



Report of the 10th Technical Committee on Allocation Criteria

Seychelles, 20-23 June 2022

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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 10th Session of the IOTC Technical Committee on Allocation Criteria was held in Seychelles from 20 to 23 June 2022 and chaired by Ms Nadia Bouffard. Delegates from 27 Contracting Parties and 5 observer organisations including invited experts participated in the session.

The TCAC focused mainly on the v4 draft text. First, receiving overarching views on the latest draft; then, on the basis of themes (comprising groups of provisions of the text), receiving more detailed views on prioritised sections of the text. This enabled members to focus on the core issues contained in the allocation regime, and important progress was made on the guiding principles, the allocation structure, the allocation criteria, adjustments to allocations and the ability to transfer such allocations.

The Chairperson informed the TCAC that the suggested text changes and the written comments would be considered in the fifth draft of the allocation regime proposal text, which will be available by 15 September 2022.

The TCAC **AGREED** to a work plan leading up to TCAC11. Furthermore, to allow delegations more time to consider the draft allocation regime texts and consult both internally and externally, the TCAC agreed to reschedule TCAC11 (from October 2022) to 30 January – 2 February 2023. This meeting will be held in Kenya

1. OPENING OF THE SESSION

1. The 10th Session of the Technical Committee on Allocation Criteria (TCAC10) was held in Seychelles from 20 to 23 June 2022. The meeting was opened and chaired by the Independent TCAC Chairperson, Ms Nadia Bouffard.
2. Due to the COVID-19 pandemic, the meeting was held in a hybrid format, with two-person delegations physically present in the meeting room, and other participants attending by videoconference.

2. LETTERS OF CREDENTIALS

3. Letters of Credentials were received from 27 Contracting Parties. China, India, I.R. Iran, and Pakistan participated virtually. The list of participants is provided in [Appendix 1](#).
4. Mauritius and the United Kingdom provided statements ([Appendix 4](#)).

3. ADMISSION OF OBSERVERS

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

Non-governmental organizations.

- Australian National Centre for Ocean Resources and Security
- Blue Marine Foundation
- Europeche
- Sustainable Fisheries and Communities Trust

Invited consultants and experts.

- Taiwan, Province of China.

4. PRESENTATION OF DELEGATIONS

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

5. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

7. The Chairperson provided an overview of the agenda and introduced the documents available to the meeting ([Appendix 3](#)), including:
 - the TCAC's comments on the 3rd draft Allocation Regime text (v3) (IOTC-2021-TCAC10-REF04).
 - the Chairperson's proposed 4th draft Allocation Regime text (v4) (IOTC-2022-TCAC10-03_Rev1)
 - the Chairperson's Explanatory Memorandum (IOTC-2022-TCAC10-04)
8. The Chairperson proposed that the meeting would focus mainly on the v4 draft text under agenda item 6. First, receiving overarching views on the latest draft; then, on the basis of themes (comprising groups of provisions of the text), receiving more detailed views on prioritised sections of the text. The Chairperson proposed this approach, compared to reviewing the text articles in numerical order (as done in previous meetings), to enable members to focus on the core issues contained in the allocation regime.
9. The TCAC **ADOPTED** the agenda provided in [Appendix 2](#).

6. REVIEW OF THE CHAIR'S PROPOSED ALLOCATION REGIME TEXT, ANNEXES AND APPENDICES

Introductory remarks

10. The Chairperson started the section of the agenda by noting that TCAC10 was facilitating the first face-to-face discussion on the topic of allocation criteria in 3 years. She thanked delegations for the effort and work that they contributed to the TCAC and noted that discussions are now focused on one single (v4 – IOTC2022-TCAC10-03_Rev1) text, down from a number of proposals considered over the past 10 years.

11. The Chairperson recalled that TCAC09 considered Draft v2 of the Allocation Regime in November 2021; and a Draft v3 was produced in February 2022 (IOTC-2022-TCAC10-02). Comments were received from delegations on the v3 draft (IOTC-2022-TVAC10-REF04) and were considered in the drafting of v4.
12. The Chairperson also referred the TCAC to her Explanatory Memorandum (IOTC-2022-TCAC10-04) which outlined the themes (i.e. the key issues) and related provisions of the text that would be considered under each theme.

Changes made and reflected in v4 draft.

13. The Chairperson reminded delegations that views and reservations had been reflected by brackets, and she tried to address some of the conflicting views by proposing new text. She outlined the following changes made and reflected in the v4 draft text:
 - adjustments to the Definitions, to the Principles, to the Scope, and to the Eligibility criteria; and,
 - major changes to the structure and content of the catch base allocation criteria.
14. The Chair also noted that some issues needed more discussion in order to find some text that could reflect the general consensus view of delegations. These included:
 - coastal State Allocation Criteria;
 - the adjustment provisions related to over catch and serious non-compliance;
 - a process for determining allocations, even when such allocations are quantitatively determined; and,
 - the approach and timeframe for implementing the new allocation regime, including whether an Allocation Committee would need to be formed.
15. The Chairperson reminded participants that achieving consensus on the entire text remains the key objective for the TCAC. She specifically noted that nothing will be considered agreed to until everything in the text is agreed to, and that the text will not be considered agreed to until all delegations support the entire text, or no one delegation explicitly opposes it.
16. The Chairperson invited comments and views from the floor and twenty-one Members made interventions to provide comments on v4 of the draft allocation regime text (IOTC-2022-TCAC10-03_Rev1).
17. Written statements were provided by Bangladesh, Indonesia, Mauritius and Thailand ([Appendix 4](#)).

7. CHAIRPERSON’S SUMMARY

18. The Chairperson thanked all Delegations for their excellent preparations and hard work during the meeting. She noted that while the review of the v4 draft text was not finished, TCAC10 made important progress on the guiding principles, the allocation structure, the allocation criteria, adjustments to allocations and the ability to transfer such allocations. The Chairperson acknowledged that the good progress achieved could also be attributed to the Committee being able to meet face-to-face (TCAC10 was the first such meeting since TCAC05 in 2019).
19. The Chairperson noted the proposal made by Australia, Bangladesh, India and Indonesia to provide text for an alternative allocation regime structure and criteria that treated allocations for the high seas and Exclusive Economic Zones separately. The Chairperson indicated that this would constitute a major change to the current draft allocation regime and encouraged the proponents to consult with other delegations well in advance of TCAC11.
20. The Chairperson noted that while TCAC10 focused on the core elements of the allocation regime, there was general recognition that the Committee will need to eventually discuss the rest of the proposal; and there are some fundamental points of the allocation regime yet to be resolved.
21. The TCAC **AGREED** that an allocation regime is important for the sustainable management of IOTC stocks and given the current pessimistic state of several IOTC stocks, there is some urgency to adopt such a regime.
22. The Chairperson reminded the TCAC that the consensus of all IOTC Members will be critical for the successful implementation of the regime, and this will take time. She also emphasized that imposing a majority view, to expedite the completion of the regime, will put this and the Commission’s ultimate goal of achieving sustainable management of IOTC stocks at risk.

23. The Chairperson informed the TCAC that she has taken note of the interventions and various points of view expressed over that past week and she will use these notes and the written comments and proposals that delegations have undertaken to provide following the meeting, to assist her draft the next version of the allocation regime text.

8. APPROACH FOR 2022

Production of a v5 draft allocation regime text

24. The TCAC **AGREED** on the following activities leading to TCAC11.
25. TCAC Members will provide written comments on v4 and/or proposed text for v5 to the Secretariat by 8 August 2022. This deadline also applies to the aforementioned text for an alternative allocation structure and criteria.
26. The Secretariat will compile the written submissions and make these available on the TCAC11 meeting webpage by 15 August 2022.
27. The Chairperson will produce a v5 draft text by 15 September 2022. This new draft will be formulated on the basis of comments received at TCAC10, and the written submissions.
28. The Chairperson will remove the history of the changes in the side bar comments of the new draft text i.e. only show the most recent interventions.
29. The Chairperson will also endeavour to streamline and simplify the text while preserving the substance of the provisions
30. The provisions that were not reviewed by TCAC10 will remain as written in the v4 draft, unless consequential changes are required as a result of the comments during TCAC10 and any following written submissions.

TCAC11 is rescheduled from 2022 to 2023

31. In order to allow delegations more time to consider the draft allocation regime texts and consult both internally and externally, the TCAC **AGREED** to reschedule TCAC11 (from October 2022) to 30 January – 2 February 2023. *The Commission's Heads of Delegation subsequently approved this change on 19 July 2022.*
32. The TCAC **THANKED** Kenya for its generous offer to host TCAC11.

9. DRAFT REPORT

33. The TCAC agreed that, like recent TCAC reports, the TCAC10 Report would be succinct and not contain details of the interventions made on the floor, except when they influenced the proceedings of the meeting. However, Members were invited to provide the statements underpinning their interventions on matters they wanted to be recorded, and these would be appended to the report.
34. The TCAC **AGREED** to adopt the meeting report by correspondence. The report was adopted on 25 July 2022.

10. OTHER BUSINESS

35. No matters were raised.

11. MEETING CLOSURE

36. The TCAC10 meeting was closed at 1650 hr on Thursday 23 June 2022.

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APPENDIX 2.**ADOPTED AGENDA OF THE 10TH 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
 - Chair's Draft #4 Proposed Allocation Regime Text, Annexes and Appendices
- 6. REVIEW OF CHAIR'S PROPOSED ALLOCATION REGIME TEXT, ANNEXES AND APPENDICES**
 - Chair's presentation (Chairperson)
 - General Overview Comments (All delegations)
 - Thematic Review of Text (All delegations)
 - List of Themes and Related Text Provisions

Days 2 to 4

- Continue Thematic Review of Text (All delegations)
- 7. CHAIR'S SUMMARY (Chairperson)**
 - 8. APPROACH FOR TCAC11**
 - Chair's Recommendations
 - Delegations Views
 - 9. DRAFT REPORT**
 - 10. OTHER BUSINESS**
 - 11. MEETING CLOSURE**

APPENDIX 3. LIST OF DOCUMENTS

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

Document number	Title
IOTC-2022-TCAC10-01	Draft Agenda v24May
IOTC-2022-TCAC10-02	TCAC Chairs draft proposal for an Allocation Regime v3 - without comments
IOTC-2022-TCAC10-03_Rev1	TCAC Chairs draft proposal for an Allocation Regime v4 - without comments
IOTC-2022-TCAC10-04	Chair's explanatory memorandum to participants
IOTC-2022-TCAC10-REF01_Rev1	TCAC comments on the v2 draft Allocation Regime resolution v7Jan2022
IOTC-2022-TCAC10-REF02	TCAC Chairs draft proposal for an Allocation Regime v3 - Annotated
IOTC-2022-TCAC10-REF03	TCAC Chairs draft proposal for an Allocation Regime v3 - Clean
IOTC-2022-TCAC10-REF04	TCAC comments on the v3 draft Allocation Regime resolution
IOTC-2022-TCAC10-REF05_Rev1	TCAC Chairs draft proposal for an Allocation Regime v4 - Annotated
IOTC-2022-TCAC10-REF06_Rev1	TCAC Chairs draft proposal for an Allocation Regime v4 - Clean
IOTC-2022-TCAC10-REF07	Proposed allocation approach (IDN-AUS)
IOTC-2022-TCAC10-INF01	ANCORS Info Paper Catch Attribution
IOTC-2022-TCAC10-Statement01	Statement by Mauritius under item 3 IOTC TCAC meeting (June 2022)
IOTC-2022-TCAC10-Statement02	Statement by Mauritius under item 6 IOTC TCAC - Tromelin (June 2022)
IOTC-2022-TCAC10-Statement03	Statement by Mauritius under item 6 IOTC TCAC - UK (June 2022)
IOTC-2022-TCAC10-Statement04	Statement by the United Kingdom
IOTC-2022-TCAC10-Statement05	Statement by France (OT)

APPENDIX 4. STATEMENTS

Bangladesh

General Overview of Bangladesh on Chair's draft proposal for an allocation regime (V4)

Honourable Chair, Ms. Nadia Bouffard, 10th TCAC meeting

Executive Secretary, Indian Ocean Tuna Commission

Distinguished delegates, Observers, Ladies and gentlemen

Very good morning to all!

On behalf of the Government of the People's Republic of Bangladesh, I would like to convey my sincere thank to the honourable chair for her dedicated effort. I would also like to give thank to the Executive Secretary and his team for their hard work. Furthermore, I am also grateful to the Republic of Seychelles for hosting such an important event in-person.

Madam Chair,

Bangladesh is a South Asian country located beside the Bay of Bengal. Her total area is 147,570 square Kilometer, Exclusive Economic Zone (EEZ) is 118,813 square Kilometer and population is 164.70 million. The Bay of Bengal is situated in the southern part of Bangladesh and almost half of Bangladesh's national area is ocean. The Delta and Bay of Bengal supports million's living along the coast and the Blue Spaces of Bangladesh is considered as a potential area for future economy.

The fisheries sector contributes 3.50% to the national GDP and 25.72% to the agricultural GDP. In addition, Fisheries resources play a significant role in the economy of Bangladesh as an important dietary source of animal protein (60%), employment (12% of Bangladesh's population+1.4 million women are directly involved in coastal shrimp industry) and foreign exchange (1.51%).

However, due to her limited resources, it is a big challenge of Bangladesh Government to ensure food security for her large population. For this reason, government has been given emphasis on aquaculture productions' boosting-up, increasing inland open waters' production through conservation, and look forward to harnessing blue resources from ocean.

Madam Chair,

It is our belief that this allocation regime will be a transparent and equitable manner; it will not limit the sovereign rights of coastal States according to the United Nations Convention on the Law of the Sea (UNCLOS) regarding fisheries resources in their EEZ.

We also belief that due to the lack of knowledge, capacity, expertise, and experience, the historical record of IOTC species of our country are not so rich but our 87 days' marine fisheries closure, inability to catch tuna species riches the stocks in the Indian Ocean. Other get benefit from this, we are not responsible for any stock depletion.

We should keep in mind the "Polluter Pays" principle which was first introduced in 1992 Rio Declaration. The 'polluter pays' principle is the commonly accepted practice that those who produce pollution should bear the costs of managing it to prevent damage to human health or the environment. The polluter pays principle is part of a set of broader principles to guide sustainable development worldwide. The concept should be included in Allocation Regime's Guiding Principle.

Providing cooperation, especially for developing coastal states, in further development of their fishing opportunities in the IOTC of competence by well experienced CPCs through knowledge sharing, technology transfer and logistics.

During the allocation finalization process, and after agreed on an allocation regime, the data deficit developing coastal CPCs should be given a time period to develop/strengthen their catch and effort data for IOTC species; allocation regime will not applicable for these developing coastal CPCs for certain periods.

We strongly suggest that these allocation criteria will be transparent, equitable, justified, and socially acceptable by the people of the Coastal States whom are dependent on coastal fisheries resources for their bread and butter, year after year.

Madam Chair,

Finally, I would like to mention the motto of UN Sustainable Development Goals “No one left behind”, we expect the reflection of it in our allocation criteria.

Thank you.

France(OT)

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

In a declaration during the 10th Meeting of IOTC Technical Committee on Allocation Criteria, the Republic of Mauritius objects the sovereignty of France over the Island of Tromelin as well as sovereign right or jurisdiction over its Exclusive Economic Zone and rejects the inclusion of the Island of Tromelin in the French Southern and Atlantic Lands (TAAF) or the Scattered Islands (îles Eparses).

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.

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.

Indonesia

Madame Chair, Ms. Nadia Bouffard, Chair of the 10th TCAC meeting
Executive Secretary of the Commission, Distinguished Delegates, Observers,

On behalf of the Government of the Republic of Indonesia, I would like to thank to the Chair of TCAC and the Secretariat for their hard work in arranging all preparatory works and material to this meeting.

Madame Chair and distinguished delegates,

The TCAC has been working for the past 12 years and the process shows some positive progress despite there is yet any agreed text. In principle, Indonesia strongly keeps its commitment to actively participate and involve in the discussion on the Draft proposal on allocation regime as prepared by the Chair. Therefore, we encourage members and invited parties to support the appropriate and comprehensive formulation of the Allocation Criteria for the IOTC Cooperation on managing tuna and its tuna related species.

Madame Chair and distinguished delegates,

Developing an allocation scheme for distributing rights amongst fishing nations is a key issue in the development of stable cooperative arrangements to explore and manage international fish resources. In developing the criteria for allocation regime, Indonesia is of the view that it is necessary to provide a transparent and equitable means of distributing fishing opportunities for allocation regimes. Furthermore, this regime shall take into account relevant

international legal instruments based on their hierarchy and binding nature as main references. Thus, Indonesia views that UNCLOS serves as the main reference to regulate the allocation regimes.

Indonesia would like to highlight Article 61 (1) UNCLOS which states that coastal State shall determine the allowable catch of the living resources in its exclusive economic zone. Articles 63(2) and 64 of UNCLOS require cooperation, directly or through RFMOs, between coastal States and States who fish in the region with a view to ensuring conservation of stocks that occur in the EEZ(s) of coastal States and the area beyond or adjacent to the EEZ(s).

In that connection, we view that further discussion and assessment need to be conducted in order to determine the criteria for allocation as well as historical catch baseline. The following factors should be taken into consideration i.e. the time when UNCLOS come into force, when IOTC members ratified UNCLOS and when a State became members of the Commission.

Madame Chair and distinguished delegates,

In the case of highly migratory stocks, there is the additional requirement that cooperation to promote the optimum utilisation of such stocks throughout the region, both within and beyond the EEZ of coastal States. Moreover, Article 87 of UNCLOS provides that all States have the freedom to fish on the high seas. That freedom is not absolute, but it is conditional on other treaty obligations, including obligations under constitutive treaties of existing RFMOs, the duty of members and non-Members of RFMOs to cooperate on conservation and management.

Furthermore, the UNFSA that also become reference of this draft stated that the RFMOs serve as the primary institutional mechanism for the adoption of conservation and management measure for international fisheries. The UNFSA strengthens the position of RFMOs as the primary institutional mechanism for the adoption of conservation and management measures for international fisheries. Article 8 of the UNFSA imposes a duty to cooperate through RFMOs by providing that only member of RFMOs or non-Members which agree to apply the conservation and management measures adopted by RFMOs can have access to the fishery concerned.

The interest and measures of coastal state in managing and conserving the waters under its jurisdiction shall also be referred as regulated under Article 7 of UNFSA on the compatibility of conservation and management measures between the coastal States and those in RFMOs and Article XVI of the IOTC Agreement. These provisions clearly state that the coastal State's sovereign rights under UNCLOS to regulate the exploitation and exploration as well as conservation and management of the living resources including highly migratory species within their Economic Exclusive Zones must be acknowledged, since they are exercised in accordance with UNCLOS.

In this connection, the adjacency principle shall play a key role in determining the allocation criteria. This principle recognizes the sovereign rights of coastal states under its jurisdiction and freedom of high seas. Through this principle, coastal States have a special role and rights, in parts of high seas that are nearby, or ecologically linked, to areas within national jurisdiction. Furthermore, Article 7 of the UNFSA also addresses the adjacency between high seas and the relevant coastal states with respect to straddling fish stocks to agree upon the measures necessary for conservation of these stocks in the adjacent high seas area. Within the framework of this adjacency principle, coastal states bear the responsibility with regard to straddling fish stock. This responsibility should also in line with the quota allocation of coastal state as those two will create a fair and balance regime.

Moreover, the existence of the socio-cultural community and the potential risks of the Indian Ocean as well as social capital concerning institutions, relationships, attitudes and values of each member country are also important in the sustainable governance of the RFMO.

Madame Chair and distinguished delegates,

To conclude my remarks, I wish that the discussion this week will provide beneficial results that can contribute significantly to our joint efforts to meet the utmost objectives of IOTC on Allocation Regime. Nothing is agreed until everything is agreed. With that, I would like to underline our willingness to work constructively and cooperatively with other delegations for the success of this meeting. Thank you.

Mauritius***Agenda Item 3: Letter of Credentials***

The Republic of Mauritius reiterates its long-standing position 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]”.

In addition to the reasons provided in the past to support its stand, the Republic of Mauritius wishes to draw the attention of the Committee to the Note dated 6 May 2022 from the Legal Counsel of the Food and Agriculture Organization of the United Nations in relation to Agenda item 4 of the 26th Session of the Commission concerning the clarification of the status of the United Kingdom’s membership of the IOTC. The Note makes it clear that the instrument of acceptance purportedly submitted by the United Kingdom on 31 March 1995 in respect of the so-called “British Indian Ocean Territory” is invalid, and that the United Kingdom is not and cannot be a member of the IOTC as a coastal State, since the Chagos Archipelago is an integral part of the territory of the Republic of Mauritius.

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

Agenda Item 6: Review of Chair’s Proposed Allocation Regime Text, Annexes and Appendices**Statement by the Republic of Mauritius in respect of the United Kingdom**

The Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, as authoritatively determined by the International Court of Justice in its Advisory Opinion of 25 February 2019 and confirmed by UN General Assembly Resolution 73/295 and the Judgment of the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) of 28 January 2021. The Special Chamber of ITLOS also held that the Republic of Mauritius is the coastal State in respect of the Chagos Archipelago.

As has been made clear by the Note dated 6 May 2022 from the Legal Counsel of the Food and Agriculture Organization of the United Nations in relation to Agenda item 4 of the 26th Session of the Indian Ocean Tuna Commission (IOTC) concerning the clarification of the status of the United Kingdom’s membership of the IOTC, the instrument of acceptance purportedly submitted by the United Kingdom on 31 March 1995 in respect of the so-called “British Indian Ocean Territory” is invalid and the United Kingdom is not and cannot be a member of the IOTC as a coastal State, since the Chagos Archipelago is an integral part of the territory of the Republic of Mauritius.

The United Kingdom cannot accordingly be listed as a coastal State CPC in Appendix 1 to the Chair’s draft proposal for an allocation regime (V4).

Since the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, the United Kingdom cannot and should not be granted any Catch-based Allocation and any Coastal State Allocation in respect of the Chagos Archipelago.

The Catch-based Allocation and the Coastal State Allocation for the Republic of Mauritius should take into account the maritime zones of the Republic of Mauritius around the Chagos Archipelago as well.

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

Statement by the Republic of Mauritius in respect of the Island of Tromelin

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 Island of Tromelin forms an integral part of the territory of the Republic of Mauritius, France cannot and should not be granted any Catch-based Allocation and any Coastal State Allocation in respect of the Island of Tromelin.

The Catch-based Allocation and the Coastal State Allocation for the Republic of Mauritius should take into account the maritime zones of the Republic of Mauritius around the Island of Tromelin as well.

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

Thailand

Thailand agrees in principle and the core elements to allocate catch quotas for the sustainable use of tuna and tuna-like species in the Indian Ocean." In terms of the overall content of the draft proposal v.4, which includes the allocation purpose, guiding principles of allocation, scope of allocation, eligibility allocation, and sovereign rights of Coastal States, for example, is appropriate. Thailand is pleased to cooperate and provide support in considering the proposal v.4 and it is expected that the meeting will unanimously approve as soon for future benefits. Thank you.

United Kingdom



Note Number: OTD/006/2022

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 Technical Committee on Allocation Criteria (TCAC) from 20 to 23 June 2022. In response to statements submitted by the Republic of Mauritius and for the benefit of the delegates, 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 BIOT 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 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.

At the IOTC Annual Session last month the Commission noted the advice of the Legal Counsel of the Food and Agriculture Organization of the United Nations from 6 May 2022 and the United Kingdom's objection to this. The Commission also noted that a period of consultation with the United Kingdom had now started and that the IOTC would return to this matter at next year's Annual Session.

The United Kingdom requests that this statement be annexed to the report of the Technical Committee 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

21 June 2022