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A silhouette of a fisherman in profile, holding a large octagonal scale. A fishing net is hanging from the scale. The background is a bright orange tarp. The fisherman is wearing a dark t-shirt with some text on it, and has a cigarette in his mouth.

# Proposal for a Multi-Stakeholder Forum on the Live Reef Food Fish Trade - FINAL REPORT

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## CORAL TRIANGLE INITIATIVES (CTI)



**PROPOSAL FOR A MULTI-  
STAKEHOLDER FORUM ON  
LIVE REEF FOOD FISH  
TRADE  
-FINAL REPORT-**



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## EXECUTIVE SUMMARY

This report represents the outcome of a three month study leading to the identification of a suitable multi-stakeholder forum for the live reef food fish trade currently operating within the six (6) member countries of the Coral Triangle Initiative. The overarching goal of the forum is to improve sustainability of live reef food fish trade (hereinafter referred to as LRFFT) in the region through dialogue, networking as well as technology and information transfer to and between its members. The proposed forum would be expected to create a venue for agreement and consensus for the development of collaborative solutions amongst management agencies, producers and marketers.

The terms of reference for the study were as follows:

- i. To identify a suitable forum to bring together stakeholders in the regional live reef food fish trade (LRFFT).
- ii. To propose a multilateral legal framework to support the establishment of an appropriate institutional set-up
- iii. To develop an implementation plan for its establishment.

The Live Reef Food Fish Trade involves the capture of reef fish, which are kept alive for sale and consumption mainly in Hong Kong and Mainland China. Smaller markets also exist in Malaysia and Singapore. The live reef fish trade has two main components-live food fish. Among the major species traded are Humphead wrasse (*Cheilinusundulatus*), Coral trout (*Plectropomus areolatus*, *P. leopardus*), groupers (*Cromileptes altivelis*, *Epinephelus coioides*, *E. polyphkadion*, *E. fuscoguttatus*, *E. lanceolatus*, *E. bleekeri*, *E. akaara*) and snapper (*Lutjanus argentimaculatus*). Accurate figures are not available on the total value of these trades, but extrapolation from partial estimates indicates that the total value of the trade exceeds US\$1 billion per year.

Most producers of reef fish for food are concentrated in Indonesia, Malaysia and the Philippines. In Indonesia, the major focus of the activity is in central and eastern Indonesia (East Java, East Kalimantan, North and South Sulawesi, Savu, Flores and Banda Seas, Maluku, West Papua) with Bali being the main transshipment port. In the Philippines, the industry is centred on the provinces



of Palawan, Tawi-Tawi and Samar, while in Malaysia, large cage farming aggregations for ranching of wild-caught and cultured LRFF are found in Sabah (concentrated at three main centres i.e. Kudat, Semporna/Tawau and Sandakan).

However, the trade faced three major issues i.e destructive fishing methods, targeting of spawning aggregations and overfishing. All three of these factors threaten the long-term sustainability of the trade and undermines the socio-economic health of the coastal communities that depend on it.

The initiative to set up a multi-stakeholder forum to grapple with these sustainability issues is drawn from the CTI Regional Plan of Action for the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF). A target under Goal 2 of the Plan calls for efforts to ensure sustainability in the LRFFT, while Regional Action 2 within this Target calls for establishing a multi stakeholder forum to serve as an informal dialogue and partnership mechanism to share information and to advance a collaborative work programme on Live Reef Food Fish Trade (LRFFT).

The choice of a suitable model takes into account the economic environment in which the LRFFT operated, the structure of the industry, the diverse ethnic and national backgrounds of its operatives and the fact there is no immediate and compelling reason for them to come together.

A number of models were reviewed and the most appropriate was determined to be the Chambers of Commerce since they have flexible membership regime that embraces a wide spectrum of activity and operation scales. Towards this end, it is recommended that an institutional structure akin to the Chambers of Commerce be created for the LRFF Trade in each country at Local, National and Regional levels (the last being modeled along the lines of the ASEAN Chambers of Commerce and Industry) to bring together and foster understanding among the regional players in the LRFF trade.

The host institution for the stakeholder forum was also evaluated against several candidates, and INFOFISH, was found to be the most appropriate, since it was a fisheries business and marketing organization and is reputed for



being able to supply up to date market pricing for many commodities in the global seafood trade. The availability of market intelligence and price data would be a powerful incentive for LRFFT operatives to link with INFOFISH on a long-term basis.

The proposed terms of reference for the forum as whole are as follows:

- To enable networking among its members for business and social benefit of all parties.
- To engender business and social linkages and mutual bonding between members within each chamber and between various chambers.
- To represent the interest of members in problems and issues facing members of the chamber, whether at the local, national or regional level.
- To develop industry guidelines and standards for acceptance and implementation by members.
- To enable members to optimize their businesses by providing information and intelligence on various aspects of their operation.
- To develop linkages and liaison between the chamber and various consumer groups

Resource management agencies would need to play an indispensable part in the organization of these chambers at all levels. However, this role must be played judiciously and with sensitivity. The chambers will work only if they are representative of the industry players and their interests. It would fail if stakeholder groups come to view it as an extension of the management agencies that would, at the onset, at least, sponsor their formation. Local chambers can be self-financing but financial support for the national and regional assemblies would be required for some years.

A concurrent approach to the implementation of the proposed forum structure is recommended where all three levels, local, national and regional, are promoted simultaneously. As a first step, stakeholders must be made aware of the issues and problems of the industry. Awareness building and the emphasis of their respective roles are critical before they can buy into the



idea of the proposed forum/chamber structure. Such awareness would need to revolve around highlighting the need for, and benefits of, stakeholder engagement in the sustainability of the LRFFT industry, starting from the management of the reef resources through the supply chain to the buyer. Towards this end, a stakeholder consultation and analysis should be undertaken to determine their concerns and aspirations, perceptions and thoughts in solving the issues and problems they face.

In drawing up the road map for the implementation of the forum structure, it is important to highlight that local chambers (in some other name) have already been established in many countries. In addition, the necessary legal/administrative mandates should have to be considered and established to enable the formation of the chambers at the various levels as well as the development of a regional LRFFT Chamber is going to take time if a sequential approach (local leading to national leading to regional) is taken.

Toward this end, the proposed roadmap has three major elements that would run concurrently i.e.

- Element 1* • Current local assemblies/chambers that are already operational within each country are identified and documented. Where such assemblies/chambers are non-existent, then immediate steps should be initiated to encourage their formation. A national chamber should be established in each country by the end of 2013.
- Element 2* • Where current local assemblies/chambers exist, they should be invited for national level meetings in each country. These meetings, which would represent the first steps towards creating national chambers, should be held by the 1<sup>st</sup> quarter of 2013.
- Element 3* • That the first regional meeting comprising of all existing national assemblies be held by the 1<sup>st</sup> quarter of 2014. All existing national assemblies sign an MOU by the second meeting of the regional grouping. This assumes that by then,





there will be a reasonable number of Associations established within the region. The MOU be left open for accession by other members of the grouping, who, delayrf in the process of formation of their national assemblies, can join in later.



## 1.0 INTRODUCTION

This report represents the outcome of a three-month study leading to the identification of a suitable multi-stakeholder forum for the live reef food fish trade currently operating within the six (6) member countries. The overarching goal of the forum is to improve sustainability of the live reef food fish trade (hereinafter referred to as LRFFT) in the region through dialogue, networking and technology and information transfer to and between its members. The proposed forum would be expected to create a venue for agreement and consensus for the development of collaborative solutions amongst management agencies, producers and marketers.

The terms of reference for the study were as follows:

- i. To identify a suitable forum to bring together stakeholders in the regional live reef food fish trade (LRFFT).
- ii. To propose a multilateral legal framework to support the establishment of an appropriate institutional setup
- iii. To develop an implementation plan for its establishment.

The terms of reference of the study drew upon Part IV (General Terms of Reference) of the document entitled "Terms of Reference (TOR) for the Establishment of a Live Reef Food Fish Trade Multi-Stakeholder Initiative For Consideration by the CTI EAFM Thematic Working Group" (hereinafter referred to as the EAFM TOR), and took into account developments and inputs that were brought to the table since the document was first drafted. A copy of the EAFM TOR appears in **Appendix 1**, while details of the structure of this study appear in **Appendix 2**.

The terms of reference was accomplished by direct meetings with relevant officials and NGOs in Indonesia, Malaysia and Philippines and teleconversations with similar parties from the other CT6 countries.

However, due to lack of time, these could not be pursued with authorities in Papua New Guinea and Solomon Islands. However, inputs were received via email on the status of the industry in PNG.

A list of the parties with whom substantial discussions were held appears in



**Appendix 3.** In addition, informal discussions were also held with a number of reef fish farmers. Reference was also made to a number of documents, published and unpublished, on the LRFF trade in the region. A full list appears in the bibliography at the end of this report.



## 2.0 BACKGROUND

The live reef food fish trade (LRFFT) is based on the live transportation of reef fish either caught on coral reefs, or to a lesser extent reared from hatchery-bred fingerlings, and sold live mostly in restaurants and quality supermarkets. The fish are kept alive until just before consumption to ensure their freshness (Lau and Parry Jones, 1999). They are generally high-value-to-volume products, particularly in comparison to the fresh-fish trade (Sadovy *et al.*, 2003) and can fetch prices up to five times that of freshly chilled reef fish (Gaiger, 1990).

The trade in live reef food fish (LRFF) is not new, having started around the 1970s in Hong Kong and adjacent waters (Johannes and Riepen, 1995). However, in recent years trade has expanded exponentially, raising major concerns over its sustainability. Accurate figures are not available on the total value of this trade, but extrapolation from partial estimates indicates that the total retail value of the trade could exceed US\$1 billion per year (G. Muldoon, unpublished data). Southeast Asia is the hub of this trade, supplying nearly all of the live reef fish for consumption (McGilvray and Chan, 2002).

Most producers of reef fish for food are concentrated in Indonesia, Malaysia and the Philippines. In Indonesia, the major focus of the activity is in central and eastern Indonesia (East Java, East Kalimantan, North and South Sulawesi, Savu, Flores and Banda Seas, Maluku, West Papua) with Bali being the main transshipment port. About 50% of Hong Kong's annual declared import volumes of LRFF are from Indonesia (6,500-11,500 tonnes). Taking into account the poorly resolved export data and under-estimated imports into Hong Kong (Lau and Parry-Jones, 1999), annual export volume of around 15,000 tonnes of LRFF from Indonesia is likely.

In the Philippines, the industry is centred on the provinces of Palawan, Tawi-Tawi and Samar. Live reef fish for food were first traded in the early to mid-1970s. The LRFFT in the Philippines is centred mainly on Palawan with the fish normally caught at Balabac and Mangsee islands.



Recent data have indicated that exports of LRFF from the Philippines were 500 tonnes in 2009 (Martosubroto and Muldoon, 2011).

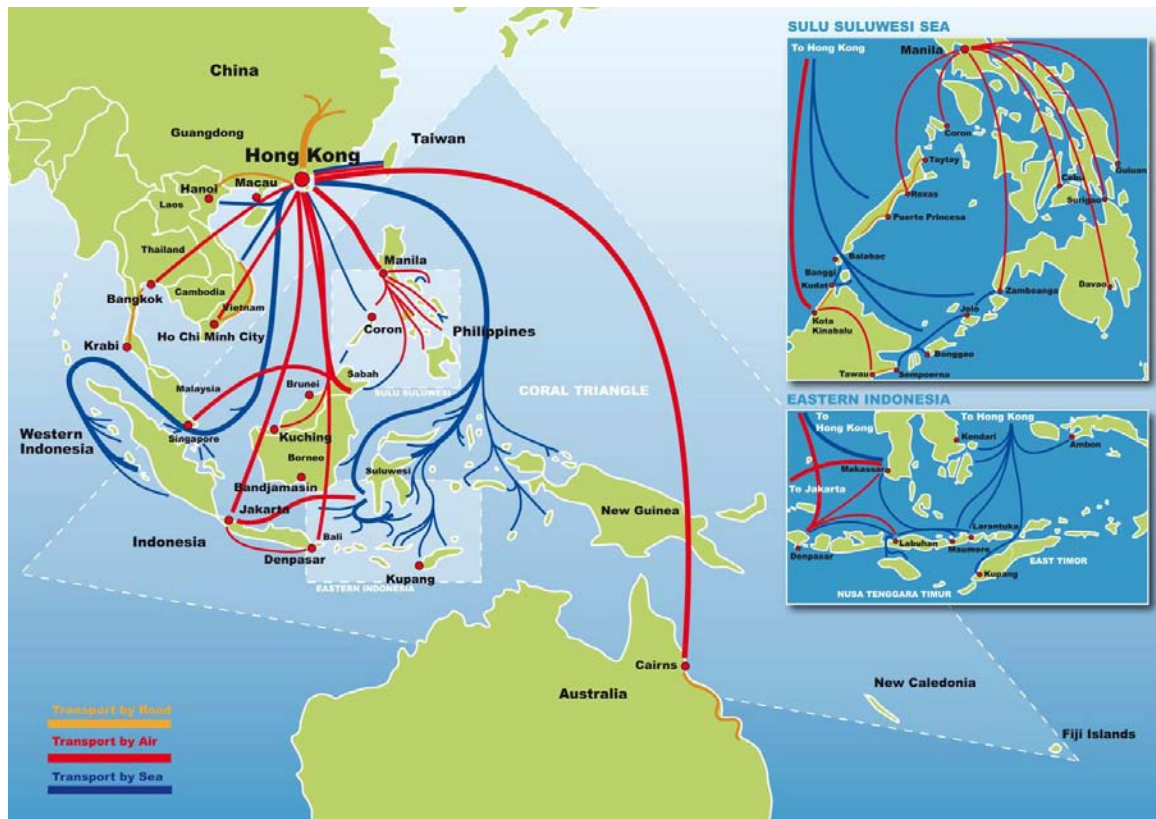
In Malaysia, large cage farming aggregations for ranching of wild-caught and cultured LRFF are found in Sabah (concentrated at three main centres i.e. Kudat, Semporna/Tawau and Sandakan). The estimated export of LRFF from Sabah in 2009 was 1,300 tonnes (Martosubroto and Muldoon, 2011). Cage farming is also extensively carried on the west coast of Peninsular Malaysia, though the industry here is largely dependent on hatchery bred, rather than wild caught, seed stock.

The industry is smaller or insignificant in Timor Leste, Papua New Guinea and Solomon Islands. However, this may not be expected to last long. As resources in the three major producers diminish, it can be expected that the focus of the activity will shift to these countries as well. Even now, faced with declining stocks in traditional fishing grounds such as the Philippines (Barber and Pratt, 1997), fishers and traders have explored the potential of meeting growing demand from Papua New Guinea and Solomon Islands, and, potentially the Maldives, though remoteness and poor infrastructure represent major impediments in enabling them to sustain a significant presence in the trade.

While there are a number of countries involved in the production of the fish, the main market is Hong Kong and China. Hong Kong is believed to be the largest consumer of LRFF in Asia as well as an important entreport point for re-export to China (Johannes and Riepen, 1995). Hong Kong imports LRFF from over 10 different countries/regions (**Figure 1**).

The LRFFT is a high value-to-volume fishery, with Hong Kong imports estimated at 15-20,000 tonnes with a retail value of more than US\$ 1 billion annually (G. Muldoon, unpublished data). It is estimated that almost 80% of the international trade goes to Hong Kong, with as much as 60% of this being re-exported to southern mainland China (Shenzhen) from where it is distributed to major cities throughout China.





**Figure 1:** Map showing fishing grounds and trade routes from Coral Triangle countries to demand markets in Hong Kong and Singapore

Source: G Muldoon (WWF Coral Triangle Network Initiative)

While fish consumption has been a staple dietary component of these countries for centuries, live reef fish are consumed in especially high quantities during special occasions and festivals (for example, in celebration of Chinese New Year, Mothers' Day and to mark the close of business agreements) (Muldoon and Johnston, 2006). Most of the reef fish that are traded consist of groupers and wrasses. **Table 1** provides a listing of the 11 most important species (by value and volume) of live fish traded in the Hong Kong and Chinese markets. These fish are typically carnivores, predators at the top of the reef food chain relative to the animals at lower levels of the food chain on which they feed, long-lived (up to several decades) and often late to mature and reproduce.

**Table 1: List of Major Live Fish Traded in Hong Kong**

NO.	COMMON NAME	SCIENTIFIC NAME
1.	Humphead Wrasse	<i>Cheilinus undulatus</i>
2.	Leopard Coral Trout	<i>Plectropomus leopardus</i>
3.	Spotted Coral Trout	<i>Plectropomus areolatus</i>
4.	High-finned Grouper	<i>Cromileptes altivelis</i>
5.	Green Grouper	<i>Epinephelus coioides</i>
6.	Flowery Grouper	<i>Epinephelus polyphekadion</i>
7.	Brown Spotted Grouper	<i>Epinephelus bleekeri</i> / <i>E. areolatus</i>
8.	Tiger Grouper	<i>Epinephelus fuscoguttatus</i>
9.	Giant Grouper	<i>Epinephelus lanceolatus</i>
10.	Red Grouper	<i>Epinephelus akaara</i>
11.	Mangrove Snapper*	<i>Lutjanus argentimaculatus</i>

\* Mangrove Snapper is not a reef fish

Source: WWF Hong Kong/Traffic Report on Live Fish Trade, 2004

Little is known of their ecology and reproductive biology, and thus, the ability to manage wild stocks on a comprehensive basis is still limited. The many stressors that impact on their reef habitat further complicate the situation.

Graham (2001) identified three major threats to the trade:

- i. Destructive fishing methods
- ii. Targeting of spawning aggregations
- iii. Overfishing

Destructive fishing methods, particularly the use of cyanide and intentional breaking of coral that goes with it, degrade the habitat, reduce the biodiversity associated with affected habitat and reduce the capacity of the ecosystem to produce fish used for food and for income. Though catching is



generally by hook-and-line, cyanide is used for certain species such as the Giant Grouper *Epinephelus lanceolatus* and Humphead Wrasse *Cheilinus undulatus*, as they are difficult to catch with hook and line (Sadovy, 1997).

Fishing these juveniles employing cyanide also enables fishermen to stun them sufficiently to be caught undamaged. However, the cyanide is a non-specific poison and a wide range of non-target invertebrates and fish are killed collaterally in the process (Barber and Pratt, 1997; Bently, 1999).

Targeting of spawning aggregations lead to elimination of a breeding population in only two to three years of intensive fishing. Spawning aggregations are not easily re-established for some species and can severely impact on the standing stock. Some fish are also removed from reefs as fingerlings or juveniles before they have had an opportunity to reproduce (Sadovy *et al.*, 2003). There is anecdotal evidence from surveys conducted by WWF that in some areas, 60 to 80% of all fish are being taken from the reefs as juveniles, with these fish "grown out" in cages for eight to ten months, until they reach market size of more than 500g. While being ranched in cages, these fish are fed by-catch and smaller fish.

The demand for feed has created its own problems with many fishermen targeting smaller animals to meet the requirements of cage culturists. In Malaysia, for instance, trawler by-catch and juvenile mixed fish, once discarded because they had no market value, now supports an active supply chain that leads to the cage culture farmers.

Overfishing, which is often a result of targeting of spawning aggregations and exacerbated by high levels of by-catch and post-harvest mortality, decreases the productivity and threatens the viability of affected fish populations.

When ecological overfishing occurs, such as through the elimination of reef predators such as groupers, the productivity of the ecosystem is reduced, thus reducing the capacity of coastal communities to produce food and generate income.

One possible means on relieving pressure on wild stocks would be the use of hatchery- bred seed stocks. Hatchery-bred fish are the mainstay of the industry in Peninsular Malaysia and Thailand (which also export substantial quantities of live fish to Hong Kong).



However, basic knowledge on the reproductive biology of most reef fish is limited. Of the species in **Table 1** above, only a limited number can be bred in captivity. For many species, and especially for those traded in small volumes like the Humphead Wrasse, hatchery production may not be possible or economically viable. Hatchery production does not necessarily entirely replace wild capture; the case of the giant grouper, *Epinephelus lanceolatus*, a species that is generally uncommon and for which there is conservation concern is a good example. Although it has now been hatchery-produced for several years, very large individuals are still occasionally exported to Hong Kong from wild sources (Sadovy and Lau, 2002).

Though there is considerable effort to address these issues, at the present rate of exploitation, the resource may well disappear before resolution is in sight. These impacts have serious socio-economic implications mainly to the poor coastal communities in the region. These include decreased food production and food security as well as decreased livelihood opportunities in these communities. In addition, the loss of biodiversity would impact on the patrimonial values of the nations involved.

The collective impact of the LRFFT on fisheries resources has been recognized for some time (Sadovy, 1997; Graham, 2001; Scales *et al*, 2007). In 2011, WWF CTI organized a regional workshop entitled, "Market-Based Improvements in Live Reef Fish Food Trade", for industry, governments, NGOs and scientists.

Its aim was to provide solutions to improve the management of the LRFFT including the aquaculture aspects in the Coral Triangle, through market-based initiatives and stronger regional cooperation at both policy and operational levels.

The workshop recognized that despite on-going efforts to reduce impacts of the LRFFT, the trade continued to pose major challenges to the future sustainable use of this marine resource. The LRFFT was and still is recognized as a threat to coral reef ecosystems and biodiversity in the region.

Left unchecked, the trade in LRFF could cause irrevocable loss of livelihoods for marine resource-dependent communities, leading to worsening poverty and in turn even further resource depletion. The workshop also pointed out



that the “business model” being reinforced by demand-side traders is clearly economically unsustainable in the long term.

Though substantial efforts have focused on industry engagement on the matter, these have been on a localized basis. A broad based regional consultative forum that brings together producers, traders and buyers to collectively address the challenges facing the industry is needed to ensure that all players are equally cognizant of the challenges the sector faces and the role of each in meeting them.

The initiative to set up such a multi-stakeholder forum to grapple with these issues is drawn from the CTI Regional Plan of Action for the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF). Goal 2 of the Plan calls for an *Ecosystem Approach to Management of Fisheries (EAFM) and Other Marine Resources Fully Applied*. A target under that goal is to have ... *a more effective management and more sustainable trade in live reef fish and reef-based ornamentals achieved...* and within this target, Regional Action 2 calls for ...*Establishing an informal CTI Forum on Management of and International Trade in Coral Reef-Based Organisms...*This isto serve as an informal dialogue and partnership mechanism to share information and to advance a collaborative work program on LRFFT.

The value of multi-stakeholder platforms to achieve goals and objectives of the CTI has been recognized and there is a request for establishing a *multi-stakeholder initiative* as a mechanism or platform that would support improved management and sustainable production of LRFF.

The future business climate of the LRFFT is not bright and promising unless concerted efforts and initiatives are taken at this stage of the fisheries development to address fishery management problems as well as the socio-cultural and economics of the primary producers, collectors and distributors.

The proposed forum of the concerned stakeholders in the fishery is one such initiative and a small step to bring them together to take a concerted inspection and examination of:





- Where the fishery has been (time series data),
- Where it is presently at, and
- Where it should be and how it is to be managed for sustainability and improved quality of life for the concerned stakeholders.

The investigations and evaluation in this study were undertaken against the backdrop detailed above.



### 3.0 FUNCTIONAL ENVIRONMENT

For the LRFFT multi-stakeholder forum to be a viable concept, due cognizance must be made of the environment in which it is expected to operate. Any forum structure that does not take this functional environment into account is not likely to meet the objectives that have been set for it, or worse, is likely to become defunct. As the reviews of various producer forums detailed in the next section show, the shelf life of some well meaning but poorly thought out organizations, have turned out to be painfully short.

This section provides some of the more salient features that an operational setup, institutional structure, approaches, mechanisms and formation or establishment of a LRFFT forum would need to be taken into account. It is to be broad-based but at the same time does not take on broad specific national and regional concerns. However, they represent the most compelling aspects of trade that would need to be considered and addressed.

#### ***Economic Environment***

Traditionally, agricultural commodity-based producer organizations have been few and far between especially in Southeast Asia. This is because such commodity producers tend to work in highly competitive environments and are often beholden to their buyers. The buyers on the other hand, have always discouraged producer aggregations, particularly since they would then be able to set prices. This situation is particularly prevalent in the fishery and aquaculture industry where producers have to compete with each other in a free market environment. This gives buyers the advantage because they can keep asking each seller to match or undercut the competing sellers' prices, thus driving down the prices of the products in that market.

Buyers are also not enamoured by producer organizations simply because they would no longer be able to do this with ease. Producers that band together would be better leveraged to negotiate improved market prices with buyers, who, in turn, would be less able to manipulate prices. The ability to do this provides a possible *raison d'être* for the proposed forum.



### ***Industry Structure***

The LRFFT industry is made up primarily of small to medium-sized companies, most of which are family owned. This is in contrast with other commodity groupings such as palm oil, which can count on a few anchor plantation companies that have the reach and financial muscle to establish trends within the industry that smaller players would eventually have to comply with. The LRFFT stakeholder grouping would therefore have to rely on consensus building of mutual identity as a trade interest grouping among this diverse group.

### ***Ethnic and National Diversity***

The LRFFT has a broad ethnic and national spread, reaching from the west coast of Peninsular Malaysia, Sabah, the Philippines and Indonesia to all the way in the South Pacific. Even within the countries themselves, there is substantial regional and geographical mix of LRFFT stakeholders. For instance, in Malaysia, the LRFFT stakeholders in the west coast of Peninsular Malaysia are split into three major groupings in Penang, Klang and Johor, with little interaction between them. The Peninsular groupings are, on the other hand, separated similarly from the Sabah LRFFT stakeholders. In the Philippines, the stakeholders in the north and south of Palawan province see themselves as separate, at the same time distancing themselves from other groups in Tawi-Tawi and Samar. Though Papua New Guinea, Timor Leste and Solomon Islands are not currently major players, their future involvement is very likely, adding to the diversity of players in the industry.

### ***Absence of a Grassroots Unifying Factor***

Within the industry of small harvesters, collectors and producers of LRFF, it appears that there is seemingly no compelling reason for the establishment of an industry forum. This is in contrast with organizations like RSPO (Roundtable on Sustainable Palm Oil) and ISSF (International Seafood Sustainability Foundation) that were either industry and/or market initiatives driven by environmental concerns and regulatory demands of buying countries.



In fact, the major buying country, China, has no regulations relating to the sustainability of the live reef food fish trade. Issues such as resource sustainability and animal welfare have yet to resonate with the Chinese consumers with the same intensity as it has with European and American buyers for other commodities. As an example, independent European NGOs were largely responsible for raising the consumer awareness of many of the concerns relating to uncontrolled oil palm development. Though cognizant of the sustainability issues, LRFFT NGOs have yet to operate with the same advocacy agenda.

### ***Leadership***

Failures or lack of successes of many of these trade groupings or industry organisations or even farmers associations stem from poor leadership and management skills of the people selected to represent the stakeholders. Thus, models that are sustainable over the long term suggest that they need to have the necessary structures to support the development of good leadership and management talent and expertise.

### ***Justifications and Benefits of a Forum as an Advocacy Institution***

As an industry that is growing in economic importance in the fresh seafood trade, the justifications and benefits of a forum to advocate for the long-term sustainability of the LRFF resources are steadily being recognized by the different stakeholders. More specifically, where available codes of conduct of different LRFF stakeholders call for responsible fair trade practices, which include, among others, responsible fishing and marketing such as the ban on the use of cyanide to stun the fish, and other destructive practices which jeopardize the health of consumers or pose serious health hazards to the consumers as well as the fishers themselves.



## 4.0 POTENTIAL FORUM MODEL

### 4.1 Introduction

In evaluating the appropriate stakeholder forum structure, the following need to be examined:

- The kind of forum model that would best address the LRFFT functional environment
- A suitable host institution that would best nurtures its growth.

Both these evaluations are provided in this section. For the sake of cogency, some of the analytical materials appear in the appendices. The narrative below focuses exclusively on outcomes of the assessment undertaken during the study.

In consonance with the environment that the stakeholder forum has to operate in, the following criteria were applied for the choice of the forum model as well as the host institution.

#### ***Forum Model***

The forum should:

- Avoid a cartel-type structure or focus.
- Be embracing of ethnic and national diversity
- Recognize that local issues should be resolved locally and not by a regional fiat.
- Avoid being underpinned by a transient compelling factor that would cause the forum to become irrelevant when it is no longer of concern.

#### ***Host Institution***

The criteria employed here were as follows:

- The institution should be multi-lateral in nature
- It should be self-supporting and not simply be reliant on one-off funding from development agencies.
- It should be able to embrace all CT6 nations.
- It should bring value to the forum and not just act as a secretariat.





The outcomes of applying these criteria to the choice of both the forum model and its host institution appear below.

#### **4.2 Candidate Model for the LRFFT Stakeholder Forum**

A large number of models were examined as potential template for the proposed stakeholder forum. The net was cast as wide as possible to enable a number of options for the proposed forum to be scrutinized and adopted or discarded. These included:

- Commodity based organizations
- Business aggregations
- Industry groups.

As an outcome of the initial analysis, eight models for producer-based organisations were shortlisted as possible templates for the proposed LRFFT forum structure. These included four national-level organizations (American Soybean Association, Canadian Canola Growers' Association, Federation of Malaysian Manufacturers and Federation of Livestock Farmers' Associations of Malaysia) and four regional-level organizations (ASEAN Fisheries Federation, Roundtable on Sustainable Palm Oil; ASEAN Chamber of Commerce and Industry (ACCI) and Federation of ASEAN Shippers Council).

A full description of these models, their current status and their relevance to the LRFFT situation are found in **Appendix 4**. Application of the criteria to these various organizations indicated that the best fit came from the ASEAN Chamber of Commerce and Industry.

The chamber of commerce and industry are local organizations of businesses whose goal is to further the interests of businesses. Business owners in towns and cities form these local societies to advocate on behalf of the business community. Local businesses are members, and they elect a board of directors or executive council to set policies for the chamber. Membership in an individual chamber in an area can range significantly, depending on the number of businesses involved.



Chambers of commerce and industry are widely found in ASEAN countries. Local chambers have coalesced to form national organizations, which have, in turn, come together to form the ASEAN based federation. The umbrella organizations, whether at national or regional level, simply represent a loose network of the various chambers. Total operational autonomy is retained at local levels and there is no top down control mechanisms that dictate the manner in which the local organizations are to operate.

The chambers of commerce have several unique characteristics that set them apart from the other organizations that were evaluated.

#### Heterogeneity

Chambers of commerce are heterogeneous in terms of their nature of membership, spanning a wide spectrum of business and industry activity, with their members coming from different ethnic backgrounds, and having vastly different scales of operation. However, separate chambers representing specific businesses or ethnic and national business groups co-exist with larger chambers with more encompassing membership agendas. This is in contrast with the RSPO and American Soybean Association where members all come from a specific industry group.

#### Focus

The primary goal of the chambers of commerce is to act as an industry lobby and represent their members vis-à-vis government and other related entities which require liaison with commerce and industrial groups. They are not necessarily drawn together by a specific set of challenges that compel them to band together. This is in contrast with the RSPO, which came together when the issue of sustainability threatened marketability of palm oil. In that sense, the chambers of commerce are more of networking organizations, designed to build linkages and relationships. The networked entities can, and do, rally around when confronted with specific issues. However, those issues are not the primary driver of their formation.



Often some of these chambers also engage in training and improving the skills and knowledge base of their members particularly in relation to the implementation of laws and regulations covering environmental pollution controls, occupational and health management, labour practices and other matters. These local/national laws naturally impact upon and control the activities of all these commercial entities and often the chambers take on and engage the Government agencies in the formulation/implementation and operations of such rules and regulations. The chambers also get to play an active role in the formulation of national policies and actions relating to international issues, particularly where it impacts them such as in International Standards Organisation, GATT, Climate Change and international banking rules for trade. The International Chamber of Commerce is a stakeholder in many international forums, which decide on matters related to international trade.

The current review indicates that the structure of most commodity producer-based forums and organizations are inconsistent with the character and nature of the LRFFT.

The forum structure that most meets these needs appears to be the chamber of commerce model. This model appears most suited for the LRFFT for the following reasons:

- It has a flexible membership regime that embraces a wide spectrum of activity and operation scales.
- Its basic unit of organization is at the local level, meaning ethnic and local concerns are absorbed into its structure.
- It is based on the compelling need to foster a common front to deal with various challenges from myriad sources which affect the industry as a whole and which cannot possibly be resolved effectively by any one of its members on its own.
- Its ability to absorb and encourage various networks engenders mutually beneficial relationships and linkages among its members at local, national and regional levels.



- It is recognized as a legitimate organization by the Government and other entities that require a viable and authoritative point of contact to reach the large numbers and diverse group of commercial and industry players.
- It is set up in accordance with local laws and often is encouraged and supported by Governments to do so.
- It has voluntary networks that reach out to local, national, regional (ASEAN, APEC) and multilateral levels (ICC) spanning the entire spectrum of issues.

Towards this end, it is recommended that an institutional structure akin to the Chambers of Commerce be created for the LRFFT in each country at the local and national levels. In addition, a Regional Association (modelled along the lines of the ASEAN Chambers of Commerce and Industry) designed to foster and bring together the regional players in the LRFF trade should be formed.

#### **4.3 Potential Candidate for Host Institution**

While local and national chambers can be supported by management agencies of each country, a key question would be where the proposed regional chambers can be hosted, supported and sustained into the future. The CTI Secretariat is not a tenable option as it is a relatively transient institution in the form of a project.

Four regional institutions: Network of Aquaculture Centres in Asia (NACA), INFOFISH, Southeast Asian Fisheries Development Centre (SEAFDEC) and Brunei Darussalam-Indonesia-Malaysia-the Philippines East ASEAN Growth Area Business Council (BIMP-EAGA Business Council) were examined with respect to their capacities to host the Regional LRFFT Chamber.

A full description of these institutions and their mandates are provided in **Appendix 5**. Of the four institutions that were examined, INFOFISH was found to be the most appropriate.

- From the standpoint of geographical coverage, INFOFISH has the widest coverage. The BIMP-EAGA Business Council is limited



to Brunei, Indonesia, Malaysia and Philippines, leaving out the CT6 countries of Timor Leste and Solomon Islands.

- INFOFISH has a business orientation and has had considerable success bringing industry operatives in shrimp, Tilapia, tuna and ornamental fish industries together. Both NACA and SEAFDEC tend to be more technical organizations, and while their supporting role in the Chamber's deliberation are undeniable, they may not be sufficiently resourced from a host institutional standpoint to actually garner and motivate regional participation in the Chamber.
- INFOFISH is a marketing organization and is reputed for being able to supply up to date market intelligence for many commodities in the global seafood trade. Though INFOFISH does not yet do this for live fish, it has the capacity to do so. The availability of market intelligence and price data would be a powerful incentive for LRFFT operatives to link with INFOFISH on a long term basis, providing an inherent permanence to the proposed regional chamber.

However it must be noted that INFOFISH is a multilateral organization with membership from countries outside the scope of this Study.

For INFOFISH to take on and host the proposed LRFFT Forum, the mandate of all members of INFOFISH would need to be obtained, though it is unlikely that this would be a major impediment to the organization's involvement.





## 5.0 MODALITIES OF FORUM IMPLEMENTATION

In relation to the recommendations made for the forum in **Section 4**, the following represent the vision and legal framework that should underpin its legitimacy.

### 5.1 Terms of Reference

The proposed terms of reference for the forum are as follows:

- To enable networking among its members for business and social benefit of all parties.
- To engender business and social linkages and mutual bonding between members within each chamber and between various chambers.
- To represent the interest of members in problems and issues facing members of the chamber, whether at the local, national or regional level.
- To develop industry guidelines and standards for acceptance and implementation by members.
- To enable members to optimize their businesses by providing information and intelligence on various aspects of their operation.
- To develop linkages and liaison between the chamber and various consumer groups

### 5.2 Proposed Structure

The proposed structure would parallel that of the chambers of commerce and industry as follows.

#### *Local Chamber for LRFF Trade*

These would be chambers constituted at local levels. They can be new groupings or simply rebranding of existing groupings as chambers. For instance, in the case of the Philippines, the existing groupings at Palawan and Tawi-Tawi can be rebranded, while the Samar producers, who are still unorganized, would need to be convinced to form a local chamber in their areas.



A key issue making these groupings successful is the sense of possession their members have for each chamber. It is crucial to emphasize that membership in the local chambers cannot be forced. It must represent a coming together for mutual benefit.

The awareness building and rousing carried out in publicizing and promoting the basis of, need for and benefits of establishing such a forum would go a long way in instilling in the LRFFT stakeholders this sense of mutual belonging as members. Early efforts can be mounted to engender these stakeholders to bond together for mutual benefit. To keep them interested in forging such a unified body, these stakeholders must be consistently be engaged in the activities of the forum. Forum activities must not only be seen to benefit member stakeholders but they must actually see their bottom line growing from their business operations and the local reefs that support their livelihoods.

The process of bringing the various stakeholders together should be encouraged and supported by the respective government agencies particularly in insisting that the Government would prefer to deal with the common interests of all of them through a single point of contact. The Government could also provide assistance to enable the formation of the Chamber as a legally constituted body under national/local laws. In the event there are no legal avenues for the formation of these local organisations (which is unlikely in most countries), due consideration should be given by the relevant industry regulatory body to authorize the formation of the organization administratively.

#### *National Chamber for LRFF Trade*

This would be a body that would represent the various local chambers at a national level. It is anticipated that some of the more prominent members of each local chamber would have the wherewithal to actually play an active role in the national chamber. This is to be expected, since they are the ones who are most likely to benefit from such participation. Again, the role of government agencies in



supporting and nurturing the formation of the National Chamber may be crucial for its success. The singular main purpose of the National Chamber would be to deal with the National Government on common issues that cannot be resolved at the local level such as the drawing up and implementation of national laws and regulations. A National Chamber would also be a prerequisite for the formation of and participation in a Regional Chamber.

Again there should be appropriate legal avenues readily available within most jurisdictions for the formation of the National Chambers. A precedent may exist if there are for example a National Chamber of Commerce or some other similar trade, producers, consumers or commercial groupings existing in the country.

In the absence of appropriate legal avenues, it may be necessary to obtain the administrative sanction of the Government for the formation and establishment of the National Chamber.

#### *Regional Chamber for LRFF Trade*

This would be a body that would represent the various national chambers at a regional level. Again, only the very largest players in the industry are expected to come in as delegates to the Regional Chamber. The Regional Chamber would again demand institutional support, but this could come initially from the CTI Secretariat or other regional institutions. At some stage the Regional Chambers may be formalized by the signing of an MOU by the various National Chambers.

This MOU, depending on the success of the working of each country's national chamber, could later be upgraded into a multilateral agreement. The latter, however, would certainly require the participation and prior sanction of the respective governments.



### 5.3 Role of Government Management Agencies

As indicated above, resource management agencies play an indispensable part in the organization of these chambers at all levels. However, this role must be played judiciously and with sensitivity.

The chambers will work only if they represent the industry players and their interests. It would fail if stakeholder groups come to view it as an extension of the management agencies that would, at the onset at least, sponsor their formation.

The role of management agencies would be:

- To spur the formation of the various chambers at the various locations where the industry is aggregated by:
  - Organizing the industry players.
  - Providing and ensuring that the necessary legal/administrative mandates to formalize the establishment and operations of the chambers are in order.
  - Providing necessary manpower, funding and technical support for their formation and operations at least in the initial stages of their formation.
- To provide advice to the chambers on technical, legal and management issues as they arise.

The last role is a potential conflict of roles. Management agencies must avoid the tendency to assert themselves in decision-making and restrict themselves to an advisory role. This arrangement does not pre-empt management agencies from meeting among themselves to grapple with issues beyond the mandate of the chambers.

At the regional level, a Board of LRFFT Advisors could be formed as an adjunct to the Regional Chamber to discuss common issues, either independently or in conjunction with the Regional Chamber.



## 5.4 Sustainable Financing

One valuable lesson in advocacy work or public interest organization or trade groupings in pursuit of their own self-interests such as that proposed for the LRFFT, is the ability of such these bodies to finance their operations and activities. Without their own source of financing, especially after exhausting the initial financial resources or support provided by the sponsoring or funding agency, they will not be able to continue their operation and work. Potential members would be unwilling to participate and part with their money until they see tangible benefits from their participation.

It is thus essential that the forum/chamber as proposed here be able to generate its own funds for its work.

*Local Chambers* would need to be self-sustaining. Such sustenance cannot be based on membership subscriptions alone. Though some initial costs (especially legal and administrative costs involved in their establishment) can be met by the sponsoring agencies, the reality is these chambers will fail if they come to rely on government largesse.

A first step in achieving such an objective would be to identify the different potential sources of revenue it can generate. The following is a working list that the proposed forum can tap into or access:

- Local and/or central governmental sources
- Membership fees
- Cess from every unit (e.g. tonne) of LRFF exported (e.g. the Malaysian rubber export cess)
- Income from chamber activities (e.g. income from selling chamber products or technical seminar, etc.)
- Grants from interested or like-minded donor agencies
- Road shows or exhibitions or partnerships
- Co-financing or cost sharing in minimizing operational costs

If government support is provided, it should be in a non-monetary form, such as provision of office space and venues for meetings. The larger local entities should be leveraged on to lead, host and support these local chambers.



*National Chamber.* It is very unlikely that local LRFFT assemblies can be convinced to support a national chamber, at least at the onset, when the returns from such an investment would be seen as nebulous. It is expected that management agencies that are charged with engendering the LRFFT chambers would need to make the initial investments in creating the kind of environment where a national chamber would come about.

This can be in the form of holding a national level convention, where delegates from various local chambers would come together and discuss common issues. It is unlikely that a single event would be sufficient to create the desirable level of permanence for the National Chamber. It may be necessary to underwrite the cost of a national meeting over at least three annual events before the benefits of the National Chamber becomes evident to the local LRFFT assemblies. However, it is anticipated that the local chambers themselves would partly, if not wholly, defray subsequent events.

*Regional Chamber.* Interest in the Regional Chamber would similarly need to be stimulated by the same approach. The host institution would need to host regional level meetings where information can be shared and discussed. As with the national meetings, it is unlikely that a single event would succeed in creating a sense of regional fraternity. It is likely that several events, over succeeding years, would need to be undertaken for this to happen. INFOFISH cannot be expected to sustain this on its own resources. Funding must come from the various governments of the CT6 nations to support this regional initiative.



## 5.5 Legal Issues

### ***Local LRFFT Chambers and National Chambers***

The advantage of the model being proposed is that it may be fairly easy, from the legal standpoint, to establish these two Chambers. Most countries should have a readily available legal framework for the establishment of guilds, associations and societies.

It is envisaged that the LRFFT Chambers would essentially fit into one of the latter institutional set up. They would have to merely comply with the existing laws for the setting up of an association or society.

The various chambers would need to be established at the local and national levels in accordance with current national laws. Current laws in most countries allow the formation of such guilds, societies and associations. In the absence of such laws, the chambers should be mandated administratively by the Government or a governing body, such as the fisheries management authority.

A copy of the constitution of the Indian Chamber of Commerce of the Federal Territories (encompassing Kuala Lumpur, Putrajaya and Labuan) of Malaysia is attached in **Appendix 6** as a possible template in defining the scope and is of operation for a chamber. Please note how the chamber in this example is able to provide for:

- Ethnic specificity (it is only for Indian owned businesses)
- Spatial specificity (it is only for those in the Federal Territories of Malaysia)

### ***Regional LRFFT Chambers***

At the Regional level, there is the expectation that Governments or the relevant private sector institutions will come together to form initially a loose Confederation such as the ASEAN Shippers Council. The formation of such a regional body does not need a formal legal framework for its establishment.

It is merely a forum for organisations to get together and work for the betterment of the region. The formation of this initial body could however be formalized through a common Memorandum of





Understanding or Resolution signed by and between the nations. The MOU/Resolution may set out the exact nature of cooperation between the member countries and the role of the forum itself. The formation of the Regional Chamber can be encouraged by multilateral funding agencies for its initial meetings.

A MOU may be signed by the National Chambers agreeing to the broad terms of the formation of the Regional Chamber and its role. Similar MOUs have been signed in the ASEAN context. Examples of a regional Plan of Action and a Resolution are as in **Appendix7** and **8**.



## 6.0 IMPLEMENTATION ROADMAP

### 6.1 Overall Implementation Approach

As this CTI initiative is externally driven, that is, not an initiative from the grassroots, it is essential that the stakeholders be brought in as an integral part of the forum. The LRFFT stakeholders may or may not be aware of the issues and problems confronting the industry, and, more importantly, their role in it. Thus, as a first step the stakeholders must be made aware of the issues and problems of the industry. Awareness building and the emphasis of their important role thus become critical before they buy into the idea of the proposed forum/chamber structure proposed above.

Such awareness would revolve around highlighting the need for, and benefits of, stakeholder engagement in the sustainability of the LRFFT industry, starting from the management of the reef resources through the supply chain to the buyer. The mechanisms and processes for such stakeholder engagement can be provided through the proposed forum.

Towards this end, a stakeholder consultation and analysis should be undertaken to determine their concerns and aspirations, perceptions and thoughts in solving the issues and problems they face, as well as identify 'champions' who can lead the process through to fruition.

In drawing up the road map for the implementation of the forum structure described above, due cognizance needs to be taken of the following:

- i. Local chambers (in some other name) have already been established in many countries.
- ii. The necessary legal/administrative mandates may have to be considered and established to enable the formation of the chambers at the various levels.
- iii. The development of a regional LRFFT Chamber is going to take time if a sequential approach (local leading to national leading to regional) approach is taken.



Against this backdrop, a concurrent approach where all three levels are promoted simultaneously is recommended. This approach has two dimensions i.e.

- Those initiatives by management agencies to help organize local and national chambers would parallel efforts to create a regional representative body.
- That what can be done first gets done first.

The following roadmap is framed on these two bases.

## **6.2 Proposed Implementation Roadmap**

The proposed roadmap has three major elements that would run concurrently i.e.:

### *Element 1*

- That current local assemblies/chambers that are already operational within each country are identified and documented.
- That where such assemblies/chambers are non-existent, then immediate steps are initiated to encourage their formation.
- That a national chamber should be established in each country by the end of 2013.

### *Element 2*

- That where current local assemblies/chambers exist, they should be invited for national level meetings in each country. These meetings, which would represent the first steps towards creating national chambers, should be held by the 1<sup>st</sup> quarter of 2013. .

### *Element 3*

- That the first regional meeting comprising of all existing national assemblies be held by the 1<sup>st</sup> quarter of 2014.



- That all existing national assemblies sign an MOU by the second meeting of the regional grouping. This assumes that by then, there will be a reasonable number of Associations established within the region.
- That the MOU be left open for accession by other members of the grouping who join in later (due to delays in the process of formation of their national assemblies).



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# APPENDICES





## Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security

Term of Reference (TOR) for  
Establishment of a Live Reef Food Fish  
Trade Multi-Stakeholder Initiative  
For Consideration by the CTI EAFM  
Thematic Working Group

Finalised on October, 2011 by the  
Governments of Indonesia, Malaysia, Papua New Guinea,  
the Philippines, Solomon Islands, and Timor-Leste



## Preamble

Below is a proposed Terms of Reference for establishing a Live Reef Food Fish Trade Multi-Stakeholder Initiative for consideration by the EAFM Thematic Working Group. If agreed it is envisaged that this Terms of Reference will be delivered by an external contractor.

The first step in this process will be to set up small team comprised of several EAFM TWG members (Focal Points) as well as minimal NGO representation to oversee the delivery of the Terms of Reference for consideration by the EAFM Thematic Working Group.

Before being undertaken, these Terms of Reference will need to be endorsed by the full EAFM Thematic Working Group. The underlying principles behind this Terms of Reference are that:

- A CTI multi-stakeholder forum could be instigated by governments of the CT6 but should involve the markets and the private sector
- A CTI multi-stakeholder forum will have as its overarching goal improving the sustainability of the Live Reef Food Fish Trade in this region.
- A CTI multi-stakeholder forum will provide a venue for agreement on issues and impacts of the Live Reef Food Fish Trade and for developing collaborative solutions
- A CTI initiated multi-stakeholder forum will provide a collective voice for interactions between CT6 producer countries and market countries and the non-CT private sector



## **I. Background**

Under Goal 2 of the CTI Regional Plan of Action for the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF); an *Ecosystem Approach to Management of Fisheries (EAFM) and Other Marine Resources be Fully Applied* is a target to have “*more effective management and more sustainable trade in live-reef fish and reef-based ornamentals achieved*”. Regional Action 2 within this Target, “*Establishing an informal CTI Forum on Management of and International Trade in Coral Reef-Based Organisms*” to serve as an informal dialogue and partnership mechanism to share information, advance a collaborative work program on Live Reef Food Fish Trade (LRFFT) issues will aid in delivering on this goal.

## **II. Rationale**

The Thematic Working Groups are an important vehicle for successful implementation and achievement of the CTI Plan of Action and the five overarching goals. This will require consistent and organized effort from CT6 countries, CT partners and the private sector.

The value of value of multi-stakeholder platforms to achieve goals and objectives of the CTI has been recognized and the request for establishing a *multi-stakeholder initiative* as a mechanism or platform that would support improved management and sustainable production of Live Reef Food Fish (LRFF) has already been approved at the SOM level.

The Live Reef Food Fish fishery has been recognised as a representative fishery that can support Goal 2 of the RPOA and assist in achieving regional EAFM goals. For that reason the EAFM Thematic Working Group is the appropriate working group for consideration of the formation of a CT6 endorsed forum on LRFFT



### **III. Function**

While a Regional EAFM Framework has been identified as a CTI priority, LRFFT specific activities have not been prioritized on the CTI implementation roadmap. This does not exclude the proposed LRFFT platform from being supported and championed by one or more CT6 countries or appropriate institutions within those countries.

The delegates to the SOM6 recommended that a multi-stakeholder initiative for LRFT be considered by the appropriate Thematic Working Group, in this case the EAFM TWG and to formulate and endorse Terms of Reference to establish a LRFT multi-stakeholder group

A general Terms of Reference is set out below. It is proposed that a consultant be engaged to prepare a report based on these Terms of Reference for consideration and ratification by the EAFM TWG.

### **IV. General Term of Reference**

These Terms of Reference will require a consultative process in order to complete the following tasks:

1. An overview and confirmation of a common set of core sustainability issues (Annex 1) that could be addressed through multi-country, multi-stakeholder forums
2. A review of potential models for establishing multi-country, multi-stakeholder forums or roundtables that may be appropriate and or feasible to the Coral Triangle countries and that would promote the sustainability of the LRFFT. This would include:
  - a) Identifying a possible host institution(s) for the forum including;
    - i. Exploration of whether the host institution could be a government department or organisation affiliated to government or other existing body;



- ii. The role of the host institutions role including but not restricted to provision of secretariat services such as forum coordination and administration,
- b) Defining the membership structure and scope of the forum including:
  - i. Member requirements (i.e. association with LRFFT)
  - ii. Responsibilities for non CT6 governments and private sector entities for becoming a members of this multi-stakeholder group
- c) Define the scope of activities of the group including but not limited to:
  - i. Regularity of meetings or workshops in accordance with CTI policy;
  - ii. Commissioning technical reviews and/or report;
  - iii. Management of voluntary Standards of Best-Practice
- 3. Work with CT6 countries to develop a process or mechanism by which technical outputs or recommendations can be shared with Regional Secretariat and National Coordination Committee (NCC)
- 4. Undertake consultation with CT6 EAFM Focal points to develop a draft position paper on the content LRFT regional framework for review by the EAFM TWG
- 5. Describe options for financially supporting the ongoing functioning of this forum (e.g. membership fees, government, agencies)



## ANNEX 1: Core Sustainability Issues

1. A CTI multi-stakeholder initiative such as a forum or roundtable could, if established, support national and regional LRFFT sustainability initiatives including, but not limited to, the following core issues:
  - i. Acknowledging the imbalance between demand and supply for wild LRFF, including juveniles for grow-out and proposing solutions to ameliorate this;
  - ii. Advocate for the strengthening of current regulations on size at capture (i.e. size at maturity) for LRFF species and retention and grow-out of undersize fish;
  - iii. Work with scientific/ academic institutions to improve collection of statistical data on biology and socio-economic indicators and to improve management of data-poor fisheries such as the LRFFT;
  - iv. Work with stakeholders towards reducing direct shipments of LRFF by sea from producing to importing countries that infringe IUU fishing regulations;
  - v. Propose initiatives in support of reducing or proscribing shipments of CITES listed species through IUU channels;
  - vi. Support improved traceability of LRFF along the chain-of-custody
  - vii. Promote research into
    - a) the “equitable” distribution of value or price along the chain of custody;
    - b) reducing current high mortality of LRFF during consolidation and transport to markets
  - viii. Facilitate and support activities that raise awareness on LRFFT sustainability issues amongst stakeholders;

## APPENDIX 2

### LIVE REEF FOOD FISH TRADE (LRFFT) IN THE CTI AREA STUDY TO ORGANIZE A REGIONAL FORUM ON LRFFT

#### Study Structure

##### 1.0 Introduction

The CTI Countries is desirous of creating a multi-stakeholder forum for the live reef food fish trade currently operating within its six (6) member countries. The overarching goal of the forum would be to improve sustainability of live reef food fish trade (hereinafter referred to as LRFFT) in the region through dialogue, networking and technology and information transfer to and between its members. The proposed forum would be expected to create a venue for agreement and consensus for the development of collaborative solutions amongst management agencies, producers and marketers.

This report articulates the details of a study that would lead to the identification of an appropriate consultative mechanism and the manner in which can be potentially implemented. The specifics of this study appear in the sections below.

##### 2.0 Study Structure

###### 2.1 Terms of Reference

The terms of reference of the proposed study draws upon the Part IV (General Terms of Reference) of the document entitled *Term of Reference (TOR) for the Establishment of a Live Reef Food Fish Trade Multi-Stakeholder Initiative For Consideration by the CTI EAFM Thematic Working Group* (hereinafter referred to as the EAFM TOR), taking into account developments and inputs that have been brought to the table since the document was first drafted.

The Terms of Reference for the study that is the subject of this proposal is as follows:



- i. To identify a suitable forum to bring together stakeholders in the regional live reef food fish trade (LRFFT).
- ii. To propose a multilateral legal framework to support the establishment of an appropriate institutional set-up
- iii. To develop an implementation plan for its establishment.

## **2.2 Scope of Work**

The scope of work of work would involve the following works:

- a. Review and recommend a potential model for a multi-country consultative forum to promote financial and ecological sustainability in the live reef food fish trade (LRFFT) in the region. This is consistent with Item 2 of the EAFM TOR as well as the regional EAFM Framework developed by the CTI Secretariat. Elements of that would be pursued would include:
  - The type and structure of the proposed forum (Item 2 of the EAFM TOR).
  - The membership of the forum (Item 2 (b) of the EAFM TOR), including *inter alia*:
    - o Member requirements (i.e. association with LRFFT)
    - o Responsibilities for non CT6 governments and private sector entities for becoming a members of this multi-stakeholder group
  - The terms of reference for the forum (Item 2 (c) of the EAFM TOR), including *inter alia*,
    - o Regularity of meetings or workshops in accordance with CTI policy;
    - o Commissioning technical reviews and/or report;
    - o Management of voluntary Standards of Best-Practice



- Identification of a focal point or host institution for the forum (Item 2 (a) of the EAFM TOR), including *inter alia*,:
  - o Exploration of whether the host institution could be a government department or organisation affiliated to government or other existing body;
  - o The role of the host institutions role including but not restricted to provision of secretariat services such as forum coordination and administration.
- b. Review and recommend for a legal and institutional framework to support the same, including processes or mechanisms by which technical outputs or recommendations of the Forum can be shared with Regional Secretariat and National Coordination Committees (NCC) ((Item 3 of the EAFM TOR)
- c. Describe options for sustainable financing of the forum (Item 5 of the EAFM TOR)
- d. Develop an action plan for the establishment of the Forum identification of actors and suggested time horizons (Item 4 of the EAFM TOR).

## 2.3 Methodology

The study will involve the following methodology.

- a) Work with CT6 countries to develop a process or mechanism by which technical outputs or recommendations can be shared with Regional Secretariat and National Coordination Committee (NCC). This will be undertaken in two ways:
  - i. Discussions with appropriate parties by email and/or telephone
  - ii. Face-to-face meetings in selected countries i.e. Malaysia, Phillipines and Indonesia.
- b) Review of literature (published and unpublished) on:



- Draft framework for Regional EAFM Framework based on the document entitled *A Regional Framework for Legislation and Policy to Support an Ecosystem Approach to Fisheries Management (EAFM) in the Coral Triangle Initiative (CTI)*.
  - International multi-stakeholder commodity based fora, their structures, achievements and limitations.
  - The live reef food fish trade (LRFFT), especially the studies undertaken by CTI to date on the subject.
  - Legal instruments relating to the establishment of international commodity based fora.
- c) Discussions and meetings with similar fora, including, *inter alia*, the:
- Roundtable for Sustainable Palm Oil (RSPO);
  - Malaysian Timber Certification Council (MTCC); and
  - Other fora or roundtables as designated by the client
- d) Discussions and meetings with relevant NGOs and individuals, who have an exposure and experience in the establishment and operation of multi-lateral fora as well as in the regional live fish trade.

### 3.0 Consultant Team

The following personnel are involved in the study.

#### ***Mr. Kevin Hiew Wai Phang - Team Leader***

Mr. Kevin Hiew graduated with a degree in B.Fisheries from Kagoshima University, Japan in 1973 and then joined the Malaysian Department of Fisheries and was there until 2001.

In those 28 years he had served as a Fisheries Officer in Trengganu and then as State Director of Fisheries for Selangor, Malacca & Negeri Sembilan and Johor; and in between serving as the Head of the Fisheries Enforcement Section, the Marine Fisheries Extension Section and finally before retiring as the Head of the Marine Park Division for nearly eight (8) years.



On retirement, he joined WWF-Malaysia as the National Conservation Director, before being made the Director responsible for liaison work with Government and Foreign Aid Agencies. Mr. Kevin Hiew was then appointed in July 2007 as the Manager of the WWF-Malaysia Peninsular Malaysia Seas Program; and on 1 January 2009 he was appointed as the Senior Advisor of the Coral Triangle Program for WWF-Malaysia until 31 March 2010.

Currently, Mr. Kevin is a freelance consultant and has been working on various projects on marine biodiversity and marine parks management for the Malaysian Government, UNDP, WWF-Malaysia, the National Ocean Policy and US CTI Support Program. Mr. Kevin Hiew's main interest is in the management of fisheries resources and the protection and conservation of marine turtles and other endangered marine species. He speaks, read and write English, Bahasa Malaysia and Japanese besides speaking some Chinese dialects.

Mr. Hiew will be providing services relating to the coordination and management of the study as a whole.

***Mr. Gopinath Nagaraj – Fisheries and Aquaculture Specialist***

Mr. Gopinath Nagaraj is a marine biologist by background and has been extensively involved in the sustainable management of fisheries and the marine environment for over 30 years.

He is a former Director of Fisheries for Melaka and Negeri Sembilan and is currently Principal Consultant at Fanli Marine and Consultancy Sdn. Bhd, a fisheries and aquatic consultancy firm. He has undertaken a wide range of studies on the fisheries and aquaculture industry of Malaysia and the region. He is also Adjunct Professor of Fisheries of the Central Institute of Fisheries Education, India.

Mr. Nagaraj will be providing inputs on the industry itself, including its players, the manner in which they operate, and their concerns.

***Dr. Chong Kee Chai – Institutional Specialist***

Dr. Chong is a fisheries economist who has had extensive experience in institutional development of fisheries and aquaculture. He has worked with numerous international organizations such as Asian Development Bank and



Food and Agriculture Organisation, United Nations. He was the head of the Bay of Bengal programme, which called for him to be involved in working with littoral countries of the Bay, such as India, Bangladesh, Myanmar, Indonesia and Malaysia. His last posting was with as project manager with World Bank in Indonesia, where he focused on Sustainable Management of Agriculture Research and Technology.

Dr. Chong will be discussing the various institutional models that can serve to meet the objectives of the proposed forum, their advantages and their limitations.

***Mr. K. Ramadass - Legal Specialist***

Mr. Ramadass has a background in Social Science as well as maritime administration, in addition to being a fully qualified lawyer. His diverse background has enable him to provide legal inputs into policies relating to maritime and shipping administration, water resource management and environmental issues. He has investigated legal issues relating to Integrated River Basin Management as well as Integrated Shoreline Management in Malaysia. Internationally, he has worked in South Africa, Afghanistan, Pakistan, India and Cambodia.

Mr. Ramdass will be providing the legal framework within which the proposed forum is expected to operate, and the extent to which compliance to its norms can be expected.



## APPENDIX 3

## List of Persons Met/Communicated

## MEETINGS

COUNTRY	ORGANISATION	DATE
<b><i>Philippines</i></b>		
Chrisma Salao	WWF-Philippines	19 <sup>th</sup> April 2012
Luz Teresa Baskinas	WWF-Philippines	19 <sup>th</sup> April 2012
Jessica Munoz	BFAR	20 <sup>th</sup> April 2012
Nygiel Armada	Tetra Tech	19 <sup>th</sup> April 2012
William Jalutun	Tetra Tech	19 <sup>th</sup> April 2012
Romy Trono	Conservation International - Philippines	19 <sup>th</sup> April 2012
<b><i>Indonesia</i></b>		
Jaya Wijaya	Ministry of Marine Affairs & Fisheries	28 <sup>th</sup> April 2012
Sudarsono (Kimpul)	WWF-Indonesia	28 <sup>th</sup> April 2012
<b><i>Malaysia</i></b>		
Rayner Dato' Stuel Galid	Department Of Fisheries Sabah	23 <sup>rd</sup> March 2012
Dr. Norasma Dacho	Department Of Fisheries Sabah	23 <sup>rd</sup> March 2012
Lawrence Kissot	Department Of Fisheries Sabah	23 <sup>rd</sup> March 2012
Godfery Kissey	Department Of Fisheries Sabah	23 <sup>rd</sup> March 2012
Hj. Gulam Sarwar Jan Mohammad	Department of Fisheries Malaysia	24 <sup>th</sup> April 2012
Maznah Othman	Department Of Fisheries Malaysia	24 <sup>th</sup> April 2012
Richard Rumpet	Department Of Fisheries Malaysia	24 <sup>th</sup> April 2012
Hjh Mahyam Mohd Isa	SEAFDEC	24 <sup>th</sup> April 2012
Abu Talib Ahmad	SEAFDEC	24 <sup>th</sup> April 2012
Ahmad Adnan Nuruddin	SEAFDEC	24 <sup>th</sup> April 2012
Prof. Dr. Nor Aieni Hj Mokhtar	National Oceanographic Directorate	24 <sup>th</sup> April 2012
Datin Hjh Shahima Ab Hamid	Marine Park Dept.	24 <sup>th</sup> April 2012
Dr. Connie Komilus	University of Malaysia, Sabah	24 <sup>th</sup> April 2012
Gangaram Pursumal	WWF Malaysia	24 <sup>th</sup> April 2012
Robecca Jumin	WWF Malaysia	22 <sup>nd</sup> March 2012

## TELECONVERSATION

COUNTRY	ORGANISATION	DATE
<b><i>Timor Leste</i></b>		
Aleixo L. Amral	Ministry of Agriculture and Fisheries	6 <sup>th</sup> April 2012
Fidelino Sousa Marques	Ministry of Agriculture and Fisheries	27 <sup>th</sup> April 2012
<b><i>Malaysia</i></b>		
Venkiteswaran Sankar	Legal Advisor, Federal Territory Chamber of Commerce	7 <sup>th</sup> May 2012
Tarlochan Singh	INFOFISH	2 <sup>nd</sup> May 2012

## E MAIL CONTACT

COUNTRY	ORGANISATION	DATE
<b><i>Papua New Guinea</i></b>		
Leban Gisawa	Department of Fisheries	May 3 <sup>rd</sup> 2012
Andrew Smith	Conservation International	May 3 <sup>rd</sup> 2012

## APPENDIX 4

### Listing of Potential Forum Models Examined

#### National Level Organizations

##### 1. *American Soybean Association*

Founded by American soybean farmers and extension workers, the American Soybean Association is one of the largest producer organizations of its kind in the world. Established in 1920, the Association was set in the face of major production and marketing challenges. The small, uncertain supply made many processors unwilling to crush the beans. Feed manufacturers and customers were leery of using the soybean meal and cake in animal rations. Through the American Soybean Association (ASA), early soybean farmers agreed that processors would underwrite the production of 50,000 acres at a guaranteed minimum price. With processors guaranteed a supply and farmers assured of a market, production increased.

In recent years, the ASA has grown into a major organization in its own right. Underpinning this growth has been the twin challenges of growing competition from other producer countries such as Canada, China and Indonesia as well competition from palm oil in the global trade in edible oils.

##### 2. *Canadian Canola Growers' Association*

This is a grouping of canola (rapeseed) producers from Western Canada that in 1984 joined together to form a national association. The focus of the association was to create an industry-based intermediary that could facilitate canola farmers to access cash advances under the Advanced Payment Program operated by Agriculture and Agri-Food Canada. Nearly 30 years later the CCGA has expanded its cash advance administrator portfolio to include over 20 grains and oilseeds. In addition, the CCGA has become a strong advocate for canola farmers on national and international issues and policies.



The Advance Payments Program (APP) is a financial loan guarantee program that gives producers easier access to credit through cash advances.

The Advance Payments Program (APP) provides producers with a cash advance on the value of their agricultural products during a specified period. By improving their cash flow throughout the year, the APP helps crop and livestock producers meet their financial obligations and benefit from the best market conditions. Under the APP, the federal government guarantees repayment of cash advances issued to farmers by the producer organization. These guarantees help the producer organization borrow money from financial institutions at lower interest rates and issue producers a cash advance on the anticipated value of their farm product that is being produced and/or that is in storage.

### *3. Federation of Malaysian Manufacturers*

Set up in July 2, 1968, Federation of Malaysian Manufacturers (FMM) is a broad grouping of Malaysian manufacturer groupings that has grown to become the largest industry organization in the country. FMM is an ISO9001:2008 certified company limited by guarantee and operates as a business organization. Led by captains of industry at Council, State Branches, issues-oriented Working Committees and Industry Groups, FMM represents the manufacturing sector at international, regional, national, state, local authorities and industry sub-sector levels.

FMM is a federation of associations, each of which maintain their individual autonomy. However, their large membership ensures that they are well funded and able to act as a lobby group with government agencies. Though membership networking is encouraged, in practice, the FMM leaves this to individual member associations and focuses more on broad issues affected the overall economic climate in which all industries need to operate.



#### 4. *Federation of Livestock Farmers' Association of Malaysia*

Established in 1974 to represent the interest of poultry and pig farmers, the Federation of Livestock Farmers' Associations of Malaysia (FLFAM) is a private, non-profit organisation covering the poultry, pig and more, recently, ruminant farming communities from the state and district member associations in Malaysia.

Its primary role is to provide a forum for the pig and poultry farmers for the discussion and collective actions towards seeking solutions for their common problems so as to safeguard their common interest. It also liaises with the government, trade, research and other interested groups, both within and outside the country, in order to serve the needs and promote the welfare of the farming community. It aims to encourage its members to make available adequate supplies of quality protein food to consumers at reasonable prices and, by this, to generate revenue for the livestock industry.

As with the FMM, the FLFAM is a federation of associations, each of which maintain their individual autonomy. However, the compelling reason for the federation was the growing concern for the industry to deal with major issues such as feed costs, food safety standards and price controls imposed by the government (this is particularly true of chicken). This is further exemplified by the fact that ruminant farmers for a long time found no need to join the Federation, since they faced none of the problems that the swine and chicken growers did.

### **Regional**

#### 1. *ASEAN Fisheries Federation*

ASEAN Fisheries Federation (AFF) was originally set up in 1989 as an association of private sector of fisheries industry affiliated to ASEAN with its main objective to promote and coordinate all activities relating to fisheries and fisheries-based products. The Constitution of the ASEAN Fisheries Federation forms the basic framework for administration and operation.



The AFF has been involved a number of fishery issues, particularly in relation to trade and export of fish and fishery products including a ban on the antibiotic called chloramphenicol.

In particular, the AFF had planned to undertake the following:

- Establish an ASEAN veterinary drug surveillance and control initiative (to enhance monitoring and control over the use of drugs, both veterinary and non-veterinary);
- Encourage the establishment of an ASEAN Sea Food safety Information network;
- Develop ASEAN Sea Food safety standards;
- Establish or enhance ASEAN Sea Food Safety Reference Laboratory(ies);
- Promote and support ASEAN Sea Food Trade Risk Assessment; and
- Identify the key elements of an ASEAN food safety system. (Once this is established, then there is a possibility to determine the training, information and networking needs. This group could cover areas of regional interest such as HACCP, CoC or GAP and training).

The AFF is currently dormant.

## *2. Roundtable for Sustainable Palm Oil (RSPO)*

The Roundtable on Sustainable Palm Oil (RSPO) was formed in 2004 with the objective of promoting the growth and use of sustainable oil palm products through credible global standards and engagement of stakeholders. The seat of the association is in Zurich, Switzerland, while the secretariat is currently based in Kuala Lumpur with a satellite office in Jakarta. RSPO is a not-for-profit association that represents stakeholders from seven sectors of the palm oil industry (oil palm producers, palm oil processors or traders, consumer goods manufacturers, retailers, banks and investors, environmental or nature conservation NGOs and social or developmental NGOs) to develop and implement global standards for sustainable palm oil.



Some of the key achievements of the organization so far include:

- Establishment of the RSPO Principles & Criteria (P&C) for certification of mills and plantations;
- Formation of Working Groups on Green House Gases to address climate change issues;
- Smallholder Task Force to protect the rights of small farmers planting oil palm; and
- Biodiversity Technical Committee to work out biodiversity issues pertaining to sustainable production and biodiversity protection and conservation.

It is pertinent to point out that the RSPO was formed to meet the global (mostly European) concerns over the impact of oil palm development on indigenous people and tropical biodiversity. Based on early trials in Ghana, the marketability of sustainably produced palm oil was proven, driving producers to come up with a series of global standards for that purpose. The process was further facilitated by international NGOs such as WWF International. RSPO's Principle and Criteria certification system is widely used by the industry to qualify sustainably produced palm oil as CSPO (Certified Sustainable Palm Oil).

### *3. ASEAN Chamber of Commerce and Industry (ASEAN-CCI)*

The ASEAN – CCI is a regional umbrella for the local chambers of commerce in its member countries. ASEAN-CCI strives to foster closer relations and cooperation among its constituent members, as well as those regional and international organizations, which have similar aims and objectives. The constituent members are chamber of commerce and industry - local organizations of businesses whose goal is to further the interests of businesses. Business owners in towns and cities form these local societies to advocate on behalf of the business community. Local businesses are members, and they elect a board of directors or executive council to set policy for the chamber. Membership in an individual chamber in an area can range significantly, depending on the number of businesses involved.



The ASEAN CCI is the main channel of private sector participation in ASEAN rests with the ASEAN-CCI, which is also the main channel of communication between ASEAN and the private sector. The Permanent ASEAN-CCI Secretariat has been established at the premises of the ASEAN Secretariat in Jakarta, though the website cites a Singapore address as well. The First ASEAN Business Summit held in Jakarta in March 1997 was organized by the ASEAN-CCI and drew some 600 participants from all over the world. However, there have been no business summits in recent years.

#### *5. Federation of ASEAN Shippers' Council*

As with the ASEAN Fisheries Federation, the Federation of ASEAN Shippers' Councils (FASC) was set up to bring together shipping councils of ASEAN member states. Founder members include the Indonesian National Shippers' Council, Malaysian National Shippers' Council, Philippine Shippers' Bureau, Singapore National Shippers' Council and Thai National Shippers' Council while Australian Peak Shippers' Association, China Shippers' Association, Hong Kong Shippers' Council, Korean Shippers' Council, Macau Shipper's Association, Shippers' Council of Bangladesh and Sri Lanka Shippers' Council; the Japan Shippers' Council were associate members.

FASC's main mission is to monitor and address all aspects, which may impact on the competitiveness of the ASEAN exports, particularly inland transport, port services and sea transport. The individual councils maintained their respective autonomy and independence, their members being drawn from national export commodity/product associations, including associations dealing with export services.

Like the AFF, however, the FASC is largely defunct. Again, outside of the political advantages of being as an ASEAN initiative, there appears to have been no compelling interest in sustaining the FASC. The shipping industry is fiercely competitive, which each country holding on strongly to meeting the demands of their own domestic constituencies.

The shipping industry is global in nature and international organizations such as International Maritime Organization had far more pervasive influence over their standards and procedures than did the regional body.



Bereft of a common goal or vision, the FASC, like AFF appears to have become almost dormant. However, unlike AFF it is still listed as an associated entity in the ASEAN website.



## APPENDIX 5

### Evaluation of Potential Host Institutions

#### 1. *Southeast Asian Fisheries Development Center (SEAFDEC)*

The Southeast Asian Fisheries Development Center (SEAFDEC) is an intergovernmental organization established in December 1967 for the purpose of promoting sustainable fisheries development in the region. Its current Member Countries are Brunei Darussalam, Cambodia, Indonesia, Japan, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. Representing the Member Countries is the Council of Directors, the policy-making body of SEAFDEC. The chief administrator of SEAFDEC is the Secretary-General whose office, the Secretariat is based in Bangkok, Thailand.

In achieving the objectives and mandate of the Center, four technical Departments were established to undertake various technical disciplines of fisheries, namely

##### Training

Established in 1968 in Thailand, TD has been focusing on the development of modern fishery techniques to aid regional fisheries in a more sustainable approach through the promotion of responsible fishing technologies and practices, exploration of resources, and advancing the coastal fisheries management approach. With the new TD Strategic Plan endorsed in 2006, TD's structure and activities have been adjusted to emphasize on the promotion of coastal fisheries management to ensure responsible resource utilization and sustainable livelihoods of coastal communities; the promotion of off-shore fisheries through the development of best fishing practices and energy optimization to ensure stable supply of food fish and reduce fishing pressure in coastal areas.



### Marine Fisheries Research Department

Established in 1969 in Singapore, MFRD is responsible for promoting, undertaking, and coordinating research in fisheries post-harvest technology and furthering the development of the fish processing industry in the region. Its task includes research and development of fishery post-harvest technology and practices, which includes fish processing technology to maximize utilization of harvested fish and enhancing the quality of fishery products. MFRD also develops technology-based analytical methods to assess seafood safety and quality and publishes several manuals as reference materials for Member Countries.

### Marine Fishery Resources Development And Management Department

MFRDMD was established in 1992 in Malaysia with its mandate to conduct activities on marine fisheries resources. Focus activities of the Department are on biological studies of commercially important fish species, resource assessment and management, and conservation and management of aquatic species under international concerns, e.g. sharks and marine turtles. MFRDMD also implements activities to support Member Countries in information gathering of inland capture fisheries, and the use of indicators for sustainable development and management of fisheries.

## *2. INFOFISH*

INFOFISH is the acronym for the Intergovernmental Organization for Marketing Information and Technical Advisory Services for Fishery Products in the Asian and Pacific Region. It was initially established in 1981 as a regional project of the FAO covering the Asia-Pacific region and based in Kuala Lumpur, Malaysia. The organization was established as an intergovernmental organization under a convention which was adopted at a conference convened by FAO in Kuala Lumpur in 1985 and which entered into force in March 1987.

The objectives of INFOFISH are:

- To enable the fisheries of its government partners to develop in accordance with current and future market demand and to take full advantage of the potential offered by their fishery resources;





- To contribute to the upgrading and modernization of fisheries of the Contracting Parties;
- To contribute to more balanced supplies of fishery products to the Contracting Parties;
- To make the best use of export opportunities within and outside the Asia and Pacific region; and
- To promote technical and economic cooperation among its various partner countries.

Towards this end, INFOFISH

- Provides to its Members marketing information on fishery products, including sales opportunities and supply prospects within and outside the Asia and Pacific region;
- Advices on technological developments, product specifications, processing methods and quality standards in accordance with market requirements;
- Assists in developing new products and marketing opportunities for fishery resources that are not fully utilized for human consumption;
- Assist in the planning and implementation of national fish market information and research activities in Member Countries; and
- Trains staff in governments, institutions and industry in marketing development and strengthen national institutions involved in this field.

Though initially financed by donor funds from Norway disbursed through FAO, it is now mainly dependent mainly on its own income-generating activities and annual contributions provided by member governments.

In addition to providing market information and intelligence, INFOFISH has been remarkably successful in organizing business conferences for different fishery industry groups, engendering networks and linkages among the. The most successful of these have been in relation to shrimp, tilapia and tuna industry. INFOFISH has achieved this by having focused business conferences



that address technical as well economic issues collectively. This has attracted the larger commercial entities involved in these sectors.

### *3. Network of Aquaculture Centres in Asia (NACA)*

NACA was first set up as UNDP/FAO regional project in August 1980. Its purpose was to expand the development of aquaculture in the region. Its development objectives were to: increase production of fish; improve rural income and employment; diversify rural farm production; and enhance foreign exchange earnings and savings. In terms of mandate, its primary objectives are in line with those of the LRFFT forum.

These objectives were to be achieved through coordinated action programmes implemented by a network of regional and national centres and associated institutions and bodies. NACA became an independent intergovernmental body in 1990, making it possible for NACA to continue as a focal point for the implementation of multilaterally and bilaterally funded regional and national projects.

Relevant to the LRFFT Forum would be the Regional Aquatic Resources Management (STREAM) initiative, which is a regional effort to support learning and communication about aquatic resource management, which aims to improve the livelihoods of poor people who depend on aquatic resources.

STREAM has the following themes:

- The promotion of approaches based on an understanding of the livelihoods of recipients of aquatic resource management service provision including raising awareness and building capacity in livelihood approaches amongst government and non-government service providers.
- Supporting communications about aquatic resource management, by facilitating learning and sharing of lessons, via physical and digital networks increasing access to available strategies, processes and practices and by enabling recipients of service provision to take a more active part in the design and implementation of policies and services.



- Supporting the development of policies and institutions in ways that address the objectives of poor people who depend on aquatic resources. The "voices" and communication and policy changes supported by STREAM will eventually help shape the policies of the organization itself, ensuring NACA's programme development and support is responding to the needs of poorer members of our Asian societies.

Though the overall objectives of STREAM is in tandem with what the LRFFT forum is eventually expected to deliver to the producers involved, however, it still doesn't involve a mechanism of bringing them under a single umbrella.

Instead, the focus appears to me directed towards socio-economic goals, particularly poverty alleviation among rural communities. Though there are poor among the LRFFT operatives, the proposed forum would also involve a significant numbers who are financially successful, STREAM is also broad based in its approach, and not specific to any commodity grouping, though the LRFFT could be viewed as a subset of the overall constituency it aims to address.

#### *4. BIMP-EAGA Business Council (BEBC)*

BIMP-EAGA was launched in 1994 as a cooperation initiative by Brunei Darussalam, Indonesia, Malaysia, and the Philippines, all of which are member-countries of the regional Association of Southeast Asian Nations (ASEAN). The objective behind the creation of BIMP-EAGA was to accelerate economic development in the four countries' "focus areas" which, although geographically distant from their national capitals, are in strategic proximity to each other, in one of the world's most resource-rich regions.

The BIMP-EAGA initiative is market-driven, and operates through a decentralized organization structure involving the four governments and the private sector. The private sector participates in the Working Groups by providing inputs for policy formulation, helping to prioritize projects, and implementing cross-border economic projects. The BIMP-EAGA Business Council (BEBC) serves as an umbrella organization for the private sector in the sub region and enjoys "fifth country" status in EAGA cooperation.

The BEBC would have been a potential candidate to host the proposed forum since its geographical coverage dovetailed with the major live reef fish-producing region in CT6 cluster. However, the BEBC has several major limitations:

- Its reach does not extend to Papua New Guinea, Timor Leste and Solomon Island, effectively leaving out half the CT6 countries.
- Notwithstanding its lofty objectives, the BEBC has had only a limited success thus far even with its member countries. The main reason is that there is a lack of synergy among the economies of the region and thus little incentive to actually work together for mutual benefit. Issues such as overlapping maritime and territorial claims have also complicated.

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## I. NAME AND REGISTERED PLACE OF BUSINESS

- 1.(a) The Chamber shall be known as the Dewan Perniagaan dan Perindustrian India Kuala Lumpur dan Selangor. (Kuala Lumpur and Selangor Indian Chamber of Commerce and Industry). Its registered place of business shall be situated at No. 116, Jalan Tuanku Abdul Rahman, Kuala Lumpur. The registered place of business shall not be changed without the prior approval of the Registrar of Societies.
- (b) The emblem of the Chamber shall be a gold key 1¼" long enclosed in a rectangle 1½" x 1" with the words "The Key To Success".

## II. AIMS AND OBJECTS

2. The objects for which the Chamber is established shall be for the promotion, protection and advancement of all interests affecting trade and industry of the Malaysian Indian Community. In furtherance of these objects, the Chamber shall be empowered;
  - (a) to co-operate with the Government of Malaysia, State Governments and public bodies in Malaysia in furtherance of the economic development and prosperity of Malaysia with particular reference to the promotion of the investment and trade and advancement of Indian business interests and businessmen;
  - (b) to promote and facilitate commerce and industry in Malaysia and between Malaysia and foreign countries and the interests of persons engaged in such commerce and industry;
  - (c) to collect, collate and disseminate statistical and other information relating to commerce and industry;

- (d) to promote and constructively comment on legislations or other measures affecting commerce and industry;
- (e) to mediate in controversies between members of the Chamber with the prior permission of the members concerned;
- (f) to arbitrate in the matter of disputes arising out of commercial transactions between members of the Chamber and/or other parties willing or agreeing to abide by the judgement and decision of the Chamber;
- (g) to sell, improve, manage and develop, exchange, lease, mortgage, dispose of or otherwise deal with all or any part of the property of the Chamber;
- (h) to provide facilities for holding and conducting sale of properties, arbitrations, meetings of creditors, meetings of companies or other like matters.
- (i) to communicate with other Chambers of Commerce and industry and other mercantile and public and private bodies throughout the world and promote measures for facilitation of trade;
- (j) to construct upon any land acquired by the Chamber any building or buildings for the purposes of the Chamber and to alter, add or remove any building upon any such land;
- (k) to borrow or raise any monies required for the purposes of the Chamber upon such terms and in such manner and on such securities as the Chamber may determine;

- (l) to subscribe to, become a member of or co-operate with any lawful Association whether incorporated or not whose objects are wholly or in part similar to those of the Chamber's;
- (m) to establish and support, or aid in the establishment and support of associates, institutions, funds or trusts calculated to benefit employees or ex-employees of the Chamber, of the dependents or connections of such persons, to grant pensions or allowances, to make payments towards insurance and to subscribe or guarantee money for any charitable or patriotic purposes of any exhibition or for any public, general or useful objects;
- (n) to invest in quoted and unquoted shares and unit trusts or place on deposit with licensed financial institutions the surplus funds of the Chamber from time to time.

### III. DEFINITIONS

- 3. (a) "CHAMBER" means Dewan Perniagaan dan Perindustrian India Kuala Lumpur dan Selangor (Kuala Lumpur and Selangor Indian Chamber of Commerce and Industry).
- (b) "INDIAN" as applied to person/persons shall mean persons, company or firm of Indian origin or with 51% Indian shareholdings residing in or operating a business in Kuala Lumpur and/or in the State of Selangor. It also includes any person of Sri Lankan origin.
- (c) "MEMBER" means a member of the Chamber and shall include Associate member where the context so admits.

- (d) "GENERAL MEETING" means a General Meeting of the members of the Chamber.
- (e) "PRESIDENT" means the President of the Chamber elected in the manner prescribed by these rules.
- (f) "DEPUTY PRESIDENT" means the Deputy President of the Chamber elected in the manner prescribed by these rules.
- (g) "VICE-PRESIDENT" means the Vice-President of the Chamber elected in the manner prescribed by these rules.
- (h) "HON. SECRETARY-GENERAL" means the person appointed as Hon. Secretary-General of the Chamber in the manner prescribed by these rules.
- (i) "ASST. HON. SECRETARY-GENERAL" means the person appointed as the Assistant Hon. Secretary-General of the Chamber in the manner prescribed by these rules.
- (j) "HON. TREASURER" means the person elected as Hon. Treasurer of the Chamber in the manner prescribed by these rules.
- (k) "COUNCIL" means the Management Council of the Chamber elected in the manner prescribed by these rules.
- (l) "AUDITOR" means person or persons of a firm of Certified Accountants appointed as Auditors of the Chamber in the manner prescribed by these rules.
- (m) "COMPANY" means any incorporated Company carrying on business in Malaysia.
- (n) "FIRM" means one or more persons carrying on business in partnership or otherwise.

- (o) "COUNCIL MEMBERS" means persons elected or appointed to the Council in the manner prescribed by the constitution.

#### **IV. ELIGIBILITY OF MEMBERSHIP**

- 4. Any Indian Company operating in the Federal Territory of Kuala Lumpur and/or in the State of Selangor shall be eligible for membership of the Chamber.

#### **V. ADMISSION OF MEMBERS**

- 5. An application for membership shall be proposed by one member and seconded by another in writing and shall be accompanied by the entrance fee and Subscription as prescribed by these Rules.
- 6. Admission of new members shall be by a majority vote of the Council present.
- 7. A rejected application may not be again proposed for admission in accordance with Clause (5) until the lapse of at least six months from the date of the rejection of such application.
- 8. An applicant shall be considered a member of the Chamber only on the payment of entrance and membership fees upon such admission.
- 8. (a) In order to exercise voting rights at Annual General Meetings, the member concerned should have at least six (6) months (from the date of approval) membership of the Chamber prior to such meetings. During this period the members are classified as probationary members only.

8. (b) Each members shall be represented at all meetings of the Chamber through a natural person who shall be nominated by them as a principal representative or by another who shall be nominated as his / their alternate. Such nominations shall be made in writing on the members official stationary and shall remain in force until the member makes a change therein in writing at any time during the currency of their membership. These nominees shall be Directors / Partners / Shareholders of the members company or be their senior employees as declared by them. No changes shall be made to such nominations within a period of 7 days prior to the date of the meeting.

#### **VI. ASSOCIATE MEMBERS**

9. Any Indian who has submitted an application for membership in due form and paid the necessary dues shall be admitted as a member of the Chamber by the major ity vote of the Council. All other applicants shall be admitted as associate members at the sole discretion of the Council. Associate members shall be entitled to all the amenities and privileges of members but shall not vote at meetings of the chamber or serve on the Council except that they may be invited to sit as observers or as advisers of the Council.
- 10.(a) The Council may invite any person / company / firm to be honorary members of the Chamber from time to time. Such membership shall be for such periods as the Council decides. Honorary members shall be required to complete and submit a form of application for membership but shall not be required to pay any entrance fee, subscriptions or other fees to the Chamber during their tenure of membership. They shall not be eligible to vote at General meetings but may be invited to serve on the Management Council at the discretion of the Council.

- 10.(b) Any Indian who completes the form of application for membership and pays a lump sum of RM5,000.00 shall be admitted as a "Life Member".

#### **VII. ENTRANCE FEE AND SUBSCRIPTION**

11. The Entrance Fee and Subscription shall be such sums as the Chamber at its General Meeting may from time to time by rules prescribe, but until otherwise prescribed the entrance fee for a member shall be RM200.00 (Ringgit Malaysia Two Hundred only) and the Subscription shall be RM240.00 (Ringgit Malaysia Two Hundred and Forty only) per annum payable half yearly in advance. Entrance fee and Annual subscription for an associate member shall be RM100.00 (Ringgit Malaysia One Hundred only) and RM100.00 (Ringgit Malaysia One Hundred only) respectively.

#### **VIII. CESSATION OF MEMBERSHIP**

12. A member shall cease to be a member of the Chamber if:-
- (a) being a firm, a receiving or adjudication order made against the firm.
  - (b) being a company a resolution shall have been duly passed or an order of a Court of Competent jurisdiction made for the winding-up of the company shall be registered in the territory of or managed or controlled by the subjects of a State at war with Malaysia;
  - (c) if any receiving or adjudication order in bankruptcy is made against the member or against all or any of the partners of such firm or if the member shall make or enter into any arrangement for composition with his creditors;



- (d) his annual subscription is six months in arrears and the member thereafter fails to pay such fee or subscription within one month from the date on which written notice requiring payment thereof is sent to the member by the Secretary-General.
  - (e) a notice in writing is sent to the Secretary General that membership is resigned;
  - (f) if the member ceases to carry on business in Malaysia, or is altogether prevented from carrying on business in Malaysia by virtue of any legislation for the time being in force;
  - (g) if the member ceases to meet the criteria for membership;
  - (h) the decision of the Council as to whether any member has come within the provision of this Article shall be final and binding on such member subject to the member's right of appeal at a General Meeting.
- 13.(a) Any member who ceases to be a member in pursuance of this Article shall be liable to pay all arrears of subscription due by him at the date of so ceasing to be a member;
- (b) A firm shall not cease to be a member by reason only of a change in the Constitution of the firm occasioned by the admission or retirement or death of a partner provided the business of the firm is carried on under the conventional name in which such firm became or was elected a member.
- (c) If by reason of death or retirement there remains only one surviving or continuing partner of a firm who acquires and continues the business in the firm's name

he may on application and without election be registered as a member in place of the firm provided application for registration is made within one month after the dissolution of the firm.

14. Subject to there not being any significant change in the construction of the member's business a change in name of a members shall not affect membership and such member may on application and without election be registered as a member under the new name provided application is made within one month or such further period as the Council may determine from the date of change of name, and subject to the provision of any further particulars as the Council may direct in order to determine whether or not there has been any significant change in the construction of the business.

#### **IX. EXPULSION**

15. If any member in the opinion of the Council fails to conform to any of the published rules and regulations of the Chamber, or is guilty of conduct derogatory to the dignity or injurious to the reputation or interests of the Chamber, the Council may by notice addressed to such member setting out the matter alleged against such member, call upon such member to show cause why he should not be expelled. Should any such member fail within two weeks from the service of such notice to show good cause the Council shall appoint a Disciplinary Board of six members to consider whether or not such member should be expelled from the Chamber.
16. The member who is proposed to be expelled and in the case of such a member being a firm or company shall be permitted to address the Disciplinary Board in person through a representative or to require the Chairman thereof to read a written statement with reference to the matter complained of.

17. If majority of the members of the Disciplinary Board are in favour of expelling such member from the Chamber, such member shall be expelled accordingly and shall cease to be a member of the Chamber subject to clause (18).
18. The decision of the Disciplinary Board shall be subject to confirmation of 2/3 majority of the Council.
19. A member expelled from the Chamber under these rules shall not be considered for re-admission as a member for a period of two years from the date of his so ceasing to be a member.

## **X. OFFICERS AND COUNCIL**

- 20.(a) The affairs of the Chamber shall be managed by a Council consisting of the following elected at every alternate Annual General Meeting:-

1 (one) PRESIDENT  
1 (one) DEPUTY PRESIDENT  
1 (one) VICE-PRESIDENT  
1 (one) HON. TREASURER  
14 (fourteen) ORDINARY COUNCIL MEMBERS

The President shall from amongst this 14 elected Ordinary Council Members appoint 1 (one) as the Honorary Secretary General and another as the Assistant Honorary Secretary General.

- 20.(b) The Council may appoint up to 6 (six) other persons as ordinary Council Members.
- 20.(c) The President, Deputy President, Vice President, Honorary Secretary General, Assistant Honorary Secretary General and Honorary Treasurer shall constitute an

Executive Committee which shall manage the affairs of the Chamber on a day to day basis and in between Council Meetings.

- 20.(d) All office bearers of the Chamber and every other person performing executive functions in the Chamber shall be Malaysian Citizens.
21. The Council shall have power to appoint the required staff for the efficient running of the Chamber at such remuneration and on such terms and for such period as the Council may fix.
22. The office of the President, Deputy President, Vice President, Hon. Secretary-General, Assistant Hon. Secretary-General, Hon. Treasurer or member of the Council shall be vacated if:-
  - (a) the person holding the office be found to be lunatic or of unsound mind;
  - (b) being a member of the Chamber at the time of election he ceases to be a member, or being at the time of his election a representative of the member of the Chamber ceases to be representative of that member or that member ceases to be a member of the Chamber;
  - (c) absents himself from three consecutive meetings of the Council without special leave of absence from the Council and they pass a resolution that he has by reason of such absence vacated his office;
  - (d) by notice in writing given to the Chamber that he resigns his office and such resignation is accepted by the Council;

(e) he be removed from the office by an extraordinary resolution of the Chamber.

23. The Council may act notwithstanding a vacancy in its members provided that the number of the Council including the President, Assistant President, Vice-President, Hon. Secretary General, Assistant Hon. Secretary General and Hon. Treasurer is not below ten.
24. A President, Deputy President, Vice President, Hon. Treasurer and not more than 14 ordinary Council members provided in Clause (20) shall be elected at every alternate Annual General Meeting of the Chamber by secret ballot.
25. The President, Deputy President, Vice President, Hon. Secretary General, Assistant Hon. Secretary General and all members of the Council shall retire at every alternate Annual General Meeting.

#### **XI. VACANCIES IN OFFICE**

26. If any vacancy shall occur in the office of the President, it shall be filled by the Deputy President. If any vacancy shall occur in the office of the Deputy President it shall be filled by the Vice President. If any vacancy shall occur in the office of the Vice President, Hon. Secretary-General, Asst. Hon. Secretary General or Hon. Treasurer, the Council shall elect one of their member to fill such vacancy until the next Annual General Meeting. Any casual vacancy in the Council may be filled by the Council from its members.
27. The President shall not hold office for more than two consecutive terms but shall be eligible for re-election after lapse of one term.

#### **XII. PROCEEDINGS OF THE COUNCIL**

28. The Council shall meet at such times as it shall deem advisable, but not less than once in every two months and may make such regulations as it thinks proper as to the summoning and holding of meeting of the Council and for the transaction of business at such meetings and record of the proceedings shall be open to the inspection of members subject to such regulations as the Council may from time to time deem expedient. At least seven days notice of the Council Meeting shall be given to all Council Members.
29. The President or if he shall be absent, then the deputy President shall be Chairman of the Council. In the absence of the President and the Deputy President, the Council shall elect one from among them present as Chairman for the meeting.
30. One half of the total number of the members of the Council shall form a quorum for the transaction of business.
31. The Council shall have powers to appoint either permanent or special Committees to deal with all matters affecting the interests and welfare of all members. The President of the Chamber shall appoint the Chairman of committees.
32. The management of the business and funds of the Chamber shall be vested in the Council who in addition to the powers by these rules conferred on them may exercise all such powers and do all such acts, things as may be exercised or done by the Chamber and are not hereby by law expressly directed or required to be exercised or done by the Chamber in General meeting.

### **XIII. POWERS OF COUNCIL**

33. The Council may from time to time exercise all or any of the following powers:-

- (a) Appoint any committees which may be permanent or temporary or for special purposes as the Council may determine;
- (b) Delegate, subject to such conditions as it thinks fit any of its powers to any Committees or Sub-committees, and to make, vary and repeal bye laws or rules for the regulation of the proceedings of Committees or Sub-committees;
- (c) Make, vary and repeal bye-laws or rules in the application for membership form, and for the regulation of the business of the Chamber or of the Officers or servants of the Chamber, or of any departments or sections of the Chamber, and particularly for the conduct of arbitration and election of a member to represent the Chamber in Legislative and public bodies;
- (d) appoint such officer, clerks, agents and servants for such permanent, temporary or special services as it may think fit and at its pleasure remove or suspend the same and may determine their powers and duties and fix their salaries, wages, commission or emoluments and require security in such instances and to such amount as it may think fit;
- (e) purchase, take or lease or otherwise acquire any land, building, houses or immovable property as may be required or deemed expedient for the purpose of the Chamber.

- (f) purchase all articles and things which may from time to time be required by the Chamber and pay for the same in cash or otherwise as may be deemed expedient;
- (g) undertake on behalf of the Chamber payment of all rent and the performance of all covenants, conditions and agreements contained in or reserved by any deed or control to which the Chamber may be a party, or which may have been assigned to the Chamber, insure and keep insured, if deemed expedient all or any of the buildings, articles or other property of the Chamber, insure against consequential loss through fire or the Chamber's revenue and/or standing charges and execute all deeds, agreements, contract receipts and other documents that may be necessary or expedient for the purposes of the Chamber;
- (h) commence, institute, prosecute and defend all such actions and suits as the Council may deem necessary or expedient on the part of the Chamber and to compromise or submit to arbitration the same actions and suits as the Council in its discretion may think fit;
- (i) make and give receipts, release and other discharges for money payable to the Chamber and for the claims and demands of the Chamber;
- (j) determine the manner in which bills, notes, receipts, acceptances, endorsements, cheques, releases, contracts and documents shall be signed or executed by or on behalf of the Chamber.
- (k) execute in the name and on behalf of the Chamber in favour of any member of the Council or other person who may incur or be about to incur

any personal liability for the benefit of the Chamber such mortgages of the Chamber's property (present and future) as it may think fit and any such mortgage may contain a power of sale and such other powers, covenants and provisions as shall be agreed upon;

- (l) invest and deal with any of the monies of the Chamber not immediately required for the purpose thereof upon such securities and in such manner as it may think fit and from time to time vary or realize such investments;
- (m) open current or deposit account with a leading bank or banks in Kuala Lumpur in the name of the Chamber.
- (n) raise or borrow any sum or sums of money for the purpose of the Chamber and secure the repayment of such money in such manner and upon such terms and conditions in all respects as it may think fit;
- (o) all monies so derived from investments, donations and any profits from securities, should be solely used for the benefit of the Chamber and no monies shall be paid in the form of dividends to any office bearers or members except for honorarium paid to office bearers;
- (p) enter into arrangements upon such terms and subject to such conditions as the Council may deem desirable for working in connection with any Association organised for the protection or better development of any branch of trade, commerce or manufacture in Selangor, or any part of Malaysia or with objects that may apply to be allowed to work in connection with the Chamber provided the objects for which such Association

is or shall be formed are not inconsistent with the objects of the Chamber;

- (q) make such bye-laws as the Council may consider expedient for the regulation of the joint workings of the business of any association connected with the Chamber or for the purpose of defining the terms and conditions of the joint-working of the business of such Association or as may from time to time be agreed upon between such Association and the Council;
- (r) appoint, as occasion may require and upon such terms as may be decided upon an arbitrator or arbitrators not exceeding three in number to decide any case submitted to them for arbitration. The arbitration shall not be proceeded with until submission to arbitration has been executed by all the parties concerned binding themselves to abide by the award of the arbitrator or arbitrators. A copy of the proceedings and awards shall be deposited with the Secretary of the Chamber for record. Such arbitration proceedings shall be in accordance with the provisions of the arbitration ordinance. The fees for such arbitration shall be agreed between the parties concerned and shall be up to a maximum of 5% of the amount disputed or the settlement sum. The Chamber may pay any portion of such fees to the arbitrators for their services.
- (s) the Council shall have power as and when necessary to raise funds for the purchase of a suitable building site and erecting thereon a permanent building for the Chamber on such terms and conditions as it may think fit.

#### **XIV. GENERAL MEETING**

34. The Annual General Meeting shall ordinarily be held on or before the 31<sup>st</sup> day of March in every year.
35. The Council or the President may as the case may be, upon a requisition made in writing by not less than one hundred of the voting members of the Chamber, within thirty (30) days proceed to convene a Special General Meeting.
36. Any requisition made by members shall express the object for which it is desired that the meeting be called and shall be left in the registered office of the Chamber. It must be signed by the requisitionist and may consist of several documents in like form, each signed by one or more requisitionists.

#### **XV. PROCEEDINGS AT ANNUAL GENERAL MEETING**

37. The Council shall within thirty (30) days of the receipt of such requisition proceed to convene a Special General Meeting. If it does not proceed to convene the same within one month of the receipt of the requisition, the requisitionists or a majority of them may themselves proceed to convene a Special General Meeting to be held within two months from the date of the deposit of the requisition on such day and at such place as the persons convening the same may determine. Any meeting convened under the clause by the requisitionist shall be convened in the same manner as nearly as possible as that in which meetings are to be convened by the Council.
38. Twenty-one days notice to the members specifying the place, date day and hour of the meeting shall be given by post or otherwise served on all members.

39. The business of the Annual General Meeting shall be as follows:-

- i) To receive and adopt the Annual Report for the previous year.
  - ii) To receive and adopt the audited financial statements for the year ended 31 December of the previous year.
  - iii) To elect auditors and
  - iv) To transact any other ordinary business of which 14 days notice shall have been sent to the Honorary Secretary-General which under these Rules ought to be transacted at the Annual General Meeting.
40. To elect office bearers at every alternate Annual General Meeting in compliance with Article 20
  41. All other business transacted at an Annual General Meeting and all business transacted at a Special General Meeting shall be deemed Special.
  42. No business shall be transacted at any General Meeting unless a quorum of members is present at the time when the meeting proceeds to business. The quorum for a General Meeting shall be one half the total number of voting member or twice the number of the Council members which ever is the lower.
  43. If within one hour from the time appointed for the meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved; in any other case, it shall stand adjourned to such day in the next week and at such time and place as the Council or President may decide.

44. If half an hour after the time and date stipulated for any adjourned meeting, there is no quorum, the members present shall constitute a quorum BUT cannot make decisions altering the constitution. However normal business of the AGM of which due notice had been given shall be transacted.

## **XVI. PRINCIPAL OFFICERS**

45. The President or in his absence the Deputy shall preside as Chairman at every General Meeting of the Chamber. If there be no such President or Deputy-President or if at any meeting neither shall be present within thirty minutes after the time appointed for holding such meeting or shall decline to take, or shall retire from the Chair, the members of the Council present shall choose one of their member to be the Chairman of the meeting.
46. The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

## **VICE PRESIDENT**

- (a) The Vice President shall assist the Deputy President in his duties and act for the Deputy President in his absence.

## **HON. SECRETARY -GENERAL**

- (b) The Hon. Secretary-General shall be responsible for convening all meetings of the Chamber when directed to do so by the Council. He shall be responsible for ensuring

the correctness of all records, books, registers of members and minutes of meetings. He will have overall supervision of the administration of the Chamber and ensure the discipline of such staff and officers as may be employed by the Chamber.

## **ASSISTANT HON. SECRETARY-GENERAL**

- (c) The Assistant Hon. Secretary-General shall assist the Hon. Secretary-General in his duties and act for him during his absence.

## **HON. TREASURER**

- (d) The Hon. Treasurer shall be responsible for all matters relating to the finances of the Chamber. He shall maintain a proper record of all income and expenditure and prepare periodical accounts. He shall collect and disburse all monies on behalf of the Chamber and maintain correct accounts of all money transactions. He shall cause the preparation of balance sheets for audit purposes and report to the Annual General Meetings.

## **XVII. VOTES OF MEMBERS**

47. Every member present shall have only one vote which shall be cast by their principal or alternate representative who should be present personally.
48. At every General Meeting (except such meetings during which election of officers takes place) all questions shall be determined by a show of hands. For purposes of election of officers of the Chamber, only secret ballot is permitted as provided in the rules and procedure of balloting. A declaration by the Chairman of any general

meeting that a resolution has been carried by a show of hands or by ballot thereat shall be conclusive and an entry to the effect in the book of proceedings of the Chamber shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

## **ELECTION PROCEDURE**

49. (a) The Chairman of the meeting shall have a casting vote in addition to his own vote as a member.
- (b) Every member entitled to vote shall have the right to nominate any member for any office of the Chamber.
- (c) Members of the Chamber who wish to stand as contestants for office in the Management Council should have continuous membership for a minimum period of 24 months from the date of approval. Those who wish to serve as "President and/or Deputy President" should have completed one full term of 24 months in the Management Council.
- (d) Such nomination duly proposed and seconded and agreed to by the nominee shall be sent to reach the Hon. Secretary-General within three (3) clear days (or 72 hours) before the General Meeting where elections take place.
- (e) On receipt of the nominations, the Secretariat will arrange to prepare the relevant ballot papers for the election of office-bearers and on the day appointed for the General Meeting will come to the polling location in person and cast the vote in the presence of accredited scrutineers.
- (f) A candidate may be nominated and stand for election to more than one office but shall, if elected, serve only in one office relinquishing others.

- (g) The Council shall appoint beforehand a Returning Officer and a Panel of Scrutineers comprising of members who are not standing for election or proposing and seconding any candidate for election, or persons from outside the Chamber.
- (h) The Scrutineers, after collecting all ballot papers shall scrutinise the documents and declare the results in writing to the Chairman of the meeting who will make the relevant announcement of the results including details of the number of candidates, ballots cast, votes in favour/against and the results.
- (i) The candidate, the proposer and the seconder shall not be present within restricted areas in close proximity to the place where the voting/balloting is taking place as determine by the Scrutineers during the election process.

## **SECRET BALLOTING**

- (j) On the date scheduled for the elections, ballot papers and boxes will be inspected in the presence of duly appointed scrutineers.
- (k) Ballot papers will be prepared as soon as nominations close on the date and time appointed with all the names of candidates for the different positions to be contested and a space for a (✓) tick in the appropriate column.
- (l) A time shall be specified for the balloting to begin and to close on the election day. During this period members may come to the polling location where a polling booth will be erected and cast their respective votes. Scrutineers shall be present to ensure the secrecy of the ballot. The ballot papers after completion will be dropped into the ballot boxes.



(m) When the time for closing the ballot arrives, the scrutineers shall in the presence of the Returning Officer (who shall be appointed in advance) empty the boxes and count the ballot. They will complete the relevant form called "Results of Elections", sign the forms and hand them to the Returning Officer who will hand over the results at the General Meeting when invited by the President to do so.

(n) The results will be final unless members can give any valid reason for a recount or advance any other reason to doubt the process of the election.

(o) Nomination to the Malaysian Associated Indian Chambers of Commerce and Industry or any other national body will include the President and Secretary-General as ex-officio members. The remaining members shall be elected by a secret ballot of members of the Council present at the meeting.

(p) The delegates, who are accountable to the Council will periodically report to the Council on meetings attended, action taken and any other relevant matter that will effect the Chamber's interest.

(q) A nominee to any body or bodies shall relinquish his appointment with the said body should he be required by the Council to do so at any time during his term of office.

## **XVIII. MINUTES**

50. The Council shall cause proper record of the Minutes of all proceedings to be duly entered in books provided for the purpose. The Hon. Secretary-General shall circulate one signed copy of the Minutes of the Council meeting to members of the Council at least three (3) days prior to the dates of Council Meeting.

## **XIX. ACCOUNTS AND REPORT**

51. The Council shall cause proper books of accounts to be kept at the Registered Office of the Chamber or at such other place or places, and in the charge of such persons as the Council may from time to time direct.

52. The Council shall from time to time determine whether and to what extent and at what times and places, and under what conditions and regulations the accounts and books of the Chamber or any of them shall be open for the inspection of the members (not being members of the Council). No member shall have any right of inspecting any account books or documents of the Chamber except as conferred bylaw or authorised by the Council or by the Chamber in General Meeting.

53. At the Annual General Meeting in each year the Council shall present before the Chamber a Report and Receipts and Payments Account and a Balance Sheet containing a summary of the Assets and Liabilities of the Chamber made up to a date not more than three (3) months before the meeting from the time when the last preceding account and Balance Sheet were made up. At the General Meeting a Report shall be presented by the Council as to the state, condition and affairs of the Chamber.

The Balance Sheet, Accounts and Report shall be signed by the President, Deputy President, Secretary-General and Hon. Treasurer. A copy of such Accounts and Balance Sheet and Report of the Council shall be sent to every member with the notice convening the meeting and a copy shall also be posted at the Registered Office of the Chamber for the inspection of members during a period of at least seven (7) days before the meeting.

## **XX. AUDITOR**

54. A firm of Chartered Accountants or Certified Public Accountants proposed by the Council shall be appointed at the Annual General Meeting and their remuneration fixed by the Annual General Meeting.

## **XXI. NOTICES**

55. A notice may be served upon any member personally or by sending it through post in a prepaid letter addressed to such member at his last known registered address with the Chamber.

## **XXII. SEAL**

56. The Council shall provide a common seal for the purposes of the Chamber and shall have power from time to time to destroy the same and substitute a new seal in lieu thereof and shall provide for the safe custody of the Seal for the time being and it shall not be used except by authority of the Council and in the presence of the President or Deputy-President of the Chamber.
57. Deed, Bonds and other contracts under Seal made on behalf of the Chamber sealed with the common seal of the Chamber and signed by the President or in his absence by the Deputy President and counter signed by the Hon. Secretary-General or Treasurer shall be deemed duly executed.

## **XXIII. AMENDMENTS TO THE RULES**

58. No alternations of amendments to these Rules shall be made except at a General Meeting, notice of which shall be given to all members in writing twenty one (21) days

before the date of the General Meeting. Any amendments prior approval of the Registrar of Societies made at a General Meeting shall be sent to the Registrar of Societies within twenty eight (28) days after the General Meeting and shall not be effective without the

## **XXIV. FINALITY OF DECISIONS AT GENERAL MEETING**

59. All decisions arrived at in the due course of business at a General Meeting shall be final and binding on every member and no member shall have recourse to a Court of Law.

## **XXV. TRUSTEES**

- 60 (a) There shall be a Board of five Trustees appointed at a General Meeting in whom shall be vested all the movable and immovable property, present and future of the Chamber. A proper Trust Deed shall be executed. The Trust Deed shall stipulate that they shall hold the land, building and any other movable and immovable properties, stocks and shares that may belong to the Chamber and that they hold the said property or properties in TRUST for the Chamber and convey the said properties at the request and costs of the Chamber to such person or persons at such time or times and in such manner as the Chamber shall direct or appoint.
- (b) A Trustee shall hold office for such periods as may be determined at a General Meeting.
- (c) The appointment of a Trustee may be revoked at a General Meeting prior to expiry of his term of office.
- (d) Four (4) of the five (5) Trustees may sign any mortgage, transfer or sale of the property if and when directed by the Chamber.

- (e) A Trustee shall automatically cease office if he resigns or is disqualified as a member of the Chamber, if he leaves the country (Malaysia) permanently, if he is insolvent, insane or deceased.

## XXVI. DISSOLUTION

61. The Chamber shall not be dissolved except with the consent of not less than two thirds of the voting members of the Chamber expressed at the General Meeting specially convened for the purpose.
62. In the event of the Chamber being dissolved as provided in Clause (61) all debts and liabilities legally incurred on behalf of the Chamber shall be fully discharged and the remaining funds shall be donated for charitable purposes.
63. Notice of dissolution shall be given to the Registrar of Societies within fourteen (14) days of the dissolution.

## NOMINATION FORM ELECTION 49

- (I) I ..... hereby propose  
(name of proposer)  
Mr. ....  
(name of candidate)

to stand for the office of ..... at  
the forthcoming election of officers and Council of the Chamber.

.....  
(signature)

- (II) I ..... hereby second  
(name of seconder)

the above nomination.

.....  
(signature)

- (III) I ..... hereby agree  
(candidate)

to accept the above nomination and pledge to serve faithfully  
in accordance with the Constitution of the Chamber, if elected.

.....  
(signature)

Dated this ..... day in the month of ....., .....

## FOR OFFICIAL USE ONLY

Received Nomination Form on .....

Handed over to Panel of Scrutineers .....

Ballot Form Prepared: .....

Returning Officer

Hon. Secretary-General

**KUALA LUMPUR AND SELANGOR INDIAN  
CHAMBER OF COMMERCE AND INDUSTRY**

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Website: [www.klsicci.com.my](http://www.klsicci.com.my)



THE KEY TO SUCCESS

# **CONSTITUTION**

**DEWAN PERNIAGAAN DAN  
PERINDUSTRIAN INDIA  
KUALA LUMPUR DAN SELANGOR**

**KUALA LUMPUR AND SELANGOR  
INDIAN CHAMBER OF  
COMMERCE AND INDUSTRY**

(Incorporating amendments up to 29<sup>th</sup> October 2003)

## APPENDIX 7

### **ASEAN-SEAFDEC Plan of Action on Regional Cooperation for the Rehabilitation and Restoration of Fisheries in the ASEAN Tsunami Affected Areas**

We, the representatives of the fisheries sector of the ASEAN and SEAFDEC Member Countries (the Member Countries), expressed our sincere sympathy to Indonesia, Malaysia, Myanmar and Thailand and their people who are the victims and affected by unprecedented and devastated scale of earthquake and tsunami on 26 December 2004, Recognizing the sovereign rights and policy of each affected Member Country and cultural context of coastal community,

Recognizing the different scales of damages of the tsunami impacts in each affected Member Country and their localities,

Acknowledging the importance and guidance given in the ASEAN Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention on the Aftermath of Earthquake and Tsunami Disaster of 26 December 2004<sup>1</sup>,

Recognizing the direction for rehabilitation and restoration of fisheries given in the 2005 Rome Declaration on Fisheries and the Tsunami<sup>2</sup> as well as the initiatives of the Consortium to Restore Shattered Livelihoods in Tsunami Devastated Nations<sup>3</sup> (CONSRN),

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<sup>1</sup>Adopted by the Special ASEAN Leaders' Meeting on Aftermath of Earthquake and Tsunami held in Jakarta, Indonesia on 6 January 2005

<sup>2</sup>Adopted by the FAO Ministerial Meeting on Fisheries held in Rome, Italy on 12 March 2005

<sup>3</sup>Comprises of the Bay of Bengal Programme – Intergovernmental Organization (BOBP-IGO), the Food and Agriculture Organization of the United Nations (FAO/RAP), the Network of Aquaculture Centres in Asia-Pacific (NACA), the Southeast Asian Fisheries Development Center (SEAFDEC), and the WorldFish Center (WorldFish).



Recognizing the major role of SEAFDEC in fisheries development in Southeast Asia and its potential contributions in rehabilitation and restoration of fisheries as well as coastal communities in the Tsunami affected countries in ASEAN region.

Taking into consideration the resource capacity of SEAFDEC and the Member Countries on the scale, timeframe and competency needed for supports to the rehabilitation and restoration of fisheries for the tsunami affected areas,

Hereby agreed the following Plan of Action to assist fishers, fish farmers and their communities on the rehabilitation of their livelihoods and restoration of fisheries:

1. To formulate a regional cooperative framework including strategy and guiding principles to support the affected Member Countries and areas as well as their communities and people.
2. To identify areas of required technical supports based on the assessments made by the respective tsunami affected Member Countries.
3. To identify and mobilize donor supports for the required regional assistance.
4. To develop the required regional program identifying the appropriate scope of work and work plan in consultation with ASEAN and the affected Member Countries.
5. To coordinate the activities with programs developed by other organizations in the same areas on the required regional program.
6. To mobilize technical resources from SEAFDEC Departments and among the Member Countries.
7. To develop a regional information base to monitor the rehabilitation and restoring progress in the affected areas.

8. To continue to collaborate with the activities/program of the Consortium to Restore Shattered Livelihoods in Tsunami Devastated Nations (CONSRN).
9. To periodically evaluate the progress and impact of the regional programs and report the outcomes to ASEAN and the Member Countries and incorporate the regional programs into the national sustainable fisheries development.

We, further agreed that SEAFDEC implements the above Plan of Action in close consultation with the Member Countries.



## APPENDIX 8

### **Resolution on Sustainable Fisheries for Food Security for the ASEAN Region**

We, the Ministers of ASEAN-SEAFDEC Member Countries who are responsible for fisheries, met in Bangkok, Thailand on the occasion of The ASEAN-SEAFDEC Conference on Sustainable Fisheries for Food Security in the New Millennium: "Fish for the People", on 24 November, 2001,

Recalling the principles of the ASEAN Vision 2020 and the initiatives agreed upon by the ASEAN Member Countries under the Hanoi Plan of Action;

Recognizing the importance of sustainable fisheries for food security and the livelihoods and well-being of the ASEAN people;

Noting the provisions of international declarations and instruments on food security, fisheries, ocean governance, trade, and the aquatic environment;

Conscious of the growing demand for fish and fishery products and the need to secure sustainable fish supply for food security for each ASEAN Member Country;

Aware of the increasing pressures on ASEAN's aquatic environment and fisheries resources from fisheries and non-fisheries activities, that may negatively impact on the livelihoods of the ASEAN people, in particular the poor and disadvantaged segments of society;

Considering the benefits of current and future fisheries cooperation among ASEAN-SEAFDEC Member Countries to promote sustainable fisheries in ASEAN Member Countries; and,

Deciding that the issues identified through the national and regional participatory processes in preparation for the above Conference and those identified at the Conference should be given priority;

**DO HEREBY RESOLVE**, without prejudice to the sovereign rights, obligations, and responsibilities of our countries under relevant international laws and arrangements, to:

1. Formulate regional guidelines to implement the Code of Conduct for Responsible Fisheries, taking into account the specific social, economic, cultural, ecological and institutional contexts and diversity of ASEAN fisheries;
2. Cooperate to identify constraints and enhance collaboration among government agencies, which have responsibility for fisheries and fisheries-related issues, in order to harmonize policies, plans and activities which support sustainable fisheries at the national and regional levels;
3. Acknowledge the need for enhanced human resource capabilities at all levels and encourage greater involvement by stakeholders to facilitate consensus and compliance in achieving sustainable fisheries;
4. Mobilize regional technical cooperation to reduce disparities and promote solidarity among ASEAN Member Countries;
5. Encourage effective management of fisheries through delegation of selected management functions to the local level;

6. Recognize the need to progressively replace “open access” to fisheries resources with “limited access regimes” through the introduction of rights-based fisheries which may also facilitate the management of fishing capacity and promote the use of responsible fishing gears and practices;
7. Strengthen national fishery statistical systems and maximize their use for fisheries planning and management and develop standard definitions and classifications to facilitate regional fishery statistics and information exchanges;
8. Emphasize the importance of inland fisheries and aquaculture in planning and policy formulation to improve food security and the livelihoods of rural people;
9. Work towards the conservation and rehabilitation of aquatic habitats essential to enhancing fisheries resources;
10. Mitigate the potential impacts on the environment and biodiversity, including the spreading of aquatic animal diseases, caused by the uncontrolled introduction and transfer of non-indigenous and exotic aquatic species;
11. Promote the maximum utilization of catch, including the reduction of discards and post-harvest losses to increase fish supply and improve economic returns;
12. Increase aquaculture production in a sustainable and environment-friendly manner by ensuring a stable supply of quality seeds and feeds, effectively controlling disease, promoting good farm management and transferring appropriate technology;
13. Promote aquaculture for rural development, which is compatible with the rational use of land and water resources, to increase fish supply and improve the livelihoods of rural people;



14. Improve post-harvest technologies to ensure fish quality assurance and safety management systems, which are appropriate for small and medium-sized enterprises in the region, taking into account the importance of traditional fish products and food security requirements;
15. Strengthen the joint ASEAN approaches and positions on international trade in fish and fishery products indigenous to the region by harmonizing standards, criteria and guidelines; and
16. Increase the participation and involvement of ASEAN Member Countries in international fora to safeguard and promote ASEAN interests;

**AND DO HEREBY DECIDE,**

That the Resolution be implemented as soon as possible and use the Plan of Action adopted by the ASEAN-SEAFDEC Senior Officials as a result of the ASEAN-SEAFDEC Conference on Sustainable Fisheries for Food Security in the New Millennium: “Fish for the People”, held November 19-24, 2001, in Bangkok, Thailand, as a guideline for formulating and implementing programs, projects, and activities through appropriate ASEAN-SEAFDEC mechanisms.

# The Coral Triangle in numbers

**US\$ 1 Billion**

Annual tuna trade from Indonesia, Papua New Guinea, Philippines, Solomon Islands, and Fiji

**+120 Million**

People directly dependent on the Coral Triangle's marine natural resources

**6M+ Square KM**

Total area of the Coral Triangle

**37%**

of known reef fish species

**76%**

of known coral reef species on the planet

**6 of 7**

of the world's marine turtle species

**US\$ 810 Million**

Annual regional trade in live reef food fish in Asia-Pacific



#### Why we are here

To stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature.

[www.panda.org/coraltriangle](http://www.panda.org/coraltriangle)