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**TCAC CHAIR'S DRAFT PROPOSAL FOR AN ALLOCATION REGIME (v2)**

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***Background on the draft***

*Draft #2 has been prepared on the basis of comments received from all delegations during TCAC08 and written comments received on Draft #1 during and following the TCAC08 meeting.*

*For more details on delegations' written comments, Members are referred to IOTC-2021-TCAC09-REF01 for the compilation of all written comments received on Draft #1.*

**IOTC RESOLUTION 2023/XX****ESTABLISHING AN ALLOCATION REGIME FOR THE IOTC****PREAMBLE**

**The Indian Ocean Tuna Commission (IOTC),**

**CONSIDERING** the objective of the Commission to promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks covered by the Agreement and encouraging sustainable development of fisheries based on such stocks, as referenced in Article V.1 1 of the IOTC Agreement;

**MINDFUL** that allocation regimes can contribute to the sustainable management of fish stocks, in particular for fish stocks ["that are depleted, or at or below production levels"], by providing a transparent and equitable means of distributing fishing opportunities;

**NOTING** in this regard IOTC 2010 *Resolution 10/01 for the conservation and management of tropical tuna stocks in the IOTC area of competence* endorsed by the IOTC at its 2010 meeting in Busan, Korea, pursuant to which the Commission mandated the Technical Committee on Allocation Criteria to "discuss allocation criteria for the management of tuna resources in the Indian Ocean and recommend an allocation quota system or any other relevant measures";

**RECALLING** the principles, rights and obligations of all States, and provisions of treaties and other international instruments relating to marine fisheries, and in particular, relating to highly migratory species, including those contained in:

*The United Nations Convention on the Law of the Sea of 10 December 1982;*

*The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, of 4 August 1995;*

*The 1993 FAO Compliance Agreement;*

*The 1995 FAO Code of Conduct for Responsible Fisheries;*

Other relevant instruments adopted by the Food and Agriculture Organisation of the United Nations;  
and,

The relevant resolutions of the United Nations General Assembly;

**RECALLING** global commitments to open and transparent decision-making;

**NOTING** the sovereign rights of coastal States in accordance with the international law of the sea for the purposes of exploring and exploiting, conserving and managing the living resources, including highly migratory species, within the 200 nautical mile Exclusive Economic Zone under their jurisdiction, and the need for the Allocation Regime not to prejudice such rights;

**RECOGNISING the established interests, fishing patterns and fishing practices of Members historically fishing in the IOTC area of competence;**

**RECOGNIZING** the interests, aspirations, needs, and special requirements of developing States, as stated in various international instruments, in particular least-developed States and Small Island Developing States (SIDS) that are coastal States in the IOTC area of competence, including their requirement to equitably participate in the fishery for highly migratory fish stocks in this area;

**UNDERLINING** the results and recommendations from the KOBE process;

**DESIRING** to cooperate to address developing coastal States interests, aspirations, needs, and special requirements and the rights of coastal States regarding fisheries resources in their exclusive economic zone, while recognizing the historic economic interests and rights of all IOTC Contracting Parties and Cooperating Non-Contracting Parties involved in fisheries for IOTC fish stocks;

**ADOPTS**, in accordance with the provisions of Article IX.1 of the Agreement, the following:

## **Article 1. USE OF TERMS**

1.1. For the purposes of this Resolution:

- (a) **“Agreement”** means the Agreement for the Establishment of the Indian Ocean Tuna Commission, approved by the FAO Council at its Hundred-and-Fifth Session in November 1993, and entered into force on 27 March 1996;
- (b) **“Allocation”** means a fishing opportunity represented as a percentage share of the Total Allowable Catch (TAC) for a given fish stock established by the Commission pursuant to Articles 6.1 to 6.16, and adjusted by the Commission pursuant to Articles 7.1, 7.2, 7.3 and 7.4.
- (c) **“Allocation Period”** means the period during which an allocation established pursuant to this Resolution remains valid as determined pursuant to Article 10;
- (d) **“Coastal CPC”** means a State or associated member or regional economic integration organisation situated wholly or partly within the IOTC Area of Competence;
- (e) **“Commission”** or **“IOTC”** means the Indian Ocean Tuna Commission;
- (f) **“Compliance Committee”** means the permanent committee provided for in Article XII.5 of the Agreement and established pursuant to the IOTC Rules of Procedures (2014);

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- (g) **“Conservation and Management Measure” or “CMM”** as specified in Article IX of the Agreement, and consist of Resolutions, which are binding on Members, subject to Article IX para 5 of the IOTC Agreement, and Recommendations, which are non-binding, subject to Article IX para 8 of the Agreement;
  - (h) **“Contracting Party” or “CP”** means a party to the Agreement;
  - (i) **“Contracting Parties and Cooperating Non-Contracting Parties”** are jointly referred to as **“CPCs”**;
  - (j) **“Cooperating Non-Contracting Party” or “CNCP”** means any non-Member of the Commission, which voluntarily ensures that vessels flying its flag fish in a manner which conforms with the Conservation and Management Measures adopted by the IOTC and have completed the application process to become a Cooperating Non-contracting Party to the IOTC, as detailed in Appendix III of the IOTC Rules of Procedures, [and which the Commission has endorsed];
  - (k) **“Developing State”** means a State that is a CPC whose developing status has been defined under United Nations standards and includes least developed States and Small Island Developing States.;
  - (l) **“Fish Stocks” or “Stocks”** means tuna stocks and highly migratory species referenced in Article 5 and listed in Annex 1;
  - (m) **“Fishing Opportunity”** means, in the context of allocations, access rights of CPCs to catch a share of a given fish stock managed by the IOTC, which may be determined on the basis of portions of catch, biomass, or shares based on fishing effort.
  - (n) **“IOTC Area of Competence”** means the area under the IOTC mandate as defined in Article II of the Agreement and set out in *Annex A to the Agreement*;
  - (o) **“IOTC Management Procedures”** means IOTC Resolutions adopted for the sustainable exploitation of harvested stocks through a set of formal actions, usually consisting of data collection, stock assessment (or other indicators), and harvest control rules, able to iteratively and adaptively provide robust decisions to manage a fishery. ;
  - (p) **“Member”** means a Member of the Commission as specified in Article IV of the Agreement;
  - (q) **“New Entrant”** for the purpose of this Resolution, means a State which was neither a Contracting Party nor a CNCP at the time this Resolution was adopted, and which has submitted its instrument of accession to the IOTC after the adoption of this Resolution;
  - (r) **“Non-Coastal CPC”** means a State or associate member not situated wholly or partly within the IOTC Area of Competence;
  - (s) **“Serious non-compliance”** means ... Article 7.2
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- (t) **“Scientific Committee”** means the permanent committee provided for in Article XII.1 of the Agreement;
- (u) **“Small Island Developing States”** or **“SIDs”** are States whose status has been defined by the United Nations;.
- (v) **“Stock Assessment Cycle”** means a cyclical schedule of stock assessments approved by the Commission for scientific advice provided by the Scientific Committee related to the status of fish stocks listed in Annex A in its stock assessment reports for such stocks. Stock Assessment cycles may vary by stock;
- (w) **“TAC”** means the Total Allowable Catches established by the Commission following a management evaluation process for a stock listed in Annex A and caught in the IOTC Area of Competence;
- (x) **“TAC Period”** means the period for which a TAC for a given fish stock remains valid and unchanged by the Commission. The TAC Period is determined by the Commission and usually follows the same schedule as the Stock Assessment Cycle.

## **Article 2. PURPOSE**

- 2.1 . The Allocation Regime contained in this Resolution shall form the basis and manner for the Commission to determine and share allocations of fish stocks listed in Annex 1 and caught in the IOTC Area of Competence among CPCs in a fair, equitable and transparent manner.

## **Article 3. GUIDING PRINCIPLES**

The following principles shall guide the Commission’s decisions in determining allocations for CPCs and New Entrants. Allocations established pursuant to the Allocation Regime contained in this Resolution shall:

- 3.1. provide an objective, fair, equitable and transparent system to allocate fishing opportunities in the IOTC area of competence;
- 3.2. factor in the status of the IOTC stocks to be allocated;
- 3.3 contribute to ensuring the sustainable management and use of IOTC fish stocks ;
- 3.4. respect the sovereign rights and obligations of coastal States within their Exclusive Economic Zone or equivalent maritime zone;
- 3.4 bis ensure the compatibility of conservation and management measures for fish stocks in their entirety established for both the high seas and the areas under jurisdiction of coastal States.
- 3.5. respect the rights and obligations of all States fishing in the IOTC area of competence;
- 3.5 bis take into consideration the significant efforts made by each CPC to fulfil their obligations to comply with the IOTC Agreement and Resolutions

- 3.6. recognize and accommodate the special requirements of developing coastal States, in particular the vulnerability of Small Island Developing States, who are socio-economically dependent on IOTC fisheries resources, including for food security, and factor their needs and dependency on these resources;
- 3.7. take into account and accommodate the interests and aspirations of coastal States, particularly those of developing coastal States, in further developing their fishing opportunities in the IOTC area of competence, without undermining the rights of other CPCs fishing for the same fish stocks;
- 3.7(bis) take into account and accommodate the established interests, fishing patterns and fishing practices of CPCs historically fishing in the IOTC area of competence;
- 3.8. be implemented in a step-wise manner while providing some stability in the fisheries, by partially shifting current fishing patterns from Developed CPCs and Non-coastal CPCs to Coastal CPCs that are developing Coastal States, including in particular, least developed states and small island developing states, taking into account the socio-economic impacts of the resulting change in past fishing patterns of Developed CPCs and Non-coastal CPCs, and the socio-economic impacts of any delay in the transition on developing coastal CPCs whose people, present and future, rely on the fish stocks for their economic and food security;

Alternative 3.8:

take into account the desire to limit socio economic shocks from the implementation of the allocation regime by providing the ability to temporarily transfer allocations between CPCs

- 3.9. The Allocation Regime shall deter Illegal, Unreported and Unregulated fishing and serious non-compliance with relevant IOTC CMMs.

#### **Article 4. ELIGIBILITY**

- 4.1. Each CP at the time of the adoption of this Resolution is eligible to receive an allocation for one or more fish stocks under this Allocation Regime<sup>1</sup>. The nature and extent of the allocation shall be determined based on the criteria and process outlined in this Resolution, its appendices and its annexes.
- 4.2. A CNCP at the time of the adoption of this Resolution may also be eligible to receive an allocation as described in Article 4.1 if the CNCP expressed a real interest in fishing in the IOTC area of competence when it submitted its application for CNCP status. In such a case, the CNCP shall receive [50%] of the allocation for each fish stock for which it is eligible, until such time as it becomes a Contracting Party to the IOTC. Once a CNCP becomes a CP, it may receive 100% of the allocations to which it is eligible, upon payment of its contribution to the Commission pursuant to Article XIII of the Agreement.
- 4.3. A New Entrant that is situated wholly or partly within the IOTC Area of Competence may only be eligible to receive a Special allocation described in articles 6.14, 6.15 and 6.16. A New Entrant that is not a Coastal State is not eligible to receive an allocation under this resolution.

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<sup>1</sup> As agreed in the TCAC5 meeting (indicated in paragraph 14 of the meeting report of TCAC05), the allocations for the fishing fleet represented by the Invited Experts in the IOTC area of competence shall be treated in the same way as those for other distant water fishing fleets represented by Contracting Parties.

- 4.4. [CPCs and New Entrants may lose eligibility to an allocation pursuant to Article 7.2.]

## **Article 5. SCOPE**

5.1. (1) Subject to priorities set out in Annex 1 and further established pursuant to articles 5.2 and 9.2, this Resolution shall apply to the tuna stocks and highly migratory species listed in Annex 1 to this Resolution found in the IOTC Area of Competence [, excluding the Territorial Sea and Archipelagic waters of CPCs] and managed by the IOTC.

(2) Subject to Article 11.4, the Commission may amend Annex 1 to include or exclude fish stocks.

5.2. The Commission may implement the Allocation Regime in this Resolution in a gradual manner, based on priorities set out in Annex 1 and further established in accordance with Article 9.2.

## **Article 6. ALLOCATION STRUCTURE**

### **Total Allowable Catch**

- 6.1. Allocations to CPCs under this Allocation Regime shall consist of fishing opportunities represented as percentage shares of the Total Allowable Catches (TACs) for fish stocks determined by the Commission and reflected in relevant IOTC Management Procedures or other relevant decision of the Commission following the results of a stock assessment.
- 6.2. Allocations to CPCs of a given fish stock shall be established based on allocation criteria contained in articles 6.5 to 6.12, and pursuant to the process set out in articles 9.5. to 9.18. Such allocations shall be set based on the TAC decision of the Commission for the given stock following each stock assessment for the stock. The allocation shall remain valid until adjustments are made pursuant to Articles 7.1, 7.2 or 7.3. .
- 6.3. Subject to Articles 7.3 and 7.4, the sum of allocations for a given fish stock established for a given allocation period pursuant to this Resolution shall not exceed the TAC for that stock for that allocation period.

### **Criteria for Allocations**

- 6.4. The allocated share of the TAC for a given stock for each eligible CPC may consist of two elements:
- (a) a percentage share of the Catch-based Allocation as defined by criteria provided in articles 6.6 to 6.10, and
  - (b) a percentage share of the Coastal State Allocation as defined in criteria provided by articles 6.11 and 6.12 and indicators provided in Annex 3,

the sum total of which may be adjusted by factors defined in articles 7.1 to 7.3.

**Catch-Based Allocations**

- 6.5. [The total initial Catch-based Allocation for a given fish stock shall comprise [ %] of the TAC for that stock.]
- 6.6. (a) Eligible CPCs shall receive a Catch-base Allocation established based on the Historical Catches of CPCs determined based on the criteria provided in Article 6.7, adjusted to reflect catches attributed to relevant CPCs that are developing Coastal States pursuant to articles 6.8 and 6.9, and revised pursuant to Article 6.10.
- (b) The Catch-base Allocation shall be normalised for each eligible CPC as a percentage of the stock specific TAC.

**Historical Catch**

- 6.7. (a) Subject to articles 6.8, 6.9, 6.10 and 6.13, the historical catch used to determine a CPC's initial Catch-based Allocation for a given stock shall be based on the best nominal catch data provided by each CPC and, where relevant, re-estimated through a process approved by the Commission for each stock caught in the IOTC area of competence, and averaged over the following periods:
- (i) For Tropical Tuna stocks:
- Option 1: *2000-2016*,  
Option 2: *(2012-16)*,  
Option 3: *best 5 years averaged from within the period 1950-2016*.
- (ii) For other stocks:
- Best 5 years averaged from within the period of 1950 to [xx].
- (b) In determining the best estimates of nominal catch data, IUU catches shall be excluded.
- (c) The catch history average periods provided in Paragraph 6.7(a) may be revised [from time to time / every xx years] by the Commission, to take into account most recent catch periods.

**Attributed Catch**

- 6.8. [[X%] of the historical catch of Developed CPCs and Non-coastal CPCs that are listed in Annex 2 for specified fish stocks [taken within the Exclusive Economic Zones of Coastal CPCs that are Developing States and reported to the Commission as catch of those Developed CPCs and Non-coastal CPCs listed in Annex 2] shall be attributed to the relevant Coastal CPCs that are Developing States listed in Annex 2.]
- 6.9. [The implementation of the attributed catch shall be transitioned for each relevant fish stock over a specified period in the amounts and based on the schedule set out in Annex 2 to the relevant Coastal CPCs that are Developing States listed in Annex 2, to form the basis of their respective Coastal States Attributed Catch.]
- 6.10 The Catch-based Allocations of CPCs listed in Annex 2 for the relevant fish stocks shall be revised in accordance with the amounts and schedule provided in Annex 2.

### Coastal States Allocation

6.11. [The total initial Coastal State Allocation for a given fish stock shall comprise [ %] of the TAC for that stock.]

6.12 (1) Coastal CPCs shall be eligible to receive a share of the TAC for fish stocks that occur in their Exclusive Economic Zones, which shall comprise one or more of the following components:

- (a) [35% / 45%] of Coastal State Allocation to address their interests and aspirations as Coastal CPCs, to be shared in equal portion by all Coastal CPCs as per Annex 3;
- (b) [47.5% / 55%] of the Coastal State Allocation dedicated to developing coastal CPCs, in particular SIDs and least developed States, to address their needs and dependency on the fish stocks listed in Annex A and the fisheries for these stocks, to be shared based on the indicators described in Annex 3; and
- (c) [[17.5% / 0%] of Coastal State Allocation dedicated to Coastal CPCs to address their rights and status as Coastal CPCs, to be shared based on the indicators in Annex 3.]

(2) Subject to Article 11.4, Annex 3 may be amended by the Commission to replace the indicators with alternative more precise indicators reflective of the dependency of developing Coastal CPCs on the fish stocks and the fisheries for these stocks, as data necessary to implement such alternative indicators become available. Allocations of developing coastal CPCs shall be adjusted to reflect the new indicators once approved by the Commission.

### Correction for Extenuating Circumstances

6.13. A CPC whose ability and capacity to fish for fish stocks during the catch history reference period referred to in Article 6.7 has demonstrated to have been directly and severely restrained or impeded by extenuating circumstances, such as:

- (a) engagement in war or other military conflicts;
- (b) engagement in civil conflicts;
- (c) wide spread piracy in the fishing area;
- (d) environmental disasters, such as a tsunami,

may, subject to a formal documented request provided to the Secretariat at least 60 days before the Commission meeting and subject to the explicit approval of the Commission, seek to have its catch history for that stock corrected based on the average catch taken within the catch history reference period by CPCs for the same stock.

### New Entrants

6.14. The Commission may set aside a portion of a TAC that has increased from the previous TAC period, to be allocated, as a Special Allocation, to eligible New Entrants as defined in Article 4.3, where such New Entrant:

- (a) submits a written request to the Commission for an allocation of a given stock;
- (b) had provided nominal catch data for the fish stock for which it is seeking an allocation and which has been verified by the Commission;
- (c) expressed and demonstrated a real interest in the fishery for that stock at the time it sought accession to the IOTC;
- (e) (d) pays its annual contribution to the Commission; and complies with the CMMs.



6.15. The Commission may allocate shares of the Special Allocation referenced in Article 6.13 to each New Entrant in the year that the TAC is reviewed for the stock.

6.16. [New Entrants shall share in equal proportion, any Special Allocation set aside by the Commission pursuant to articles 6.13. and 6.14.]

## **Article 7. ADJUSTMENTS WITHIN ALLOCATION PERIOD**

### **7.1 Over-catch**

(a) Over-catch of a fish stock by a CPC or New Entrant in a given calendar year within an allocation period shall be deducted from that CPC's allocation for that stock in the following [calendar year within the same allocation period / OR allocation period] by 20%.

(b) A CPC or New Entrant may seek to defer this deduction to the next calendar year within the allocation period, in which case, the deduction ratio shall be increased by [50%].

(c) Where a CPC or New Entrant over-catches a given stock for three consecutive calendar years, the allocation of that CPC or New Entrant shall be deducted by 200%, and deferral shall not be permitted.

(d) Any outstanding over-catch of a stock from an allocation period shall be deducted from the first calendar year of the following allocation period, based on the relevant percentages referred to in paragraphs 7.1. (a) to (c).

(e) Catch Reporting:

(i) To ensure proper monitoring of IOTC allocations, CPCs and New Entrants shall report catches of allocated stocks on a quarterly basis based on a schedule and requirements determined by the Commission for each stock. When reaching 100% of its allocation, the CPC shall close its fishery for that stock and inform the IOTC Secretariat of its decision.

(ii) Where a CPC or New Entrant has exceeded its allocation and over-catch penalties have been imposed pursuant to paragraphs 7.1 (a), (b) or (c), that CPC or New Entrant shall, in the subsequent calendar year where overages have been applied, monitor and report its catches for that stock to the Secretariat on a monthly basis after 50% of its allocation has been caught, to ensure catches over the adjusted allocation do not occur.

### **7.2. Serious Non-Compliance**

(a) The Commission shall temporarily withdraw eligibility to an allocation of any CPC or New Entrant, where the Commission determines that the CPC or New Entrant has demonstrated serious, systematic or gross disrespect of the IOTC's Conservation and Management Measures that are adopted by IOTC Resolution.

(b) The Commission shall define situations of serious non-compliance that shall lead it to temporarily withdraw eligibility of a CPC or New Entrant to an allocation, based on advice and recommendations from the Compliance Committee and the following examples of serious and systematic non-compliance:

- (i) Repeated and persistent over-catch or underreporting, with refusal to adjust their allocation in accordance with Article 7.1, or where no concrete actions are taken to remediate;
  - (ii) Non-provision of data for 3 years or more with no concrete actions taken to address the data gaps;
- (c) The Commission shall reinstate a CPC's or New Entrant's allocation that has been temporarily withdrawn where:
- (i) the CPC or New Entrant has fully addressed the non-compliance issue; and,
  - (ii) the CPC or New Entrant has made a request in writing to the Commission for reinstating their allocation, providing information related to steps taken to address the non-compliance, as outlined in Paragraph 7.2(b).

### **7.3 Adjustments for Extenuating Circumstances**

A CPC may, subject to the advice of the Scientific Committee on stock status, seek to have its allocation for a given fish stock adjusted during the allocation period for the stock, if it can demonstrate to the Commission that its ability and capacity to fish the allocation during a calendar year within the allocation period for the stock has been directly and severely restrained or impeded by extenuating circumstances described in Article 6.13. In such a case, the CPC shall submit a formal documented request to the Secretariat at least 60 days before the Commission meeting to seek to have the under-harvested part of its allocation for that calendar year [in an amount not exceeding xx% of the TAC], carried forward and added to the following calendar year's allocation of the stock for that CPC.

### **7.4. Adjustments for Changing Statistics**

A developing Coastal CPC may seek to have its allocation under Paragraph 6.12(1)(b) for a given stock adjusted within the allocation period for that stock to reflect changes in statistics related to its dependency on fish stocks listed in Annex A or fisheries for such stocks. In such a case, the CPC shall submit a formal documented request to the Secretariat at least 60 days before the Commission meeting to seek to have its dependency statistics adjusted and its allocation adjusted by the Commission.

## **Article 8. ALLOCATION TRANSFERS AND USE**

- 8.1. (a) CPs who wish to transfer, on a temporary basis, a portion or all of their allocations within an allocation period, shall notify the Commission in writing [XX days] prior to the transfer occurring.
- (b) The receiving CP shall notify its acceptance of the transferred allocation to the Commission within [xx days] prior to the transfer occurring.
- (c) The transfer shall take effect upon receipt by the Secretariat of the written acceptance.
- (b) The Secretariat shall share the written notifications with all CPCs within [xx days] of the receipt.
- (c) When a transfer is notified after the allocation table has been approved by the Commission pursuant to Article 9.18, the Secretariat shall attach a revised allocation table when it shares the written notifications of the transfer with CPCs.

(d) The written notification of the CP shall include the amount of fish to be transferred; the stocks; the period; and, the CP to whom the allocation, or part thereof, will be transferred.

(e) Permanent transfers of allocations are not permitted.

(f) A CP who has received a transferred allocation may not transfer this allocation or a portion thereof to a CPC or New Entrant.

(g) A transferred allocation or portion thereof shall not be considered a precedent for future allocation decisions.

8.2. CNCPs and New Entrants are not eligible to transfer any whole or part of their allocations, nor to receive any whole or part of an allocation from CPCs or New Entrants.

8.3. A CPC or New Entrant that does not intend to fish, transfer, or preserve its allocation for conservation purposes, in a calendar year period, may notify, on a voluntary basis, the Commission in writing, within xx days of the Annual meeting of the Commission. The unused allocation shall be re-allocated in accordance with Article 9.12.

8.4. Allocation transfers shall not prejudice the determination of future allocations of CPCs.

## **[Article 9. IMPLEMENTATION]**

### **Priority Fish Stocks**

9.1. Allocations shall be established as a matter of priority for the fish stocks listed as first priority in Annex 1.

9.2. The Commission may determine an order of priority for the remaining fish stocks pursuant to Article 5.1 and Annex 1, for which it will gradually implement allocations. In determining the order of priority, the Commission shall consider the advice from the Scientific Committee, and factor in:

- (a) the availability and reliability of data for the remaining fish stocks;
- (b) the status of the stocks;
- (c) the stock assessment cycles; and
- (d) the need to manage the workload of the Commission by rotating the timing of various TAC decisions.

9.3. The Commission may amend Annex 1 to reflect these implementation priorities.

### **Implementation Plan**

9.4. (a) Prior to the coming into force of this Resolution, the Secretariat shall prepare for the Commission's approval, an Implementation Plan for establishing allocations factoring in the priority list of fish stocks contained in Annex 1 and additional priorities approved by the Commission pursuant to Article 9.1. The Implementation Plan may be amended from time to time, to add fish stocks to the priority list based on decisions of the Commission.

(b) The Implementation Plan shall include:

(i) a schedule for setting TACs as per schedule of stock assessments for each stock and the advice of the Scientific Committee;

(ii) a draft template for allocation tables;

(iii) information and data requirements for establishing TACs and allocations beyond current data requirements of the IOTC; and,

(iv) proposed strategies for addressing data gaps required to be addressed to enable the Commission to establish TACs and allocations for fish stocks, as needed.

### **Allocation Process and Catch Validation**

#### **[Allocation Committee]**

9.5. Pursuant to Article XII.5 of the Agreement, the Commission hereby establishes the Allocation Committee to support the Commission's process for allocating IOTC fish stocks to CPCs and New Entrants.

9.6. The mandate of the Allocation Committee shall include:

- (a) to adjust and make corrections to the allocations consistent with this Resolution; and,
- (b) to provide advice and recommendations to the Commission for decisions it is mandated to make pursuant to this Resolution.

9.7. Membership and Terms of Reference for the Allocation Committee are provided in Annex 4. A process map for the allocation process and catch validation is included as Appendix 2.]

#### **Implementation Plan**

9.8. During its first meeting following the adoption of this Resolution, the [Allocation Committee / OR Commission] shall review [and provide advice and recommendations to the Commission in respect of the adoption of/ OR and adopt ] the Implementation Plan drafted by the Secretariat in accordance with Article 9.4. [Thereafter, the Allocation Committee shall provide advice and recommendations to the Commission on any amendments that may be proposed to / OR Thereafter, the Commission may review and make any amendments to] the Implementation Plan.

#### **Allocation Tables**

9.9. (a) XX days prior to the commencement of the allocation period for each fish stock, and in accordance with the Implementation Plan adopted pursuant to Article 9.8, the Secretariat shall develop draft Allocation Tables for each stock to be allocated pursuant to this Resolution for that period, based on the TAC decisions of the Commission for such stocks.

(b) The draft Allocation Tables shall include allocations for each eligible CPC established pursuant to the criteria in this Resolution, including any adjustments pursuant to Article 7, and any corrections requested pursuant to Article 6.13.

(y) The draft Allocation Tables do not confer allocation rights to CPCs until they are approved by the Commission.

- 9.10. Eligible CNCPs and New Entrants that wish to be considered for allocations under articles 6.6 to 6.12 and 6.13 to 6.15 respectively, shall send a letter of application to the Commission at least xx days prior to the annual meeting of the [Allocation Committee / OR Commission].
- 9.11. The Secretariat shall also include in the Allocation Tables:
- (a) any transfers notified xx days prior to the Commission's annual meeting pursuant to articles 8.1 and 8.2. The Secretariat shall adjust the allocation tables with any transfers notified after this deadline and circulate to CPCs in accordance with Paragraph 8.1 (b); and,
  - (b) any requests for allocations submitted by CNCPs and New Entrants pursuant to Article 9.10.
- 9.12. Upon receipt of the notification in Article 8.3., the Secretariat shall revise the relevant Allocation Tables by reallocating the proposed unused allocation to other CPCs based on the relevant allocation criteria.

#### **[Annual Meeting of the Allocation Committee]**

- 9.13. The Allocation Committee shall meet annually, prior to the Commission's Annual Meeting.]
- 9.14. XX days prior to the annual meeting of the [Allocation Committee / OR Commission], the Secretariat shall share with [the Members of the Allocation Committee / CPCs] information and recommendations emanated from the Compliance Committee regarding non-compliance of CPCs and New Entrants for consideration by the [Allocation Committee / OR the Commission] in accordance with Article 7.2, and any requests made pursuant to articles 6.13, 6.14, 6.15 and 7.3.
- 9.15. The Secretariat shall update the Allocation Tables with any information submitted to the Commission in accordance with Article 9. It shall post the updated Allocation Tables on the IOTC Website at least xx days prior to the [Allocation Committee / OR Commission] annual meeting.
- 9.16. CPCs may seek revisions or corrections to the Allocation Tables from the [Allocation Committee / OR Commission / OR Secretariat] to reconcile and validate catch data compiled and reported to the Commission.

#### **Commission Approval**

- 9.17. The Secretariat shall prepare final draft Allocation Tables for each stock reflecting the outcomes of the [Allocation Committee / OR Commission] meeting and submit them for approval by the Commission at its annual meeting.
- 9.18. (a) At its annual meeting, the Commission shall [consider the recommendations of the Allocation Committee / OR consider any requests made pursuant to articles 6.13, 6.14, 6.15, 7.2(c)(ii), 7.3 and 7.4] in approving the Allocation Tables submitted by the Secretariat.
- (b) The final Allocation Tables, including any decision by the Commission, shall be made public as soon as possible after the Commission's decision.

(c) The allocations contained in the Allocation Tables approved by the Commission constitute the final allocations of CPCs and New Entrants for the Allocation Period for the stock.

## **Article 10. ALLOCATION PERIOD**

10.1. Subject to in-period adjustments made pursuant to Article 7, each allocation for a given fish stock shall remain valid for the period determined by the Commission for that stock. In the absence of a specified period, the allocation shall remain valid for the same period as the TAC period established for the fish stock. .

## **Article 11. FINAL CLAUSES MDV**

### **Coming into Effect**

11.1. This Resolution shall come into force on [date].

### **Term and Amendment**

11.2 (1) The Allocation Regime contained in this Resolution shall be reviewed after [10 / OR 5 years] of its entry into force.

(2) This term may be extended by decision of the Commission every [x] years thereafter, subject to Articles 11.3. and 11.4..

11.3 In reviewing the Allocation Regime pursuant to Article 11.2, the Commission shall consider whether the implementation of the Regime and the resulting allocations have achieved the purpose provided in Article 2, and whether they have met the guiding principles set out in Article 3. .

11.4 The Allocation Regime may be amended by the Commission after the initial term set out in Article 11.2(1). [In this respect, the Allocation Regime shall remain in effect until amended or replaced by the Commission.]

### **Safeguard**

11.5 Consistent with Article IV.6 of the Agreement, nothing in this Resolution, nor any act or activity carried out pursuant to this Resolution, shall be considered or interpreted as changing or in any way affecting the position of any party to the Agreement with respect to the legal status of any area covered by the Agreement.

### **Past Resolutions**

11.6 This Resolutions replaces and supersedes the following Resolutions:

- (a) 14/02 (title)
- (b) 03/01 (title)
- (c) others..

## Appendix 1

### LIST OF DEVELOPING STATES THAT ARE CPCs<sup>2</sup>

Bangladesh	Madagascar	Somalia
China	Malaysia	Sri Lanka
Comoros	Maldives	South Africa
Eritrea	Mauritius	Sudan
India	Mozambique	Tanzania (United Republic of)
Indonesia	Oman (Sultan of)	Thailand
Iran (Islamic Republic of)	Pakistan	Yemen
Kenya	Philippines	
Korea (Republic of)	Seychelles	


<sup>2</sup> Source: UN World Economic Situation and Prospects 2021:  
[https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/ESP2021\\_Annex.pdf](https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/ESP2021_Annex.pdf)

## **Appendix 2**

**A process map for the allocation process and catch validation**

*to be added*



## **Annex 1**

### **Fish Stocks to be Allocated pursuant to the Allocation Regime**

A. The following stocks of tunas and highly migratory species found in the IOTC area of competence and managed by the IOTC<sup>3</sup> shall be allocated pursuant to the Allocation Regime of the IOTC provided in Resolution 2023/XX, in the following priority order:

1<sup>st</sup> Priority List:

1. yellowfin tuna
2. big eye tuna
3. skipjack tuna
4. albacore tuna
5. swordfish

B. The following stocks of tunas and highly migratory species found in the IOTC area of competence and managed by the IOTC shall be allocated pursuant to the Allocation Regime of the IOTC provided in Resolution 2023/XX based on the priority order to be determined by the Commission pursuant to Article 9.2:

- longtail tuna
- kawakawa
- frigate tuna
- bullet tuna
- narrow barred Spanish mackerel
- Indo-Pacific king mackerel
- Indo-Pacific Blue Marlin
- Black Marlin
- striped marlin
- Indo-Pacific sailfish

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<sup>3</sup> Southern Bluefin Tuna has been excluded as it is managed by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

**[Annex 2**

**Schedule for Attribution of Catch from Developed CPCs and Non-coastal CPCs to  
Developing Coastal CPCs**

**]**

### Annex 3

#### Coastal States Allocation Indicators

1. The following indicators shall be used to calculate the Coastal States Allocation pursuant to Article 6.12 of the Allocation Regime in Resolution 2023/XX:

a) Pursuant to Paragraph 6.12(a), CPCs that are coastal States: Status weighting = 1 (an equal portion for each). Proportion = [35% / OR 45%] of the Coastal States Allocation;

b) Pursuant to Paragraph 6.12(b), CPCs that are developing coastal States: Proportion = [47.5% / OR 55%] of the Coastal States Allocation;

- *Human Development Index (HDI) status*: Status weighting = low (1), medium (0.75), high (0.50), Very high (not applicable). Proportion = 30% of the developing coastal States element of the Coastal States Allocation;

- *Gross National Income (GNI) status*: Status weighting = low (1), low-middle (0.75), upper-middle (0.5), high (0.25). Proportion = 30% of the developing coastal States element of the Coastal States Allocation;

- *Small Islands Development Status (SIDS)*: Status weighting = yes (1), no (0). Proportion = 40% of the developing coastal States element of the Coastal States Allocation;

[c) Pursuant to Paragraph 6.12(c), CPCs that are coastal States: EEZ proportion: In the absence of data supporting an indicator based on stock abundance, the size of the area under national jurisdiction within the IOTC Area of Competence, as a proportion of the overall IOTC Area of Competence. Proportion = 17.5% of the Coastal States Allocation; EEZ size weighting:

- >0.0-≤1.0% of the IOTC Area of Competence (weighting = 1)
- • >1.0-≤2.0% of the IOTC Area of Competence (weighting = 2)
- • >2.0-≤3.0% of the IOTC Area of Competence (weighting = 3)
- • >3.0-≤4.0% of the IOTC Area of Competence (weighting = 4)
- • >4.0-≤5.0% of the IOTC Area of Competence (weighting = 5)
- • >5.0-≤6.0% of the IOTC Area of Competence (weighting = 6)
- • >6.0-≤7.0% of the IOTC Area of Competence (weighting = 7)
- • >7.0-≤8.0% of the IOTC Area of Competence (weighting = 8)]

## **Annex 4**

### **Terms of Reference for Allocations Committee**

#### **Membership**

1. (a) The Allocations Committee of the IOTC established pursuant to Article 9.4 of the IOTC Allocation Regime contained in Resolution 2023/XX shall consist of representatives of CPCs.  
  
(b) Representatives from New Entrants, Observers and Experts may participate in meetings of the Allocations Committee in accordance with the IOTC Rules of Procedure.

#### **Chair**

2. The Allocations Committee shall be presided by a Chairperson elected by its members in accordance with the IOTC Rules of Procedure.

#### **Mandate**

3. The mandate of the Allocations Committee shall include to adjust and make corrections to the allocations tables prepared by the Secretariat consistent with the Resolution, and to provide advice and recommendations to the Commission for decisions it is mandated to make pursuant to the Resolution.
4. Specifically and consistent with the process established in the Resolution and reflected in the process map in Appendix 2, the Allocation Committee shall review draft Allocation Tables prepared by the Secretariat for each stocks allocated pursuant to the Resolution, and provide advice and make recommendations to the Commission for decisions on the following matters:
  - (a) Implementation Plan drafted by the Secretariat pursuant to Article 9.3;
  - (b) Allocation Tables prepared by the Secretariat pursuant to Article 9.8;
  - (c) Requests from Eligible CPCs to reconcile catch data pursuant to Article 9.12;
  - (d) Requests for allocations by New Entrants pursuant to articles 6.14 to 6.16;
  - (e) Corrections to allocations of a CPC that is a developing coastal State for exigent circumstances provided in Article 6.13;
  - (f) Allocation adjustments pursuant to articles 7.1, 7.3 and 7.4;
  - (g) Temporary withdrawal of an allocation from a CPC or New Entrant for serious non-compliance pursuant to Article 7.2; and
  - (h) any other matter required by the Commission.
5. The Allocations Committee shall report directly to the Commission on its deliberations and recommendations.
6. The Allocations Committee shall cooperate closely with the IOTC Secretariat and IOTC subsidiary bodies in accomplishing its functions, in particular, the Compliance Committee and the Scientific Committee.

#### **Meetings**

7. The Allocations Committee shall meet once a year, prior to the annual meeting of the Commission.

**Rules of Procedure**

8. The procedures of the Allocations Committee shall be governed mutatis mutandis by the Indian Ocean Tuna Commission: Rules of Procedure (2014), as amended from time to time.]