

11th TECHNICAL COMMITTEE ON ALLOCATION CRITERIA, MOMBASA (31st JANUARY 2023)

WORKING GROUP 1 ON DEFINITIONS

Introduction

A presentation from the EU Delegation, touching on the matter of EU jurisdictional mandate and France jurisdictional areas in the Indian Ocean was made.

EU Presentation

The EU put it to the plenary that they have jurisdictional mandate over the EEZ of the Islands of Re Union and Mayotte, while France has the overseas territories, being the islands in the north of Antarctica and in the Mozambique Channel.

These different jurisdictional mandates are as a result of the EU Treaty, articles 349 and 355 of that EU Treaty.

France clarified that the Islands north of Antarctica and in the Mozambique, Channel are not inhabited, that they have no fishing communities nor any other population on them, but rather mainly used for scientific research and biodiversity protection.

The EU further informed the plenary that:

1. They are not a coastal State, but they have jurisdiction over a coastal State EEZs that should be considered in allocating fishing opportunities going forward;
2. They are a member of the IOTC as an REIO having a coastal State jurisdiction;
3. That both France and EU have separate historical catches.

Plenary interjections

There were several counter-interventions from delegates, especially coastal States of the Indian Ocean, that they would wish it considered:

1. That the EU is a member of the IOTC as a REIO and not a coastal State;
2. That the EU be considered as a DWFN and not a coastal State, in the allocation of fishing opportunities;
3. That France is a member of the IOTC as a coastal State;
4. That the France islands do not have a catch history and this would lead to complications when population factors are being considered for an allocation;

Way forward from plenary

The plenary agreed as follows:

1. The EU will undertake a drafting of the text and share with Maldives (the current position is that the EU will consult and have their legal team validate the text before sharing it. This would take a week or more);
2. Maldives will work to improve on the text in consultation with the EU;
3. The draft text will be shared to members for their inputs.