance and management of high seas fisheries, as a central feature of strategies and actions for fisheries reform in AU-MS.

The specific objectives of the Workshop were as follows:

- i) Assessing the current status of AU-MS participation in the governance of RFMOs;
- ii) Examine the availability of knowledge and data and identify apparent critical information gaps to measure the contribution of RFMOs to AU-MS economy;
- iii) Explore the constraints, including institutional and policy environment issues in RMOs by AU-MS;
- iv) Identifying priority actions to improve and consolidate the effective participation of AU-MS in the deliberations of RFMOs and contributing to their effective strengthening for effective governance of high seas fisheries resources.

As the main outcome of the Workshop, participants proposed the development of a Mechanism to coordinate African Positions in RFMOs, increase the African Voice in the governance and management of high seas fisheries and provide assistance in the implementation of recommendations in such RFMOs.

The Mechanism would be established as a Coordinating Unit within the AU-IBAR.

II ORGANIZATION OF WORK

A. Opening of the workshop

The meeting was officially opened by Ms. Jane Njeri Kinya, Deputy Director of Fisheries at the State Department of Fisheries and Blue Economy, Kenya, on behalf of the Hon Minister of Agriculture, Livestock & Fisheries of the Republic of Kenya. This was preceded by statement from Dr. Mohamed Seisay made on behalf of the Director of AU-IBAR and a good will opening statement by Dr. Eshete Dejen made on behalf of the RECs.

In his opening remark, Dr. Mohamed Seisay Representative of AU-IBAR introduced the mandate of AU-IBAR and informed the participants of the context within which the Workshop has been convened by AU-IBAR. He referred specifically to the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS) adopted by the Twenty-third Summit of African Heads of States and Governments in 2014, which serves as a blue print for African fisheries and aquaculture development.

Dr. Seisay noted that the PFRS recognized the importance of RFMOs in the sustainable management of fisheries resources and the need to strengthen the capacity of AU MS to participate effectively in RFMOs activities and maximize benefits from high seas fisheries. He indicated that the two most relevant RFMOs for AU MS are ICCAT and IOTC, although SEAFO accommodated also few AU MS.

Due to the lack of African consolidated positions in RFMOs, which renders participation of AU MS in these organizations ineffective, he pointed out that the major objective of the current Workshop would be the development of an appropriate innovative approach to consolidate African Position and increase African Voice in the governance and management of high seas fisheries, as a central feature of strategies and actions for fisheries reforms in AU MS. He indicated also that this could be achieved by coordinating the positions of AU MS in RFMOs' meetings and supporting participation of AU MS in RFMOs.

Finally, Dr. Seisay expressed his sincere gratitude to the Government and people of Kenya for their continued cooperation and support.

Dr. Eshete Dejen delivered, on behalf of RECs, a good will message to the participants of the Workshop. He conveyed the readiness of RECs to cooperate fully with AU-IBAR towards a successful outcome of the current consultative meeting to establish mechanism for the coordination of common position and voice and to provide support to AU MS in the implementation of RFMO recommendations.

The Workshop was officially opened by Ms. Jane Njeri Kinya, Deputy Director of Fisheries at the State Department of Fisheries and Blue Economy, on behalf of the Hon. Minister of Agriculture, Livestock and Fisheries, of the Republic of Kenya. She stated that one of the main pillars of the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS) is to increase and consolidate the African Voice in the governance and management of high seas fisheries. She added that enhancing governance of fisheries in Africa required participation of AU MS in RFMOs, in view of the critical role played by these RFMOs in promoting long-term sustainable fisheries at regional and international level.

Ms. Njeri Kenya reminded participants of the importance of marine fisheries resources for the livelihoods of fishing communities and for the economic development of African countries. She also noted that despite the importance of the fishing sector, sustainable management of fishery resources still remained a global challenge. She pointed out that the majority of fish stocks were still harvested in unsustainable manner and, according to FAO, around 51 per cent of world fisheries were fully fished with little confidence for increased production. Consequently, she stressed the need for Africa to improve and strengthen the contribution of fisheries and aquaculture to poverty alleviation, food security and socio-economic growth, especially for African fishing communities.

B. Election of the members of the Bureau

The Workshop elected the Representative of Ghana as the Chairman of the meeting.

The Representative of Mozambique was elected Rapporteur of the meeting.

C. Adoption of the agenda

The Workshop adopted the Agenda, as introduced by the Chairman (*See Annex 1*).

The Workshop endorsed also the establishment of two open-ended Working Groups to consider management regime in RFMOs: Working Group1 was entrusted to consider the mandate and functions of ICCAT and participation of AU-MS in that RFB whereas WG 2 was mandated to consider the governance of IOTC.

D. Attendance

The following Member States participated in the Workshop: Angola, Gabon, Ghana, Guinea (Rep), Kenya, Libya, Mauritania, Morocco, Sudan, Sierra Leone, Seychelles, Somalia, and Sao Tome & Principe.

The following Intergovernmental Organizations, RECs and RFMOs attended the meeting: COHAFAT; COREP, FAO, Sub-Regional Fisheries Commission (SRFC); IGAD, Lake Victoria Fisheries Organization (LVFO), COMESA, Fishery Committee for the West Central Gulf of Guinea (FCWC). CARDNO and AU-IBAR were also represented

The following non-Governmental Organizations (NGOs) were represented to the meeting: WWF-CI and ISSF.

From the Academic Institution, a representative from Pwani University, participated in the meeting.

III TECHNICAL SESSION

The Technical session of the Workshop commenced with a number of presentations made by a representative of AU-IBAR and by several consultants and experts, the highlights of which are given below.

The Technical sessions were facilitated by the lead resource persons:

1. Mr. Papa Kebe
2. Mr. Andre Tahindro

The resources persons were supported by the following experts:

1. Mr. Bernard Fulanda
2. Mr. Hachim El Ayoubi
3. Mr. Kwame Mfodwo

The chair of the technical sessions was: Mr. Samuel Quaatay, Director of fisheries, Ghana

Session 1: Workshop Background and Context

A. Workshop Background, Objectives and Expected Outcomes

Mr Obinna Anozie, Policy Analyst Fisheries and Aquaculture, AU-IBAR made a presentation addressing "Regional Fisheries Organization and Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa", which highlighted relevant provisions and the accomplishments of AFRM and the PFRS in the areas of governance and management of high seas fisheries. He also underlined relevant actions provided in the project on "Strengthening institutional capacity to enhance governance of the fisheries sector" (Fisheries Governance Project) currently implemented by AU-IBAR and NPCA with funding from the EU.

Mr. Anozie further drew attention on the emphasis given by the PFRS to the sustainable governance and management of high seas fisheries as well as the conservation and sustainable resource use, which are to be achieved through encouraging African countries to become members of or cooperating parties to appropriate RFMOs as well as encouraging consultation among Member States to harmonize positions on key issues before meetings of RFMOs.

In addition, he stated that major concern with high seas fisheries relates to the difficulties associated with obtaining membership in several RFMOs, nonexistence of consolidated positions and absence of African Voice on important international fisheries issues of mutual interest. This situation has led the PFRS to underscore the importance of strengthening effective AU MS participation in RFMOs.

In this respect, Mr Anozie indicated that the Fisheries Governance Project provided for an activity targeting those challenges that are impeding long term fisheries resources sustainability and minimizing prospects of their increased contribution to food security and economic growth. The main actions of the activity are focused on strengthening effective participation of AU-MS in RFMOs, through capacity building, awareness creation on RFMOs, and establishing mechanism to harmonize African common positions in RFMO meetings of interest to AU MS (e.g. ICCAT, IOTC, SEAFO and CCAMLR). He emphasized also the need for collaboration and consolidated approach to RFMOs as well as capacity development and institutional strengthening.

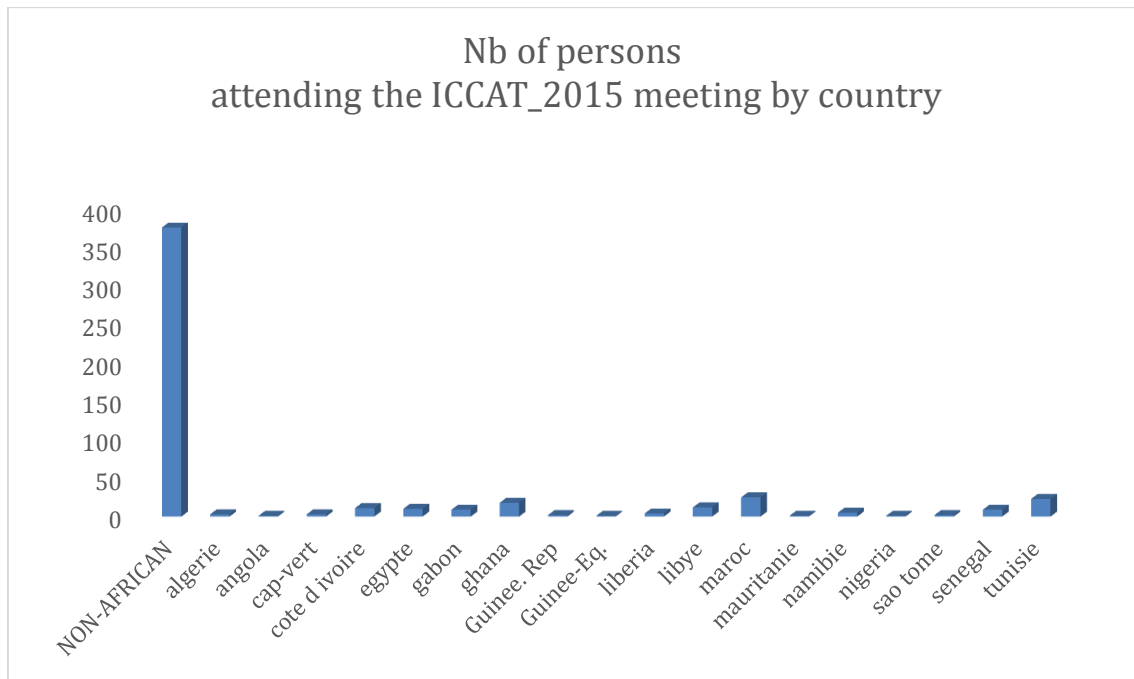
He pointed out that the major objective of the present Workshop was to develop an appropriate innovative approach to consolidate African Positions and increase the African Voice in the governance and management of high seas fisheries, as a central feature of strategies and actions for fisheries reform in AU MS.

In concluding his presentation, Mr. Anozie indicated that in order to accomplish this objective, AU-IBAR engaged two experienced and competent consultants, Andre Tahindro and Papa Kebe to execute the associated tasks.

B. Presentations of general principles, structures and objectives of ICCAT and IOTC

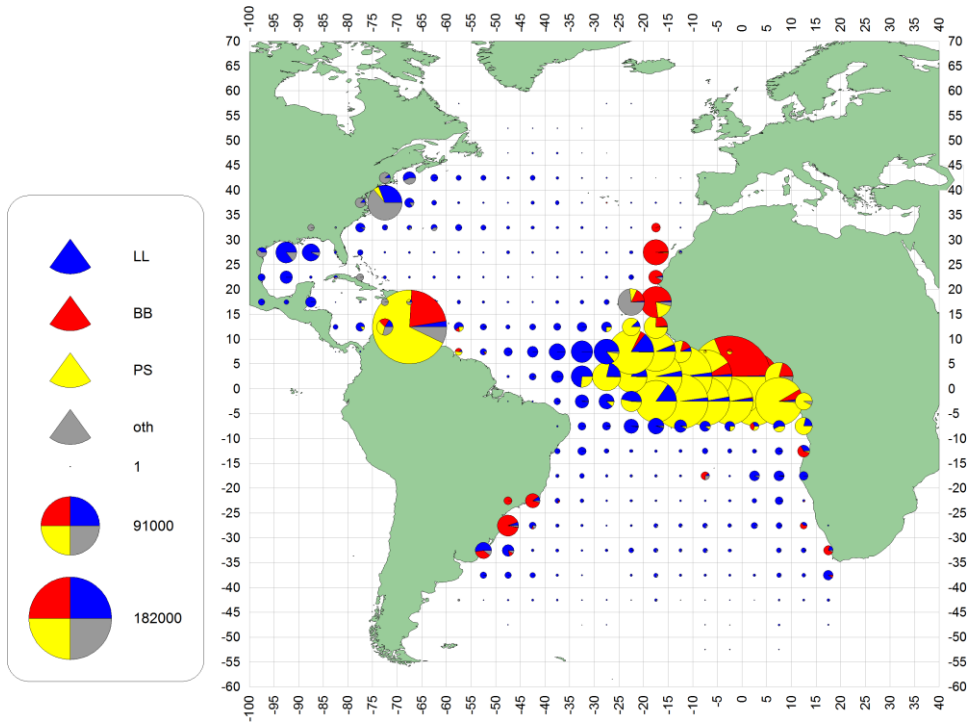
Mr. Papa Kebe - Ghana ABNJ Tuna Project Coordinator presented a review of the participation of African Countries (AC) in RFMOs and highlighted the main issues of concerns that were regularly discussed in RFMOs over the last 20 years. He outlined these issues as follows:

- i) Low participation of African Countries in RFMOs meetings, which may denote little interest or lack of financial resource to attend meetings (Figure below gives a summary view of African delegates 'participation in the annual scientific meeting of ICCAT in 2015);

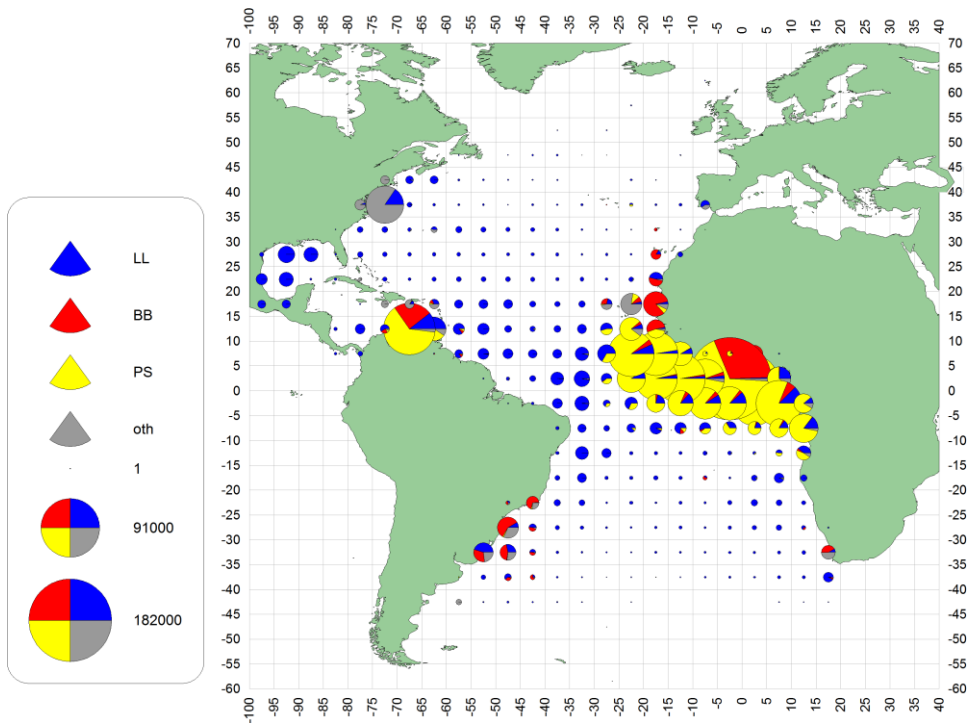


- ii) Huge debts accumulated by several African countries as a result of failure in the payments of dues out of their budgetary contribution to the RFMOs. This issue presents the risk for those countries to have their fishing quota reduced and may leave them without possibilities to vote;
- iii) Weakness of African Union Member States in deliberations leading to decision making process in RFMOs due to their low management capacity, poor knowledge of issues and absence of collaboration among them;
- iv) Absence of consultation and cooperation among African countries during RFMO meetings.

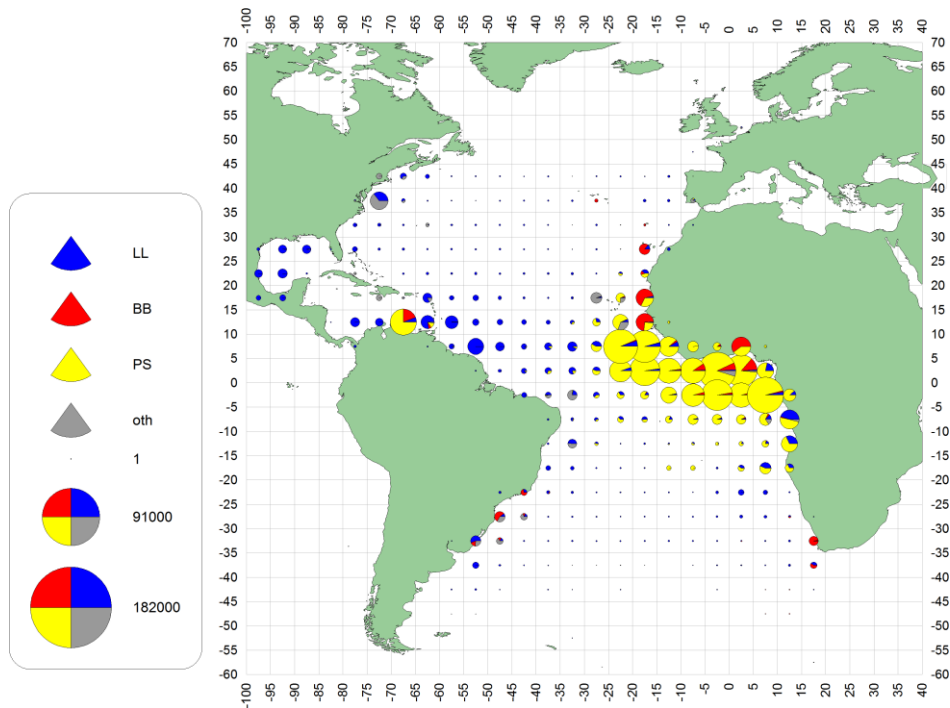
- v) The majority of major pelagic fishery resources (mainly tunas) are caught by developed fishing countries (mainly European and Asian countries) although the resource is located in African coastal areas. This situation is clearly illustrated below:



Geographical distribution of Yellowfin tuna catches (in tons) by major gears and decade (1990-1999)

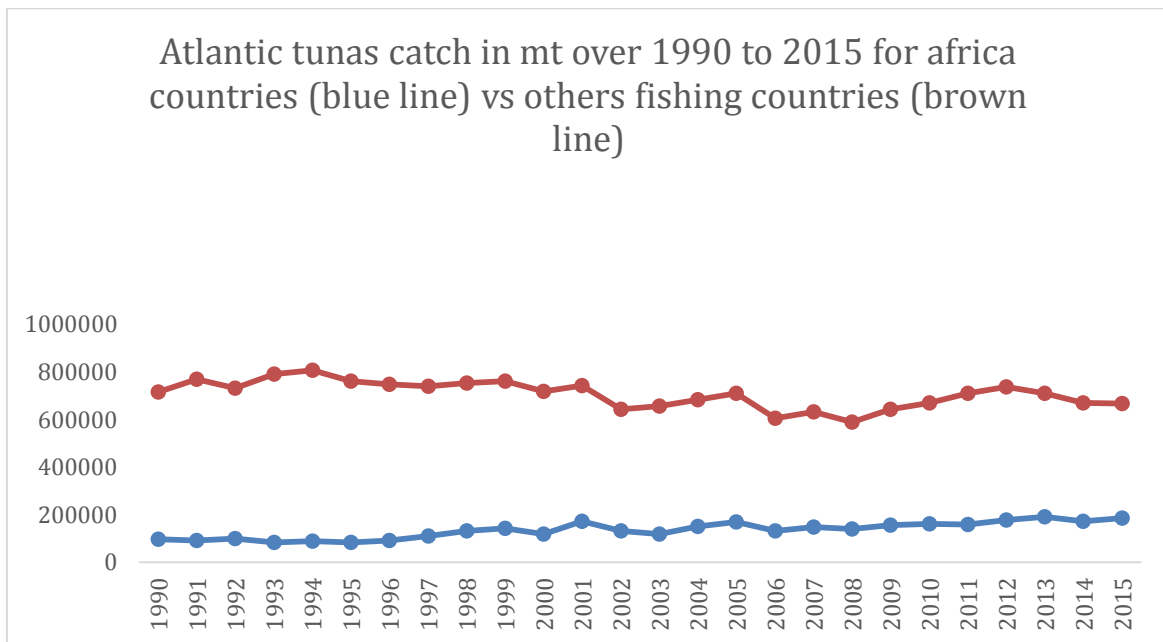


Geographical distribution of Yellowfin tuna catches (in tons) by major gears and decade (2000-2009)



Geographical distribution of Yellowfin tuna catches (in tons) by major gears and decade (2010-2014)

- vi) Small quotas are allocated to African countries: quota allocation was mainly based on historical catches starting in years where the most of the African nations have not attained independence;
- vii) Tunas managed by RFMOs were very highly migratory species and the majority of catch was in area beyond national jurisdiction and consequently their management would need international cooperation;
- viii) Several African countries have not yet ratified major international instruments dealing with the management of highly migratory species and addressing the fight against IUU fishing practices;
- ix) Review of historical decisions taken by ICCAT about penalties to Parties indicated that the majority of countries penalized for non-compliance with adopted regulations came from Africa;
- x) Some African countries have often submitted unreliable data to RFMOs. Data deficiencies had a big negative impact in the stock assessment results and created more uncertainties in the advice given by scientists to managers. Several initiatives were being implemented to address this shortcoming but they needed to be increased and coordinated;
- xi) Dialogue between fisheries scientists and managers should be strengthened to better implement management strategy evaluation in fisheries managed by tuna RFMOs;
- xii) Tuna industrial fleet from Africa targeting tuna was is well developed and might need to be boosted to help African countries to become more active in the tuna fisheries.



Source : ICCAT data base (www.iccat.int)

Mr. Papa Kebe also indicated that the above list relating to issues affecting African participation in RFMOs was not exhaustive and should include other shortcomings in relation to fisheries management like infrastructure for scientific advice, flag States responsibilities and the lack of effective monitoring, control, surveillance (MCS) and enforcement mechanisms at the countries level.

As to the challenges faced by African countries in RFMOs, Mr. Kebe identified the following as major difficulties, observations and that could present impediments to an effective participation of these countries in RFMOs and their proffered solutions and actions:

- i) African countries may be members of several regional and international fisheries organizations and have therefore the obligation to collect and to submit an important quantity of statistical information for each organization. In many cases, the request referred to the same package of data. To avoid duplication of effort and redundancy, a harmonized form should be adopted to maximize efficiencies;
- ii) Data collection and reporting were the main problem in Africa. To implement these obligations, capacity improvement should be strengthened with several training courses and the hiring of sufficient adequate staff at the national level. Cooperation between African countries should be encouraged, as some of them have already a very efficient data collection system and could share their experience with other countries;
- iii) The inadequate or ineffective participation of African countries in RFMO forums is a huge challenge. The effective participation of African countries in RFMOs meetings and workshops should be encouraged and supported to improve the scientific advice delivered to RFMO Commissions before they adopt regulations that would take in account African concerns and interests;

- iv) Several Partners have extended financial assistance to Africa to promote the development of fisheries and improve management of the resources but these supports are often duplications with parallel initiatives that had the same objective. A coordination unit/structure to harmonize all those initiatives should be set up;
- v) AU should take the lead in coordinating the work defined by RFBs, like SRFC, FCWC, COREP, etc.) to harmonize their efforts;
- vi) Management decisions adopted by RFMOs should be translated into national legislation, as this was not generally the case. AU should assist African countries to update their fisheries laws and regulations on time to enhance compliance with RFMOs regulations;
- vii) One of the main obligations and responsibilities of coastal States was to monitor, control and surveillance fisheries in their EEZs and also the activities of vessels fishing for highly migratory species in areas beyond their national jurisdiction. The lack of capacity, in terms of resource, is a major constraint to African countries in fulfilling this responsibility;
- viii) A central fishing vessel database available for all the countries in Africa should be recommended to be set up, with the objective of managing fishing capacity and fishing effort;
- ix) Transparency in negotiations should be promoted between African countries and distant fishing nations or negotiations should be initiated at the regional level to safeguard mutual interest and to avoid individual interest;
- x) A foreign fishing vessel harvesting tunas in the EEZ of the coastal States usually carries an observer on board. As the industrial fishing vessel cannot enter in port of each country to drop a national observer and take another one during the fishing trip, it is recommended that one very well trained regional observer be recognized by all African countries as representing their interest onboard the vessel;
- xi) The use of modern technologies like Electronic Monitoring System (EMS) to support MCS as a new tool for compliance should be increased;
- xii) National fisheries administration should be trained to understand the new concept of Harvest Control Rules (HCR) and Management Strategy Evaluation (MSE) that are now incorporated in the RFMOs, with a dialogue between scientist and managers.

Mr. Andre Tahindro - International Consultant, Law of the Sea gave a presentation of the general principles, structure and objectives of the IOTC, as provided for under the IOTC Agreement for the Establishment of the Indian Ocean Tuna Commission.

He indicated that the IOTC was established in 1993 at the 105th session of the Council of the FAO, under Article XIV of its Constitution. Its status allows it to adopt fisheries conservation and management measures binding on all IOTC Contracting Parties (CPs) and Cooperating non-Contracting Parties (CNCPS). The IOTC Secretariat is located in Victoria, Republic of the Seychelles.

IOTC Area of competence. Article II provides that the area of competence of IOTC is the Indian Ocean, identified as FAO statistical areas 51 and 57, as well as adjacent seas, north of the Antarctic convergence.

IOTC species and stocks of competence. Article III provides that IOTC has a mandate to manage tuna and tuna-like species. It should be noted that IOTC Agreement covers only 16 tuna species, and does not cover all highly migratory fish stocks identified in Annex I of UNCLOS (Ex: pelagic shark species).

Structure of the IOTC. The Commission is the governing body of the IOTC (Art.IV). It is composed of all members of the organization and is empowered to adopt conservation and management measures for the stocks. The structure of the IOTC is organized as follows:

- i) Contracting Parties (CPs): Article IV states that membership in the IOTC is open to Indian Ocean coastal countries and countries or regional economic integration organization, which are members of the UN or one of its specialized agencies, and fishing for tuna in the Indian Ocean. There are currently and 32 CPs (12 AU MS).
- ii) Cooperating non-Contracting Parties (CNCs): In addition to CPs, States with real interest in the Indian Ocean fisheries for tuna and tuna-like species are entitled to participate in the IOTC process, as CNCs. Like CPs, CNCs are required to abide by IOTC fisheries regulations. However, they are not subject to financial contribution and do not hold voting rights. The status is granted for 1 year. IOTC has currently 5 CNCs, including 4 AU MS CNCs (Djibouti, Liberia, Senegal, South Africa).

In addition to the Commission, the IOTC has the following subsidiary bodies:

- i) Scientific Committee. Article XII of the IOTC Agreement makes provision for the establishment of a permanent Scientific Committee, but does not give any guidance on the functions or tasks of the Scientific Committee. However, the mandate of the Scientific Committee was provided in the Rules of Procedures of the Commission in 2014. The Committee is entrusted to advise the Commission on research and data collection, on the status of stocks and on management issues;
- ii) Working Parties. The primary function of the WPs is to analyze technical issues related to the management goals of IOTC. WPs related to different species analyze the status of the stock and offer options to the Scientific Committee for management recommendations to the Commission. There are currently 7 WPs (billfish, data collection and statistics, methods, neritic tunas, temperate tunas, tropical tunas and ecosystems and bycatch);
- iii) Compliance Committee. The functions of the Compliance Committee are found in the IOTC Rules of Procedure of 2014. The Committee which meets annually, is entrusted to advise the Commission on compliance matters relating to adopted conservation and management measures;
- iv) Standing Committee on Administration and Finance. The Standing Committee is mandated to provide advice on administrative and financial matters;
- v) Technical Committee on Allocation Criteria. This Technical Committee was established in 2010 to provide advice to the IOTC on principles that could be used to determine future

allocation of the resources managed by the Commission. Deliberations on the issue are ongoing.

Objectives, functions and responsibilities of the Commission. Article V of the IOTC Agreement provides that the Commission shall promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks covered by the IOTC Agreement and encouraging sustainable development of fisheries based on such stocks. For this purpose, the Commission exercises the scientific functions and management functions, as follows:

- i) Keeping under review the conditions and trends of the stocks and collecting, analysing and disseminating scientific information, catch and effort statistics and other data relevant to the conservation and management of the stocks and to the fisheries;
- ii) Coordinating research and development activities in respect of the stocks and fisheries for the stocks, as well as other appropriate activities, including activities connected with transfer of technology, training and enhancement, having due regard to ensure equitable participation of IOTC Members in the fisheries and the special interests and needs of IOTC developing States members in the region;
- iii) Adopting, on the basis of scientific evidence, conservation and management measures, to ensure the conservation of the stocks and promote the objective of optimum utilization;
- iv) Keeping under review the economic and social aspects of the fisheries for the stocks, bearing in mind the interests of developing coastal States;
- v) Approving its budget;
- vi) Reporting on its activities and programmes to the DG of the FAO;
- vii) Carrying out any other activities necessary to fulfil its objective under the IOTC Agreement.

Procedures concerning Conservation and Management Measures. Article IX of the IOTC Agreement provides that conservation and management measures are adopted by a 2/3 majority vote of IOTC members. However, the IOTC decision-making procedures allow members to opt out from adopted conservation and management measures, through an objection procedure (Art. IX (5)). Non-binding recommendations need only to be adopted by a simple majority (Art. IX (8)).

Implementation of Conservation and Management Measures. Article X of the IOTC Agreement requires CPs to implement under their national legislation the provisions of the Agreement and the conservation and management measures adopted by the IOTC, including through the imposition of adequate penalties for violations. CPs are also required to report annually to IOTC any implementing actions they have taken. They are further required to cooperate in the exchange of information regarding fishing activities of non-members or entity in the Convention area.

Information. Article XI of the Agreement establishes the obligation of CPs to provide the Commission, upon request, with statistical and other data and information. They are also required to provide to the IOTC copies of laws, regulations and administrative instructions in force relating to the conservation and management of stocks covered by the IOTC Agreement.

Settlement of disputes. Article XXIII provides that a dispute concerning the interpretation or application of the IOTC Agreement shall be referred to a conciliation procedure to be established by the Commission. If the conciliation procedure fails to settle the dispute, it may be referred ultimately to the ICJ.

Performance Review of IOTC. The IOTC Agreement has already undergone 2 Performance Review exercises in order to allow conformity of its management regime with modern international instruments reflecting the international legal framework for the conservation and sustainable use of high seas fishery resources (UNCLOS, UNFSA, FAO Compliance Agreement, PSMA).

The findings of these Review Panels indicated that the IOTC Agreement was outdated and that its provisions did not reflect modern principles of fisheries management, as provided, for instance, in the UNFSA.¹

Recommendations of the Review Panels included the need for IOTC to amend substantially its constitutive Agreement.

With respect to the adoption of conservation and management measures, the Panel Review recommended that IOTC should "assist developing coastal States to overcome constraints to implement CMMs".

Concerning the issue of fishing capacity management, the Panel Review recommended that IOTC "undertake a formal process to develop transfer mechanisms to developing coastal States, and in particular the least developed among them, with a view to realizing their fleet development aspirations within sustainable levels".

As to follow-up on infringements, the Panel Review recommended that IOTC identify reasons for non-compliance, "including whether it is related to the measure itself, a need for capacity assistance or whether it is willful or repeated non-compliance, and that the Compliance Committee provide technical advice on obligations where there are high level of non-compliance".

Finally, with particular reference to the special requirements of developing States, the Panel Review recommended the "continuation and optimization of the IOTC Meeting Participation Fund (MPF) indefinitely as part of the IOTC Regular Budget, and that the MPF is used to support participation of all eligible CPs in order to create a more balanced attendance to both science and non-science meetings of IOTC". In addition, the Panel Review recommended that "the IOTC Secretariat in partnership with development agencies and organizations, should develop a five year regional fisheries capacity development program to ensure coordinated capacity building activities across the region".

C. Exchange of experiences on strategy to increase and consolidate the African Voice in the governance and management of high seas fisheries

Mr. Hachim EL AYOUBI, Fisheries Expert, presented the context of participation of AU MS in RFMOs and the key challenges in the management of high fish stocks through RFMOs.

¹ FAO Fisheries and Aquaculture Circular No.1072 (FIPI/C1072 (En), Food And Agriculture organization of the United Nations, Rome, 2012; Report of the 2nd IOTC Performance Review, Mahé, Seychelles, 2-6 February & 14-18 December 2015, IOTC-PR10TC02 2016.

The presentation focused firstly on opportunities of being member of RFMOs mainly with regard to fisheries governance, improving data, and the need to rely on strong fisheries data and others relevant information that could be provided by ICCAT and IOTC, while negotiating fisheries agreement (notably Tuna Fisheries Agreement). He also highlighted the opportunities of being fully involved in regional initiatives (Common Ocean ABNJ Tuna Project, Climate change, etc.) that are coordinated by RFMOs.

Secondly, the presentation emphasized also the need for AU MS to get an adequate framework to support negotiations and the formulation of fisheries agreements, sharing information, lessons learned and best practices. In order to ensure a successful outcome for the current process and in view of past-experiences, the following points required to be addressed: (i) taking into account African countries specifications and needs ; (ii) involvement of RFMOs (ICCAT & IOTC) and to strengthen regional cooperation with RFMOs and relevant projects for better synergies; (iii) the need to involve international organizations such as FAO, GEF, in view of their valuable commitments to notably ABNJ, (iv) incorporation of relevant projects: SmartFish & Swiofish (Indian ocean), Fishgov in matters relating to RFMOs (v) appropriate liaison with NGOs in order to listen to civil society voices and share ideas on stakeholders' implication, (vi) involvement of regional professionals organizations (such as CAOPA and FPAOI – Indian Ocean) in order to take in consideration their points of view.

In addition, the presentation put forward a step-by-step strategy for the process to establish mechanism for the coordination of common position. In summary, it consisted first at highlighting issues shared by AU MS or the challenges that would be faced by countries in the near future in the implementation of the ABNJ issues, Blue Economy, MCS, etc. To this end, the presentation emphasized the need for the Workshop to develop a roadmap with immediate priorities and short time frame for implementation of actions, and to consider a relevant mechanism to follow up implementation of recommendations.

Others points developed by the Expert were the importance of strengthening cooperation between AU MS, RFMOs (ICCAT & IOTC), RFOs and RECs, and ensuring synergies with relevant projects. Finally, given its position and considering its role within the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS), the AU-IBAR was given a clarion call to provide leadership for the process.

Dr. Bernerd M. Fulanda - Pwani University, Kenya, made a presentation entitled "Consolidating the African Voice in Governance and Management of Deep Sea Fisheries; Lessons from Eastern Africa". In his presentation, he emphasized the importance of marine fishery resources for the livelihoods of many African coastal communities. He indicated that African fishing sector was characterized by small-scale fisheries with a high level of poverty and low level of investment. to allow the creation of enterprises.

In addition, Dr. Fulanda noted that offshore waters were under-exploited by African coastal States. The only options left to them to exploit these resources were either partnership with neighbouring coastal States or concluding access agreements with DWFNs. As to offshore areas beyond national jurisdiction, he recommended participation of AU MS in RFMOs managing high seas fisheries resources off the coast of Africa in order to consolidate African Voice in the management regime of these organizations and benefit from fishery resources on the high seas surrounding the African continent.

D. Assessment of the current status of AU MS participation in RFMOs (Ex: ICCAT, IOTC)

In order to illustrate the discussion on this topic, information on the current status of AU MS in ICCAT and IOTC was provided to the Workshop. African States membership in the two RFMOs were as follows: ICCAT: Algeria, Angola, Cape Verde, Cote d'Ivoire, Egypt, Gabon, Ghana, Guinea, Liberia, Libya, Morocco, Mauritania, Namibia, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, South Africa and Tunisia;² IOTC: Comoros, Guinea, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Sao Tome and Principe, Somalia, South Africa, Sudan and United Republic of Tanzania. Djibouti, Liberia and Senegal are CNCPs with IOTC.³

In addressing AU MS participation in high seas fisheries, several delegations (Angola, Gabon, Guinea, Kenya, Seychelles, Somalia, Sudan) shared their experiences in RFMOs, including various challenges faced by them, such as the lack of institutional and technical capacity to ensure compliance with obligations associated with membership in such organizations, including those relating to compilation and sharing of scientific data and participation in observer programmes, as well as difficulty in ensuring effective flag State responsibilities.

Other delegations drew attention on the lack of tangible benefits from participation in RFMOs as epitomized by the issue of quota allocations to African countries. The delegates noted that despite their proximity to high seas fisheries resources, they were allocated only a small portion of such resources. In this respect, they pointed out to the lack of coordination among AU MS of RFMOs to advance key fisheries of common interest and the lack of appropriate mechanism to support AU MS effective participation in RFMOs.

In addition, delegations pointed out the issue of excessive use of fishing aggregating device (FAD) off the coast of Africa, marine pollution from the oil industry as well as unsustainable fishing practices, such as excessive bycatch and discards. Furthermore, they were of the view that, due to the strategic position of Africa, the issue of IUU fishing should be of outmost concern to African States and should be therefore included in the objectives of the Workshop.

Session 2: Presentation of working document prepared by Consultant

- A. Assessment of the availability of knowledge and data and identification of critical information gaps to measure the contribution of RFMOs to U MS economy**
- B. Assessment of the constraints, including institutional, technical and policy environment affecting compliance by AU MS with conservation and management measures adopted by RFMOs**
- C. Identifying priority actions to improve and consolidate the effective participation of AU MS in deliberations of RFMOs and contributing to their strengthening for effective governance of high seas fisheries (Consideration of proposals in the background document)**

Mr. Andre Tahindro - International Consultant, Law of the Sea introduced a working document that incorporated a "Proposal to facilitate the Establishment of a Mechanism for Strengthening

² See <http://www.iccat.int>

³ See <http://www.iotc.org>

Effective African Union Member States (AU MS) Participation and Coordination in Regional Fisheries Management Organizations (RFMOs).

The Objective of the proposal was to contribute to the consolidation of African Positions on high seas fisheries issues and increase the African Voice in the conservation, management and sustainable use of high seas fisheries, in accordance with the PRFS, endorsed by the Summit of Head of States and Governments of the African Union, in 2014.

Proposed strategies to reach the stated objective include participation in appropriate RFMOs, building consensus around key fisheries issues, harmonization of AU MS positions before meetings of RFMOs, and developing institutional and technical capacity to ensure effective participation in RFMOs.

The working document acknowledged the existence of a number of constraints towards the objective, including difficulties in obtaining membership with full benefits in RFMOs, lack of institutional and technical capacity to ensure effective participation in RFMOs, lack of tangible benefits deriving from participation in RFMOs, absence of coordination among AU MS of RFMOs, and lack of appropriate African mechanism to support and coordinate AU MS participation in RFMOs.

The Consultant suggested that the proposed mechanism should be an entity established within the existing structure of AU-IBAR and could be called "Committee for the Consolidation and Coordination of African Position and Voice in RFMOs". The Committee would be assisted by several Subcommittees.

The Committee would be mandated to:

- i) devise ways and means to increase and consolidate African position and a voice in RFMOs where AU MS are CPs or hold the status of CNCPs (Ex: CCAMLR, ICCAT, IOTC, SEAFO);
- ii) formulate regional coherent policies favouring coordinated approach to regional fisheries governance;
- iii) formulate action programs to facilitate the participation of more AU MS, as developing countries in RFMOs, in recognition of their special requirements;⁴
- iv) assess institutional, legal, policy, financial, technical and scientific gaps affecting effective participation of AU MS in RFMOs, to tailor future cooperation with multilateral and bilateral partners;
- v) identify priority actions to enhance AU MS in the deliberations of RFMOs;
- vi) coordinate AU MS positions to provide harmonized African voice on key issues before meetings of RFMOs;
- vii) provide information on relevant RFMOs to encourage AU MS to seek membership or CNCPs status;
- viii) advise AU MS on strategies aimed at deriving benefits from their membership in RFMOs;

⁴ UNFSA, Part VII; FAO Code of Conduct for Responsible Fisheries, Art.5.

- ix) Undertake capacity-building programmes to enhance institutional and technical capacity of AU MS to allow compliance with obligations under RFMOs conservation and management measures.

Following the presentation of the working document, the participants agreed to consider the proposal as a possible mechanism to enhance effective participation of AU MS in RFMOs and decided to study it further within the two open ended working groups (WGs) established by the Workshop.

Session 3: Working Group Session

Discussion on the roadmap was undertaken within the two WGs established by the Workshop in light of the mandates of ICCAT and IOTC, the issues met by AU MS in ICCAT and IOTC, the rights and obligations of Member States of RFMOs, and proposals for enhancing participation and benefits of AU MS in RFMOs.

The reports presented by the two WGs to the Plenary proposed the “Establishment of a Mechanism for strengthening Effective African Union Member States (AU MS) Participation and Coordination of Common African Position and Voice in Regional Fisheries Management Organization (RFMOs)”.

IV. ADOPTION OF THE COMMUNIQUE OF THE WORKSHOP

Following the adoption of the reports of the two WGs, the Plenary adopted a communique recommending the “***Establishment of a Mechanism for strengthening Effective African Union Member States (AU MS) Participation and Coordination of Common African Position and Voice in Regional Fisheries Management Organization (RFMOs)***” (See [Annex 3](#)).

The Mechanism should be a Coordinating Unit with an advisory status attached to the AU-IBAR within its existing structure. The final denomination and institutional anchorage of the Unit would be defined by AU-BAR according to its internal rules and administrative procedures. The **AFRICAN VOICE FOR FISHERIES (AVF)** could be the name for this Unit.

V. OUTCOMES OF THE WORKSHOP

The following outcomes were recorded at the end of the Workshop:

- i) The proposed mechanism should be a Coordinating Unit with an advisory status attached to the Inter African Bureau for Animal Resources (AU-IBAR) within its existing structure;
- ii) Staff of this Unit should be conversant with the international legal and policy, management, scientific and technical aspects of RFMOs governance.
- iii) The Unit should be entitled to contract MOU and or seek assistance from relevant continental organizations and others partners.
- iv) The Unit maybe be part of the AU-IBAR governance working group, and its TOR could be expanded to include an RFMO component;

- v) Proposed name for the mechanism could be: **AFRICAN VOICE for FISHERIES (AVF)**, with the possibility for the AU-IBAR to define the final denomination and the institutional anchorage of the entity according to its internal rules and administrative procedures.
- vi) The Unit should be structured in such way that it could be able to engage/interact with other relevant organizations e.g. RECs, RFMOs and programs.
- vii) The budget of the Coordinating Unit should come from the regular AU budget.

As to the functions of the Coordinating Unit, the Workshop has proposed the following:

- i) Provide ways/means to increase and consolidate African position and a voice in RFMOs;
- ii) Promote African Policies notably the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS);
- iii) Develop and prioritize plan of action programs to facilitate the participation of AU MS to RFMO;
- iv) Review gaps (Institutional, legal, policy, financial, technical etc.;
- v) Harmonize, coordinate and advise AU-MS in relevant RFMOs ;
- vi) Prepare background documents, common discussion points for AU MS;
- vii) Collect and disseminate relevant RFMOs information to AU MS;
- viii) Advise AU MS on strategies to derive benefits from their membership in RFMOs;
- ix) Create platform for discussions and provide forum for coordination of AU MS positions;
- x) Monitor activities in various RFMOs;
- xi) Provide information on relevant RFMOs e.g. to encourage and facilitate AU MS to seek membership;
- xii) Advise AU MS on strategies to maximize benefits from their membership in RFMOs;
- xiii) Organize capacity-building programs including Compliances issues for strengthening various gaps in fighting for stronger AU-MS voice and deriving of full benefits from RFMOs;
- xiv) Develop plan for seeking financial and technical partners to support the Secretariat work;
- xv) Set up regular annual meeting to discuss the work of the unit and monitor progress based on annual report developed by this Unit;
- xvi) Provide technical support to secure full and effective participation of AU-MS in relevant international fora, such as ABNJ, SDG 14, Blue Economy, CITES, SIDS, COFI.

VI. CONCLUSIONS AND RECOMMENDATIONS OF THE WORKSHOP

The following key recommendations were agreed upon by the participants as a follow up to the proposed establishment of the mechanism:

- i) AU-IBAR was called upon to rapidly operationalize the proposed mechanism within existing structures;
- ii) In implementing recommendation (i) above AU-IBAR is to ensure that there is appropriate linkage and effective coordination of this mechanism with other relevant institutions and organizations that have been particularly supporting common African voice e.g. COMHAFAT;
- iii) AU-IBAR was requested to put appropriate apparatus in place that guarantees technical support to secure full and effective participation of AU-MS in relevant international fora, including negotiations on the development of international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (ABNJ), Sustainable Development Goals (SDG14), Small Island Developing States (SIDS), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), FAO Committee on Fisheries(COFI);
- iv) AU-IBAR should take proactive and appropriate step to secure funding to support the Mechanism;
- v) The meeting observed a strong need for capacity-building programmes and institutional strengthening of AU MS so as to address identified gaps in establishing the proposed African Voice for Fisheries and also to ensure MS derive full benefits from RFMOs

VII. CLOSURE OF THE WORKSHOP

The participants expressed appreciation and thanked the Government of Kenya for hosting the Workshop and for enabling a conducive environment for this important meeting.

Ms. Jane Njeri Kinya, in her closing address as the Representative of the host country reminded delegations that the twin objectives of the Workshop, namely the development of an appropriate approach to consolidate African position and increase African voice in the governance and management of high seas and the strengthening of effective participation of African countries in RFMOs, were important to the future development of Africa, as the global commons were fast diminishing. She indicated the high seas and the ABNJ were the few remaining frontiers where Africa needed to speak in one voice. It was her hope that the expectations of all the participants had been realized. She therefore invited all delegations to continue the conversations initiated at the Workshop at the national level and push the agenda forward at all levels.

Ms Kinya subsequently declared the Workshop closed.

AGENDA

Time	Item	Facilitation
Day One: 23rd March, 2017		
08.30 - 09.00	Registration	Secretariat
09.00 - 10.00	<p>Welcome and Opening NEPAD , AU-IBAR, Kenya Government Goodwill Messages (if any) Organizational matter Chairman and the Rapporteur s of each Session Adoption of the draft Agenda Organization of work: The Consultative Meeting organizes its session in Plenary meetings and Working Group meetings, Self-Introduction by Participants</p>	<p>AU-IBAR AU-IBAR Consultants AU-IBAR / All Participants</p>
09.30- 10.30	<p>Session 1: Workshop background and context Workshop Background, objectives and Expected Outcomes Presentation of general principles, structure and objective of ICCAT and IOTC Exchange of experiences on strategy to increase and consolidate the African Voice in the governance and management of high seas fisheries, Assessment of the current status of the AU MS participation in RFMOs (Ex: ICCAT, IOTC); Discussion</p>	<p>AU-IBAR Consultants Invited Experts (Hachim/Bernard) Selected AU-MS Consultants</p>
10.30 - 11.00	Coffee Break	
11.00 - 13.00	<p>11:00 SESSION 2: Presentation of working document prepared by Consultant Assessment of the availability of knowledge and data and identification of critical information gaps to measure the contribution of RFMOs to AU MS economy; Assessment of the constraints, including institutional , technical and policy environment affecting compliance by AU MS with conservation and management measures adopted by RFMOs; Identifying priority actions to improve and consolidate the effective participation of AU MS in deliberations of RFMOs and contributing to their strengthening for effective governance of high seas fisheries (Consideration of proposals in the background document);</p>	<p>Consultants Consultants Consultants</p>
13.00- 14.00	Lunch	
14.00 - 15.00	<p>SESSION 3: Working Group Session: Plenary will divide into 2 open-ended WGs; on RFMOs The 2 WGs will focus on the mandate and functioning of ICCAT and IOTC. The 2 WGs are to consider the role of RFMOs in high seas fisheries management and their contribution to sustainable fisheries and ways and means to enhance participation of AU MS in these organizations: - Working Group 1: ICCAT (Mandate of ICCAT, Issues met by AU MS, rights and obligations of Member States, Proposals for enhancing participation of AU MS); - Working Group 2: IOTC (Mandate of IOTC, Issues met by AU MS, rights and obligations of Member States, Proposals for enhancing participation of AU MS).</p>	<p>Kebe/Hachim Andre/Bernerd</p>



15.00 – 15.30	Coffee Break	
15.30 – 17.00	SESSION 4: Working Group Session continue on Priority and Action Plan for enhancing participation of AU MS	
Day Two: 24th March, 2017		
09.00 – 10.30	SESSION 1: Working Group Session continue on Priority and Action Plan for enhancing participation of AU MS	
10.30-11.00	Coffee Break	
11.00 – 13.00	SESSION 2: Morning: Plenary Meeting Presentation of the Reports of the 2 Working Groups. Continuation of the discussion on Strategy to increase and consolidate the African Voice in the governance and management of high seas fisheries.	Consultants Consultants
13.00 – 14.00	Lunch	
14.00 – 15.30	Session 3: Afternoon: Plenary Meeting 1. Adoption of the report of the 2 WGs. 2. Adoption of the report of the Consultative Meeting. 3. Miscellaneous.	Consultants Consultants AU-IBAR
15.30 – 16.00	Coffee Break	
16.00 – 17.00	Session 4: Workshop conclusion Wrap up and next steps Communique	Consultants Communique Committee
17.00 – 17.30	Closing: Closure of the Consultative Meeting	AU-IBAR

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