
A COMPIATION OF COMMENTS RECEIVED ON THE 4TH DRAFT ALLOCATION REGIME

Prepared by the Secretariat

ABOUT THIS DOCUMENT.

At TCAC10, the TCAC agreed on a range of activities leading to TCAC11. These included TCAC Members providing written comments on v4 of the draft allocation regime text and/or proposed text for v5 to the Secretariat by 8 August 2022. And the Chairperson producing a v5 draft text by 15 September 2022, formulated on the basis of comments received at TCAC10, and the written submissions.

This document contains the comments received on the 4th version of the proposal as drafted in IOTC-2022-TCAC10-REF06_Rev1.

ESTABLISHING AN ALLOCATION REGIME FOR THE IOTC (v4)

Australia

Australia would like to provide its support to many of the suggested edits which South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania have provided.

Maldives

Maldives Comments on the Chair's Draft Proposal for an Allocation Regime (V4). These comments are in addition to the comments made by some of the coastal States (South Africa, Maldives, Kenya, Pakistan, Mozambique, and Tanzania) to the Chair's draft proposal on allocation regime (V4). Maldives maintains the positions in TCAC10, unless otherwise stated in the comments made by the above-mentioned coastal States or in the comments below. At the outset, the Maldives wishes to reiterate the importance of resolving the quota allocation process in a speedy manner and which protects the rights of coastal States, particularly Small Island Developing States, whose livelihood and economic futures depend on the sustainability of the Indian Ocean stocks.

[PREAMBLE

European Union

In line with the position expressed by other delegations, the EU reserves its right to provide comments at a later stage.

Maldives

As noted in TCAC08, TCAC09, and in our previous written comments made to V1, V2, and V3, Maldives would refrain from making comments to the preambular texts as they are negotiated and resolved last in international treaty negotiations.

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 [at levels below maximum sustainable yield / **OR** / 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 (UNCLOS);

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 (UNFSA);

The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 1993 (The 1993 Compliance Agreement);

The 1995 FAO Code of Conduct for Responsible Fisheries;

Other relevant instruments adopted by the Food and Agriculture Organization 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, including those contained in the above international instruments, 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;

[RECOGNIZING/NOTING] the established interests, historical fishing patterns and fishing practices of Members of the IOTC historically fishing in the IOTC area of competence;

European Union

The EU would insist on the need to keep a precise parallelism between this para and the following one.

Reflecting on this, this should start with RECOGNIZING.

[RECOGNIZING/~~NOTING~~] the established interests...

RECOGNIZING the interests, aspirations, needs, and special requirements of developing [States / Countries], 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;

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(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 6.13, and adjusted by the Commission pursuant to Articles 7.1, 7.2, and 7.3.

European Union

As discussed during TCAC10, this definition should be amended to incorporate the process to be followed for the definition of the TAC, including the notion of possible proxies.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(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 this Resolution Articles 6.1 to 6.13, and adjusted by the Commission pursuant to Articles 7.1, 7.2, and 7.3.

- (c) **“Allocation Regime”** means the criteria, rules and process contained in this Resolution pursuant to which allocations are determined and approved by the Commission.

- (d) **“Allocation Period”** means the period during which an allocation established pursuant to this Resolution remains valid as determined pursuant to Article 10;
- (e) **[[“Coastal State CPC”]** means a State that is a CPC which is situated wholly or partly in the IOTC Area of Competence[, and is listed as a Coastal State CPC in Appendix 1]. These term and definition shall apply mutatis mutandis to a regional economic integration organisation that is a CPC and of which any Coastal State is a member and has transferred competence over matters within the purview of the Agreement, including those under this resolution];

European Union

The EU is happy with the current definition but it remains open to discuss alternative solutions in line with the definition contained in the agreement on the non-negotiable condition that any right attributed to a coastal state is also recognized to the EU as a consequence of its coastal nature and coastal communities.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

~~(e) [[“Coastal State [CPC”] means a State that [is a CPC which] is situated wholly or partly in the IOTC Area of Competence[, and is listed as a Coastal State CPC in Appendix 1]. These term and definition shall apply mutatis mutandis to a regional economic integration organisation that is a CPC and of which any Coastal State is a member and has transferred competence over matters within the purview of the Agreement, including those under this resolution];~~

As discussed in the TCAC meeting, a separate definition is provided for Regional Economic Integration Organization CPCs.

- (f) **“Commission”** or **“IOTC”** means the Indian Ocean Tuna Commission;
- (g) **“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);
- (h) **“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;
- (i) **“Contracting Party”** or **“CP”** means a party to the Agreement;
- (j) **“Contracting Parties and Cooperating Non-Contracting Parties”** are jointly referred to as **“CPCs”**;
- (k) **“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 been admitted as a Cooperating Non-contracting Party to the IOTC, pursuant to the IOTC Rules of Procedures ;
- (l) **“Developing State”** means a State that is a CPC listed in Appendix 1 whose developing status has been [determined on the basis of internationally accepted standards] defined by

the United Nations, which includes Least Developed States and Small Island Developing States;

European Union

The EU would insist to have a definition based on pre-agreed and well defined standards which should appear in any form in the definition.

There should be a provision which ensure that if the status of a CPC changes (from developing to developed, or the other way around), this change is reflected in the allocation received by the CPC. The mechanism should be clearly defined in the text.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(l) “Developing State” means a State that is a CPC listed in Appendix 1 whose developing status has been ~~[determined on the basis of internationally accepted standards]~~ defined by the United Nations, which includes Least Developed States and Small Island Developing States;

(m) “**Fish Stocks**” or “**Stocks**” means highly migratory species, including stocks of tuna species, referenced in Article 5 and listed in Annex 1;

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(m) “Fish Stocks” or “Stocks” means highly migratory species, ~~including stocks of tuna species, referenced in Article 5 and listed in Annex 1;~~

(n) “**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;

(o) “**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*;

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

At the 4th Session of the Commission, the IOTC Area of Competence was modified. This change is brought to clarify the text.

IOTC Website: “The Commission, at its 4th Session in 1999 agreed to modify the western boundary of the IOTC area of competence from 30°E to 20°E, thus eliminating the gap between the areas covered by IOTC and ICCAT.”

(o) “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 and pursuant to the decision in the 4th Session of the Commission to modify the western boundary of the IOTC Area of Competence from 30°E to 20°E;

(p) “**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;

Madagascar

The inclusion of “while recognizing the sovereign rights of coastal states” has been deemed needed.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

“IOTC Management Procedures”...

- (q) **“Member”** means a Member of the Commission as specified in Article IV of the Agreement;
- (r) **“New Entrant”** means a State who was neither a Contracting Party nor a CNCP at the time this Resolution was adopted, and which has been admitted to the IOTC after the adoption of this Resolution, in respect of a Contracting Party, pursuant to the Agreement, and in respect of a CNCP, pursuant to the Rules of Procedures,;

Madagascar

It is necessary to clarify when New Entrants cease to be new and become CPC and/or CNCP.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Chair’s text needs to be added to clarify when a NE no longer is a NE. ie. After 1 year?

(r) “New Entrant” means a State who was not a CPC ~~neither a Contracting Party nor a CNCP~~ at the time this Resolution was adopted, and which has been admitted to the IOTC after the adoption of this Resolution, in respect of a Contracting Party, pursuant to the Agreement, and in respect of a CNCP, pursuant to the Rules of Procedures;

- (s) **[“Non-Coastal State CPC”]** means a State that is a CPC which is not situated wholly or partly in the IOTC Area of Competence, and is listed as a Non-Coastal State CPC in Appendix 1. These term and definition shall apply mutatis mutandis to a regional economic integration organisation that is a CPC and of which any Non-coastal State is a member and has transferred competence over matters within the purview of the Agreement, including those under this resolution];

European Union

The EU could accept the definition if the change in track changes is made accordingly. An alternative solution would be the deletion of the definition of non-CS as this could be in any case derived a *contrario*.

...These term and definition shall apply mutatis mutandis to a regional economic integration organisation that is a CPC and of which ~~any Non-~~ no coastal State is a member and has transferred...

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(s) **[“Non-Coastal State [CPC”]** means a State that ~~[is a CPC which]~~ is not situated wholly or partly in the IOTC Area of Competence, ~~and is listed as a Non-Coastal State CPC in Appendix 1. These term and definition shall apply mutatis mutandis to a regional economic integration organisation that is a CPC and of which any Non-coastal State is a member and has transferred competence over matters within the purview of the Agreement, including those under this resolution];~~

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(s)bis Regional Economic Integration Organization CPC means a regional economic integration organization that is a CPC, and of which any State referred to in Article IV, subparagraphs i) or ii) of the Agreement, is a member and has transferred competence over matters with the purview of the Agreement

South Africa read out this definition in the TCAC. This textual change is brought to remove ambiguity.

- (t) **“Serious non-compliance”** means violations identified by the Commission pursuant to Article 7.2(b), which constitute repeated or gross disrespect of the IOTC’s Conservation and Management Measures adopted by IOTC Resolution, or disrespect of IOTC Conservation and Management Measures that the Commission deems a serious threat to the conservation of IOTC fish stocks;

European Union

Regardless the outcome of the discussion on the revision of the Rules of Procedures of the Compliance Committee which could give a status of serious non-compliance, there should be a definition here. However, as further discussions and potential adoption will take place at the Commission meeting, we suggest to keep this for later.

United Kingdom

The UK supports the principle that serious non-compliance should have consequences and we think this needs to continue to be a focus of any new allocation regime. We do not agree that Article 1.1(t) should be restricted to over-catch only as other types of non-compliance can have a direct impact on over utilisation of the resource when quota limits are not adhered to.

- (u) **“Scientific Committee”** means the permanent committee provided for in Article XII.1 of the Agreement;
- (v) [**“Small Island Developing States”** or **“SIDs”** are States listed in Appendix 1 whose status has been [determined on the basis of internationally accepted standards] defined by the United Nations;]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

The United Nations will define categories of countries based on internationally accepted standards. The IOTC has no authority to determine how the UN will define these countries

- (v) {**“Small Island Developing States”** or **“SIDs”** are States listed in Appendix 1 whose status has been [determined on the basis of internationally accepted standards] defined by the United Nations;}

- (w) **“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 1 in its stock assessment reports for such stocks. Stock Assessment cycles may vary by stock;

- (x) **“TAC”** means the Total Allowable Catches established by the Commission [following a management evaluation process] for a stock listed in Annex 1 and caught in the IOTC Area of Competence;

Japan

~~[following a management evaluation process]~~

Agreed to be deleted at TCAC10. TAC does not always follow a management evaluation process. We understand an idea in 3.3 will be integrated in the definition of “TAC” here, and only “TAC” will be used in the following paragraphs.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

The proposed edit is to clarify how the TAC will be set. By including it in the definition, there is no need to detail out it in the body of the proposal.

- (x) **“TAC”** means the Total Allowable Catches established by the Commission {following a management strategy evaluation process or based on a recommended biological catch limit by the Scientific Committee in the absence of a MSE process} for a stock listed in Annex 1 and caught in the IOTC Area of Competence;

- (y) **“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 based on the recommendation of the Scientific Committee.

Japan

The TAC Period is determined by the Commission ~~based on the recommendation of the Scientific Committee~~.

Agreed to be deleted at TCAC10. TAC and TAC period are not always based on the recommendation of the SC.

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[, and New Entrants where relevant,] in a fair, equitable and transparent manner.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

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[, and New Entrants where relevant,]~~ in a fair, equitable and transparent manner.

Article 3. GUIDING PRINCIPLES

European Union

The EU wonders whether we need at all a long (difficult to agree on) article on guiding principles. If it's kept, we would advise keep it to the essential aspects of an allocation regime and to have a balanced reference to coastal states rights/historical fishing rights.

We would propose to eliminate 3.2, 3.7, 3.8 and, as a matter of compromise, 3.5 which we originally proposed.

In case as suggested by some delegations, an extensive list of international principles should be included (which we consider superfluous), we would suggest to refer also to the following articles:

-Article 2 of the IOTC agreement (Area of competence)

-Article 63 and 116 of UNCLOS and article 7 and 8 of UNFSA (right to fish in the HS).

Japan

General observations: This article should be as simple as possible and not be too much specific. TCAC should revisit this article after specific allocation rules are agreed in order to clean up any redundant/unnecessary paragraphs.

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:

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

~~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 a quantitative, fair, equitable and transparent [manner / mechanism] to allocate fishing opportunities in the IOTC area of competence;

Bangladesh

Proposed 3.1. provide a ~~quantitative~~, fair, equitable and transparent [manner / mechanism] to allocate fishing opportunities in the IOTC area of competence;

European Union

As expressed during the meeting, we prefer mechanism.

..provide a quantitative, fair, equitable and transparent ~~manner~~ / mechanism] to allocate fishing opportunities in the IOTC area of competence;

Madagascar

Madagascar proposes to remove the term « quantitative » so that it reads only : « provide a fair, equitable and transparent mechanism to allocate fishing opportunities in the IOTC area of competence”

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Proposed 3.1. provide a ~~quantitative~~, fair, equitable and transparent ~~[manner / mechanism]~~ to allocate fishing opportunities in the IOTC area of competence;

This change is in line with the discussions in TCAC.

United Kingdom

The IOTC Agreement defines the IOTC Area of Competence as FAO areas 51 and 57 which go right to the coastline and cover all waters. The UK would be unable to accept any amendment to Article 3.1 that restricts the scope to high seas only.

3.2. factor in the status of the IOTC stocks to be allocated;

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

~~3.2. factor in the status of the IOTC stocks to be allocated;~~

3.3 contribute to the sustainable management and use of IOTC stocks by ensuring that total fishing [opportunities / mortality] does not exceed the TAC [or recommended biological catch limit if a TAC has not yet been set];

Japan

~~[or recommended biological catch limit established by the Commission if a TAC has not yet been set]~~

Though doubtful such situation would occur, catch limit established by the Commission but not called "TAC" can be also subject to the allocations. The redline for Japan is any such "catch limit" shall be decided by the Commission.

Madagascar

The Resolution on the AC will only take effect once all members have reached a consensus on all the provisions, which means that allocations will be set. Therefore, a provision in case a TAC is not set is not needed

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Proposed 3.3. contribute to the sustainable management and use of IOTC stocks by ensuring that total fishing [opportunities / mortality] does not exceed the TAC ~~[or recommended biological catch limit if a TAC has not yet been set];~~

Since TAC is defined above, there is no need to include the deleted text.

United Kingdom

The UK supports the deletion of the text “[or recommended biological catch limit if a TAC has not yet been set]” in Article 3.3. The UK would also like to reiterate that as TAC is a term of units, we do not feel that “opportunities” or “mortality” are appropriate words to use. We would like to suggest that the word “removals” or phrase “level of fishing mortality equivalent to that which would result in the TAC” be used instead.

- 3.4. consistent with Article XVI of the Agreement and in accordance with international law of the sea, including as provided in UNCLOS and UNFSA, respect and not prejudice the exercise of the sovereign rights and obligations of coastal States for the purposes of exploring and exploiting, conserving and managing the living resources, including the highly migratory species, within a zone of up to 200 nautical miles under their jurisdiction;

ALTERNATE 3.4 Shall not prejudice the exercise of the sovereign rights and obligations of coastal States consistent with Article XVI of the Agreement;

Japan

Japan prefers ALTERNATE 3.4 for its conciseness

Madagascar

Madagascar supports this proposal and proposes that the alternate 3.4 bis should be reflected in the draft text v5

Mauritius

Article 3 - Guiding principles

Bis 3.4 was added by the coastal states which stipulates that,

For the purpose of future fishing opportunities, all historical catches taken within an EEZ, within the IOTC area of competence, shall be attributed solely to the CPC with jurisdiction over that area, regardless of the flag state of the vessels that took such catches.

Mauritius is agreeable to the addition of this paragraph.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete Alternate 3.4

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

3.4bis For the purpose of allocating future fishing opportunities, all historical catches taken within an Exclusive Economic Zone, within IOTC Area of Competence, shall be attributed [solely] to the CPC with jurisdiction over that area, regardless of the flag State of the vessels that took the catch.

The word ‘solely’ is in brackets as Korea was uncomfortable in including the word. However, this paragraph was supported by at least 13 coastal States.

3.5. ensure the compatibility of conservation and management measures for fish stocks in their entirety established for both the high seas and the areas under national jurisdiction of coastal States [excluding Archipelagic Waters and Territorial Sea];

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete Alternate 3.5. No need to be in an allocation proposal.

United Kingdom

The UK would like to reiterate that we are unable to accept any amendment that restricts the scope of the allocation regime and cannot agree with the exclusion of Archipelagic Waters and Territorial Sea in Article 3.5. The Conservation and Management Measures (CMMs) apply to the whole of the IOTC regulatory area. If quotas were to apply to an area smaller than this, there would be no consistency between the allocation regime and the CMMs..

3.6. respect the rights and obligations of all States fishing in the IOTC area of competence;

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

3.6. ~~respect~~ take into account the rights and obligations of all States fishing in the IOTC area of competence;.

3.7. take into consideration the significant efforts made by each CPC to fulfil their obligations to comply with the IOTC Agreement and Resolutions;

Korea

As stated in TCAC 10, Korea can go along with the suggestion to delete paragraph 3.7 only when 'serious non-compliance' is considered as one of the adjustments factors.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 3.7. There is no criteria in the proposal to reflect it.

3.8 take into consideration the [unequal] challenges [and disproportionate burden] faced by Developing States [in particular, Least Developing States and Small Island Developing States] in fulfilling their obligations to comply with the IOTC Agreement and Resolutions;

Japan

Not sure the implication of this principle to the allocations

Madagascar

3.8 and 3.9 : proposal by Japan to suppress 3.8 as the same idea is already reflected in 3.9. Madagascar supports this proposal

Mauritius

Paras 3.8-3.9 to be merged - Mauritius proposes the inclusion of 'disproportionate burden' in relation to Small Island Developing States (SIDS) especially since many large developed states will

acquire more quota due to their large fleets and new comers with more processing capacity but less fishing capacity will be penalized.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

3.8 take into consideration the ~~{unequal}~~ challenges ~~{and disproportionate burden}~~ faced by Developing States {in particular, Least Developing States and Small Island Developing States} in fulfilling their obligations to comply with the IOTC Agreement and Resolutions.

United Kingdom

The UK would like to suggest the following alternative wording for Article 3.8:

“take into consideration the ~~{unequal}~~ challenges ~~{and disproportional burden}~~ faced by Developing States [in particular, Least Developed States and Small Island Developing States,] in fulfilling their obligations to comply with the IOTC Agreement and Resolutions and ways in which other Members may assist those States, either bilaterally or through the Commission, and with the assistance of the Secretariat”.

3.9 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;

Bangladesh

...the vulnerability of Small Island Developing States], and Least Developed States who are socio-economically

Madagascar

3.8 and 3.9 : proposal by Japan to suppress 3.8 as the same idea is already reflected in 3.9. Madagascar supports this proposal

Mauritius

Paras 3.8-3.9 to be merged - Mauritius proposes the inclusion of ‘disproportionate burden’ in relation to Small Island Developing States (SIDS) especially since many large developed states will acquire more quota due to their large fleets and new comers with more processing capacity but less fishing capacity will be penalized.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

3.9 recognize and accommodate the special requirements of developing coastal States, [in particular the vulnerability of Small Island Developing States and Least Developed States among them], who are socio-economically dependent on IOTC fisheries resources, including for food security, and factor their needs and dependency on these resources;

Suggested in the TCAC

United Kingdom

The UK acknowledges the request from some CPCs to include reference to “least developing States” in Article 3.9 and we would like to suggest a minor drafting amendment to this. In order to reflect UNFSA text, this addition should read “least developed States”.

- 3.10. 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 [~~while respecting the rights of other CPCs fishing for the same fish stocks~~];

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

- 3.10. 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 [~~while respecting the rights of other CPCs fishing for the same fish stocks~~];

- 3.11. take into account [~~and accommodate the established interests,~~] fishing patterns and fishing practices of CPCs historically fishing in the IOTC area of competence;

European Union

...[and accommodate the established interests,]...

As expressed during the meeting, the EU would favour a strict parallelism in the wording between 3.10 and 3.11; Thus we suggest to delete the brackets or simplify symmetrically both paragraphs.

Madagascar

Madagascar proposes to revise the drafting of “ take into account fishing patterns and fishing practices of CPCs historically fishing in the IOTC area of competence

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

- 3.11. take into account [~~and accommodate the established interests,~~] the respective interests, fishing patterns and fishing practices of CPCs historically fishing in the IOTC area of competence;

‘Respective interests’ taken from UNFSA Article 11(b)

United Kingdom

The UK supports the removal of the text “[and accommodate the established interests,]” in Article 3.11 and that the remaining text be placed in brackets for further consideration.

- 3.12 be implemented in a step-wise manner while providing some stability in the fisheries, resulting in a [partial] shifting of current fishing to CPCs that are developing coastal States, [including] in particular, Least Developed States and Small Island Developing States, [as promptly as possible], taking into account the socio-economic impacts [of the resulting change in past fishing patterns of CPCs and the socio-economic impacts of any delay in the transition on CPCs

that are developing coastal States whose people, present and future, rely on the fish stocks for their economic and food security]; and,

European Union

The EU prefer the current version as the alternate does not express the same concept. The notions of “step-wise approach” and “partial shifting” are in our view essential.

Japan

~~[as promptly as possible], taking into account the socio-economic impacts [of the resulting change in past fishing patterns of CPCs and the socio-economic impacts of any delay in the transition on CPCs that are developing coastal States whose people, present and future, rely on the fish stocks for their economic and food security]~~

The concept of 3.12 is to give consideration to the impact on the existing fishing fleet caused by the shift of fishing opportunity. While the latter half of this para is understandable, inclusion of this part makes the whole paragraph unclear. The concept regarding special consideration to coastal developing CPCs are reflected in 3.8-3.10.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 3.12.

[ALTERNATE 3.12:

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; and,]

European Union

See above.

Japan

Japan supports original 3.12. While temporal transfer is one way to mitigate the socio economic impact but is not the only one.

Madagascar

Madagascar is in favour of the alternate drafting

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

take into account the desire to ~~limit~~ manage socio economic ~~shocks~~ impacts from the implementation of the allocation regime by providing the ability to temporarily transfer allocations between CPCs; and,]

3.13 The Allocation Regime is intended to deter Illegal, Unreported and Unregulated fishing and serious non-compliance with [relevant] IOTC CMMs.

Bangladesh

3.13 bis ...Take into account and providing cooperation, especially for developing coastal states, in further development of their fishing opportunities in the IOTC of competence by well experienced CPCs through.

Japan

Not sure how the allocation regime will deter IUU fishing.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

To reflect better the compliance criteria of the proposal

3.13 Deter non-compliance with this Resolution and other IOTC CMMs that directly impact the effectiveness of the allocation regime. ~~The Allocation Regime is intended to 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 Regime¹. 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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

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 Regime¹. ~~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.~~

Remove footnote and include it in the text of the proposal.

4.2. A CNCP at the time of the adoption of this Resolution is not eligible to receive an allocation as described in Article 4.1 if the CNCP did not express a real interest in fishing in the IOTC area of competence when it submitted its application for CNCP status. A CNCP that has expressed such an interest at that time is eligible to receive [50%] of the allocation for each fish stock for which it is eligible depending on the status of the stock, until such time as it becomes a CP. 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

¹ 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.

the Agreement. A CNCP that is a New Entrant may only be eligible to a Special allocation pursuant to article 4.3 and described in articles 6.12 and 6.13.

Japan

Re. “depending on the status of the stock “

It is unclear on what concrete stock condition, a CNCP is and is not eligible for the allocation. This part should be deleted, or amended into an objective description (e.g. when the stock is in green zone of Kobe plot with more than 50%).

Re. “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”

While Japan has no problem to include payment of contribution as a condition to receive allocation, if 7.2.(b)(iii) would be deleted, this part and 6.12(d) should be deleted as well for consistency.

~~Re. “A CNCP that is a New Entrant may only be eligible to a Special allocation pursuant to article 4.3 and described in articles 6.12 and 6.13.”~~

Could be redundant. Para 4.3 already covers this point.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

4.2. A CNCP at the time of the adoption of this Resolution is not eligible to receive an allocation as described in Article 4.1 if the CNCP did not express a real interest in fishing in the IOTC area of competence when it submitted its application for CNCP status. A CNCP that has expressed such an interest at that time is eligible to receive [50%] of the allocation for each fish stock for which it is eligible depending on the status of the stock, until such time as it becomes a CP. 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.~~ ~~A CNCP that is a New Entrant may only be eligible to a Special allocation pursuant to article 4.3 and described in articles 6.12 and 6.13.~~

Re. eligible – line 1.: They are eligible, they just don’t receive an allocation if they don’t request one.

Payment of contributions is delayed a year. Unfairly penalises CNCPs with an extra years delay.

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 6.12 and 6.13. [A New Entrant that is not a Coastal State is not eligible to receive an allocation under this resolution.]

European Union

[A New Entrant that is not a Coastal State is not eligible to receive an allocation under this resolution.]

This part of para 4.3 is in our view a violation of the international law and as such not acceptable.

Japan

~~[A New Entrant that is not a Coastal State is not eligible to receive an allocation under this resolution.]~~

Limiting a new entrant to a coastal state would be inconsistent with UNFSA Article 8.3.

Madagascar

Madagascar proposes to revise the drafting of: “A New Entrant that is a coastal State may only be eligible to receive a Special allocation described in articles 6.12, 6.13 and 6.14. [A New Entrant that is not a Coastal State is not eligible to receive an allocation under this resolution.]”

It is also necessary to define a period when a new entrant becomes a member eligible as a CPC.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

4.3 A coastal State New Entrant CPC {that is situated wholly or partly within the IOTC Area of Competence} may only be eligible to receive a [Special] allocation described in articles 6.12 and 6.13. ~~{A New Entrant that is not a Coastal State is not eligible to receive an allocation under this resolution.}~~

Don't agree with this Special Allocation. Remove or bracket.

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

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 4.4

Article 5. SCOPEEuropean Union

The EU supports a strict interpretation of the area of competence of the IOTC according to which the territorial sea and territorial water cannot be excluded from the scope.

On the issue of stocks discreet to the EEZ of one CPC, the EU is open to look at alternative wording on the condition that, in-line with well-known scientific data, it is formally acknowledged in the text that this would not apply to tropical tunas due to their migratory nature.

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 stocks of highly migratory species, including tuna stocks, 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.

Madagascar

Madagascar supports that this resolution should not apply to the catches in the territorial sea which are intended for small-scale fishers and local population livelihood and food.

(2) Subject to Article 11.3, the Commission may amend Annex 1, including to exclude fish stocks [where a CPC can demonstrate to the Commission on the basis of advice from the Scientific Committee, that a particular stock is discreet to that CPC's Exclusive Economic Zone and does not migrate to, or straddle the High Seas.]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 5.1 (1) and (2)

Replace with:

5.1 The Resolution shall apply to the following stocks

- a) Yellowfin tuna
- b) Big eye tuna
- c) Skipjack tuna
- d) Albacore tuna
- e) Swordfish.

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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 5.2

Replace with:

5.2 The Commission shall determine a priority order and a timeline to include the following species in this allocation regime.

- (a) Indo-Pacific Blue Marlin
- (b) Black Marlin
- (c) Striped marlin
- (d) [Long tail tuna
- (e) Kawakawa
- (f) Frigate tuna
- (g) Bullet tuna
- (h) Narrow barred Spanish mackerel
- (i) Indo-Pacific king mackerel]
- (j) Indo-Pacific sailfish

Species brought into the text of the Resolution to make it clearer.

ALTERNATE 5

Article 5. SCOPE

5.1 This resolution shall apply to those species covered in Annex 1 [excluding the Territorial Sea and Archipelagic waters of CPCs] and managed by the IOTC.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete Alternate 5

Article 6. ALLOCATION STRUCTURE

Bangladesh

A draft alternative proposal for an allocation structure and criteria (Article 6) is provided after annex 4 below.

India

Reference is invited to the Report of the 10th Technical Committee on Allocation Criteria (TCAC) held during 20-23 June, 2022. As per para 19 of the said report of the TACA10; Australia, Bangladesh, India and Indonesia are required to develop an alternative allocation regime structure and criteria, which will be discussed during the TCAC11 scheduled on 30 Jan-02 Feb, 2023.

In this regard, on behalf of the Head of Delegation to IOTC from India, it is to inform that while the process has already been started, however, considering the complexities involved in the subject matter it necessitates a lot of consultations with the stakeholders to arrive into a consensus. As it may require some more time to complete the consultation process including the consultation with the other proponents (Australia, Bangladesh and Indonesia) in developing a combined proposal, and also to have discussion with the other like minded CPCs in the IOTC, it is requested that the time of at least one more month may be allowed for submission of an alternate proposal on allocation regime, that may be circulated well before the TCAC11 for consideration.

United Kingdom

The UK notes that an alternative proposal as to the elements of this allocation regime will be put forward for consideration under Article 6. However, we would like to reiterate the importance of appropriate reporting for the successful implementation of any allocation regime. The current reporting frequency results in a time lag. Without a good reporting system in place, there would be no effective mechanism of quota monitoring or control within IOTC which would undermine the purpose of the allocation regime.

Total Allowable Catch

- 6.1. (a) 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].

Japan

~~[and reflected in relevant IOTC Management Procedures or other relevant decision of the Commission following the results of a stock assessment].~~

Unnecessary restriction on TACs. In any case, the definition of "TAC" in 1.1(x) will address this issue.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

- 6.1.(a) 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].~~

[(b) In the absence of a TAC, the Commission may use a proxy for a TAC for a given fish stock, such as the maximum sustainable yield or other level of exploitation determined by the Commission, for establishing allocations pursuant to this Resolution.]

Japan

~~[(b) In the absence of a TAC, the Commission may use a proxy for a TAC for a given fish stock, such as the maximum sustainable yield or other level of exploitation determined by the Commission, for establishing allocations pursuant to this Resolution.]~~

1.1(x) will handle with this issue.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 6.1(b) - Suggested to delete since TAC is defined above

6.2. Allocations to CPCs of a given fish stock shall be established based on allocation criteria contained in articles 6.5 to 6.10, and pursuant to the process set out in articles 9.5. to 9.17. [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.]

European Union

[Such allocations shall be set based on the TAC decision of the Commission for the given stock following each stock assessment for the stock. Notwithstanding the validity of the allocation shall remain valid until adjustments are shall be made pursuant to Articles 7.1, 7.2 or 7.3.]

Japan

[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.]

The decision on the TAC by the Commission may not follow the stock assessment.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 6.2 - This article just refers to other articles and does not add any value to the Resolution. Suggested to delete.

6.3. Subject to Article 7.3, the sum of allocations for a given fish stock established for a given allocation period pursuant to this Resolution shall not exceed [biologically sustainable limits, or TACs, where provided, **/OR** the TAC or proxy set by the Commission in the absence of a TAC **/ OR/** limits determined by the Commission in articles 6.1(a) and 6.1(b)] for that stock for that allocation period.

European Union

6.3 With the exception of cases identified under ~~Subject to~~ Article 7.3, the sum of allocations for a given fish stock...

This wording suggestion is solely intended to introduce further precision to the wording of the text, as the current wording could be read in a contradictory manner.

Japan

...Resolution shall not exceed ~~[biologically sustainable limits, or TACs, where provided, /OR the TAC or proxy set by the Commission in the absence of a TAC / OR/ limits determined by the Commission in articles 6.1(a) and 6.1(b)]~~ for that stock for that allocation period.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

6.3. Subject to Article 7.3, the sum of allocations for a given fish stock established for a given allocation period pursuant to this Resolution shall not exceed ~~[biologically sustainable limits, or TACs, where provided, /OR the TAC or proxy set by the Commission in the absence of a TAC / OR/ limits determined by the Commission in articles 6.1(a) and 6.1(b)]~~ for that stock for that allocation period. The sum of allocations for a given fish stock established for a given year pursuant to this Resolution shall not exceed the TAC.

Suggested text to make the language clearer

6.4 [The total Catch-based Allocation shall comprise [%] of the TAC, and the total Coastal State Allocation shall comprise [%] of the TAC.]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 6.4 - This is not related to TAC and thus suggested to delete.

Criteria for Allocations

6.5 [The allocated share of the TAC for a given stock for each eligible CPC shall consist of two elements:

- (a) a percentage share of the Catch-based Allocation as defined by criteria provided in articles 6.6 to 6.8; and,
- (b) a percentage share of the Coastal State Allocation as defined in criteria provided by articles 6.9 and 6.10 and indicators provided in Annex 3,

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

Madagascar

We propose the following prioritization in the drafting :

- Allocation for coastal State
- Allocation for historical catches

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Suggested edit to make the language easier to understand

6.5 [The allocated share of the TAC for a given stock for each eligible CPC shall consist of ~~two~~ elements a coastal State allocation (xx%) and historical catch-based allocation (xx %)

~~(a) — a percentage share of the Catch-based Allocation as defined by criteria provided in articles 6.6 to 6.8; and,~~

~~(b) — a percentage share of the Coastal State Allocation as defined in criteria provided by articles 6.9 and 6.10 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

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Move to after Coastal state allocation, based on principled priorities.

6.6. [The total Catch-based Allocation for a given fish stock shall comprise [%] of the TAC for that stock.]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 6.6

6.7. (a) Each eligible CPCs shall receive a Catch-based Allocation consisting of two components:

- (i) an equal Baseline Allocation consisting of [%] of the total Catch-based Allocation for a given fish stock; and,

European Union

6.7a(i) - at this moment, the EU cannot agree on this new provision and will reserve its position

Australia

In 6.7(a)(i) – an equal Baseline Allocation. As you know Australia is exploring an alternative to try to help bridge the gap for members and hopefully at the same time simplify the allocation structure further. We felt that in principle an equal Baseline Allocation in the Catch Attribution component helps recognize everyone’s right to access the high seas. We would be more comfortable if this para was placed in [brackets] for the time being instead of being deleted.

- (ii) a Catch-based Allocation consisting of a share of the total Catch-base Allocation, established based on the Historical Catches of the CPC determined based on the criteria provided in Article 6.8.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

6.7. (a) Each eligible CPCs shall receive a Catch-based Allocation ~~consisting of two components:~~

~~(i) — an equal Baseline Allocation consisting of [%] of the total Catch-based Allocation for a given fish stock; and,~~

~~(ii) a Catch-based Allocation consisting of a share of the total Catch-based Allocation, established based on the Historical Catches of the CPC determined based on the criteria provided in Article 6.8.~~

- (b) The Catch-based Allocation shall be normalised for each eligible CPC as a percentage of the stock specific TAC.

Historical Catch

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

~~Historical Catch~~

6.8 (1) (a) Subject to paragraphs (2) and (3), Annex 2 and Article 6.11, the historical catch used to determine a CPC's 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].

Madagascar

Madagascar supports the Chair's proposal to let the Commission conduct analyses on the historical catches

Mauritius

For tropical tuna, the options provided with reference years ending in 2016 are not acceptable to Mauritius. Mauritius proposes that the reference years should not stop at 2016 and more recent years like 2019 to be considered as reference year.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

6.8 (1) (a) Subject to paragraphs (2) and (3), Annex 2 and Article 6.11, the historical catch used to determine a CPC's Historical 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 pursuant to paragraph (a), catches taken by vessels on the IOTC IUU Vessels List created pursuant to Resolution 17/03 for the relevant period shall be excluded.]

Australia

On 6.8(1)(b) and excluding catch from IUU vessels. As a principle in an allocation this is an important inclusion. We understand some members and maybe the Secretariat feel this would be difficult to implement. We would like to hear other members and the Secretariat's thoughts on implementation a bit more before committing to delete this para so Australia would be more comfortable if this para was also placed in [brackets] and not deleted for the time being.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 6.8 (1) (b)

United Kingdom

The UK does not agree with the removal of Article 6.8(1)(b). As a minimum, IUU catches need to be accounted for as part of the total of removals and should not benefit those States who caught illegally.

- (2) [All historical catches taken within an area under national jurisdiction of a CPC shall be attributed solely to the CPC with jurisdiction over that area, regardless of the flag of the vessels that took and reported such catches.]

European Union

On (2), (3), the EU would like to confirm its opposition in the strongest possible terms to the idea of the attribution of historical catches in the EEZ to the coastal CPC.

The EU would ask its original proposal for a % of historical catch data being transferred from developed Coastal CPCs and non Coastal CPCs to Coastal CPCs which are developing countries.

Japan

~~[A part of]~~ All historical catches taken within an area under national jurisdiction of a CPC shall be attributed counted solely to the CPC with jurisdiction over that area, regardless of the flag of the vessels that took and reported such catches.].

We understand the extent (%) of historical catches counted to the coastal CPCs and the timeline of such transition are subject to further discussion and will be reflected in Annex 2.

3.4bis proposed by G16 at TCAC10 is almost same as this paragraph and reproducing the same sentence in two different places of one Resolution does not make sense.

Therefore, rather than maintaining such controversial text in Article 3 as a “principle”, how about putting a sentence like ‘historical catches in an area under national jurisdiction of a CPC taken by another CPC should be considered as a basis for future fishing opportunity in that area’ in Article 3?

This somehow distinguishes Article 3: principle and Article6: specific and concrete criteria.

Korea

Korea opposes the idea that this paragraph contains.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(2) For the purpose of allocation pursuant to this Resolution and within the reference period in para XX ~~At~~ historical catches taken within an area under national jurisdiction of a CPC shall be attributed solely to the CPC with jurisdiction over that area, regardless of the flag of the vessels that took and reported such catches.]

- (3) [The spatial separation of historical catches, by each CPC, as between areas within and beyond national jurisdiction shall be made on the following basis[, excluding those taken by vessels on the IOTC IUU Vessels List created pursuant to Resolution 17/03]:

European Union

On (2), (3), the EU would like to confirm its opposition in the strongest possible terms to the idea of the attribution of historical catches in the EEZ to the coastal CPC.

The EU would ask its original proposal for a % of historical catch data being transferred from developed Coastal CPCs and non Coastal CPCs to Coastal CPCs which are developing countries.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(3) [The spatial separation of historical catches, by each CPC, as between areas within and beyond national jurisdiction shall be made on the following basis[, ~~excluding those taken by vessels on the IOTC IUU Vessels List created pursuant to Resolution 17/03~~]:

- (a) Where the IOTC Secretariat holds fine-scale spatial information about the distribution of a CPCs’ catches that information shall be used to spatially attribute the catch history;
- (b) Any CPC may provide fine scale spatial information to the IOTC Secretariat no later than [xx]. Once vetted by the IOTC Secretariat, that information shall be used to spatially attribute the catch history for that CPC;
- (c) Catches reported for 5x5 or 1x1 degree grid squares that:
 - i) wholly fall within areas under national jurisdiction are to be considered as being taken in areas under national jurisdiction of a coastal State;

ii) wholly fall within the high seas are to be considered as being taken in the high seas;

iii) overlap one or more areas under national jurisdictions of coastal States and/or the high seas, shall be distributed proportionately by area. In cases where there is disagreement by one or more participants, the supporting evidence shall be provided to, and considered by the IOTC Compliance Committee;

iv) are taken by a coastal State fishing within its own area under national jurisdiction, shall be considered as being taken within that States' area under national jurisdiction.

(d) Catches reported or estimated without associated spatial effort data (as required by IOTC Resolution 15/02, or any superseding Resolution), shall be considered as being taken on the high seas by that CPC. In cases where the flag State is in disagreement with another CPC, supporting evidence shall be provided for consideration by the IOTC Compliance Committee;

(e) Notwithstanding paragraph 6.8(3)(d) and unless otherwise demonstrated by the coastal flag State, catches by vessels of a coastal State in its coastal fisheries as defined in Resolution 15/02 are assumed to have been taken within the area under the national jurisdiction of that coastal State, irrespective of whether spatial effort data is available.]

United Kingdom

The UK understands that Article 6.8(3)(e) should only be applied to coastal State vessels with limited range, i.e. only those solely fishing in coastal State waters should have catches applied in this way. However, vessels with the capacity to fish outside their EEZ must be able to prove their positions through VMS to ensure catches are allocated either to their EEZ, High Seas or another State's EEZ. Otherwise, Article 6.8(3)(d) would apply, and all catches are assumed to have been taken in the high seas.

Coastal State Allocation

European Union

Please refer to our comment on 1.1 (e)

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Move to before the historical catch allocation noting principled priorities.

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

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 6.9

United Kingdom

The UK noted the suggestion from some CPCs that Article 6.9 could be deleted if the scope of the allocation regime was restricted to high seas only. The UK would like to reiterate that we are unable to accept any amendment that would change the scope of the allocation regime to anything different to that outlined in the IOTC Agreement.

6.10 [(1) Coastal State [CPCs] shall be eligible to receive a share of the TAC [for fish stocks that occur in their Exclusive Economic Zones], which shall comprise the following components:

- (a) [35% / 45%] of the Coastal State Allocation to address their interests and aspirations as Coastal State [CPCs], to be shared in equal portion by all Coastal State [CPCs] as per Annex 3;

Bangladesh

~~[35% / 45%]~~

United Kingdom

The UK would like to suggest the following alternative wording for Article 6.10(1)(a) which we hope might provide an acceptable solution to comments raised at TCAC10:

“[35% / 45%] of the Coastal State Allocation to address their interests and aspirations recognise their rights, interests and aspirations as Coastal State [CPCs], to be shared in equal portion by all Coastal State [CPCs] as per Annex 3”

- (b) [47.5% / 55%] of the Coastal State Allocation dedicated to Coastal State [CPCs] that are developing coastal States, [in particular Small Island Developing States and Least Developed States], to address their particular vulnerability, needs and dependency on the fish stocks listed in Annex 1 and the fisheries for these stocks, to be shared based on internationally agreed upon indicators described in Annex 3; and

Bangladesh

~~[47.5% / 55%]~~

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete “internationally agreed upon”

- (c) [[17.5% / 0%] of the Coastal State Allocation dedicated to Coastal State [CPCs] to address their rights and status as coastal States, to be shared based on the indicators in Annex 3.]]

Bangladesh

~~[17.5% / 0%]~~

Bangladesh

(d) [[%] of the Coastal State Allocation dedicated to Coastal State [CPCs] according to their population size.]

(2) Subject to Article 11.3, Annex 3 may be amended by the Commission to replace the indicators with alternative more precise internationally agreed upon indicators reflective of the dependency of developing Coastal State [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 State CPCs shall be adjusted to reflect the new indicators once approved by the Commission.

European Union

The EU is sceptical about these alternative 'dependency indicators' as a replacement for internationally agreed standards.

CS which are becoming developed states should not use alternative indicator to avoid the consequences of their change of status.

(3) At the beginning of a new allocation period, a Coastal State [CPC] that is a developing State may seek to have its allocation under Paragraph 6.10(1)(b) for a given stock adjusted for that stock to reflect changes in statistics related to its dependency on fish stocks listed in Annex 1 or fisheries for such stocks. In such a case, with the agreement of the Commission, the coastal State [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 changed and its allocation adjusted by the Commission.

European Union

This provisions should be conditioned to a scientific assessment and explicit agreement of the Commission.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

~~(3) At the beginning of a new allocation period, a Coastal State [CPC] that is a developing State may seek to have its allocation under Paragraph 6.10(1)(b) for a given stock adjusted for that stock to reflect changes in statistics related to its dependency on fish stocks listed in Annex 1 or fisheries for such stocks. In such a case, with the agreement of the Commission, the coastal State [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 changed and its allocation adjusted by the Commission.~~ At the beginning of a new allocation period, the Secretariat shall update the indicators in paragraph 6.10 and the allocation for a given stock shall be adjusted subsequently

The secretariat should be able to maintain the data for the indicators. The CS could inform the secretariat

Correction for Extenuating Circumstances

6.11. At the beginning of an allocation period, a [Coastal State CPC that is a developing State and] whose ability to fish for stocks covered by this Resolution during the catch history reference period referred to in Article 6.8 has been 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;
- (e) impacts of climate change once adequate and stable indicators are developed and agreed,

European Union

6.11(e)

This option should not affect reference period agreed until the adoption of this resolution, but be established as an element for the future evolution of the allocation criteria.

As suggested during the meeting

(e) impacts of climate change once adequate and stable indicators are developed and agreed by the Commission.

Japan

Though we reviewed FAO paper on the impact of CC on fisheries following a suggestion by the Chair at TCAC10, we still doubt long-term and arguably one-direction influence by CC is suitable in this paragraph.

However, Japan can be flexible to retain sub-para (e) if other CPCs so wish.

Madagascar

6.11 Correction for Extenuating Circumstances

(Proposal by Japan: the impacts of climate change are at long term so should not be considered as Extenuating Circumstances that may have an impact and addressed). Madagascar supports this proposal by Japan and proposes that the drafting of 6.11 should be revised.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

6.11. At the beginning of an allocation period, or thereafter a [Coastal State CPC that is a developing State and] whose ability to fish for stocks covered by this Resolution ~~during the catch history reference period referred to in Article 6.8~~ has been severely restrained or impeded by extenuating circumstances, including, but not limited to such as:

This is deleted to include that the extenuating circumstances could happen after an allocation. So it should be able to cater to past, current and future circumstances.

directly affecting the fishing capacity, 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 [allocation /catch history] for that stock corrected [based on the average catch taken within the catch history reference period by CPCs for the same stock.]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

directly affecting the fishing capacity, 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 [allocation /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

6.12. 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 [an eligible] New Entrant as defined in Article 4.3, where such a New Entrant:

- (a) submits a written request to the Commission for an allocation of a given stock;
- [(b) provides nominal catch data for the fish stock for which it is seeking an allocation, where relevant, and which has been verified by the Scientific Committee;]
- (c) [expressed a real interest in the fishery for that stock at the time it sought accession to the IOTC;]
- (d)[pays its annual contribution to the Commission;] and,

Japan

See our comments on 4.2

- (e) complies with the CMMs, as determined by the Compliance Committee.

6.13. The Commission may allocate shares of the Special Allocation referenced in Article 6.12 to each New Entrant in the year that the Allocation Regime is applied to the stock and in doing so shall take into account the factors specified in Article 11 of the UNFSA.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 6.13

Article 7. ADJUSTMENTS WITHIN ALLOCATION PERIOD

7.1 Over-catch

European Union

Following the TCAC10 and the discussions on the best way to implement the adjustment following an over-catch, we trust the Chair to make a proposal that would factor in the lapse of time between the year between the catch are reported and the year in which the payback could be implemented.

Korea

As discussed in TCAC10, Korea would like to suggest that we set baseline of deduction and then adjust the amount of deduction taking each stock's status into consideration.

United Kingdom

Following discussions at TCAC10 regarding Articles 7.1(a)-(d), ALT1 and ALT2, the UK would like to reiterate its support for the inclusion of a baseline percentage for overcatch deduction which is then adjusted based on stock status.

[(a) Over-catch of a fish stock by an allocation holder in a given calendar year (n) within an allocation period shall be deducted from its allocation for that stock in the following [calendar year within the same allocation period / **OR**/ allocation period] [at a ratio of 1.2:1/ by 120%] /**OR**/ [1.1.1 / by 110%] of the over catch.

Japan

[(a) Over-catch of a fish stock by an allocation holder in a given calendar year (n) within an allocation period shall be deducted from its allocation for that stock in the following [calendar year ~~within the same allocation period / OR/ allocation period~~] [at a ratio of 1.2:1/ by 120%] /OR/ [1.1.1 / by 110%] of the over catch.

Re. "following [calendar year "
Year n+2

Over-catch shall be paid back even when the year n+2 belongs to the next allocation period. Therefore, this part should be deleted.

Japan supports the idea of base line penalty plus stock specific additional penalty.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

[(a) Over-catch of a fish stock by a CPC ~~an allocation holder~~ in a given calendar year (n)...

(b) An allocation holder may seek to defer this deduction to the next calendar year(n+2) within the allocation period, in which case, the deduction shall be increased [to a ratio of 1.5:1 / by 150%] of the over catch.

(c) Where an allocation holder over-catches a given stock for [three / two] consecutive calendar years, the allocation of that holder for the [fourth / third] year of the allocation period (n+3) shall be deducted [at a ratio of 2:1 / by 200%] of the over-catch, 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 [ratio / percentages] referred to in paragraphs 7.1. (a) to (c).]]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Re. (d) - Prefer the original text as it brings clarity to the Resolution. Further negotiations could be focused on the level of penalties.

ALTERNATE 1 to paragraphs 7.1 (a) to (d)**7.1 Over-catch**

(a) 100% of the over-catch of a fish stock by an allocation holder in a given calendar year shall be deducted from that holder's allocations for the following two years, unless over-catch for that allocation holder has occurred in two or more consecutive years, in which case 125% of the over-catch shall be deducted over the following two years.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

ALTERNATE 2 to paragraphs 7.1 (a) to (d)**7.1 Over-catch**

(a) An allocation holder that over catches its allocation of a given fish stock in a given year shall see its allocation for the subsequent year(s) deducted in the amount determined through a penalty mechanism approved by the Commission for each stock and reflected in the Conservation and Management Measures for that stock.

European Union

The EU cannot agree with Alternate 2 as it considers that the mechanism to disincentive over-catch should be defined in this resolution and not left to further (potentially extremely difficult) decision by the Commission.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

[(e) Catch Reporting:

(i) To ensure proper monitoring of IOTC allocations, allocation holders 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 allocation holder shall close its fishery for that stock and inform the IOTC Secretariat of its decision.

Bangladesh

...shall report catches of allocated stocks on annually a ~~quarterly~~ basis based on a schedule.

European Union

This should be quarterly with the option of doing it annually, and not the other way around. The CPCs reporting quarterly carry a bigger burden, so we do not see a reason to accommodate other CPCs. This could also incentivize all CPCs to do so.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

United Kingdom

The UK noted the concerns raised by some CPCs on their ability to meet quarterly reporting requirements as currently outlined in Article 7.1(e) and would like to propose an alternative reporting frequency for consideration. We suggest that, as a minimum, catch estimates for the first six months of the year (July to December) should be provided by all IOTC members by the end of the same calendar year (31st December). This would provide an indication at the Commission meeting (May/June the following year) as to whether any CPC is over-quota at this stage and allow early action to be taken by the Commission.

(ii) Where an allocation holder has exceeded its allocation and over-catch penalties have been imposed pursuant to paragraphs 7.1 (a)[, (b) or (c)], that allocation holder shall, in the subsequent calendar year where adjustments 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.]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

[7.2. Serious Non-Compliance

European Union

Please refer to our comment on the definition of serious non-compliance.

(a) The Commission shall temporarily withdraw eligibility to an allocation of any CPC or New Entrant or reduce its allocation, where the Commission determines that the CPC or New Entrant has demonstrated repeated or gross disrespect of the IOTC's Conservation and Management Measures adopted by IOTC Resolution, or disrespect of such measures which pose a serious threat to the conservation of IOTC fish stocks.

Maldives

(a) The Commission shall decide temporarily ~~withdraw~~ on the eligibility to an allocation of any CPC or New Entrant or reduce its allocation, where the Commission determines that the CPC or New Entrant has demonstrated repeated or gross disrespect of the IOTC's Conservation and Management Measures ~~adopted by IOTC Resolution~~, or disrespect of such measures which the Commission deems ~~pose~~ a serious threat to the conservation of IOTC fish stocks.

(b) The Commission shall identify violations that constitute serious non-compliance which shall lead it to either temporarily withdraw eligibility of a CPC or New Entrant to an allocation or reduce the allocation by an amount to be determined by the Commission, based on advice and recommendations

from the Compliance Committee. In making this determination, the Commission shall factor the following examples of serious non-compliance:

European Union

Re. The Commission shall identify violations....

It will be important – at a later stage – to discuss the mechanism through which this process happens.

Maldives

In making this determination, the Commission may ~~shall~~ factor the following ~~examples of serious 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 catch data for 3 years or more with no quantifiable improvement in addressing the data gaps;
- [(iii) Persistent non-payment of contributions to the Commission in accordance with Article XIII of the Agreement.]

Japan

Re (iii) See our comments on 4.2

Korea

Re. (iii). Korea opposes deletion of this sub paragraph. We believe contribution is closely related with allocation, as it enables Commission`s activities.

Maldives

Delete:

~~[(iii) Persistent non-payment of contributions to the Commission in accordance with Article XIII of the Agreement.]~~

Replace with:

iii) any other instances agreed by the Commission

Madagascar

Re. (Persistent non-payment of contributions to the Commission) - Madagascar does not support this proposal, the non-payment of contributions is already governed by the IOTC Agreement and other IOTC Resolution, non-compliance with the AC should only be in relation with the allocations.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete (iii)

(c) The Commission shall reinstate a CPC's or New Entrant's allocation that has been temporarily withdrawn or reduced, 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.]

Maldives

(i) the CPC ~~has made significant progress in addressing or~~ New Entrant has fully addressed the non-compliance issue; and,

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(i) the CPC ~~or New Entrant~~ has fully...

(ii) the CPC ~~or New Entrant~~ has made...

7.3 Extenuating Circumstances

European Union

The implementation of this article should be subject to the formal agreement of the Commission.

Japan

Replace heading 7.3 Extenuating Circumstances with 7.3 Carry over

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Combine with 6.13

- (1) A CPC may, when the TAC from the previous calendar year has not be fully caught, seek to have its allocation for a given fish stock carried over to the next calendar year within the allocation period for the stock, if it can demonstrate to the Commission that its ability and capacity to fish the allocation during that calendar year within the allocation period for the stock has been directly and severely restrained or impeded by extenuating circumstances described in Article 6.11.

Japan

- (1) A CPC may, ~~when the TAC from the previous calendar year has not be fully caught,~~ seek to have its under-harvested allocation for a given fish stock carried over to the second next calendar year (n+2) ~~within the allocation period for the stock, if it can demonstrate to the Commission that its ability and capacity to fish the allocation during that calendar year within the allocation period for the stock has been directly and severely restrained or impeded by extenuating circumstances described in Article 6.11.~~

'Allocation' here means allocated catch amount in ton, rather than allocated fishing opportunity in % as defined at 1.1.(b). Careful drafting would be necessary at a later stage

Like over-catch, unused allocation can be determined in the middle (or at the end) of the year n+1, thus carry over will be made in the year n+2.

Re. the deleted part of the paragraph: Unnecessary restriction on carry over.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

- (2) 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 carried forward and added to the following calendar year's allocation of the stock for that CPC [in an amount not exceeding [xx%] of the TAC factoring in the status of the stock].

Japan

(2) In such a case, the CPC shall submit a formal documentation ~~ed request~~ to the Secretariat by 31 October ~~at least 60 days before the Commission meeting to seek~~ to have the under-harvested part of its allocation for ~~the that~~ previous calendar year carried forward and added to the following calendar year's allocation of the stock for that CPC. The Secretariat shall circulate such documentation to CPCs without delay. The carry over shall not exceed [in an amount not exceeding [xx%] of the allocation of that CPC unless smaller percentage is set in a relevant stock specific Resolution. TAC factoring in the status of the stock].

60 days is an Impractical timeline. Suggest an alternate timeline.

The allowable % of carry over can depend on the stock status.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

United Kingdom

The UK supports the inclusion of a cap on the maximum amount of carryover for under-harvested stock – per CPC/per year – in Article 7.3(2). The UK feels that 20% is a reasonable (maximum) percentage for this cap.

Article 8. ALLOCATION TRANSFERS AND USE

- 8.1 (a) CPs who wish to transfer, on a temporary basis, up to a maximum of 20% of their allocations within an allocation period, shall notify the Commission in writing [XX days] prior to the transfer occurring.

Bangladesh

(a) CPs who wish to transfer, on a temporary basis, ~~up to a maximum of 20% of their allocations~~ within an allocation period, shall notify the Commission in writing ~~[XX days]~~ prior to the transfer occurring.

European Union

We agree with the general idea of the temporary transfer of a quota and that “temporary” here means that it cannot be transferred forever. However, the transfer is not a transfer of right but rather a transfer of a quantity of fish. The current wording does not reflect this.

We reserve our position on the notion of transfer and in any case if agreed we would strongly support a cap.

Korea

...on a temporary basis, ~~up to a maximum of 20%~~ a portion or all of their allocations within an allocation period, shall

Korea would like to revert to original text in V3. As we believe how to use allocation is each CP`s right, we would like the regime to have no upper limit on transfer.

Madagascar

As the Allocation regime should not prejudice the exercise of sovereign rights of each CPC, the choice of the amount to transfer is specific to each CPC.

Therefore, we propose to maintain the drafting of this article as previously written: “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 prior to the transfer occurring”.

This should be reflected in the draft text v5.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(a) ~~CPs~~ CPCs who wish to transfer, on a temporary basis, ~~up to a maximum of 20% of their allocations~~ within an allocation period, shall notify the Commission in writing ~~[XX days]~~ prior to the transfer occurring.

United Kingdom

The UK is unable to support any cap on transfers in Article 8.1(a) as this goes against the sovereign right of a State to manage their allocation as they see fit, and we request the deletion of this concept. The UK understands that any transfer of (surplus) allocation under this article would be temporary and would not affect the rights of a State to that allocation in the future.

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

European Union

(b) The written notification of the CP shall include the tonnage of fish to be transferred; the stock; the period; the gear type and, the CP to whom the allocation, or.

Reference to the gear type is essential, especially for data reporting and scientific purposes

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(b) The written notification of the CP CPC shall include the tonnage of fish to be transferred; the stock; the period; and, the CP CPC to whom the allocation, or part thereof, will be transferred.

(c) The transfer shall take effect upon receipt by the Secretariat of the written acceptance from the receiving CP.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(c) The transfer shall take effect upon receipt by the ~~Secretariat~~ Executive Secretary of the written acceptance from the receiving CP CPC.

(d) The written notification and the written confirmation shall be circulated to the Commission.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(d) The Executive Secretary shall notify all CPCs of the written notification of the transfer of allocation to the Commission. ~~The written notification and the written confirmation shall be circulated to the Commission.~~

[(e) When a transfer is notified after the allocation table has been approved by the Commission pursuant to Article 9.17, the Secretariat shall attach a revised allocation table when it shares the written notifications of the transfer with the Commission.]

Japan

Similar mechanism of revising allocation table would be necessary for payback of overage as well as carry over because the final figure of payback and carry over will not be available by the annual meeting of the Commission.

(f) Transfers of allocations are not permitted within the last 45 days of the allocation cycle.

European Union

We didn't have time at the TCAC 10 to discuss this provision. The EU would like to better understand its rationale before taking a formal position on it.

(g) Permanent transfers of allocations are not permitted.

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

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

[(i) This Resolution shall not be considered a precedent for future allocation decisions.]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

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, is encouraged to notify, on a voluntary basis, the Commission in writing, within xx days of the Annual meeting of the Commission. The unused allocation may be re-allocated in accordance with Article 9.12.

Japan

A CPC or New Entrant that does not intend to fish, or transfer, ~~or preserve its allocation for conservation purposes~~, in a calendar year period, is encouraged to notify...

This is included in 'does not intend to fish', thus redundant.

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

European Union

As briefly indicated during the TCAC 10 the EU considers that allocation should directly benefit the fishery of a CPC.

A CPC which systematically transfers its allocation, probably does not need the same level of allocation for the future.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

[8.4 A transferred allocation or part thereof 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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete - Since Annex 1 is brought into the text, suggested to delete

[Implementation Plan

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Develop as an appendix, but remove from final adopted resolution, as it's a Commission process.

9.4. (a) 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 to add fish stocks to the priority list based on decisions of the Commission.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(a) The Secretariat shall prepare for the Commission's adoption approval, ~~an Implementation a Plan for the implementation of this Resolution. 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 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 [or appropriate proxies], as per the 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,

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete (iii)

(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.]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete (iv)

(c) In accordance Article 3.12, the Implementation Plan shall foresee a step-wise approach for the full implementation of the allocation regime by establishing a progressive transition period of no less than 5 years on the basis of the schedule and formula described in Annex 2.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete (c)

Allocation Process and Catch Validation

[Allocation Committee

European Union

As indicated in the past, the EU considers that an allocation committee could be a useful instrument, especially if its meetings are kept operational and close to the annual commission session. Any final decision should, however, be referred to the Commission.

We would stress the need for the allocation committee to have a Chair and a vice-Chair to ensure the traditional repartition between Coastal CPC and non-Coastal CPC.

Madagascar

Creating another allocation committee within the commission is not required. All the discussions and decisions on the allocation should be left to the Commission.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Any new committee will further burden the developing coastal states. There is no justifiable reason to establish an 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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

- 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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

- 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.]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(a) 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 the stock 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 6.11.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

9.10. Eligible CNCPs and New Entrants that wish to be considered for allocations under articles 6.6 to 6.10, and 6.12 and 6.13 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].

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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 article 8. The Secretariat shall adjust the allocation tables with any transfers notified after this deadline and circulate to Commission in accordance with Paragraph 8.1 (d); and,
 (b) any requests for allocations submitted by CNCPs and New Entrants pursuant to Article 9.10.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete heading

9.13 The Allocation Committee shall meet annually, prior to the Commission's Annual Meeting.]

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

9.13 ~~The Commission shall consider matters of allocation as an agenda item in the annual meeting of the Commission. 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 6.11, 6.12 and 7.3.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

Commission Approval

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete heading

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.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

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 6.11, 6.12, 6.13, 7.2(c)(ii), and 7.3] in approving the Allocation Tables submitted by the Secretariat.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

(a) At its annual meeting, the Commission shall ~~consider the recommendations of the [Allocation Committee / **OR** consider any requests made pursuant to articles 6.11, 6.12, 6.13, 7.2(c)(ii), and 7.3]~~ 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 [or proxy] established for the fish stock.

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

~~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 [or proxy] established for the fish stock.~~

Article 11. FINAL CLAUSES

Coming into Effect

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

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete

Term and Amendment of Resolution

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

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

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 11.2 (2)

11.3 The Allocation Regime may be amended by decision of the Commission [after the initial term set out in Article 11.2(1)], including to ensure that the allocation is recognizing the interests, aspirations, needs and special requirements of Developing States, [in particular Least Developed States and Small Island Developing States that are coastal States]. [In this respect, the Allocation Regime shall remain in effect until amended or replaced by the Commission.]

[11.4 The catch history average periods provided in Paragraph 6.8(1)(a) may be revised after the initial term set out in Article 11.2(1), on intervals determined by the Commission, to take into account most recent catch periods.]

European Union

Re. 11.4 This article seems superfluous: the Commission has in any case always the power to review any existing resolution (including the one on allocation).

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 11.4

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..

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete 11.6

Appendix 1

IOTC membership by category

CPC	CP	CNCP	COASTAL STATE CPC	NON- COASTAL STATE CPC	DEV STATES	DEV COASTAL STATE	SIDS	LDS
AUSTRALIA	X		X					
BANGLADESH, People's Republic of	X		X					
CHINA	X			X				
COMOROS	X		X					
ERITREA	X		X					
EUROPEAN UNION	X		X					
FRANCE (OT)	X		X					
INDIA	X		X					
INDONESIA	X		X					
IRAN, Islamic Republic of	X		X					
JAPAN	X			X				
KENYA	X		X					
KOREA, Republic of	X			X				
MADAGASCAR	X		X					
MALAYSIA	X		X					
MALDIVES	X		X					
MAURITIUS	X		X					

MOZAMBIQUE	X		X					
OMAN, Sultanate of	X		X					
PAKISTAN	X		X					
PHILIPPINES	X			X				
SEYCHELLES	X		X					
SOMALIA	X		X					
SRI LANKA			X					
SOUTH AFRICA	X		X					
SUDAN	X		X					
TANZANIA	X		X					
THAILAND	X		X					
UNITED KINGDOM of Great Britain and Northern Ireland	X		X					
YEMEN	X		X					
SENEGAL		X		X				

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

CPC ^α	C P ^α	CNC P ^α	COASTA L-STATE CPC ^α	NON- COASTA L-STATE CPC ^α	<u>REI</u> <u>O</u> <u>CPC</u> ^α	DEV- STATE S ^α	DEV- COASTA L-STATE ^α	SID S ^α	LD S ^α	
AUSTRALIA [¶] α	X ^α	α	X ^α	α	α	α	α	α	α	α
BANGLADES H. People's Republic of [¶] α	X ^α	α	X ^α	α	α	α	α	α	α	α
CHINA [¶] α	X ^α	α	α	X ^α	α	α	α	α	α	α
COMOROS [¶] α	X ^α	α	X ^α	α	α	α	α	α	α	α
ERITREA [¶] α	X ^α	α	X ^α	α	α	α	α	α	α	α
EUROPEAN UNION [¶] α	X ^α	α	X ^α	α	X ^α	α	α	α	α	α
FRANCE (OT) [¶] α	X ^α	α	X ^α	α	α	α	α	α	α	α
INDIA [¶] α	X ^α	α	X ^α	α	α	α	α	α	α	α

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

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete Annex 1

A. The following stocks of tunas and highly migratory species found in the IOTC area of competence and managed by the IOTC² shall be allocated pursuant to the Allocation Regime of the IOTC provided in Resolution 2023/XX, in the following priority order:

1st 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:

- Indo-Pacific Blue Marlin
- Black Marlin
- Striped marlin
- [Long tail tuna
- Kawakawa
- Frigate tuna
- Bullet tuna
- Narrow barred Spanish mackerel
- Indo-Pacific king mackerel]
- Indo-Pacific sailfish

² Southern Bluefin Tuna has been excluded as it is managed by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

[Annex 2

Step-wise Implementation of the Allocation Regime

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete Annex 2

1. The implementation of the Allocation Regime shall be transitioned for each relevant fish stock over the following periods in the amounts and based on the schedule set out below for each CPC.
2. At the beginning of each allocation period, the allocations of CPCs for the relevant fish stocks shall be revised in the allocation table in accordance with the amounts and schedule provided herein.

(Details to be negotiated)]

Annex 3

Coastal State Allocation Indicators

[1. The following indicators shall be used to calculate the Coastal State Allocation pursuant to Article 6.10 of the Allocation Regime in Resolution 2023/XX:

a) Pursuant to Paragraph 6.10(a), Coastal State CPCs: Status weighting = 1 (an equal portion for each). Proportion = [35% / **OR** 45%] of the Coastal State Allocation;

b) Pursuant to Paragraph 6.10(b), Coastal State CPCs that are Developing States: Proportion = [47.5% / **OR** 55%] of the Coastal State 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 State 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 State Allocation;
- *Small Islands Development Status (SIDS)*: Status weighting = yes (1), no (0). Proportion = 40% of the developing coastal States element of the Coastal State Allocation;

European Union

The EU would support a different repartition among criteria

HDI : 40%; GNI: 40%; SIDS: 20%

[c) Pursuant to Paragraph 6.10(c), Coastal State CPCs: 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 State 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**

South Africa, Maldives, Kenya, Mozambique, Pakistan, and Tanzania

Delete Annex 4

Membership

1. (a) The Allocations Committee of the IOTC established pursuant to Article 9.5 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 9.4;
 - (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 6.12 and 6.13;
 - (e) Corrections to allocations of a CPC that is a developing coastal State for extenuating circumstances provided in Article 6.11;
 - (f) Allocation adjustments pursuant to articles 7.1, 7.2., and 7.3.;
 - (g) Temporary withdrawal of or reinstatement 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.]

BANGLADESH**DRAFT ALTERNATIVE PROPOSAL FOR AN ALLOCATION STRUCTURE AND CRITERIA (V5)****Article 6. ALLOCATION STRUCTURE****Total Allowable Catch**

- 6.4. 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.
- 6.5. Allocations to CPCs of a given fish stock shall be established based on allocation criteria contained in articles 6.5 to 6.10, and pursuant to the process set out in articles 9.5. to 9.17.
- 6.6. The sum of allocations for a given fish stock established for a given allocation period pursuant to this Resolution shall not exceed TAC.

Criteria for Allocations

6.6 The allocated share of the TAC for a given stock for each eligible CPC shall consist of two elements:

- (c) a percentage share on High Sea; and,
- (d) a percentage share on Coastal State Status,

High Sea Allocation

- 6.6. The total High Sea Allocation for a given fish stock shall comprise [%] of the TAC for that stock.
- 6.7. Each eligible CPCs shall receive an equal Allocation for that given fish stock;

Coastal State Allocation

- 6.9. The total Coastal State Allocation for a given fish stock shall comprise % of the TAC for that stock.
- 6.10 (1) Coastal State [CPCs] shall be eligible to receive a share of the TAC, which shall comprise the following components:
- (d) [%] of the Coastal State Allocation to be shared in equal portion by all Coastal State CPCs as per Annex 3;
 - (e) [%] of the Coastal State Allocation dedicated to Coastal State CPCs that are developing coastal States, in particular Small Island Developing States and Least Developed States, to address their particular vulnerability, needs and dependency on the fish stocks listed in Annex 1 and the fisheries for these stocks, to be shared based on internationally agreed upon indicators described in Annex 3;

(f) [%] of the Coastal State Allocation dedicated to Coastal State CPCs EEZ proportion, to be shared based on the indicators in Annex 3.

(g) [%] of the Coastal State Allocation dedicated to Coastal State CPCs population size, to be shared based on the indicators in Annex 3.

Appendix 1

IOTC membership by category

CPC	CP	CNCP	COASTAL STATE CPC	NON-COASTAL STATE CPC	DEV STATES	DEV COASTAL STATE	SIDS	LDS
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CHINA	X			X				
COMOROS	X		X					
ERITREA	X		X					
EUROPEAN UNION	X		X					
FRANCE (OT)	X		X					
INDIA	X		X					
INDONESIA	X		X					
IRAN, Islamic Republic of	X		X					
JAPAN	X			X				
KENYA	X		X					

KOREA, Republic of	X			X				
MADAGASCAR	X		X					
MALAYSIA	X		X					
MALDIVES	X		X					
MAURITIUS	X		X					
MOZAMBIQUE	X		X					
OMAN, Sultanate of	X		X					
PAKISTAN	X		X					
PHILIPPINES	X			X				
SEYCHELLES	X		X					
SOMALIA	X		X					
SRI LANKA			X					
SOUTH AFRICA	X		X					
SUDAN	X		X					
TANZANIA	X		X					
THAILAND	X		X					
UNITED KINGDOM of Great Britain and Northern Ireland	X		X					
YEMEN	X		X					
SENEGAL		X		X				

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Fish stocks to be allocated pursuant to the Allocation Regime

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- Indo-Pacific Blue Marlin
- Black Marlin
- Striped marlin
- [Long tail tuna]
- [Kawakawa]
- [Frigate tuna]
- [Bullet tuna]
- Narrow barred Spanish mackerel
- Indo-Pacific king mackerel
- Indo-Pacific sailfish

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

b) Pursuant to Paragraph 6.10(b), Coastal State CPCs that are Developing States: Proportion = [%] of the Coastal State 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 State 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 State Allocation;
- *Small Islands Development Status (SIDS)*: Status weighting = yes (1), no (0). Proportion = 40% of the developing coastal States element of the Coastal State Allocation;

c) Pursuant to Paragraph 6.10(c), Coastal State CPCs: 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 = [%] of the Coastal State 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)

d) Pursuant to Paragraph 6.10(d), Coastal State CPCs Population Size: Proportion = [%] of the Coastal State Allocation; population size weighting: