



A COMPIATION OF COMMENTS RECEIVED ON THE 5TH DRAFT ALLOCATION REGIME

Prepared by the Secretariat

ABOUT THIS DOCUMENT.

At TCAC11, the TCAC agreed on a range of activities leading to TCAC12. These included TCAC Members providing written comments on v5 of the draft allocation regime text and/or proposed text for v6 to the Secretariat by 21 April 2023. And the Chairperson producing a v6 draft text by 30 June 2023, formulated on the basis of comments received at TCAC11, and the written submissions.

This document contains the comments received on the 5th version of the proposal as drafted in IOTC-2023-TCAC11-REF03_Rev1.

European Union

Unfortunately due to the workload generated by the follow up of the special session on FADs and the simultaneous preparation of the 27th IOTC annual meeting, the EU delegation will not be in a position to meet the deadline for the submission of the written documents.

Since we understand that other delegations might have similar concerns, and given the exceptional circumstances generated by the special session, we would suggest to postpone the deadline to early June. We understand, however, that this might not be easy, in which case, we will provide our comments only informally and reserve the possibility to express our position directly at the next TCAC meeting.

Maldives

While some progress has been made in terms of clarity on certain issues, Maldives would like to note that there are major areas that need to be agreed upon before working to finalise the text of the proposal. Maldives believes that the approach of working groups was an effective change and appreciate the opportunity provided by the Chair to have more focused and informal discussions around the issues.

Maldives wishes to reiterate the importance of resolving the quota allocation process in a speedy manner that 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.

The Maldives would also like to note the work being done by the G16 like-minded coastal states on the socio-economic indicators, which is a crucial element of a fair and equitable allocation regime. There appears to be general acceptance to use article 24(2b) of United Nations Fish Stocks Agreement as a framework for fair and equitable representation of different circumstances of the developing countries. Three of the most prevalent circumstances amongst these, along with Maldives' suggestions for potential indicators to represent these circumstances are summarised below:

- a) the vulnerability of developing States which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or parts thereof (**Potential indicators to represent vulnerability: per capita fish consumption, commonwealth vulnerability index, proportion of food that is imported**);
- b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fish-workers, as well as indigenous people in developing States, particularly small island developing States: (**Potential indicators to represent small-scale, artisanal and indigenous fisheries and small Island Developing States: proportion of fish workers employed in small-scale artisanal fisheries and Small Island Developing State status**).
- c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States. (**Potential indicators to represent disproportionate burden: a proportion of work force employed in the fishing sector, fisheries contribution to GDP, the proportion of the total export made up of fisheries exports**).

Maldives maintains the positions mentioned in detailed comments made to previous versions of the draft proposal and would like to reserve further comments until the plenary in TCAC12.

ESTABLISHING AN ALLOCATION REGIME FOR THE IOTC (v5)**[PREAMBLE****The Indian Ocean Tuna Commission (IOTC),**

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

MINDFUL that allocation regimes can contribute to the sustainable management of fish stocks, in particular for fish stocks [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] the established interests, historical fishing patterns and fishing practices of Members of the IOTC historically fishing in the IOTC area of competence;

RECOGNIZING the interests, aspirations, needs, and special requirements of developing States, as stated in various international instruments, in particular least-developed States and Small Island

Developing States (SIDS) that are coastal States in the IOTC area of competence, including their requirement to equitably participate in the fishery for highly migratory fish stocks in this area;

UNDERLINING the results and recommendations from the KOBE process;

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

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

Article 1. USE OF TERMS

1.1. For the purposes of this Resolution:

- (a) **“Agreement”** means the Agreement for the Establishment of the Indian Ocean Tuna Commission;
- (b) **“Allocation”** means a fishing opportunity represented as a percentage share of the Total Allowable Catch (TAC) for a given fish stock pursuant to this Resolution.
- (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];
- (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 defined by the human development index categories of the United Nations

Development Program and the United Nations Department of Economic and Social Affairs, amended from time to time, which includes least developed States and Small Island Developing States;

- (m) **“Fish Stocks”** or **“Stocks”** means highly migratory species referenced in Article 5;
- (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* and amended 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) **“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;
- (q) **“Member”** means a Member of the Commission as specified in Article IV of the Agreement;
- (r) **“New Entrant”** means a State who was not a CPC 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. A State ceases to be considered a New Entrant and shall be considered as a CPC under this Resolution after [XX] year from its date of admission to the IOTC;
- (s) [(bis) **“Regional Economic Integration Organization CPC”** or **“REIO CPC”** means the 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 within the purview of the Agreement;]
- (t) **“Serious non-compliance”** means violations identified by the Commission pursuant to Article 7.2, which constitute repeated disrespect of the Agreement or the IOTC’s Conservation and Management Measures adopted by IOTC Resolution that the Commission deems a serious threat to the conservation of IOTC fish stocks;
- (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 defined by the United Nations Department of Economic and Social Affairs, amended from time to time;
- (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 Article 5 in its stock assessment reports for such stocks. Stock Assessment cycles may vary by stock;
- (x) **“TAC”** means the Total Allowable Catch established by the Commission following a management strategy evaluation (MSE) process, or in the absence of a MSE process, based on a biological catch limit recommended by the Scientific Committee and adopted by the Commission, for a stock listed in Article 5 ;

- (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.

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 Article 5 caught in the IOTC Area of Competence, in a fair, equitable and transparent manner.

Article 3. GUIDING PRINCIPLES

3.1 The following principles shall guide the Commission’s decisions in determining allocations established pursuant to this Resolution, without prejudice to the sovereign rights and obligations of coastal States for the purpose of exploring and exploiting, conserving and managing the living marine resources within areas under national jurisdiction and the rights and obligations of all States to engage in fishing on the high seas, consistent with international law and Article IV of the Agreement.

Allocations shall:

- (1) provide a fair, equitable and transparent mechanism to allocate fishing opportunities in the [high seas portion of the] IOTC area of competence;
- (2) contribute to the sustainable management and use of IOTC stocks by factoring in their status and by ensuring that the total fishing opportunities and resulting fishing mortality of a stock do not exceed the TAC established for that stock;
- (3) [be implemented in a compatible way for fish stocks in their entirety throughout the IOTC area of competence];

Madagascar

[be implemented in a compatible way for fish stocks in their entirety throughout the IOTC area of competence, except in the territorial sea].

It is not possible for Madagascar to impose a catch quota for small-scale and artisanal fishermen who fish only in the territorial sea. Their catches are intended mainly for consumption and food security. Respect for sovereignty must be observed in this area as stipulated in the UN Convention on the Law of the Sea.

- (4) [be established and implemented in a way that considers the compliance record of CPCs, and as a result, deters non-compliance with this Resolution and other IOTC CMMs that directly impact the effectiveness of the allocation regime;]
- (5) [recognize the challenges and disproportionate burden faced by developing coastal States in fulfilling their obligations to comply with the IOTC Agreement and resolutions related to the implementation of allocations, in particular Small Island Developing States and least developed States who are vulnerable due to their socio-economic dependency on IOTC fisheries resources including for food security, and shall take into account their special requirements by factoring these needs and dependency when establishing their allocations,

and by identifying ways in which IOTC Members may assist those States in implementing these obligations, either bilaterally, or through the Commission with the assistance of the Secretariat];

- (6)[take into account the respective interests and aspirations of coastal States, particularly those of developing coastal States, in further developing their fishing opportunities in the IOTC area of competence, and by identifying ways in which IOTC Members may assist those States in this objective, either bilaterally, through the Commission, or through other means] ;
- (7) [take into account the respective interests, fishing patterns and fishing practices of CPCs who have fished in the IOTC area of competence]; and,
- (8) take into account the desire to manage the socio-economic impacts on all CPCs from the shift of current fishing patterns resulting from the implementation of the allocation regime by [implementing allocations in a timely but step-wise manner, and by providing the ability to temporarily transfer allocations between CPCs.]

[3.2(bis)For the purpose of allocating future fishing opportunities, all historical catches taken [in the future] 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.]

Korea

Korea would like to maintain our original position, which is all historical catches should be attributed to the flag CPCs whose vessels took and reported the catches. We do understand and respect sovereign rights of coastal CPCs, but in all due respects, it doesn't directly linked to the catch attribution. There is no RFMOs separate historical catches to attribute to the CPCs, while they're adopting number of measures to reflect coastal CPC's aspiration of development. Korea will put our efforts to accommodate those needs in this allocation regime but Korea would like to pose a strong position on this issue.

Article 4. ELIGIBILITY

- 4.1. Each CP at the time of the adoption of this Resolution is eligible to receive an allocation for one or more fish stocks under this Allocation Regime
- 4.1(bis) The allocations for the fishing fleet represented by the Invited Experts in the IOTC area of competence shall be treated in the same way as those for other distant water fishing fleets represented by Contracting Parties.
- 4.2. A CNCP at the time of the adoption of this Resolution is eligible to receive an allocation as described in Article 4.1 for stocks in the green zone of the Kobe plot if the CNCP expressed 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, 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].

- 4.3. A [Coastal State] CPC that is a New Entrant may only be eligible to receive a [Special] allocation described in article 6.9. []
- 4.4. [CPCs and New Entrants may lose eligibility to an allocation pursuant to Article 7.2.]

Article 5. SCOPE

- 5.1. This Resolution shall apply to the following stocks managed by the IOTC¹:
- a) Yellowfin tuna;
 - b) Big eye tuna;
 - c) Skipjack tuna;
 - d) Albacore tuna; and,
 - e) Swordfish.
- 5.2. (1) The Commission shall determine a priority order and a timeline to include the following stocks managed by the IOTC under 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
- (2) In making this determination, the Commission shall factor the distribution of the stocks based on advice from the Scientific Committee.
- 5.3. The Commission may prioritise the implementation of the Allocation Regime in this Resolution by gradually applying it to each stock.

Article 6. ALLOCATION STRUCTURE

Total Allowable Catch

- 6.1. Allocations to CPCs under this Allocation Regime shall consist of fishing opportunities represented as percentage shares of the Total Allowable Catch (TAC) for a stock.

¹ Southern Bluefin Tuna has been excluded as it is managed by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

- 6.2. Allocations to CPCs of a given fish stock shall be established based on allocation criteria contained in articles 6.4 to 6.7, pursuant to the process set out in Article 9, , and shall be adjusted pursuant to Article 7.
- 6.3. The sum of allocations for a fish stock established for a given year shall not exceed the TAC for that stock for that year.

Criteria for Allocations

Baseline Allocation

- [6.4 Each CPC shall be eligible to receive an equal Baseline Allocation consisting of [%] of the TAC for a given fish stock.]

Coastal State Allocation

[]

- 6.5 [(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 recognizing Coastal State CPCs' interests and aspirations, 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 and the fisheries for these stocks, to be shared based on [internationally agreed upon] indicators described in Annex [3];
 - (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];] and,
 - (d) [%] of the Coastal State Allocation dedicated to Coastal State CPCs according to the size of their population.
- (2) Subject to Article 11, 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.
- [(3) At the beginning of a new allocation period **at least 60 days before the Commission meeting**, Coastal State CPCs shall inform the Secretariat of any statistical changes that may affect their dependency status referenced in paragraph (1)(b). The Secretariat shall reflect this change for that CPC's allocation in the allocation table submitted for the Commission's approval.]

(4) This article applies mutatis mutandis to the Regional Economic Integration Organization CPC.

[Catch-Based Allocations]

[6.6. (1) Each eligible CPC shall receive a Catch-based Allocation consisting a share of the TAC, established based on the historical catches of the CPC determined based on the criteria provided in Article 6.7.

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

[6.7(1)(a) Subject to paragraphs (2) and (3), Annex 2 and Article 6.8, 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, 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 [most recent year with data / 2019]].

[(b) In determining the best estimates of nominal catch data pursuant to paragraph (a), catches taken by any vessels on the IOTC IUU Vessels List created pursuant to Resolution 17/03 and all of its predecessor and successor lists, for the relevant period shall be excluded.]

(2) [For the purpose of allocations pursuant to this Resolution, [a portion of / % of] 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, within the reference period in [Paragraph 9.1(b) and Annex 2,] regardless of the flag of the vessels that took and reported such catches.]

Korea

Please refer to the comments on para 3. 2 bis. Thus, Korea would like to maintain our original position, which is all historical catches should be attributed to the flag CPCs whose vessels took and reported the catches. We do understand and respect sovereign rights of coastal CPCs, but in all due respects, it doesn't directly linked to the catch attribution. There is no RFMOs separate historical catches to attribute to the CPCs, while they're adopting number of measures to reflect coastal CPC's aspiration of development. Korea will put our efforts to accommodate those needs in this allocation regime but Korea would like to pose a strong position on this issue.

- (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, and any predecessor or successor lists]:
- (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 the Commission;
 - iv) are taken by a coastal State CPC or REIO fishing within its own area under national jurisdiction, shall be considered as being taken within that States' or REIO's 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 Commission ;
 - (e) Notwithstanding paragraph 6.7(3)(d) and unless otherwise demonstrated by the coastal flag State, catches by small artisanal vessels of a limited range of a coastal State CPC 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 CPC, irrespective of whether spatial effort data is available.]]

ALTERNATE ARTICLE 6.

Article 6. ALLOCATION STRUCTURE

Total Allowable Catch

- 6.1 Allocations to CPCs under this Allocation Regime shall consist of fishing opportunities represented as percentage shares of the TAC for fish stocks determined by the Commission.

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

Criteria for Allocations

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

Korea

We are wondering how Commission separate and allocate TAC for the High seas and Coastal State as IOTC is managing highly migratory species.

- (a) a percentage share for the High Seas; and,
- (b) a percentage share for Coastal State CPCs in waters under their jurisdiction based on their status as coastal States.

High Seas Allocation

- 6.5 The total High Seas Allocation for a given fish stock shall comprise [%] of the TAC for that stock.
- 6.6 Each eligible CPC shall receive an equal allocation for that given fish stock.

Coastal State Allocation

- 6.7 The total Coastal State Allocation for a given fish stock shall comprise [%] of the TAC for that stock.
- 6.8 Coastal State CPCs shall be eligible to receive a share of the TAC, which shall comprise the following components:
- (a) [%] of the Coastal State Allocation to be shared in equal portion by all Coastal State CPCs, as per Annex 3;
- (b) [%] 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 Article 5 and the fisheries for these stocks, to be shared based on indicators in Annex 3;
- (c) [%] of the Coastal State Allocation dedicated to Coastal State CPCs EEZ proportion, to be shared based on indicators in Annex 3; and,

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

Correction for Extenuating Circumstances

6.8 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 has been severely restrained or impeded by extenuating circumstances, including, but not limited to:

- (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) spatio-temporal impacts of climate change on fishing once adequate and stable indicators are adopted by the Commission based on advice from the Scientific Committee; and,
- (f) global pandemic,

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 for that stock corrected.

New Entrants

[6.9 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,
- (e) complies with the CMMs, as determined by the Compliance Committee.]

Article 7. ADJUSTMENTS WITHIN ALLOCATION PERIOD

7.1 Over-catch

[(a) Over-catch of a fish stock by a CPC or New Entrant in a given calendar year shall be deducted by [120%] of the over-catch from its allocation for that stock in the calendar year following the availability of the catch data or catch estimates.

(a)bis The Commission may increase the ratio of adjustment for over-catch provided in paragraph (a) based on the status of the stock.

(b) A CPC or New Entrant may seek to defer the deduction to the next calendar year, in which case, the deduction shall be increased [by 150%] of the over catch.

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

[(d) Catch Reporting:

Korea

As catch data is the core element for stock assessment, calculating TAC and allocation, this paragraph should be maintained.

(i) To ensure proper monitoring of IOTC allocations, CPCs and New Entrants shall report catches of allocated stocks, preferably on a quarterly basis, or if not possible, as a minimum on an annual basis, based on a schedule and requirements determined by the Commission for each stock. Where quarterly reporting is not possible, preliminary catch data, including catch estimates, for the first six months of the fishing season should be provided by year end of the same calendar year. When reaching 100% of its allocation, the CPC or New Entrant shall close its fishery for that stock and inform the IOTC Secretariat of its decision.

(ii) CPCs shall consider ways in which they, either bilaterally or through the Commission with the support of the Secretariat, may assist Developing State CPCs in implementing catch reporting requirements referred to in paragraph (i) beyond the current annual data reporting requirements of the IOTC. This may include financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, including through joint venture arrangements, and advisory and consultative services.

(iii) Where a CPC or New Entrant has exceeded its allocation and over-catch penalties have been imposed pursuant to this article, that CPC or New Entrant 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.]

[7.2. Serious Non-Compliance

Korea

Commission will discuss compliance criteria at this annual meeting and it would be useful tool to identify what is the Serious non-compliance.

(a) The Commission shall [temporarily withdraw / review] the eligibility of a CPC or a New Entrant to an allocation, or reduce its allocation, where the Commission determines that the CPC or New Entrant has demonstrated repeated disrespect of the Agreement or the IOTC's Conservation and Management Measures which the Commission deems 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 may 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.];
- (iv) Any other factors agreed to by the Commission.

(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 made significant progress in addressing 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.]

Carry-Forward of Catch

7.3(bis) (1) A CPC or New Entrant may seek to have its under-harvested allocation for a fish stock carried forward to the calendar year following the availability of the catch data demonstrating the under-harvest.

(2) In such a case, the CPC or New Entrant shall submit a documented request to the Secretariat by 31 October to have the under-harvested catch, in tonnage, for the previous calendar year carried forward and added to the following calendar year's allocation of the same stock for that CPC or New Entrant. The Secretariat shall circulate such documentation to CPCs and New Entrants without delay. The carry-forward shall not exceed [20%] of the allocation of that CPC or New Entrant, unless a lower percentage of carry-forward is established by the Commission for that stock based on the status of the stock.

7.4 The Secretariat shall reflect any adjustments to allocations made pursuant to Article 7 in the allocation table and share the revised table with all CPCs and New Entrants.

7.5 Allocation adjustments under Article 7 shall not prejudice the determination of future allocations of CPCs.

Article 8. ALLOCATION TRANSFERS AND USE

8.1 (1) [CPs / CPCs] who wish to transfer, on a temporary basis [, a portion or all / 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.

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

(3) When an allocation transfer is proposed in the context of a transition for developing a fishing fleet, the Developing State CPC shall provide the Commission with a fleet development plan. In such instances, the transfer period shall be limited to [xx years].

(4) The transfer shall take effect upon receipt by the Executive Secretary of the written acceptance from the receiving [CP / CPC].

(5) The Executive Secretary shall notify all [CPs / CPCs] of the written notification and the written confirmation of the transfer.

[(6) When a transfer is notified after the allocation table has been approved by the Commission pursuant to Article 9, the Secretariat shall attach a revised allocation table when it shares the written notifications of the transfer with the Commission.]

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

(8) Permanent transfers of allocations are not permitted.

[(9) A CP who has received a transferred allocation

(a) must report the catch to the Commission;

(b) may not use this catch history for future allocations;

(c) may not transfer this allocation or a portion thereof to a CPC or New Entrant.]

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.

8.3 A CPC or New Entrant that does not intend to fish or transfer, 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.

[8.4 A transferred allocation or part thereof shall not prejudice the determination of future allocations of CPCs.]

Article 9. IMPLEMENTATION

[Implementation Plan

9.1 (a) The Secretariat shall prepare for the Commission's adoption a Plan for the implementation of this Resolution.

]

[(b) In accordance articles 3.1(8), 5.3 and 6.7(2), 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.]

Korea

Step-wise approach would be useful in negotiation and act as buffer.

Allocation Process and Catch Validation

[Allocation Committee

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

9.3 The mandate of the Allocation Committee shall include:

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

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

[Implementation Plan]

9.5 [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 9.1. [Thereafter, the Allocation Committee shall provide advice and recommendations to the Commission on any amendments that may be proposed to / **OR** Thereafter, the Commission may review and make any amendments to] the Implementation Plan.]

Allocation Tables

9.6 [(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 9.7, the Secretariat shall develop a draft Allocation Table for each stock to be allocated pursuant to this Resolution for that period, based on the TAC decisions 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 6.8.

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

9.7 [Eligible CNCPs and New Entrants that wish to be considered for allocations under articles 6.4 to 6.8, and 6.9 respectively, shall send a letter of application to the Commission at least xx days prior to the annual meeting of the [Allocation Committee / **OR** Commission].]

9.8 [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 (5); and,

(b) any requests for allocations submitted by CNCPs and New Entrants pursuant to Article 9.7.]

9.9 [Upon receipt of the notification in Article 8.3., the Secretariat shall revise the relevant Allocation Tables by reallocating the proposed unused allocation to other CPCs based on the relevant allocation criteria.]

[[Annual Meeting of the Allocation Committee]

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

9.11 [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 6.8, 6.9 and 7.3(bis).]

9.12 [The Secretariat shall update the Allocation Tables with any information submitted to the Commission in accordance with Article 9. It shall post the updated Allocation Tables on the IOTC Website at least xx days prior to the [Allocation Committee / **OR** Commission annual] meeting.]

9.13 [CPCs may seek revisions or corrections to the Allocation Tables from the [Allocation Committee / **OR** Commission / **OR** Secretariat] to reconcile and validate catch data compiled and reported to the Commission.]

[Commission Approval]

9.14 [The Secretariat shall prepare final draft Allocation Tables for each stock reflecting the outcomes of the [Allocation Committee / **OR** Commission] meeting and submit them for approval by the Commission at its annual meeting.]

9.15 (a) At its annual meeting, the Commission shall [consider the recommendations of the [Allocation Committee / **OR** consider any requests made pursuant to articles 6.8, 6.9, 7.2(c)(ii), and 7.3(bis)] 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.

ALTERNATE ARTICLE 9.

Allocation Process

9.1 The Secretariat shall prepare for the Commission's adoption a Plan for the implementation of this Resolution.

9.2 The Commission shall consider matters of allocation as an agenda item in the annual meeting of the Commission.

9.3 (a) At its annual meeting, the Commission shall consider any requests made pursuant to articles 6.8, 6.9, 7.2(c)(ii), and 7.3(bis) 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. Allocations for a given fish stock shall remain valid for the period determined by the Commission for that stock.

Article 11. FINAL CLAUSES

Term and Amendment of Resolution

11.1 (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.

11.2 The Allocation Regime may be amended by decision of the Commission [after the initial term set out in Article 11.1(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.]

Safeguard

11.3 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.

Appendix 1

IOTC membership by category

CPC	CP	CNCP	COASTAL STATE CPC	REIO CPC	DEV STATES	DEV COASTAL STATE	SIDS	LDS
AUSTRALIA	X		X					
BANGLADESH, People's Republic of	X		X					
CHINA	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							
KENYA	X		X					
KOREA, Republic of	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							
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						

Appendix 2

A process map for the allocation process and catch validation

To be added

[Annex 2

Step-wise Implementation of the Allocation Regime

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 6.5 of the Allocation Regime in Resolution 2023/XX:

a) Pursuant to Paragraph 6.5(a), Coastal State CPCs and REIO: Status weighting = 1 (an equal portion for each). Proportion = [35% / **OR** 45%] of the Coastal State Allocation;

b) Pursuant to Paragraph 6.5(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% / 40%] 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% / 40%] of the developing coastal States element of the Coastal State Allocation;

- *Small Islands Development Status (SIDS)*: Status weighting = yes (1), no (0). Proportion = [40% / 20%] of the developing coastal States element of the Coastal State Allocation;

[c] Pursuant to Paragraph 6.5(c), Coastal State CPCs and REIO: 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)]]

In respect of ALTERNATE ARTICLE 6:

d) Pursuant to Paragraph 6.5(d), coastal State CPCs Population Size: Proportion = [%] of the Coastal State Allocation; population size weighting:

[Annex 4**Terms of Reference for Allocations Committee****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.

Chairperson and Vice-Chairperson

2. The Allocations Committee shall be presided by a Chairperson, supported by a Vice-Chairperson, elected by the Commission.

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 stock 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 9.1;
 - (b) Allocation Tables prepared by the Secretariat pursuant to Article 9.6;
 - (c) Requests from Eligible CPCs to reconcile catch data pursuant to Article 9.12;
 - (d) Requests for allocations by CNCPs and New Entrants pursuant to article 9.7;
 - (e) Corrections to allocations of a CPC that is a developing coastal State for extenuating circumstances provided in Article 6.8;
 - (f) Allocation adjustments pursuant to articles 7.1, 7.2., and 7.3(bis);
 - (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, immediately 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.]

ON EQUITABLE ALLOCATION OF FISHING OPPORTUNITIES FOR SUSTAINABLE HARVEST OF TUNA RESOURCES IN THE INDIAN OCEAN

Submission of India

This text is for discussion purpose and without prejudice to the India's position on the Quota Allocation Regime or any other relevant measures in the IOTC Area of Competence

Background:

Some of the species under the management mandate of the Indian Ocean Tuna Commission (IOTC) have been assessed as overfished and / or subject to overfishing as per the latest scientific estimations done by the IOTC. The IOTC has taken several initiatives with the objectives of reversing the trends and recovering the stock status in longer term. A quota allocation system was proposed vide IOTC Resolution 14/02 and the Contracting Parties and Cooperating Non-Contracting Parties (CPCs) were urged to adopt the system for the management of the major species. India had put forth its perspectives on the quota allocation regime in the past meetings of IOTC including the Technical Committee on Allocation Criteria (TCAC) highlighting the rights and aspirations of coastal states, especially the developing coastal states and Small Island Developing Coastal States (SIDS) considering the importance of protecting the interests of artisanal and small-scale fisheries. India reiterates its proposition on the catch quota regime, which is under consideration in the IOTC.

The proposal aims for sustainable and equitable harvest of the following five species covered under the management mandate of the IOTC: (i) albacore, (ii) bigeye tuna, (iii) skipjack tuna, (iv) yellowfin tuna and (v) swordfish in the IOTC area of competence, supported with the best available scientific evidence, ensuring an unimpeded access of the fishery resources to the artisanal small-scale fisheries, recognizing and protecting the sovereign rights of the coastal states in the maritime zones under their national jurisdiction in line with the IOTC Agreement, extant international law of the sea/conventions as well as taking into consideration the developmental aspirations, food and social security requirements of the developing coastal states.

Noting that

- The preamble to the agreement on formation of the IOTC unambiguously proclaims the desire to contribute to the realization of a just and equitable international economic order with regard to the special interests and needs of developing coastal countries to benefit equitably from the fishery resources. Its stated objectives are for maintaining stocks in perpetuity and with high probability, at levels not less than those capable of producing their maximum sustainable yield (MSY), as qualified by relevant environmental, social and economic factors including the special requirements of developing coastal states in the IOTC area of competence.
- The IOTC Agreement, Article V, para 1 states: "The Commission shall promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks."
- The Article XVI of the IOTC Agreement categorically provides that the agreement shall not prejudice the exercise of sovereign rights of a coastal state in accordance with the international law of the sea for the purposes of exploring, exploiting, conserving and managing the living resources, including the highly migratory species, within its EEZ.
- The Article 6 of the "Convention on Fishing and Conservation of the living Resources of the high Seas" of 1st UN Conference on the Law of the Sea (1958); Article 61, 116 and 119 of the UNCLOS (1982) and Article 7 and Part VII: Requirements of Developing States; Article 24 and 25 of the 1995 UN Fish Stocks Agreement (UNFSA) etc. also fully recognizes the sole rights and responsibilities of the coastal states in harvesting and managing the fisheries resources within

their respective EEZs. The UNFSA recognizes the special requirements of developing states in relation to conservation and management as well as development and participation in fisheries for the migratory stocks. The 1995 Code of Conduct for Responsible Fisheries (CCRF) of the FAO is also emphatic on considerations to the circumstances and requirements of the developing states in implementation of the Code.

RECALLING the Article 25 of the 2007 United Nations Declaration on the Rights of Indigenous Peoples;

RECALLING that the United Nations General Assembly has declared 2022 as the International Year of Artisanal Fisheries and Aquaculture to promote, support, equity and thrust to the artisanal and small scale fisheries, which are the backbone of global fisheries;

RECOGNIZING the interests of coastal communities of Indian Ocean coastal States, in the long-term conservation and sustainable use of living marine resources and in healthy marine ecosystems in the Indian Ocean Region (IOR) and underlining the importance of involving these communities in the utilisation and management of these resources;

RECALLING the Target 14.b of the Sustainable Development Goals (SDGs) 2030 Agenda of the United Nations, which focuses on access to resources and markets for small-scale fisheries, in line with the Rio+20 outcome document para, 175. In order to guarantee secure access, an enabling environment is necessary which recognizes and protects artisanal small-scale fisheries rights. Such an enabling environment has three key features:

1. Appropriate legal, regulatory and policy frameworks;
2. Specific initiatives to support small-scale fisheries; and
3. Related institutional mechanisms which allow for the participation of small-scale fisheries organisations in relevant processes.

NOTING that Artisanal small-scale fisheries (SSF) contribute about half of global fish catches and employ more than 90 percent of the approximately 120 million people employed in fisheries, about half of them are women (mainly engaged in marketing and processing). An estimated 97 percent of all these fish workers live in developing countries, with many artisanal small-scale fishing communities experiencing high levels of poverty. The artisanal small-scale fishery contributes immensely for human well-being, sustainable development, food and nutrition security and poverty eradication. However, artisanal small-scale fishing communities are often marginalised and tend not to be involved in decision making processes that influence their lives and future (FAO, 2018) and their issues tend to be inadequately addressed, both with regard to resource management and from a broader social and economic development perspective (FAO, 2005; FAO, 2015) globally and especially in the IOTC.

NOTING the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines), were developed by the FAO and endorsed by the 31st Session of the FAO Committee on Fisheries (COFI) in 2014, to address this situation (FAO, 2015). The prime objective of the SSF Guidelines is to contribute to equitable development and a sustainable future which are to be achieved by applying a human rights-based approach (HRBA).

NOTING the Principles of The International Plan of Action for the management of fishing capacity, 1999 of the FAO limiting the fishing capacity at present level and progressively reduce the fishing capacity applied to affected fisheries;

CONSIDERING the recommendations adopted by the KOBE III; Reduction of overcapacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal states; and Transfer of capacity from developed

fishing members to developing coastal fishing members within its area of competence where appropriate.

NOTING that several advanced fishing nations have developed their capacities and have been indiscriminately exploiting the highly migratory and shared tuna stocks in the high seas in the past. Such nations shall own the greater responsibility for restoring the global tuna fish wealth.

CONSIDERING that CPCs who are not high sea fishing nations as on date (13th Sept, 2022) and were not been able to harvest the shared fish stocks in the past due to lack of capacity and resources, considering aspirational interests of such CPCs to fish in the high seas, they should be given special and differential treatment and provided additional quota allocations for a period of (XX years) so as to develop their capacity. It is essential to provide equitable rights to the fishers of such developing and non-DWFNs.

NOTING that the advanced fishing countries including distant water fishing nations (DWFNs) should bear higher responsibilities and demonstrate common but differentiated responsibilities towards sustainability of shared fish stocks, they should voluntarily adopt moratorium in high sea fishing to provide adequate policy space to the developing and non-DWFNs.

Criteria for Allocations in IOTC Quota allocation regime

1. Exemption for artisanal small-scale fisheries of the Coastal States

Similar to the provisions in the quota allocation measures in other tuna RFMOs including IATTC (Resolution C-17-01) and ICCAT (Recommendation 11-01), the artisanal small-scale fisheries by the coastal states within the areas of their national jurisdiction will not be brought under the quota allocation system.

The artisanal small-scale fisheries in case of the IOTC herein is referred to the fishing vessels that are less than 24 metres in length overall and operating within the exclusive economic zone of the coastal state.

2. Allocation Regime for Industrial fishery

Total allowable catch (TAC) of the fish stock in the IOTC area of competence shall be determined after deducting the total catch of the artisanal small-scale fishery (as mentioned in para 1 above) for implementation of allocation regime. The allocation shall be applicable on the Industrial fishery of the CPCs, invited experts (Taiwan province of China) and New Entrants, and it will be based on the following criteria:

a. Historical catch (30 percent weightage) - to determine a CPC's allocation for a given stock shall be based on the best nominal catch data provided by each CPC caught in the IOTC area of competence for any calendar year (during 1950-2018 for each stock), or it may be an average of its catch over the best 5 years for the said stock within the period 1950-2018.

b. Total population of coastal state (20 percent weightage) – for contributing to the food security of the citizens of the coastal States;

c. SIDS and Least Developed coastal states (09 percent weightage) – for meeting their special requirements and considering dependency on fishery resources;

d. Fishermen population of coastal state (25 percent weightage) – for sustaining the employment and livelihood security of the fishermen in the coastal States;

e. EEZ area (15 percent weightage) – considering the biomass of given stock available in the EEZ that strays in the high seas and exploited by the advanced fishing countries including the distant water fishing nations (DWFNs) using their fleets equipped with advanced technology.

f. New entrants (01 percent weightage) – for any new entrant coastal country in the Indian Ocean Region (IOR).

- 3.** The allocation regime proposed at para-2 above will be an interim measure, until the IOTC develops precise information on biomass distributions in the areas under national jurisdiction of the coastal states. The allocation regime proposed at para-2 above shall be periodically reviewed by the IOTC (Commission) till the biomass distributions in the areas under national jurisdiction of the coastal states is estimated by the IOTC.
