



Report of the 12th Technical Committee on Allocation Criteria

Seychelles, 16 – 19 October 2023

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ACRONYMS

AFAD	Anchored fish aggregating device
BMSY	Biomass which produces MSY
CMM	Conservation and Management Measure
CNCP	Cooperating Non-Contracting Party, of the IOTC
CoC	Compliance Committee of the IOTC
CPs	Contracting Parties
CPCs	Contracting Parties and Cooperating non-Contracting Parties
DCS	Developing Coastal State
DFAD	Drifting fish aggregating device
EEZ	Exclusive Economic Zone
FAD	Fish aggregating device
FAO	Food and Agriculture Organization of the United Nations
FMSY	Fishing mortality at MSY
HCR	Harvest control rule
IUU	Illegal, unreported and unregulated
LRP	Limit reference point
LSTLV	Large-scale tuna longline vessel
MSE	Management Strategy Evaluation
NCP	Non-Contracting Party
NGO	Non-Governmental Organisation
OT	Overseas Territories
RFMO	Regional Fisheries Management Organisation
SC	Scientific Committee of the IOTC
SCAF	Standing Committee on Administration and Finance of the IOTC
SIDS	Small Island Developing States
TAC	Total Allowable Catch
TCAC	Technical Committee on Allocation Criteria of the IOTC
TCMP	Technical Committee on Management Procedures
TRP	Target referent point
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel Monitoring System

HOW TO INTERPRET TERMINOLOGY CONTAINED IN THIS REPORT

This report uses the following terms and associated definitions.

Level 1: From a subsidiary body of the Commission to the next level in the structure of the Commission:

RECOMMENDED, RECOMMENDATION: Any conclusion or request for an action to be undertaken, from a subsidiary body of the Commission (Committee or Working Party), which is to be formally provided to the next level in the structure of the Commission for its consideration/endorsement (e.g. from a Working Party to the Scientific Committee; from a Committee to the Commission). The intention is that the higher body will consider the recommended action for endorsement under its own mandate, if the subsidiary body does not already have the required mandate. Ideally this should be task specific and contain a timeframe for completion.

Level 2: From a subsidiary body of the Commission to a CPC, the IOTC Secretariat, or other body (not the Commission) to carry out a specified task:

REQUESTED: This term should only be used by a subsidiary body of the Commission if it does not wish to have the request formally adopted/endorsed by the next level in the structure of the Commission. For example, if a Committee wishes to seek additional input from a CPC on a particular topic, but does not wish to formalise the request beyond the mandate of the Committee, it may request that a set action be undertaken. Ideally this should be task specific and contain a timeframe for the completion.

Level 3: General terms to be used for consistency:

AGREED: Any point of discussion from a meeting which the IOTC body considers to be an agreed course of action covered by its mandate, which has not already been dealt with under Level 1 or level 2 above; a general point of agreement among delegations/participants of a meeting which does not need to be considered/adopted by the next level in the Commission's structure.

NOTED/NOTING: Any point of discussion from a meeting which the IOTC body considers to be important enough to record in a meeting report for future reference.

Any other term: Any other term may be used in addition to the Level 3 terms to highlight to the reader of an IOTC report, the importance of the relevant paragraph. However, other terms used are considered for explanatory/informational purposes only and shall have no higher rating within the reporting terminology hierarchy than Level 3, described above (e.g. **CONSIDERED; URGED; ACKNOWLEDGED**).

TABLE OF CONTENTS

ACRONYMS	2
HOW TO INTERPRET TERMINOLOGY CONTAINED IN THIS REPORT	4
TABLE OF CONTENTS	5
1. Opening of the Session	7
2. Letters of credentials and admission of observers.....	7
3. Adoption of the Agenda and arrangements for the session	7
4. Presentation Of Chair’s Proposed Allocation Regime Text, Annexes And Appendices	7
5. Allocation Text Discussions.....	9
6. Chair’s Summary.....	9
7. Approach For TCAC13.....	9
8. Draft Report	10
9. Other Business	11
10. Meeting Closure.....	11
Appendix 1. List of Participants	12
Appendix 2. Adopted agenda of the 12 th Technical Committee on Allocation Criteria	18
Appendix 3. List of Documents	20
Appendix 4. Chairs Summary of the Discussions	21
Appendix 5. Statements.....	25

EXECUTIVE SUMMARY

The 12th Session of the Technical Committee on Allocation Criteria (TCAC12) was held in Eden Island, Seychelles from 16 to 19 October 2023. The meeting was opened and chaired by the Independent TCAC Chairperson, Ms Nadia Bouffard. Delegates from 25 Contracting Parties and 10 observer organisations, including invited experts, participated in the session.

The TCAC focused on the 6th draft Allocation Regime text. The Chairperson outlined the major changes made to v5 based on the comments made at TCAC11 and intersessional submissions, before Members shared their views on the latest text.

Discussions were structured around themes that comprised provisions of the text that are related or have common elements. The TCAC convened six working groups during the session which produced constructive outputs for the Chair to consider on allocation adjustment to address key thematic elements in the next version of the draft Allocation Regime.

The Chair considered that TCAC12 had made important progress on the allocation regime, although it was clear that several members are still concerned that the progress has been slow and needs to be accelerated.

The TCAC **AGREED** to a work plan leading up to TCAC13. Furthermore, to allow delegations more time to consider the draft allocation regime texts and consult both internally and externally, the TCAC **AGREED** to cancel the TCAC session scheduled for February 2024 on the IOTC calendar and focus its efforts on an October 2024 meeting (TCAC13).

1. OPENING OF THE SESSION

1. The 12th Session of the Technical Committee on Allocation Criteria (TCAC12) was held on Eden Island, Seychelles from 16 to 19 October 2023. The meeting was opened and chaired by the Independent TCAC Chairperson, Ms Nadia Bouffard.
2. The meeting was held in a hybrid format that included participants attending in-person and by videoconference.

2. LETTERS OF CREDENTIALS AND ADMISSION OF OBSERVERS

3. Letters of Credentials were received from 25 Contracting Parties. China, Republic of Korea, Kenya and Philippines participated virtually. The list of participants is provided in [Appendix 1](#).
4. Pursuant to Article VII of the IOTC Agreement and Rule XIV of the IOTC Rules of Procedure, the Commission admitted the following observers:

Members and Associate Members of the FAO that are not Members of the Commission:

- —

Intergovernmental organizations having special competence in the field of activity of the Commission:

- South West Indian Ocean Fisheries Commission

Non-governmental organizations having special competence in the field of activity of the Commission:

- Australian National Centre for Ocean Resources and Security
- BLOOM Foundation
- Blue Marine Foundation
- Europêche
- Marine Affairs Program (Dalhousie University)
- South West Indian Ocean Tuna Forum
- Sustainable Fisheries and Communities Trust
- World Wide Fund for Nature

Invited consultants and experts:

- Invited Experts

3. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

5. The Chairperson provided an overview of the agenda and introduced the documents available to the meeting ([Appendix 3](#)), including:
 - the Chairperson’s Explanatory Memorandum (IOTC-2023-TCAC12-04);
 - the Chairperson’s proposed 6th draft Allocation Regime text (v6) (IOTC-2023-TCAC12-02, IOTC-2023-TCAC12-REF02, IOTC-2023-TCAC12-REF03).
6. The Chairperson proposed that the meeting would focus mainly on the v6 draft text under agenda items 4 and 5. First, reviewing the changes made from the previous version; then, on the basis of themes (comprising groups of provisions of the text) as this was the approach used at TCAC10 and TCAC11 to assist the Committee to focus on the core issues contained in the draft allocation regime.
7. The TCAC **ADOPTED** the revised agenda provided in [Appendix 2](#).

4. PRESENTATION OF CHAIR’S PROPOSED ALLOCATION REGIME TEXT, ANNEXES AND APPENDICES

Changes made and reflected in v6 draft

8. The Chairperson made a detailed presentation, outlining the most substantive changes made and reflected in the v6 draft text, including:

- adjustments made to the Definitions (Art. 1) including the deletion of Appendix 1, the definition of fish stocks to explicitly refer to the fish stocks covered by the IOTC Agreement, the definition of significant non-compliance to reflect the terms and regime in the Commission’s recently adopted Appendix V to the Commission’s Rules of Procedure in respect of the Compliance Committee’s Terms of Reference and process for identifying non-compliance, and lastly to the definition of TAC, which reflects the outcome of the discussions held at TCAC11, with some words remaining in brackets;
 - the Purpose clause and Scope provisions have been combined (Art. 2). This was to streamline the text and eliminate duplication;
 - changes to the Allocation Principles (Art. 3) were made to reflect the consensus achieved in the discussions at TCAC11 on the issues;
 - the Eligibility clause (Art. 4) was streamlined by moving some of the content related to the conditions for receiving allocations to Article 6 (in reference to CNCPs). Changes as agreed by the TCAC11 were also reflected with regards to new entrants;
 - clarifications were made to the prioritization of implementation of the allocations;
 - changes to the structure of Allocation Regime (Art. 6), confirming that the structure is based on sharing TAC for each stock. The alternative options for this structure were removed;
 - changes to the Coastal State Allocation Criteria (Art. 6.6) to embed economic criteria for allocations to developing coastal States;
 - substantive changes to the Allocation Criteria component of the regime text. It was highlighted that the Weighting of allocation criteria was reinserted (Art. 6.4) and that there were changes to the Coastal State Allocation Criteria (Art. 6.6), including new Coastal State criteria, eligibility in respect of Outermost Regions and Overseas Territories and the revisions to the Extenuating Circumstances (Art. 6.9);
 - changes were made to the New Entrants provision (Art. 6.10), and to the CNCP provision (Art. 6.11) to reflect previous outcomes on the topic reached during TCAC11. Timelines were added as required for the implementation;
 - movement of the provision proposing a stepwise transition for allocation implementations from where it previously stood in Article 9, to where it currently is found in Article 6.12;
 - changes were made to the provisions related to over-catch based on working group discussions during TCAC11 including the removal of detailed reporting requirements, referring rather to the current reporting requirements in Resolutions 15/01 and 15/02. This was done with the understanding that more detailed rules required to implement an allocation regime will be proposed at the WPDCS for the Commission to consider embedding in the existing data Resolutions;
 - changes were made to Art. 7.2 on Significant Non-Compliance, reflecting views expressed during TCAC11 and the Commission’s most recent decision to adopt revisions to Appendix V to the IOTC Rules of Procedure in respect of the Compliance Committee’s Terms of Reference;
 - revisions to the Carry Forward provisions (Art. 7.1) to reflect recent discussions;
 - substantive changes were made to Article 8 of the text, in respect of rights and obligations of States once they receive allocations pursuant to the regime, ensuring that the allocation regime does not infringe on Members rights to regulate fleets and, for Coastal States in particular, to regulate fishing activities in their waters while also ensuring the long-term sustainability of the fish stocks; and
 - minor adjustments were made to the Allocation Calendar and Process (Art. 9), especially to clarify the allocation process cycle as well as changes to some terminology, based on discussions during TCAC11.
9. The Chair further noted what had not been changed with respect to v5. This related to the allocation regime area. The current draft references the IOTC Agreement “Area of Competence”. There had previously been some debate as to the extent of this area, with some Members seeking to exclude certain waters (territorial and archipelagic waters) from the application of the allocation regime. During the previous meeting, the TCAC requested that legal opinion from FAO be sought, however, their advice has not yet been provided, at the time version 6 of the text was drafted or during the meeting.

10. The Chair noted that the above issues needed more discussion in order to find text that could reflect the general consensus view of delegations.

5. ALLOCATION TEXT DISCUSSIONS

11. Following the Chair's presentation, the Members shared views on the revised text around themes reflecting groupings of provisions of the text. Certain themes were discussed in a Working Group format, which the Members appreciated for the flexibility and informality. In particular, the TCAC convened 6 working groups during its session: (1) Coastal State Allocation Criteria and Indicators, chaired by Indonesia; (2) Eligibility of Outermost Regions and Overseas Territories to Coastal State Allocation Criteria, chaired by Japan; (5) Stocks Covered by Allocation Regime, chaired by Mozambique; and, (6) Allocation Calendar and Process, chaired by the UK. The TCAC Chairperson chaired Working Group 3 on Historical Catch, Catch Attribution and Transition, and Working Group 4 on Geographical Scope of Allocation Regime.
12. The TCAC also discussed and reviewed the provisions of the allocation regime text related to allocation adjustments for non-compliance with IOTC measures, and the eligibility of new entrants and CNCPs to IOTC allocations.
13. Important progress was made on all topics, with the exception of the geographical scope theme for which delegations expected to be informed by the FAO legal advice sought in respect of the IOTC Area of Competence under the IOTC Agreement. TCAC Members expressed disappointment in not having received this opinion in time for the TCAC meeting and preferred suspending discussions on the topic until the advice is provided.
14. Coastal States Members presented new Coastal State Allocation Criteria and indicators to replace those found in Draft 6 of the Allocation Regime (Art 6.6(1) and Annex 2). While TCAC Members indicated openness to consider the new criteria and indicators, they reserved their position on these. As they recognized that data was not readily available to simulate and support some of the indicators, they agreed, in the near term, to simulate the new indicators based on available data alongside the previous UN-based indicators, as alternatives, found in Draft 6 of the allocation regime text.
15. To address data challenges associated with the newly proposed indicators, Members raised the need for the IOTC Socioeconomics Working Party to consider the development of a mechanism to harmonise the collection of data for the highlighted indicators with the intention to include them in the allocation regime in the future.
16. Some members also pointed out that they are also members of the Regional Commission for Fisheries (RECOFI) and were concerned that there may be an overlap in responsibilities between RECOFI and the IOTC for several neritic tuna species. The Secretariat clarified that RECOFI is an advisory body, whereas the IOTC has the mandate to manage all tuna and tuna-like species in the Indian Ocean and so the responsibilities are clearly defined, however, the Secretariat agreed to contact RECOFI and invite them to attend IOTC meetings as observers to ensure the advice being provided in that forum is consistent with the advice being deliberated by the TCAC.

6. CHAIR'S SUMMARY

17. The Chairperson thanked all Delegations for their excellent preparations and hard work during the meeting. She noted that while the delegations may feel that they were hoping to achieve more during the meeting, substantial progress had been made. The Chairperson did, however, note that faster progress was needed on several key issues.
18. The Chairperson indicated that she would amend the current text of the Allocation Regime to reflect the input and views received during the meeting and provide a version 7 for simulations of the allocation criteria.
19. A summary of the group discussions was provided by the Chairperson in [Appendix 4](#)
20. Statements made to TCAC12 are provided in [Appendix 5](#).

7. APPROACH FOR TCAC13

21. A member requested the Secretariat to provide an update on the Commission requests with regards to the TCAC Chairperson contract as raised during the 2023 Commission meeting.

22. The TCAC agreed that the Chairperson’s term should only be discussed when it is up for endorsement by the Commission in May 2024 as the matter was outside the mandate of the TCAC and there was no agenda item in the current meeting to accommodate this issue.

Production of a v7 draft allocation regime text

23. To allow delegations more time to consider the draft allocation regime texts and consult both internally and externally, the TCAC **AGREED** to cancel the TCAC session scheduled for February 2024 on the IOTC calendar and focus its efforts on an October 2024 meeting (TCAC13).
24. The TCAC **AGREED** to focus its work in 2024 on simulating the allocation criteria as provided by the revised allocation regime text (Draft 7). In this respect, delegations agreed to submit proposals for numbers on which the following simulations could be based:
- The portion of the TACs to be attributed to each of the 3 allocation criteria pursuant to Art. 6.4;
 - The amount or percentage of EEZ catches to be attributed to Coastal States under Art. 6.8(2); and,
 - The annual increments of transition for the allocations related to the EEZ attributed catches pursuant to Art. 6.12.
25. It was recognized that more details are required for the newly proposed Coastal State economic indicators to be able to simulate and implement the Coastal State Allocation Criteria under Art. 6.6(1), particularly in respect of the socio-economic criteria in 6.6(1)(b). Coastal State Members offered to provide more information in this respect, to enable the simulation of the criteria. The TCAC also **AGREED** to simulate these new indicators and the UN indicators provided in the previous version of the text, to enable a comparison and facilitate a discussion.
26. Members recognized the need to provide more precise information on the geo-localisation of catches for those which are caught in the overlap area between Coastal States EEZ and High Seas.
27. Members also recognized the need to discuss the meaning and implementation of the “best 5 year average catch per CPC” in option 3 of Art. 6.8(1)(a)(i).
28. The TCAC **AGREED** to hold an online Working Group meeting to address these issues and to narrow down simulation options proposed by Members. The TCAC requested that the Secretariat then simulate the allocation criteria based on proposed numbers from the Members, as may be adjusted following the Working Group meeting. It was **AGREED** that Members should be provided the opportunity to comment on the first round of simulations before a final version is provided by the Secretariat.
29. The TCAC **AGREED** on the following schedule of work leading to TCAC13.

DATE	WORK
30 November 2023	Draft v7 of Allocation text completed by the Chairperson and posted on the TCAC12 webpage.
30 December 2023	Deadline for simulation option numbers to be provided by Members
5 January 2024	Summary of the proposed simulation option numbers submitted by Members, published on the IOTC Website by the Secretariat
26 – 28 February 2024	Informal online Working Group
29 March 2024	First round of simulations to be provided by Secretariat
30 March – 15 April 2024	Adjustments based on input from Members
30 April 2024	Second round of simulations by Secretariat
Early May	Results of the simulations to be published by the Secretariat.
21 – 24 October 2024	13 th Session of the Technical Committee on Allocation Criteria (TCAC 13) in Oman
TBC	1 st Session of the Working Party on Socio-Economics (WPSE)

8. DRAFT REPORT

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30. The TCAC **AGREED** that, like recent TCAC reports, the TCAC12 Report would be succinct and not contain details of the interventions made on the floor, except when they influenced the proceedings of the meeting. However, Members were invited to provide the statements underpinning their interventions on matters they wanted to be recorded, and these would be appended to the report.
 31. The TCAC **AGREED** to adopt the meeting report by correspondence. The report was adopted on 12 December 2023.

9. OTHER BUSINESS

32. No matters were raised.

10. MEETING CLOSURE

33. The TCAC12 meeting was closed at 17.30 hr on Thursday 19 October 2023.
34. The TCAC acknowledged the offer from Oman to host the 13th session of the TCAC in October 2023. The TCAC thanked Oman for their generous offer and accepted the invitation.

APPENDIX 1.**LIST OF PARTICIPANTS**

(According to the videoconference participant list)

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APPENDIX 2.

ADOPTED AGENDA OF THE 12TH TECHNICAL COMMITTEE ON ALLOCATION CRITERIA

Date: 16 - 19 October, 2023

Location: Eden Island, Seychelles

Time: 9:00AM – 8 hours, daily

Chairperson: Mrs Nadia Bouffard

- 1. OPENING OF THE SESSION** (Chairperson & IOTC Secretariat)
- 2. LETTER OF CREDENTIALS AND ADMISSION OF OBSERVERS** (IOTC Secretariat)
- 3. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION** (Chairperson)
 - **Provisional Agenda** IOTC-2023-TCAC12-01
 - **Chair’s Memorandum** IOTC-2023-TCAC12-04
- 4. PRESENTATION OF CHAIR’S PROPOSED ALLOCATION REGIME TEXT, ANNEXES AND APPENDICES** (Chairperson)
 - **Chair’s Draft #6 Proposed Allocation Regime Text, Annexes and Appendices** IOTC-2023-TCAC12-02
- 5. ALLOCATION CRITERIA** (All Delegations)
 - A. Working Group 1 on Coastal State Allocation Criteria and Indicators**
 - **Discussion**
 - **Summary Report**
 - B. Working Group 2 on Eligibility of Outermost Regions and Overseas Territories to Coastal State Allocation Criteria**
 - **Discussion**
 - **Summary Report**
 - C. Secretariat Presentation on Catch Estimates**
 - **Historical Catch Estimates (1950-2021)** IOTC-2023-TCAC12-DATA01
 - **Questions & Comments**
 - D. Working Group 3 on EEZ Catch Attribution and Transition**
 - **Discussion**
 - **Summary Report**
- 6. SCOPE OF ALLOCATION REGIME** (All Delegations)
 - A. Working Group 4 on Geographical Scope of Allocation Regime**
 - **Discussion**
 - **Summary Report**
 - B. Working Group 5 on Stocks Covered by Allocation Regime**

- Discussion
- Summary Report

7. ALLOCATION IMPLEMENTATION CALENDAR (All Delegations)

A. Secretariat Presentation on Allocation Implementation Calendar

- Calendar of Allocation Implementation IOTC-2023-TCAC12-03
- Questions

B. Working Group 6 on Allocation Calendar and Process

- Discussion
- Summary Report

8. DISCUSSION ON OTHER TOPICS IN THE ALLOCATION TEXT

9. CHAIR’S SUMMARY (Chairperson)

10. APPROACH FOR TCAC13

- Chair’s Recommendations
- Delegations Views

11. DRAFT REPORT

12. OTHER BUSINESS

13. MEETING CLOSURE

APPENDIX 3. LIST OF DOCUMENTS

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

Document number	Title
IOTC-2023-TCAC12-01	Draft agenda version 6 September 2023
IOTC-2023-TCAC12-01b	Draft agenda version 16 October 2023
IOTC-2023-TCAC12-01c	Draft agenda version 17 October 2023
IOTC-2023-TCAC12-02	TCAC Chairs draft proposal for an Allocation Regime v6 - TC without comments
IOTC-2023-TCAC12-03	Calendar of Allocation Implementation
IOTC-2023-TCAC12-04	Chair's explanatory memorandum to TCAC12 participants
Reference Papers	
IOTC-2023-TCAC12-REF01	TCAC comments on the v5 draft Allocation Regime resolution
IOTC-2023-TCAC12-REF02	TCAC Chairs draft proposal for an Allocation Regime v6 - TC & Annotated
IOTC-2023-TCAC12-REF03	TCAC Chairs draft proposal for an Allocation Regime v6 - clean
IOTC-2023-TCAC12-REF04_Rev1	Chair's Presentation on Provisional Agenda for TCAC12
IOTC-2023-TCAC12-REF05	Chair's Presentation on Allocation Regime Text Draft #6 TCAC12
Information Papers	
IOTC-2023-TCAC12-INF01	Indicators in support of fisheries allocation in the IOTC: Special considerations for developing coastal States
Member Statements	
IOTC-2023-TCAC12-Statement01	Statement by Mauritius
IOTC-2023-TCAC12-Statement02	Statement by France(OT)

APPENDIX 4.

CHAIRS SUMMARY OF THE DISCUSSIONS

1. Coastal States Allocation Criteria and Indicators

- Discussions were advanced on the Coastal State Allocation Criteria and related indicators. New proposals were made for the criteria as well as the indicators. Based on the discussions these will be adjusted to reduce the number of indicators to those for which data are accessible from third party internationally agreed sources.
- While delegations need time to consider these new criteria and indicators, there was a general openness to consider these changes, if they can be operationalized into quantifiable indicators that may be simulated for the next phase in the negotiations.
- Coastal States leading the work on this section have agreed to do further work to evolve the wording of the indicators to make them quantifiable so that they may be simulated.
- There was also an opinion expressed on the need to simulate the previous version of these criteria and indicators relying on HDI and GNI information, so that delegations may see the difference between the two options of Coastal State Allocation Criteria.

2. Eligibility of Outermost Regions and Overseas Territories to Coastal State Allocation Criteria

- Progress was made on the issue of eligibility of outermost territories and overseas territories to the criteria and indicators under the coastal State Allocation Criteria.
- A proposal has been agreed to adjust the text of the allocation regime to make it clear that France OT is treated as a Coastal State CPC under the Allocation Criteria.
- There was a recognition that the REIO has a coastline in the IOTC Area from its outermost territories, and as such, it should benefit from an allocation that relates to the size of the EEZ of its outermost territories in the IOTC Area of Competence.
- There was also a recognition that the REIO would not be seeking the application of paragraph 6.6(1)(b) of the Coastal State Allocation Criteria for its outermost territories.
- There remains a difference of views as to whether such REIO in relation to its outermost territories should benefit from the portion of the Coastal State Allocation Criteria related to aspirations under paragraph 6.6(1)(a). This will need to be resolved.
- Changes to the text will be required to affect all of these views.

3. EEZ Catch Attribution and Transition

Catch Estimates

- Member delegations were pleased to hear the Secretariat's presentation on the Updated Catch Estimates Document produced for the meeting.
- It was recognized that the process for estimating catches was largely already in place for assisting stock assessments, but that an added layer of information and estimations was made (and required) to factor in the requirements of the current draft Allocation regime.
- Some concerns were expressed with the need for a process to validate catches, particularly those catches estimated in overlap areas differentiating catches within national jurisdictions from those on the high seas.
- The Catch Estimates and Process and methodology information presented a good pathway into the discussion on catch history, the reference period associated to this, and the EEZ catch to be attributed to Coastal States.

Catch History Reference Period

- Delegations provided their preferences in respect of the four current options provided in the text of the allocation regime to determine catch history for the purpose of Catch Based Allocations.
- Some delegations expressed the need to factor in that catches were affected following piracy issues in the East African waters post 2007.
- A summary table was provided by the Chairperson and adjusted to reflect the views of delegations expressed during the meeting. Four options for reference time periods were provided, namely (1) 2000 – 2016, (2) 2012 – 2016, (3) Best 5 year average from 1950 – 2016, and (4) 2000 – 2018.
- A majority of delegations supported option 3, while some delegations also supported options 1 and 4.
- Most delegations who supported option 2 initially expressed flexibility and a preference for another option. This led to one delegation proposing the elimination of Option 2. Conversely at least one delegation insisted on simulating all 4 options.
- While generally supporting a simple approach for determining allocations, delegations appeared to be flexible in supporting the use of catch history distinct for each stock to be covered by the Allocation Regime.

EEZ Attributed Catches

- With respect to EEZ catches and their attribution to Coastal States, there was an unequivocal position expressed by Coastal States in support of 100% of these catches to be attributed, and allocated to Coastal States.
- There was also an expression of willingness on the part of Coastal States to consider a phasing in of the EEZ catch allocation through as short a transition period as possible.
- The delegations with recorded catch history in these EEZ waters expressed a willingness to transition the allocations of EEZ catches in an amount or proportion that they believe should be negotiated, and in a transition time that would depend on the amount to be attributed.

Transition Period

- There was a majority view in support of a transition period of six years, essentially representing the equivalent of two allocation cycles.
- Other delegations preferred to leave the text open to negotiate the time period once simulations are provided.
- One such delegations proposed a 10-year period, subject to such negotiations.
- The Chairperson proposed to reflect the discussion by including both the 6 year and 10 year options to help narrow down the future simulations, but both options would be put in brackets to reflect the lack of consensus on the period.
- At the request of TCAC members, the Chairperson proposed text and two options for an Annex that reflected a table for a calendar and methodology for transitioning the EEZ attributed catch allocation.
- While no specific proposals were presented for the progression of the transition within the transition period, some delegations preferred that the transition start with a larger amount to support a commercial fishery from the start of the allocation period tapering off to a smaller amount of allocation over the transition period up to 100% of the allocation being provided by the end of the transition period, while others preferred starting small and growing the allocated amount over the period, to reduce the disturbance and economic impacts on their fleet.
- Some delegations indicated flexibility on a longer time period if the initial year one allocation during the transition, was a larger amount.

- The proposed transition table reflected annual increments within the transition period, but no specific amount or percentage were included in the annual increments. The text and table, with adjustments, will be included in the text of the Allocation Regime.
- There was support for considering different transition periods for each stock to be allocated and the alternative option related to this will be reflected in the next version of the text of the allocation regime.

4. Geographical Scope of Allocation Regime

- There was an expression of general disappointment with the lack of legal advice from the FAO in time for this TCAC meeting, that may have provided clarity on the scope of the Area of Competence of the IOTC, which may impact views expressed by some delegations in support of excluding territorial seas and archipelagic waters from the application of the allocation regime with a view to protecting Coastal State sovereignty in these waters.
- While no progress was made on the scope of application clauses of the text, the TCAC members were generally supportive of the new provisions added to the text regarding the rights and obligations of CPCs in respect of allocations, as laid out in Art. 8.1.

5. Stocks Covered by Allocation Regime

- In respect of the scope of stocks to which the allocation regime would apply, Members reiterated their consensus view that all 5 major stocks should be covered as a matter of priority, in the allocation regime.
- The TCAC considered a new proposal for changes to the text that would see the regime apply to the 5 major stocks (3 tropical tunas, albacore and swordfish), and a reference to an eventual decision to be made on whether to apply this regime or some other allocation measures to the remaining stocks of the IOTC.
- Concerns were expressed about the lack of data for some neritic species on the “other species list”. It was also noted that some IOTC Member countries are also members of the Regional Commission for Fisheries (RECOFI) who may be providing conflicting advice on the stocks in question.
- Some Members also expressed their opinion that the neritic species are not pelagic and therefore should be excluded from the allocation regime as they could be more appropriately managed using bilateral negotiations between neighbouring countries that share these resources.
- Other members clearly preferred to apply the allocation text to all IOTC stocks and did not support excluding these stocks from the regime.
- It was also pointed out that in the list of “other species”, there were species that are not neritic. The billfish species are pelagic and highly migratory. This may influence how the committee may wish to consider this issue in the context of determining which species to exclude, if any.
- There was agreement to insert the proposed changes to the text from the Coastal States in brackets, to enable all delegations to consult further on this issue, and perhaps come back with alternative proposals to help achieve consensus.
- There was also agreement to insert the remaining part of Article 5 (5.3) in brackets until this resolution can be found, with a view to determine whether this section is required.

6. Allocation Calendar and Process

- The TCAC heard a presentation from the Secretariat on the calendar and implementation process for the eventual allocation regime, and the different milestones, requirements and timelines.
- An alternative, faster track, process was also presented by the Secretariat, with the caveat that such an approach would be challenging to implement given current resources in the Secretariat.
- Several delegations spoke in favour of a faster process that would see an allocation regime adopted as quickly as possible, including the need to simulate allocation criteria in the near future, and some of the

administrative steps outlined in the calendar implemented concurrently with the ongoing negotiations of the text.

OTHER OBSERVATIONS BY THE CHAIR

7. Review of Allocation Process

A detailed review of the current options for an allocation process in the text in Art. 9 was conducted. Based on these discussions:

- Changes were proposed throughout this section to reflect the consensus view that allocation related decisions should be taken directly by the Commission and to avoid the creation of an added layer – the Allocation Committee - proposed as one option throughout the text.
- Consensus was achieved on most of the changes to be made to Art. 9.
- There remains an outstanding issue regarding the legal vehicle used to effect Commission decisions on allocations – such as a resolution or the Commission Report – including, specifically, decisions regarding adjustments made to allocations, to ensure that CPCs may legally recognize these decisions and implement them into their national laws in their respective jurisdiction.
- Delegations agreed to consult with their respective lawyers and a follow up discussion will be required to finalize this text.

8. Other Provisions of the Allocation Text

- Delegations agreed to discuss three other themes in the text of the Allocation Regime: The Non-compliance provisions in Article 7; the new entrants provisions in Article 6.10 and the CNCP provisions in Article 6.11.

Non-Compliance

- In terms of the Task Group’s review of other provisions of the Allocation Text, progress was made in relation to the overcatch provisions in article 7.1 and the Significant non-compliance provisions in article 7.2, while one or two brackets remain in the text.
- Some proposals were made to add precision and make the text related to significant non-compliance more objective. There was also a recognition of the need to better align the text of article 7.2, in particular paragraph (c) with the Compliance Committee rules for consistency.

New Entrants

- Clarifications were also provided in respect of the application of the allocation regime to New Entrants and consensus was achieved on the text proposed by the Chair with some minor adjustments.
- It was recognized that a process will be needed to verify and validate catch data for catch history of not only new entrants, but existing CPCs and that discussions would be held in the future on this, which may need to be reflected in the text of the Allocation Regime.

CNCPs

- The TCAC then considered the provisions of the text related to CNCPs. Some changes were agreed to simplify the text.
- Some delegations requested that the text related to the condition around the status of the stock and reference to the Kobe plot be put in to brackets for further reflection.
- One delegation opposed the idea of allocating any quota to CNCPs and hence the provision was put into brackets.

APPENDIX 5. STATEMENTS

France(OT)

12th Session of IOTC Technical Committee on Allocation Criteria (TCAC)- 16th to 19th of October 2023

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

In a declaration during the 12th Meeting of IOTC Technical Committee on allocation Criteria, Mauritius objects the sovereignty of France over the Island of Tromelin as well as sovereign rights or jurisdiction over its Exclusive Economic Zone and rejects the inclusion of the Island of Tromelin in the French Southern and Atlantic Lands (TAAF) or the Scattered Islands (îles Eparses).

France does not recognize any legal value of the registration of this objection by the Republic of Mauritius submitted to the IOTC Secretariat, which fails to consider that the Island of Tromelin is a French territory over which France has constantly exercised full and total sovereignty. Thus France also enjoys sovereignty, sovereign rights and jurisdiction under international law in the maritime areas adjacent to the Island of Tromelin.

France would like to point out that neither the Secretariat of this Agreement, nor the regional fisheries management organizations meetings of the Indian Ocean are the appropriate place to discuss territorial sovereignty issues.

This statement applies to other agenda items and to all documents circulated for this meeting. The Republic of France requests that this statement be annexed to the report of this meeting.

Mauritius

12th Meeting of IOTC Technical Committee on Allocation Criteria
16-19 October 2023, Eden Island, Seychelles

Agenda Item 2: Letter of Credentials and Admission of Observers

Statement by the Republic of Mauritius

The long-standing position of the Republic of Mauritius as regards the United Kingdom's purported membership of the Indian Ocean Tuna Commission (IOTC) as a "coastal State situated wholly or partly within the Area [of competence of the Commission]" remains unchanged. This is all the more relevant in the context of the commitment given by the United Kingdom at the last Session of the Commission that it would clarify the status of its IOTC membership before the end of the year.

The Republic of Mauritius would like to take this opportunity to inform this Committee that the Republic of Mauritius and the United Kingdom have decided to begin negotiations on the exercise of sovereignty over the Chagos Archipelago.

This statement also applies to other agenda items and to all documents circulated for this meeting.

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

12th Meeting of IOTC Technical Committee on Allocation Criteria
16-19 October 2023, Eden Island, Seychelles

Agenda Item 5: Allocation Criteria

Statement by the Republic of Mauritius

The Republic of Mauritius reiterates the statements which it had made with regard to the Chagos Archipelago and the Island of Tromelin under agenda item 6 at the 10th meeting of the Technical Committee held from 20 to 23 June 2022 in Seychelles and which are annexed to the report of that meeting (Document IOTC-2022-TCAC10-R[E], Appendix 4).

The Republic of Mauritius also reaffirms that since the Chagos Archipelago and the Island of Tromelin form an integral part of its territory, no State other than the Republic of Mauritius can be granted any allocations in respect of the Chagos Archipelago and the Island of Tromelin.

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