



Expert Consultation on  
**Legal & Administrative Facets in  
Implementation of BOB RPOA-IUU**  
*An Academic Exploration with Professionals & Practitioners*

**26 Mar 2026 | 1030 – 1700 Hours**

**Conference Hall, BOBP-IGO Secretariat**

**PROSPECTUS**

**Bay of Bengal Programme**  
Inter-Governmental Organisation

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# Expert Consultation on Legal & Administrative Facets in Implementation of BOB RPOA-IUU

## *An Academic Exploration with Professionals & Practitioners*

### **Context**

The BOB RPOA-IUU is a voluntary instrument to curb IUU fishing in the Bay of Bengal through regional cooperation and collective action. It is agreed that the Secretariat for the BOB RPOA-IUU will be nested within BOBP-IGO and will oversee the implementation of the Plan. However, while voluntary, the plan draws strength from global voluntary and non-voluntary instruments, making it, what we believe, ‘quasi-binding’ on the countries once it is being implemented. Especially, considering the activities and outputs from the implementation of the BOB RPOA-IUU such as development of a Regional Record of Fishing Vessels; List of IUU vessels; National vessel databases (validated and shared); Monitoring frameworks for IUU magnitude; Information-sharing platform/mechanism; Standard Operating Procedures (SOPs); Joint fisheries monitoring, control and surveillance procedure; Regional Working Group, etc, the Plan may create **obligations at the administrative and operational level.**

Further, sustainability of the RPOA-IUU need long-term commitments from the countries as well as formalization within national legal and policy framework including budgetary support to successfully completed.

Summing up the foregoing concerns, we arrived at a key question:

***How a voluntary regional instrument can be translated into enforceable and sustainable national actions without creating inconsistencies with domestic legal frameworks or international obligations.***

### **Overarching Question:**

When a voluntary regional instrument such as the BOB RPOA-IUU is proposed to be implemented and enforced by its member countries:

- **first**, what legal backing — legislative, regulatory, or treaty-based — is required to ensure that enforcement is sustainable, consistent, and legally defensible beyond the immediate project period; and
- **second**, what are the implications for the domestic administrative and legal framework, including whether implementation creates novel obligations on the State, its agencies, or its citizens that go beyond what is currently provided for under existing domestic law?

Therefore, in this context, we would like to explore the possible issues concerning effective implementation of the BOB RPOA-IUU. Our approach is two pronged – first, how the actions agreed under the RPOA can be implemented immediately within the existing institutional and legal frameworks in the member countries and second, what are the critical gaps in the operationalization of the agreed actions under RPOA, which the countries should take note of, for necessary internal consideration.

We have listed 23 questions, grouped into SEVEN broad areas for the purpose of discussion during the brainstorming session. The list is only indicative, and the experts will have an open discussion on incidental issues, as the discussion progresses.

#### **A. Legal Character of the Instrument**

1. What is the legal status of a voluntary regional instrument once endorsed by a country? Does endorsement create any legal or quasi-legal obligations?
2. How does the BOB RPOA-IUU differ from treaties in terms of domestic applicability and enforceability?
3. What approach should be adopted in case of inconsistency between RPOA measures and existing international commitments?

#### **B. Jurisdiction, Spatial Scope & Alignment with International Obligations**

4. How should the spatial scope of the Plan (EEZs and adjacent ABNJ) be interpreted in light of UNCLOS provisions on sovereign rights, jurisdiction, and high seas freedoms?
5. What enforcement limitations exist in ABNJ, and how should regional cooperation address these within the UNCLOS framework?
6. How should implementation of the Plan be aligned with existing binding international obligations (UNCLOS, RFMO conservation measures, PSMA)?

#### **C. BOBP-IGO Institutional Authority**

7. Given that BOBP-IGO is an advisory body and not an RFMO, what is the legal basis for its role as Secretariat for RPOA-IUU implementation? What institutional adaptations are needed?
8. What limitations arise compared to an RFMO with regulatory authority (e.g. IOTC), and how can these be addressed within the existing BOBP-IGO Agreement?

#### **D. Domestic Integration, Functional Mapping & Inter-Agency Authority**

9. How should countries integrate RPOA outputs (e.g. vessel registry, SOPs, CDS, IUU vessel list) into their national legal and administrative systems? What are the pathways—statutory, regulatory, or administrative?
10. How can key outputs of the RPOA-IUU be mapped onto existing national institutional mandates to avoid overlaps and gaps in implementation?

11. What legal arrangements are required within countries to clearly assign authority among fisheries, navy, coast guard, port and customs agencies for inspection, enforcement, and compliance actions?
12. Does the current governance structure (Governing Council reporting and working group mechanism) provide adequate oversight for RPOA implementation?
13. Should formal compliance or review mechanisms be established, and if so, what form should they take—peer review, self-assessment, or independent evaluation?
14. Is third-party evaluation (e.g. by FAO) advisable to enhance credibility and accountability?

#### **E. Due Process & Liability**

15. Are existing laws sufficient to enable coordinated enforcement, or are specific legal provisions required to operationalize joint or multi-agency actions?
16. What due process safeguards (notice, hearing, review, appeal) are required for actions such as IUU vessel listing, denial of port entry, or enforcement based on shared information? How do principles of natural justice—*audi alteram partem* (no person should be condemned unheard) and *nemo iudex in causa sua* (*no one should be a judge in their own cause*)—apply?
17. How should liability be determined in cases of wrongful enforcement actions or incorrect vessel identification? What remedies should be available to affected parties?

#### **F. Data Sharing & Evidentiary Validity**

18. What is the legal status of data generated or shared through regional systems (vessel registries, monitoring platforms) in national enforcement proceedings?
19. Under what conditions can such data be admitted as evidence in courts or administrative tribunals? What authentication and chain-of-custody standards apply?
20. How can implementation of the Plan support compliance with international seafood trade requirements (e.g. EU IUU Regulation, US SIMP, traceability standards)? Can the BOB RPOA-IUU serve as a platform for demonstrating regional due diligence?

#### **G. Financial Commitments**

21. Are existing endorsement processes followed by countries sufficient under their respective domestic legal frameworks, or do additional measures need to be taken?
22. What is the legal basis for allocating public financial resources towards implementation of a voluntary regional instrument? How does this interact with national budgetary and financial rules?
23. Are additional approvals or mandates required under national financial and administrative rules to support long-term implementation beyond the current project funding (2025–2030)?





## Bay of Bengal Large Marine Ecosystem Project Phase II (BOBLME II)

### *Expert Consultation on Legal & Administrative Facets in Implementation of BOB RPOA-IUU An Academic Exploration with Professionals & Practitioners*

**Venue:** BOBP-IGO, Chennai

**Date:** 26 Mar 2026

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