



## Report of the 7<sup>th</sup> Technical Committee on Allocation Criteria

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Virtual, 22-25 March 2021

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## ACRONYMS

AFAD	Anchored fish aggregating device
BMSY	Biomass which produces MSY
CMM	Conservation and Management Measure
CNCP	Cooperating Non-Contracting Party, of the IOTC
CoC	Compliance Committee of the IOTC
CPs	Contracting Parties
CPCs	Contracting Parties and Cooperating non-Contracting Parties
DCS	Developing Coastal State
DFAD	Drifting fish aggregating device
EEZ	Exclusive Economic Zone
FAD	Fish aggregating device
FAO	Food and Agriculture Organization of the United Nations
FMSY	Fishing mortality at MSY
HCR	Harvest control rule
IUU	Illegal, unreported and unregulated
LRP	Limit reference point
LSTLV	Large-scale tuna longline vessel
MSE	Management Strategy Evaluation
NCP	Non-Contracting Party
NGO	Non-Governmental Organisation
OT	Overseas Territories
RFMO	Regional Fisheries Management Organisation
SC	Scientific Committee of the IOTC
SCAF	Standing Committee on Administration and Finance of the IOTC
SIDS	Small Island Developing States
TAC	Total Allowable Catch
TCAC	Technical Committee on Allocation Criteria of the IOTC
TCMP	Technical Committee on Management Procedures
TRP	Target referent point
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel Monitoring System

## HOW TO INTERPRET TERMINOLOGY CONTAINED IN THIS REPORT

This report uses the following terms and associated definitions.

Level 1: From a subsidiary body of the Commission to the next level in the structure of the Commission:

**RECOMMENDED, RECOMMENDATION:** Any conclusion or request for an action to be undertaken, from a subsidiary body of the Commission (Committee or Working Party), which is to be formally provided to the next level in the structure of the Commission for its consideration/endorsement (e.g. from a Working Party to the Scientific Committee; from a Committee to the Commission). The intention is that the higher body will consider the recommended action for endorsement under its own mandate, if the subsidiary body does not already have the required mandate. Ideally this should be task specific and contain a timeframe for completion.

Level 2: From a subsidiary body of the Commission to a CPC, the IOTC Secretariat, or other body (not the Commission) to carry out a specified task:

**REQUESTED:** This term should only be used by a subsidiary body of the Commission if it does not wish to have the request formally adopted/endorsed by the next level in the structure of the Commission. For example, if a Committee wishes to seek additional input from a CPC on a particular topic, but does not wish to formalise the request beyond the mandate of the Committee, it may request that a set action be undertaken. Ideally this should be task specific and contain a timeframe for the completion.

Level 3: General terms to be used for consistency:

**AGREED:** Any point of discussion from a meeting which the IOTC body considers to be an agreed course of action covered by its mandate, which has not already been dealt with under Level 1 or level 2 above; a general point of agreement among delegations/participants of a meeting which does not need to be considered/adopted by the next level in the Commission's structure.

**NOTED/NOTING:** Any point of discussion from a meeting which the IOTC body considers to be important enough to record in a meeting report for future reference.

**Any other term:** Any other term may be used in addition to the Level 3 terms to highlight to the reader of an IOTC report, the importance of the relevant paragraph. However, other terms used are considered for explanatory/informational purposes only and shall have no higher rating within the reporting terminology hierarchy than Level 3, described above (e.g. **CONSIDERED; URGED; ACKNOWLEDGED**).

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## EXECUTIVE SUMMARY

The 7<sup>th</sup> session of the IOTC Technical Committee on Allocation Criteria was held by videoconference, from 22 to 25 March 2021; and chaired by Ms Nadia Bouffard.

171 delegates, comprising of 137 delegates from 23 Contracting Parties, 14 delegates from 7 observer organisations including 6 invited experts participated in the session.

As endorsed by the Commission, the 7<sup>th</sup> meeting of the TCAC on allocation criteria was framed based on 9 themes, for which questions were provided to help guide the discussions. While broad ranges of views were expressed on each theme, there was general agreement on several topics, and divergent views remain on some key topics.

There was general agreement from the TCAC Members on principles that should form the foundation of an allocation regime for the IOTC. Members also agreed that CPs, CNCPs and new coastal State entrants should be eligible to receive allocations, while agreeing that incentives should be built in the allocation regime for CNCPs becoming a Contracting Party to the Commission, and mechanisms to balance the associated impacts on current Contracting Parties. While no consensus has yet been achieved on the scope of the allocation regime, there was a general agreement that the Commission should prioritise its application to yellowfin, bigeye, skipjack and albacore tunas, and swordfish.

Members discussed at length the possible criteria for establishing allocations. There was a general recognition that, in no agreed order of priority or importance, catch history and coastal States rights related to their status and factors related to developing coastal States' needs and aspirations, are likely to form the basis of these criteria. Polarized views remain regarding the attribution of catches taken within coastal State's EEZs as a component of the catch-based allocation criteria. There was recognition that a solution is needed that either addresses this issue or avoids it. Having regard to the socio-economic impacts of changes that may result from the implementation of the allocation regime, Delegations also acknowledged the need for a step-wise, negotiated outcome that transitions fleets from the current patterns of fishing to a future allocation regime.

Members acknowledged the relevance of ongoing work of other committees of the IOTC to the work of the TCAC, including regarding the setting of TACs; requirements for data reporting and collection; and compliance records, and flagged the need for these committees to be made aware of the added requirements that may result from an allocation regime for the IOTC. The TCAC specifically sought that the Secretariat facilitate the process needed to obtain advice from the Compliance Committee and its responses to questions listed in Appendix 5 of document IOTC-2019-TCAC05-R at its June 2021 meeting and make this information available to TCAC08.

A number of other issues were discussed including possible adjustments to allocations to factor in over-catch; non-compliance of relevant CMMs and changes in TACs; allocation adjustments to ensure fair and equitable outcomes that may otherwise be impacted by unforeseen circumstances in the allocation formula derived; process for establishing and reconciling allocations; allocation temporary transfers; and the period of allocations, and the term of the allocation regime.

Members agreed that further discussions on all of these topics would be required to achieve consensus on an allocation regime, and that a draft text from the Chair for the next TCAC08 meeting may help advance these discussions.

The TCAC AGREED with the Chair's proposed way forward, which included:

- holding a heads of delegation meeting in May 2021;
- a Chair's draft text for consideration at TCAC08 in June, with written inputs by delegations intersessionally;
- the Chair to provide an update of the TCAC work to the Commission at its Annual Session in June 2021; and

The Chair proposed that the TCAC agree to set for itself a target date to complete an allocation regime proposal by end of December 2022, for consideration by the Commission in 2023. The concept of a target date was welcomed by delegations in recognition of the fact that the process had been going on for some time and a deadline may help to make progress. Some delegations expressed their concerns that a deadline could force unwilling compromise on important issues that had still not been resolved.

## 1. OPENING OF THE SESSION

1. The 7<sup>th</sup> Session of the Technical Committee on Allocation Criteria (TCAC07) was held by videoconference, from 22 to 25 March 2021. A total of 171 delegates attended the Session, comprising 137 delegates from 23 Contracting Parties (CPs), 14 delegates from 7 observer organisations and 6 invited experts. The list of participants is provided at [Appendix 1](#).
2. Mrs. Nadia Bouffard, the independent Chairperson, welcomed the participants and opened the meeting.

## 2. PRESENTATION OF DELEGATIONS

3. The Chairperson invited the Heads of Delegations to introduce their respective delegations.

## 3. LETTER OF CREDENTIALS

4. The TCAC **NOTED** that in accordance with Rule III, para. 1 of the IOTC Rules of Procedure (2014), a Letter of Credentials was received from 23 CPs and 8 observer bodies present at the meeting.
5. Statements submitted by Mauritius and the United Kingdom are provided in [Appendix 2](#).

## 4. ADMISSION OF OBSERVERS

6. Pursuant to Article VII of the Agreement establishing the IOTC and Rule XIV of the IOTC Rules of Procedure, the Commission admitted the following observers:

*Members and Associate Members of the FAO that are not Members of the Commission.*

- —

*Intergovernmental organizations having special competence in the field of activity of the Commission.*

- Indian Ocean Commission
- Western & Central Pacific Fisheries Commission

*Non-governmental organizations having special competence in the field of activity of the Commission.*

- International Pole and Line Foundation
- International Seafood Sustainability Foundation
- PEW Charitable Trusts
- Sustainable fisheries Partnership
- World Wide Fund for Nature

*Invited consultants and experts.*

- Taiwan, Province of China.

## 5. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

7. The TCAC **ADOPTED** the agenda provided in [Appendix 3](#). The documents presented to the TCAC are listed in [Appendix 4](#).
8. A statement from Mauritius is provided in [Appendix 2](#).

## 6. THEMATIC REVIEW OF ALLOCATION REGIME

9. The TCAC **RECALLED** that at the 24<sup>th</sup> Session of the IOTC (S24):

*“The Commission ENDORSED the TCAC Chair’s work plan that included the use of the thematic structure as a basis for framing future discussions of the TCAC; and for the TCAC chair to propose a new text to help bridge gaps between the two current allocation proposals, while proponents continue their parallel efforts to improve their proposal through dialogue.” (para 38, IOTC-2020-S24-R).*

10. The TCAC **NOTED** document IOTC-2021-TCAC07-03 which provided a list of questions for each theme was intended to stimulate discussions and assist the Chair to identify information gaps.

### 6.1 Theme 1: General Principles For Allocation Regime

11. The Chair invited delegations to provide their top three priorities for principles they would like to see included in the allocation regime.

12. The TCAC **NOTED** that there was general agreement on a range of principles proposed by Members. Notably, delegations generally agreed that the allocation regime should:
- respect and align with relevant international instruments;
  - respect the sovereign rights of coastal States within their Exclusive Economic Zone (EEZ);
  - recognize and respect the rights and obligations of all states fishing in the IOTC area of competence;
  - recognize the special requirements of coastal developing States, in particular Small Island Developing States (SIDS), who have social and economic dependencies on IOTC resources, and factor their needs and dependency on these resources;
  - ensure the special requirements of IOTC developing Coastal State (DCS), Contracting Parties and Cooperating non-Contracting Parties (CPCs), including Small Island Developing States (SIDS), are accommodated including food security and development aspirations, thereby promoting opportunities for economic development;
  - contribute to the sustainable management and use of IOTC resources;
  - provide a fair, equitable and transparent system to allocate fishing opportunities in the IOTC area of competence;
  - identify a system of allocation which takes due account of the existing conditions and rights in the Indian Ocean fishery
  - provide for a fair, and step-wise shift from current fishing patterns by developed States to coastal developing states to ensure a smooth transition to an allocation regime while providing some stability in the fisheries;
  - provide incentives for eligible cooperating non-contracting parties (CNCs) to become contracting parties to the IOTC; and
  - overall, the outcomes of the allocation regime need to meet the rights, expectations and interests of all IOTC CPCs.
13. Members **NOTED**, however, that significantly diverging views remained in respect of the attribution of catches taken within EEZs of IOTC coastal States – a core issue of principle for many delegations. While most Members supported an allocation regime applicable to IOTC stocks across their distribution range in the IOTC area of competence, one Member was of the view that the regime should not apply to fish stocks occurring entirely within EEZs. Delegations recognized the need to find solutions to address or avoid these issues in order to achieve consensus on an allocation regime.

## 6.2 Theme 2: Eligibility To Allocations

14. The Chair invited delegations to comment on who should be eligible to receive IOTC allocations and whether there should be conditions associated to their eligibility. Delegations were also asked to express views related to not only CPs, but also to Cooperating Non Contracting Parties (CNCs), potential future new entrants to the Commission, and Non-Contracting Parties (NCPs).
15. The TCAC **NOTED** the following views proposed by Members on eligibility for receiving allocations:
- There was general agreement that all CPs should be eligible for allocations.
  - There was general agreement that all CNCs should be eligible, but the allocation should be reduced to encourage them to become a CP of the Commission.
  - All new coastal State entrants should be eligible for an allocation, though the views varied on the conditions and mechanism for determining this allocation (see discussion below).
  - Different views were expressed on whether non-coastal State new entrants should be eligible (see discussion below).
16. The TCAC **AGREED** that new entrants from coastal States should be eligible to receive an allocation, possibly in the year following the acceptance of their membership to the IOTC. Some Members suggested that this should depend on the status of the stocks. While some Members were in favour of making all new entrants eligible to receive an

allocation, others indicated that a new entrant Distant Water Fishing Nation (DWFN) should not be eligible to receive allocations. Some Members stressed that new entrants from DWFNs should not be supported when the resources are under stress as the resulting increase in capacity would not be consistent with sustainable utilisation of the fish stocks.

17. The TCAC **DISCUSSED** how allocations could be accommodated for new entrants. This could result in a reduction in allocation for existing CPCs. Suggestions such as reserving a portion of the Total Allowable Catch (TAC) for future entrants, or only providing allocations when the TAC is increased were made, but no consensus was achieved at this stage.
18. The TCAC **NOTED** that several Members raised the need to factor serious and repeated non-compliance with IOTC Conservation and Management Measures (CMMs) in determining eligibility for an allocation, while another Member indicated being open to the inclusion of additional elements related to non-compliance with relevant CMMs, the assumption being that they relate directly to allocation. There was strong disagreement on this issue, with some delegations stressing that eligibility should not be conditional and that non-compliance should be addressed by other means.

### 6.3 Theme 3: Scope of allocation regime

19. The TCAC **NOTED** that the Chair's questions on this theme related to whether the allocation regime should apply to all IOTC species/stocks (tropical tunas, temperate tunas, billfish and neritic tunas) and all gear types or whether the scope of the regime should be limited to specific species/stocks or gear types.
20. The TCAC **NOTED** the Chair's suggestion to distinguish the scope of application of the allocation regime, from the pace of its implementation, which could be based on priorities recommended by the Committee.
21. The TCAC generally **AGREED** that all gear types should be included in the allocation process and CPCs would decide how much of their national allocation would be apportioned to each gear.
22. The TCAC **NOTED** a range of highly divergent views on the scope of an allocation regime. These included:
  - Most Members supported an allocation regime applicable to IOTC stocks across their distribution range. One Member was of the view that the regime should not apply to fish stocks for which the biomass is entirely within EEZs, which the Member viewed as being subject to the sovereign rights of the coastal States.
  - Some delegations proposed that neritic species that are coastal and found almost exclusively in the EEZs of coastal countries and are generally only shared between a small number of CPCs, should not be considered for allocation. It was argued that these species are almost exclusively harvested for food security in coastal State waters and that they are not available to fleets fishing on the high seas. These Members argued that a universal allocation for these species made little applicable sense.
  - While different views were expressed about the scope of species to be covered by the allocation regime, Members generally agreed that the allocation regime should initially apply, as a matter of priority, to the tropical tunas (yellowfin, bigeye and skipjack tunas), albacore and swordfish, in this order of priority. The rationale for the selection of these five species was their highly migratory nature, the high volume and economic importance of the fisheries for these species and the availability of stock status information (relative abundance and stock assessment). Members also generally agreed that emphasis should be placed on the overfished tropical tuna stocks, in establishing an order of priority. Co-occurring species may be considered together.
23. Some Members highlighted the benefits of including a broad scope of species in the allocation regime by providing the possibility for CPCs to trade allocations by selling a portion of quota for one species in exchange for a portion of quota of another species. This would enable CPCs to access the species most important to their fishing sector, while trading away allocations for species for which they have no capacity or interest to harvest.

### 6.4 Theme 4: Allocation structure

#### I and II – Baseline and Complementary Allocations

24. The TCAC **NOTED** the major questions under this theme related to the basis or core criteria for determining allocations. In addition, the Chair invited the TCAC to comment on the priorities for such criteria and what

conditions and details should be associated to each criterion as well as who should be eligible to which portion/criteria of the allocation.

### ***Terminology***

25. The TCAC **NOTED** that the terminology included in the questions and to some degree in the two proposals previously presented to the TCAC was problematic. In particular the use of the terms ‘baseline’, ‘complementary’ and ‘supplementary’ remained unacceptable to many delegations as they implied some form of hierarchy and prioritisation of historical catch as a criteria for allocation, while implying a lower priority for criteria supporting rights of coastal States and developing coastal States (including SIDS).
26. Some Members pointed to the need to have a starting point for the allocation process. While this could include a basic allocation for all, these Members flagged that this should also reflect an element based on the current fishing patterns based on historical catch, and coastal States rights should be included as adjustments (thereby not diminishing the importance of the rights of coastal States). Other delegations indicated that coastal States rights should be included in the baseline allocation without being passed to a separate category and opposed the view that historical catch should be the starting point. There was no consensus on this issue, however a recognition that the wording needed to be changed in the structure of the regime to reflect the viewpoints of all Members.
27. The Chair **NOTED** that these terms were taken from the proposals available and welcomed any revision to the terminology that would be acceptable to all.

### ***Simplicity***

28. The TCAC **AGREED** that the allocation regime should be as simple as possible and easy to implement, as a complex regime would be less likely to be adopted by consensus.

### ***Reference period***

29. There were various views expressed about the reference period(s) that should be applied to determine allocations based on catch history, as well as whether this period should be the same for all species. The TCAC **NOTED** that one reference period may not be appropriate for all species.
30. The TCAC **NOTED** that for species where CMMs have imposed restrictions on catches, some CPCs have changed their fishing patterns and aspirations, and therefore the reference period should be before the implementation of relevant CMMs (e.g. pre-2016 for yellowfin tuna), but not so far back that the current fishery is not properly accounted for. These delegations expressed the wish that the reference period be sufficiently long to reflect the evolution of the fishery.
31. The TCAC **NOTED** the concerns of one Member regarding the selection of the reference period involving the years when piracy was impacting fisheries in the area of the Western Indian Ocean, preventing some CPCs from being able to fish.
32. One delegation suggested that the catch reference period should be based on each CPC’s best average years of catch, which would be normalised for each Member as a percentage of the species-specific TAC. Another delegation raised the possibility that the historical catch reference period may need to be revised periodically to reflect the evolving catches of the CPCs in more recent time periods. One delegation suggested that the reference period may be taken from the date of the establishment of IOTC.
33. Further discussions will be required to reach consensus on the appropriate reference period(s) for determining allocations based on catch history.

### ***Illegal, unreported and unregulated catches***

34. The TCAC **AGREED** that Illegal, unreported and unregulated (IUU) catches should not be taken into consideration in the catch history estimations. Some Members raised the need for a mechanism to be developed to identify and determine IUU catches for allocation purposes.

### ***Catch Attribution***

35. The TCAC **DISCUSSED** the basis for determining historical catch, including the attribution of historical catches in EEZs with two opposing views expressed on this issue:
  - Some-delegations considered that catch history should be attributed on the basis of geographical location, and that all catches within an EEZ should be attributed to that Coastal State, regardless of the flag of the

vessel that caught the fish. The stated basis for this view related to the sovereign rights of States to manage the resources in their EEZs.

- Other delegations proposed that catch should be attributed to the State of the flag vessel which caught the fish. The basis for this view is the recognition of the investments and historical fishing agreements between the respective State parties. These delegations also highlighted the benefits of the approach, as it avoids referencing geographic criteria for catch attribution which may exacerbate disagreements arising from ongoing territorial disputes in the IOTC area of competence.

36. The TCAC **NOTED** a suggestion by one Member that catch history should not be used in the calculation of baseline allocations because some coastal States have not yet fully developed their fisheries or been able to accurately record catches and therefore may lose out. This suggestion was also supported by a few other delegations.
37. The TCAC **NOTED** the indication from the IOTC Secretariat that estimating and attributing catches made in the EEZs and high seas is technically challenging due to the resolution of data reporting required by the Commission (5x5 for purse seine and 1x1 for longline). Therefore, decisions would need to be made on how to estimate and attribute catches using existing data, noting that estimates of such catches have previously been produced for the TCAC by the Secretariat.
38. While the issue of attribution of catches in EEZs raised considerable debate and no consensus was reached on the principle, there was a recognition by some Members that a practical solution needed to be found to make progress on an allocation regime for the IOTC. Some delegations favoured a smaller working group be formed to discuss this, while others felt this was premature in the discussions. Delegations **AGREED** that the needs and aspirations of developing coastal States needed to be addressed and that this was a key factor to consider in the solution to be found.

### ***Stability***

39. The TCAC **NOTED** the concerns expressed by many Members that a stepwise transition from current fishing patterns to a future allocation scheme is needed to provide some stability, thereby enabling adjustments in fishing patterns while mitigating the economic impacts.
40. The TCAC **NOTED** the suggestions that this could be achieved in several ways. While one way could be for developed States to agree to attribute a portion of their historical catch to coastal developing States in a gradual manner over a specific time, another way could be through gradual proportional allocation adjustments in favour of coastal States and developing coastal States (including SIDS) to reflect changes in TACs. In the latter case, developing coastal States could receive a proportionately larger allocation when the TAC is increased, and conversely developing coastal States could receive a proportionally smaller reduction in allocation if the TAC is decreased.
41. The TCAC **NOTED** that the quantum and timeframe for these attributions and changes would need to be further discussed.

### **III Correction Factors**

42. The TCAC **NOTED** that the use of the term ‘correction factors’ in a future allocation regime remained unacceptable to some delegations, as it did not confer the coastal States rights associated to the criteria listed thereunder.
43. However, many delegations expressed their opinions that the criteria listed under Correction Factors should only be applicable to coastal States as they relate to addressing the potential imbalance in using historical catches as a primary basis for allocating future opportunities in the IOTC. The TCAC **NOTED** that this could be prioritised by accounting for developmental status and dependency on the resource. There was a reluctance to include a previous catch threshold as an eligibility factor for the coastal States criteria.
44. The TCAC **DISCUSSED** that the definition of development status of CPCs should follow the United Nations-agreed development definitions, and that the criteria for sharing the developing coastal State allocation could reflect those developed by the Coastal Members’ proposal.
45. The TCAC **AGREED** that development aspirations of coastal developing states should be reflected in the allocation regime. One member questioned the validity of requiring a fleet development plan for this purpose, when IOTC Resolution 15/11 on this matter had expired.
46. Several delegations expressed their opinion that the size of a coastal State’s EEZ should also be a factor in the allocation calculation. It was argued that the size of the EEZ was a proxy for species abundance where no regional

stock abundance assessments currently exist. Some delegations argued that the application of this geographic based criterion could be complicated by territorial disputes.

47. The TCAC **NOTED** that the rights of coastal States and the rights of developing States should be considered separately.

#### IV- Other Additional Factors

48. The Chair informed the TCAC that ‘additional factors’ have been included in the allocation regimes of other Regional Fisheries Management Organisations (RFMOs).
49. There were various views on the use of contribution arrears, research contributions and compliance (including data submission) as additional factors. There was a general reluctance by Members to include ‘additional factors’ in the allocation regime; in particular, factors which have an element of subjectivity.

### 6.5 Theme 5: Allocation adjustments

50. The TCAC discussed the factors that may result in the need to adjust allocations. These included adjustments for over-catch; non-compliance; and, changes to TACs.
51. The TCAC **NOTED** that Appendix 5 of document IOTC-2019-TCAC05-R contained questions on various compliance factors that may be considered in the allocation regime which have yet to be reviewed by the Compliance Committee (CoC). The TCAC therefore **REQUESTED** that the Secretariat facilitate the process needed for seeking the Commission’s decision to request that the CoC review and respond to the questions at its June 2021 meeting and make this information available to TCAC08.
52. While all Members supported the need to address non-compliant behaviour in the IOTC, which they recognized undermine the IOTC and impact the sustainability of IOTC stocks, many delegations cautioned against the use of the allocation regime as a means to address general non-compliance. Specifically, Members felt this could inadvertently distort outcomes and unnecessarily politicise discussions on non-compliance. These Members noted that the IOTC has existing CMMs that provide for penalties for some non-compliance issues.
53. Other reasons cited in support of these views included:
- currently, there is no agreed method or benchmarks for evaluating non-compliance in the context of allocations;
  - the assessment of compliance can be subjective and it is not clear what body of IOTC would make decisions in relation to allocations;
  - the use of the annual compliance report scores (derived for each CPC) was suggested as an adjustment factor, however, the TCAC **NOTED** that this could result in substantial debate during the Compliance Committee meetings, especially for countries below the threshold level and this could impair the regular work of that Committee;
  - not all CPCs have the capacity to meet their compliance obligations despite their will and conscientious efforts to improve their processes and outputs – this could result in undeserved penalisation;
  - some CPCs are severely impacted in their ability to meet their compliance obligations due to factors beyond their control; and
  - compliance should not impact States’ rights and restrict their access to resources.
54. Members did support the on-going IOTC practice of factoring in past over-catch in establishing future catch limits and **AGREED** that this concept of adjustment should be reflected in the allocation regime.
55. The TCAC also **AGREED** that adjustments should be made to take account of some CPCs not being able to fish due to piracy.
56. The TCAC **NOTED** that CPCs have a range of compliance obligations arising from the CMMs. However, serious wilful or systematic non-compliance (compared to minor compliance infractions) with no remedial actions is a serious problem that affects the functioning of the Commission and is a major impediment for sustainable management.
57. The TCAC **NOTED** suggestions from some CPCs of examples of systematic non-compliance that could be addressed through allocation adjustments:
- repeated and persistent over-catch or underreporting-with no actions to remediate;

- long-term non-provision of data with no steps to address the data gaps; and
- persistent non-payment of contributions to the Commission.

## 6.6 Theme 6: Weighting of allocation criteria

58. The TCAC **AGREED** that it was difficult to discuss the weighting of allocation criteria when no criteria have yet been agreed.
59. The TCAC **NOTED** that when discussing weighting, several simulation results with different combinations of weighting ratios are necessary so that Members are aware of the potential impacts to their allocations.

## 6.7 Theme 7: Implementation of allocation regime

### *Application*

60. The TCAC **AGREED** that CPs should not be required to make an application for allocations and that the process should automatically assign them an allocation based on the agreed criteria. There were various views on whether CNCPs should be required to make an application for an allocation.
61. The TCAC **AGREED** new entrants would need to make an application and this should be considered on a case by case basis.

### *Total Allowable Catch (TAC)*

62. The TCAC **NOTED** that allocation regimes discussed in the TCAC to date imply the setting of TACs for the stocks. Not all IOTC stocks have been subjected to TAC decisions or a TAC establishment process.
63. The TCAC **NOTED** that there is a distinction between, and hence there should be a separation in the respective processes of, setting a TAC and allocation. The TCAC also **AGREED** that the TAC should be set using a Management Procedure or Harvest Control Rule based on scientific advice, and that this was not an issue for the allocation regime. The Allocation Regime should relate only to how the TAC is divided amongst eligible Members.
64. Acknowledging the ongoing work of the Technical Committee on Management Procedures (TCMP), the TCAC **AGREED** that the work of the TCAC should be harmonized with the work of other Technical Committees and Working Parties of the IOTC.
65. The TCAC **REQUESTED** the Secretariat to map and describe the existing IOTC processes that are likely to be relevant to an allocation regime and present this to the TCAC08.

### *Data Gaps*

66. The TCAC **NOTED** that allocation regimes require data in order to be implemented effectively. The quality and quantities of data available to IOTC are not the same for all species and gears and that some CPCs were still struggling to provide the data, including in the form, detail and resolution which would be optimal for establishment of allocations.
67. The TCAC **ENCOURAGED** the Secretariat to continue support and capacity building activities to countries to improve their data collection and reporting in order to reduce data gaps — in particular those data gaps related to pending allocation requirements. The Secretariat should collaborate with other bodies and agencies who are currently working with CPCs to improve data collection and reporting.
68. The TCAC **NOTED** that the allocation scheme may be improved if CPCs report data more frequently or earlier than currently required. One delegation raised the challenge of implementing an allocation regime based on the current data requirements and timing for reporting catches, suggesting that this timeframe should be moved up in the calendar, to facilitate timely decisions on allocations.
69. The TCAC **NOTED** that any allocation-related data challenges, requirements, gaps, and deadlines for data submission could be considered for discussion by the Working Party on Data collection and Statistics and the Scientific Committee.

### *Allocation Transfers*

70. The TCAC **DISCUSSED** that temporary transfers of allocated quota should be accommodated within the allocation regime and CPCs should be permitted to manage their quotas including being able to temporarily transfer them or reserve them for conservation purposes.

71. There were a range of views on whether all temporary transfers should require authorisation from the Commission; however, the TCAC **AGREED** that as a minimum, CPCs should be required to inform the Commission of any temporary transfers to ensure transparency and facilitate monitoring and compliance.
72. There was no consensus on whether temporary transfers to CNCPs should be permitted.
73. There were different views on whether CPCs should be permitted to temporarily transfer their quotas between gears (including transfers to other CPCs). The TCAC **NOTED** that the temporary transfer of quota between gear types could have unforeseen impacts on the sustainability of the stocks, as different gears target different components of the populations. For example, a switch from gears catching predominantly mature fish to gears catching juveniles could impact the sustainability of the stocks. As such, some delegations expressed the need for conditions to be decided by the Commission that would guide the temporary transfer process. Other delegations indicated that any allocation to the level of gear types was not necessary in an allocation regime and that this was a domestic management matter
74. The TCAC **NOTED** the concern of one Member that allocations should allow CPCs to develop their own domestic fisheries and that temporary transfers should have additional conditions to ensure this is facilitated. The Member argued that for those CPCs losing fishing opportunities, it would not be fair that other CPCs continuously trade or sell their quota without any intention to develop their fisheries.

#### ***Allocation Process***

75. The TCAC **NOTED** that an allocation regime requires a regular process for determining allocations based on established criteria. There was a recognition that objective criteria were favoured and easier to implement. An important part of the allocation process is to estimate and validate catches used for establishing catch history, and to adjust allocations based on past over-catches and any allowed temporary transfers.
76. The TCAC **NOTED** the opinions of several Members, that catch validation mechanisms are essential to ensure the best catch information is available for setting TACs and establishing allocations, and that these mechanisms should be conducted in consultation with the Scientific Committee.
77. The TCAC **NOTED** that once the allocation regime has been agreed, the TCAC will have fulfilled its mandate and a new committee to oversee the ongoing allocation process may be required. It was suggested by one Member that this committee should meet annually, prior to the Commission, to advise the Commission on the ongoing allocation process.
78. The TCAC were **INFORMED** by one member of their experiences and problems that have been encountered by other RFMOs. In general, providing a revised allocation when the TAC is increased or decreased is relatively straight forward; however, if the TAC is unchanged from one assessment period to the next and there are demands on the TAC from new entrants, then some CPCs may be allocated less catch despite the TAC not being decreased. Members also discussed other circumstances where allocations may be adjusted within the allocation period without being a result of a change to the TAC or a change to the allocation formula. A change in a CPC's statistics was cited as one example of this. It was recognized that such instances could have an impact on allocations of all CPCs and that such issues will need to be carefully considered to ensure fairness across the allocation process.

#### ***Term of Allocations***

79. The TCAC **DISCUSSED** several issues related to the possible duration of an allocation term i.e. the time an allocation should be in place, including its review. There was general support for the allocation term to follow the Management Procedure or stock assessment cycle for each species. The TCAC **AGREED** that the allocation term should be long enough to avoid constant renegotiations of the allocations.

### **6.8 Theme 8: Transition to a new allocation regime**

80. The TCAC **NOTED** that there will need to be a transition from the current patterns of fishing to an allocation regime.
81. The TCAC also **NOTED** that the process should be done in a controlled manner that allows CPCs sufficient time to adjust economically to the changes, while also being at a pace sufficient to meet the developmental goals and aspirations of the coastal States and in particular developing coastal States.
82. The TCAC **NOTED** that if the allocation regime requires a major adjustment from the current patterns of fishing, a longer time period may be necessary.

83. Some Members highlighted that allocation discussions have been going on for more than 10 years and this should have provided sufficient time for CPCs to start to prepare for changes to their fisheries, and that further delays to the implementation of an allocation regime could cause further harm to the stocks and be detrimental to the aspirations of developing coastal States. Some Members envisage a phase in period of 3-5 years while others envisage 5-10 years.
84. Some Members expressed their concerns regarding the need to consider existing obligations contained in national fisheries plans that may slow their transition process. Similar concerns of timing may also arise if CPCs are required to integrate the IOTC allocation process into their national fisheries plans and legislation.
85. A statement made by India is provided in Appendix 2.

## 6.9 Theme 9: Final Clauses

86. The TCAC **NOTED** that several Members stressed the importance of the duration of the allocation regime needing to be longer than the transition period for changes to the status quo, in order to allow the IOTC time to ensure the process has been implemented and any necessary adjustments have been made before a new regime is negotiated.
87. The TCAC **NOTED** that it would be possible to review the input parameters used in the allocation calculations during the transition period to allow fine-tuning of the regime as well as to ensure the objectives of the regime are being achieved in a fair and transparent manner.
88. Several Members stressed their opinions that the allocation regime should not have an expiry date. The regime should remain in place until such time as a new regime is negotiated and agreed.
89. Following an extensive discussion on rights, duties and obligations of States, the TCAC was **REMINDED** by the Chair that several international agreements, conventions, and laws exist that provide and protect these rights, duties and obligations, and Members should avoid attempting to reformulate or renegotiate these in the context of the allocation discussions. These international agreements attempt to balance the interests, needs and aspirations of all stakeholders and that they should be applied accordingly without being selective on the provisions or texts of these international instruments.
90. Delegations recognized that the allocation regime could include text to safeguard Members' legal positions, but some Members cautioned against any attempts to address ongoing territorial disputes in the allocation regime for the IOTC.
91. Mauritius and France(OT) made statements (Appendix 2).

## 7. MOVING FORWARD

92. The TCAC **AGREED** with the Chair's workplan to advance the work of the TCAC. This included:
- Convening a Heads of Delegation (HOD) meeting in the first weeks of May 2021, to discuss key points of disagreement and attempt to find some common ground.
  - The Chair to draft a revised allocation proposal after the HOD meeting taking into account the issues discussed during TCAC07 as well as any advancements made during the HOD meeting.
  - A draft text will be circulated to all delegations before the June 2021 TCAC meeting for the Members to consider and provide comment. Members will be encouraged to liaise directly with the Chair and provide comments and written submissions before and after TCAC-08 and TCAC-09 in November 2021, and all comments and submissions will be distributed to all Members for transparency.
  - The Chair will provide an update on the TCAC's progress to the Commission at its annual meeting in June 2021.
  - The discussions and negotiations on the process will continue at the other TCAC meetings scheduled for 2021.
  - A target date to have final text for consideration by the Commission (in 2023) by end of December 2022.
93. The Chair proposed setting a target date to have a final text for consideration by the Commission (in 2023) by end of December 2022. The concept of a target date was welcomed by delegations in recognition of the fact that the process had been going on for some time and a deadline may help to make progress and facilitate consensus. The

TCAC **NOTED** that some delegations expressed their opinion that a deadline could not be used to force unwilling compromise on important issues that had still not been resolved.

94. The TCAC **NOTED** the intention of the proponents of the proposal by the like-minded coastal States to continue their efforts to improve their proposal through dialogue in parallel to the text being drafted by the Chair, recalling that the Commission, at its 24th Session in 2020 gave the following endorsement:

*“Report of the Commission IOTC-2020-S24-R: Para 38. The Commission ENDORSED the TCAC Chair’s work plan that included the use of the thematic structure as a basis for framing future discussions of the TCAC; and for the TCAC chair to propose new text to help bridge gaps between the two current allocation proposals, while proponents continue their parallel efforts to improve their proposal through dialogue*

95. The TCAC **NOTED** the comment from the Chair that while multiple texts remain under discussion, there is a reduced chance of reaching consensus on a single allocation regime for the IOTC.

## **8. MEETING REPORT**

96. The TCAC **AGREED** to adopt the meeting report by correspondence.

## **9. OTHER BUSINESS**

97. The TCAC **NOTED** that the Secretariat would circulate an invitation to the proposed HoD meeting in May, shortly after the conclusion of the TCAC meeting.

## **10. MEETING CLOSURE**

98. The TCAC **ADOPTED** the report of the 7<sup>th</sup> Session of the Technical Committee on Allocation Criteria (IOTC–2021–TCAC07–R) on 14 May 2021.

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## APPENDIX 2. STATEMENTS

IOTC-2021-TCAC07-Statement01[E] - Statement by Mauritius under item 3 IOTC TCAC (March 2021)

7<sup>th</sup> Meeting of IOTC Technical Committee on Allocation Criteria  
22-25 March 2021

Agenda Item 3: Letter of Credentials

Statement by the Republic of Mauritius

The Republic of Mauritius reiterates that the United Kingdom is not entitled to be a member of the Indian Ocean Tuna Commission (IOTC) as a “coastal State situated wholly or partly within the Area [of competence of the Commission]” and wishes to place on record its objection to the participation of the United Kingdom in the 7<sup>th</sup> meeting of the IOTC Technical Committee on Allocation Criteria as a coastal State purporting to represent the Chagos Archipelago.

In a Judgment delivered on 28 January 2021 in the case of *Mauritius v. Maldives*, a Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) held that the Republic of Mauritius has undisputed sovereignty over the Chagos Archipelago.

In its Judgment, the Special Chamber, *inter alia*, ruled that:

- (a) the determinations made by the International Court of Justice (ICJ) in its Advisory Opinion of 25 February 2019 on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* have legal effect and clear implications for the legal status of the Chagos Archipelago;
- (b) the United Kingdom’s continued claim to sovereignty over the Chagos Archipelago is contrary to the determinations made by the ICJ that the detachment of the Chagos Archipelago by the United Kingdom from Mauritius was unlawful and that the United Kingdom’s continued administration of the Chagos Archipelago constitutes an unlawful act of a continuing character;

- (c) the fact that the time-limit of 22 November 2019 set by the UN General Assembly for the withdrawal of the United Kingdom's administration from the Chagos Archipelago has passed without the United Kingdom complying with that demand further strengthens the Special Chamber's finding that its claim to sovereignty over the Chagos Archipelago is contrary to the authoritative determinations made in the Advisory Opinion of the ICJ;
- (d) while the process of decolonization of the Republic of Mauritius has yet to be completed, the Republic of Mauritius' sovereignty over the Chagos Archipelago can be inferred from the ICJ's determinations;
- (e) the continued claim of the United Kingdom to sovereignty over the Chagos Archipelago cannot be considered anything more than "a mere assertion" and such assertion does not prove the existence of a dispute;
- (f) the Republic of Mauritius is to be regarded as the coastal State in respect of the Chagos Archipelago.

These rulings confirm that under international law, the Republic of Mauritius alone is the State lawfully entitled to exercise sovereignty and sovereign rights over the Chagos Archipelago and its maritime zones, as the coastal State. The United Kingdom cannot claim any rights over the Chagos Archipelago and therefore cannot be a member of the IOTC as a coastal State.

The Republic of Mauritius requests that this statement be annexed to the report of this meeting.



**REPUBLIC OF MAURITIUS**  
**MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION**  
**AND INTERNATIONAL TRADE**

**No (4/2020) 18570/46/142T2**

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius presents its compliments to the Secretariat of the Indian Ocean Tuna Commission (IOTC) and has the honour to transmit herewith two statements being made by Mauritius under Agenda Items 3 and 5 of the 7<sup>th</sup> Meeting of the Indian Ocean Tuna Commission Technical Committee on Allocation Criteria to be held virtually from 22nd to 25th March 2021.

The Ministry would be grateful if a copy of these statements could be annexed to the report of the 7<sup>th</sup> Meeting.

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius avails itself of this opportunity to renew to the Secretariat of the Indian Ocean Tuna Commission the assurances of its highest consideration.



**Port Louis, 19th March 2021**

**Secretariat**  
**Indian Ocean Tuna Commission**  
**Victoria**  
**Seychelles**

**7<sup>th</sup> Meeting of IOTC Technical Committee on Allocation Criteria**  
**22-25 March 2021**

**Agenda Item 5: Adoption of the agenda and arrangements for the session**

**Statement by the Republic of Mauritius**

The Republic of Mauritius wishes to recall that in its Judgment of 28 January 2021, the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) ruled that the Republic of Mauritius has undisputed sovereignty over the Chagos Archipelago and that the United Kingdom's continued claim to sovereignty over the Chagos Archipelago is contrary to the determinations of the International Court of Justice (ICJ) to the effect that the detachment of the Chagos Archipelago from Mauritius was unlawful and that the United Kingdom's continued administration of the Chagos Archipelago is an unlawful act of a continuing character. It also ruled that the Republic of Mauritius is to be regarded as the coastal State in respect of the Chagos Archipelago.

In the view of ITLOS, determinations made by the ICJ in an advisory opinion cannot be disregarded simply because the advisory opinion is not binding. The Special Chamber held that the determinations made by the ICJ in its Advisory Opinion of 25 February 2019 have legal effect and clear implications for the legal status of the Chagos Archipelago.

ITLOS further held that the UN General Assembly was entrusted by the ICJ to take necessary steps towards the completion of the decolonization of the Republic of Mauritius and that Resolution 73/295 which was adopted by the General Assembly on 22 May 2019 is also relevant to assessing the legal status of the Chagos Archipelago. ITLOS also considered that the time-limit of 22 November 2019 for the unconditional withdrawal of the United Kingdom's colonial administration from the Chagos Archipelago was one of the modalities for ensuring the completion of the decolonization of the Republic of Mauritius. It ruled that "[t]he fact that the time-limit set by the General Assembly has passed without the United Kingdom complying with this demand further strengthens the Special Chamber's finding that its claim to sovereignty over the Chagos Archipelago is contrary to the authoritative determinations made in the advisory opinion".

It is therefore clear that as a matter of international law, the Republic of Mauritius is the sole State lawfully entitled to exercise sovereignty and sovereign rights over the Chagos Archipelago and its maritime zones and that the United Kingdom cannot claim any rights over the Chagos Archipelago. The Judgment of ITLOS, which is binding and without appeal, has further confirmed the illegality of the so-called “British Indian Ocean Territory”.

The Republic of Mauritius reiterates that in the light of the foregoing, the United Kingdom is not and cannot be the coastal State in relation to the Chagos Archipelago and is therefore not entitled to be a member of the IOTC as a coastal State pursuant to Article IV(1)(a)(i) of the Agreement for the Establishment of the Indian Ocean Tuna Commission.

Moreover, the Republic of Mauritius rejects the sovereignty claim of France over the Island of Tromelin as well as France’s claim to any sovereign right or jurisdiction over the Exclusive Economic Zone adjacent to the Island of Tromelin. Further, the Republic of Mauritius does not recognize the validity of the inclusion of the Island of Tromelin in the French Southern and Antarctic Lands (TAAF) or the Scattered Islands/Iles Eparses. The Republic of Mauritius reaffirms that it has full and complete sovereignty over the Island of Tromelin, including its maritime zones.

Since the Chagos Archipelago and the Island of Tromelin form an integral part of the territory of the Republic of Mauritius, the United Kingdom and France cannot and should not be granted any baseline allocation in respect of the Chagos Archipelago and the Island of Tromelin respectively.

The baseline allocation for the Republic of Mauritius should take into account the maritime zones of the Republic of Mauritius around the Chagos Archipelago and the Island of Tromelin as well.

Subject to the foregoing, the Republic of Mauritius has no objection to the adoption of the draft agenda.

The Republic of Mauritius also reserves all its rights under international law, including under Article XXIII of the Agreement for the Establishment of the Indian Ocean Tuna Commission.

This statement also applies to other agenda items and to all documents circulated for this meeting.

The Republic of Mauritius requests that this statement be annexed to the report of this meeting.

**REPUBLIC OF MAURITIUS****MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION  
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The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius presents its compliments to the Secretariat of the Indian Ocean Tuna Commission (IOTC) and has the honour to transmit herewith two statements being made by Mauritius under Agenda Items 3 and 5 of the 7<sup>th</sup> Meeting of the Indian Ocean Tuna Commission Technical Committee on Allocation Criteria to be held virtually from 22<sup>nd</sup> to 25<sup>th</sup> March 2021.

The Ministry would be grateful if a copy of these statements could be annexed to the report of the 7<sup>th</sup> Meeting.

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius avails itself of this opportunity to renew to the Secretariat of the Indian Ocean Tuna Commission the assurances of its highest consideration.

**Port Louis, 19<sup>th</sup> March 2021**

**Secretariat  
Indian Ocean Tuna Commission  
Victoria  
Seychelles**



Note Number: **OTD/002/2021**

The Overseas Territories Directorate of the Foreign, Commonwealth and Development Office presents its compliments to the Secretariat of the Indian Ocean Tuna Commission (IOTC) and Chair of the IOTC's Technical Committee on Allocation Criteria (TCAC) from 22 to 25 March. In advance of this session, the United Kingdom wishes to restate its position on the British Indian Ocean Territory (BIOT) and membership of the IOTC.

The United Kingdom has no doubt about its sovereignty over the Chagos Archipelago, which has been under continuous British sovereignty since 1814. Mauritius has never held sovereignty over the Archipelago and we do not recognise its claim. However, we have a long-standing commitment, first made in 1965, to cede sovereignty of the territory to Mauritius when it is no longer required for defence purposes. We stand by that commitment.

The United Kingdom was disappointed that this matter was referred to the International Court of Justice (ICJ), contrary to the principle that the Court should not consider bilateral disputes without the consent of both States concerned. Nevertheless, the United Kingdom respects the ICJ and participated fully in the ICJ process at every stage and in good faith. An Advisory Opinion is advice provided to the United Nations General Assembly at its request; it is not a legally binding judgment. The UK Government has considered the content of the Opinion carefully, however we do not share the Court's approach.

UN Resolution 73/295, adopted following the ICJ's Advisory Opinion, does not and cannot create any legal obligations for UN Member States. Neither the non-binding Advisory Opinion nor the non-binding General Assembly resolution alter the legal situation, namely that of a sovereignty dispute between the United Kingdom and Mauritius. The General Assembly is not the appropriate forum to resolve such a bilateral dispute.

The United Kingdom is aware of the judgment delivered on 28 January by the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) formed to deal with the Dispute concerning delimitation of a maritime boundary claimed by Mauritius to exist between Mauritius and Maldives in the Indian Ocean. The UK is not a party to these proceedings, which can have no effect for the UK or for maritime delimitation between the UK (in respect of BIOT) and the Republic of the Maldives.

The United Kingdom is a full member of the IOTC. The United Kingdom deposited instruments of acceptance to the IOTC Agreement on 31st March 1995 and 22nd December 2020 and has been a party to the Agreement since it entered into force. The Agreement for the Establishment of the Indian Ocean Tuna Commission provides that IOTC membership shall be open, inter alia, to FAO members that are situated wholly or partly within the IOTC's Area of Competence. As BIOT is situated wholly within the IOTC's Area of Competence, there can therefore be no doubt

that the United Kingdom, as the State with sovereignty over BIOT as aforementioned, is entitled to be a member of IOTC.

The United Kingdom requests that this statement be annexed to the report of TCAC's session and posted on the IOTC's website.

The Overseas Territories Directorate of the Foreign, Commonwealth and Development Office avails itself of the opportunity to renew to the Secretariat of the Indian Ocean Tuna Commission the assurances of its highest consideration.

FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE  
LONDON

19 March 2021



Statement by the Republic of France in response to the statement by the Republic of Mauritius

**7th Meeting of IOTC Technical Committee on Allocation Criteria - 22-25 March 2021**

Statement by the Republic of France in response to the statement by the Republic of Mauritius

In a declaration during the 7th Meeting of IOTC Technical Committee on Allocation Criteria, Mauritius objects the sovereignty of France over the Island of Tromelin as well as sovereign right or jurisdiction over its Exclusive Economic Zone.

France does not recognize any legal value of the registration of this objection by the Republic of Mauritius submitted to the IOTC Secretariat, which fails to consider that the Island of Tromelin is a French territory over which France has constantly exercised full and total sovereignty.

France would like to point out that neither the Secretariat of this Agreement, nor the regional fisheries management organizations meetings of the Indian Ocean are the appropriate place to discuss territorial sovereignty issues. France will continue to hold constructive bilateral dialogue on this subject with the Republic of Mauritius.

This statement applies to other agenda items and to all documents circulated for this meeting.  
The Republic of France requests that this statement be annexed to the report of this meeting.

## Statement by India

Dear Chair,

The delegation of India wishes to place on record the observation of its national monitoring center regarding activities of large scale fishing vessels (LSFVs) in the high seas falling within the IOTC area of competence. While fishing activities within the national jurisdiction of coastal states (CPCs) are monitored by the maritime and fishery agencies of the respective coastal states (CPCs), it is noticed that fishing activities in the areas beyond the national jurisdiction (ABNJ) that fall within the IOTC area of competence are being hardly monitored. The presence of large number of LSFVs are observed in the high seas of Indian Ocean Region (IOR), and majority of such fishing vessels are not in the IOTC list of authorized fishing vessels (AFVs), which is a matter of serious concern.

It is noticed that during the Month of January, 2021, there were 704 active LSFVs in the high seas of IOR (Arabian Sea, Indian Ocean & Bay of Bengal), out of it only 183 were AFVs. Similarly, 18 reefers were observed carrying out mid-sea meeting with LSFVs in IOR in January, 2021. Of these, only eight were found to be in the IOTC authorized vessels list of fish carriers. The details of these LSFVs have already shared by India with the IOTC Secretariat. It is also observed that during February, 2021 there were 730 active LSFVs in the high seas of IOR, out of this only 126 were AFVs. Presence of such a large numbers of unauthorized LSFVs in the IOTC area of competence undermines the objective of the IOTC Agreement. Besides, the possibilities of illegal, unreported and unregulated (IUU) fishing by these LSFVs in the IOTC area of competence may not be ruled out, as was observed from pattern of their movements, vessel-speed etc.

There is an urgent need for the Commission to review and assess the effectiveness of MCS measures, identify deficiencies especially in the ABNJ in the IOTC area of competence. The effectiveness and practical aspects of Conservation and Management Measures (CMMs) adopted by the Commission aimed at sustainable and responsible fisheries especially with reference to rebuilding of Yellowfin tuna (YFT) stocks need to be reviewed in light of the unauthorized fishing attributing to data gaps of resource exploitation in high sea fishing.

There is an urgent need for the Commission to explore and adopt options for strengthening MCS in the high seas so as to monitor and identify vessels presumed to have engaged in IUU fishing activities, and recommend further actions to prevent, deter and eliminate IUU fishing activities especially in the high seas by the Large Scale Tuna Fishing Vessels/carrier vessels.

In view of the above position, it is suggested that an enabling regional mechanism for information sharing and high sea monitoring may be worked out in the IOTC to prevent, deter and eliminate IUU fishing from the high seas in the IOTC area of competence. The effectiveness and practical aspects of implementation of concerned IOTC CMMs need to be reviewed. In case a new CMM is required for the purpose, the same may also be considered.

### APPENDIX 3.

#### AGENDA OF THE 7<sup>TH</sup> TECHNICAL COMMITTEE ON ALLOCATION CRITERIA

##### Day 1

1. **OPENING OF THE SESSION** (Chairperson & IOTC Secretariat)
2. **INTRODUCTION OF DELEGATIONS** (Each Head of Delegation)
3. **LETTER OF CREDENTIALS** (IOTC Secretariat)
4. **ADMISSION OF OBSERVERS** (Chairperson)
5. **ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION** (Chairperson)
  - Chair's Memorandum
  - List of Questions per theme
  - Chair's Comparative Thematic Table
6. **THEMATIC REVIEW OF ALLOCATION REGIME** (All delegations)
  - Theme 1: GENERAL PRINCIPLES FOR ALLOCATION REGIME
  - Theme 2: ELIGIBILITY TO ALLOCATIONS
  - Theme 3: SCOPE OF ALLOCATION REGIME

##### Day 2

- Theme 4: ALLOCATION STRUCTURE
- Theme 5: ALLOCATION ADJUSTMENTS

##### Day 3

- Theme 6: WEIGHTING OF ALLOCATION CRITERIA
- Theme 7: IMPLEMENTATION OF ALLOCATION REGIME
- Theme 8: TRANSITION TO A NEW ALLOCATION REGIME

##### Day 4

- Theme 9: FINAL CLAUSES
7. **MOVING FORWARD** (Chairperson)
    - Approach for moving forward
  8. **DRAFT REPORT**
  9. **OTHER BUSINESS**
  10. **MEETING CLOSURE**

**APPENDIX 4.**  
**LIST OF DOCUMENTS**

All documents are available on the IOTC website [\[click here\]](#)

Document number	Title
IOTC-2021-TCAC07-01a	Draft Agenda v 12 Feb
IOTC-2021-TCAC07-02	Chairpersons explanatory memorandum
IOTC-2021-TCAC07-03	Draft List of Questions for Agenda 6 Themes
IOTC-2021-TCAC07-Statement01	Statement by Mauritius under item 3
IOTC-2021-TCAC07-Statement02	Statement by Mauritius under item 5
IOTC-2021-TCAC07-Statement03	Note from the United Kingdom