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## **CHAIR'S EXPLANATORY NOTE FOR THE 8<sup>TH</sup> MEETING OF THE TECHNICAL COMMITTEE ON ALLOCATION CRITERIA**

Prepared by: The TCAC Chairperson

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Dear Heads of delegation and Delegates,

We are scheduled to meet virtually June 21-24, 2021 to continue the work of the Committee to develop allocation criteria for the IOTC.

### **Where Things Stand**

Based on the discussions to date, and the exchanges on the draft report of TCAC07, I have attempted to summarize the issues over which there appears to be general agreement, those issues for which there are different views and a need to further discuss to find agreeable solutions; and finally, those issues for which views are polarized and alternative approaches are needed to move forward. This summary list of where things stand is provided to you for information and to help guide our work moving forward (IOTC-2021-TCAC08-03). While we have made good progress discussing the issues relevant to an allocation regime, we obviously have much work to do to achieve consensus on an allocation regime.

### **Chair's Proposal**

As mandated by the Commission, I have prepared a Chair's Proposal for an Allocation Regime (IOTC-2021-TCAC-04). As agreed and reflected in my proposed Agenda for TCAC08 (IOTC-2021-TCAC08-01), our meeting will mainly focus on reviewing and discussing this Chair's proposed text. You will note that my draft proposal includes 4 annexes and 2 appendices. I expect that a discussion focused on text will help us to work through all outstanding issues.

In addition, as you found my comparative table useful during the TCAC06 meeting, I have provided delegations with an updated version that incorporates my text proposal, alongside Contracting Parties' proposals, organized by theme. I hope you will find this document useful in your preparations and interventions. This updated comparative table is provided to you as IOTC-2021-TCAC08-05.

### **TCAC08**

We will be meeting virtually for 4 hours each day for 4 days, with a 15 minutes break after 2 hours. I will kick start the meeting with a brief presentation of any direction from the Commission, discussed during its annual meeting the week prior to TCAC08. The Secretariat will follow with a brief presentation on the linkages between the work of the TCAC and the ongoing work of other bodies of the Commission, as requested during TCAC07. To this end, the Secretariat will prepare an Information document which maps these linkages and processes out.

We will then follow with a review of the Chair text. We will begin by first hearing delegations' general comments on the entire text. This will be followed by a section by section review of the text. What I mean by this is large sections divided by distinct topics. During this phase, we would not normally hear detailed views on words or text, but rather, we would hear views on the concepts and any general issue with the draft text.

Following this review of the entire text by section, we will move to a more detailed clause by clause, or paragraph by paragraph review. My hope is that we will review all paragraphs during TCAC08. However, should this not be feasible, we will resume the paragraph by paragraph review during TCAC09 scheduled in November 2021.

I wish to encourage intersessional work by all of you and your delegations. If you or a group of delegations wish to propose changes or new text to be inserted in my draft proposal, I would welcome these. It will be helpful if these were provided in writing. And, I would strongly encourage you to engage each other and consult one another on these proposed changes before you submit them to the Committee in June.

I would encourage you to provide written submissions after the TCAC08 meeting, which reflect your input at the meeting. My plan is to make changes and adjustments to the Chair text after our June meeting, based on your interventions and written submissions. I will circulate a revised draft text for our next meeting in November, one month before the meeting.

### **Rules of Procedures**

In my preparations for chairing the TCAC, I have come to realize that neither the Commission nor the Committee appear to have adopted procedures for TCAC deliberations. It appears as though you have functioned on the assumption that the Rules of Procedure for the Commission apply to the TCAC.

I would like to propose that this continue, but that we formalize this through a recommendation to the Commission. After reflection on the appropriate timing for this, I have decided to signal this issue and my proposal to the Commission at this year's annual meeting in June, when I summarize our TCAC07 discussions. I am hoping that we can obtain an agreement in principle from the Commission before our TCAC08 meeting, which can then be reflected in a written format for future TCAC deliberations. I would ask that you consider this, and that if you agree, that you support this approach during the Commission meeting in June. If any of you have issues with this proposal or the approach I've described, I would ask that you let me know before TCAC08, so that I may allow more time for a discussion on the matter during our meeting.

### **Negotiation Process**

Finally, in terms of negotiation process, I would like to propose that the standard practice of UN organisations for negotiating text be used by our Committee. I understand the IOTC is accustomed to using this process. For clarity:

- 1- Nothing is agreed to until the entire text is agreed to;
- 2- For a final text to move to the Commission for adoption, it will need to have consensus from all Members of TCAC, either by agreement from all, or no explicit objection raised;
- 3- The absence of proposed changes, reservations or brackets on a section, paragraph or text will amount to consensus. In such instances, the section, paragraph or text will be considered adopted and no further changes or comments will be taken on it in the next round of review.
- 4- Brackets on a portion or on an entire paragraph, means that there is no consensus on its content and wording.

5- If a delegation needs more time to consider a paragraph or a proposed change to a paragraph, the delegation can reserve the opportunity to come back to it, in which case the relevant text will be put in brackets.

6- When opposition is signaled by one or more delegations on a paragraph or a portion of it, and there is no consensus on the view expressed or proposed change, brackets will be put on the new wording proposed. This means that further discussions are required, and changes and comments will continue to be taken on the paragraph.

7- When alternative text proposals are made in respect of a paragraph, both or all options will be included in brackets, and Members will need to negotiate and eventually agree to a single text.

8- In the final rounds of negotiations, we will only consider wording that remains in brackets.

My role as chair is not to choose one option or the other on text proposals. I will make suggestions if I think they can help, or if I see there may be matters that haven't been considered. It is up to you to decide if you wish to follow my suggestions. I will propose wording to try to bridge the different views, but at the end of the day, you will need to be comfortable with the final text, and either give a show of support, or abstain from any comment, for me to declare victory, and move the text for the Commission's consideration.

While this description is basic and many of you are likely already familiar with the process, I have found that clarifying the rules and expectations from the beginning, allows for a better process and as such, a better outcome.

I look forward to continuing our work together during our virtual meeting in June.

With kind regards,  
Nadia Bouffard  
TCAC Chairperson