

# **Consultations Summary, Reflections and Recommendations**

**TCAC13 – October 2024**



# Consultations

- **All consulted delegations expressed support for progressing TCAC and reaching an agreement.**
- **All delegations were positive, helpful, and concerned that the IOTC must develop a sustainable and equitable allocation framework.**
- **Most delegations expressed concern at the slow progress to-date, and the need for the TCAC to urgently fulfil its mandate and agree on allocation criteria.**
- **Some delegations questioned whether the TCAC should continue if it did not make urgent progress.**



# Consultations

- **Some delegations expressed concerns that ongoing decline in yellowfin stocks required an urgent response, and that agreement on allocation was necessary for the recovery of yellowfin stocks.**
- **Some noted that allocation provided an opportunity to re-engage members who have opted out of yellowfin limits, and ensure all members equitably contribute to the sustainable management of the region's tuna stocks.**



# Consultations

- **Almost all coastal State delegations argued that their sovereign rights include catch history, and as such, all catch history within waters under their national jurisdiction should be attributed to them.**
- **Some distant water fishing State delegations argued that their vessels caught the fish and therefore they own the catch history.**
- **Some delegations suggested that a long-term transition plan could enable sufficient flexibility to bridge this divide, although some concerns were expressed at transition mechanisms that might undermine sovereign rights.**



# Consultations

- **Some delegations also expressed concern at the ongoing lengthening of this transition period.**
- **Some discussions explored different mechanisms that might enable a transition without weakening sovereign rights.**
- **Some delegations also supported criteria that considered local biomass, applied through formulas based on EEZ size.**



# Consultations

- **Almost all developing States argued that their special requirements and development aspirations must be considered, consistent with international instruments and that they are entitled to a development quota to provide some balance, enable development aspirations, and avoid a disproportionate burden.**
- **Almost all delegations (developed and developing) recognised this, but there is no consensus yet on how to implement this requirement.**
- **Some developed States support a development quota, but expressed concern that it be structured so as to ensure that it directly benefits developing States.**



# Consultations

- **Many delegations supported a baseline criteria.**
- **Most delegations supported catch history as a criteria to some degree, but some delegations expressed concerns that prioritising catch history risks rewarding overfishing, while penalising States with little historical impact and development plans.**



# Consultations

- **Some delegations expressed concerns at the broad inclusion of numerous species in the current draft, with some delegations opposing the inclusion of neritic tunas, while other delegations supported their inclusion.**
- **All delegations agreed on the need to develop a practical workplan, with some delegations suggesting that an initial resolution should be developed for yellowfin, with subsequent work then scheduled for other species.**
- **Some delegations supported a workplan that would develop a framework resolution, implemented through individual resolutions for each species.**





# Consultations

- **Some delegations expressed concerns that agreement on allocation was contingent on compliance and monitoring, noting that they could accept some compromise on quota if this was balanced by an overall strengthening of governance across the IOTC fisheries.**
- **Some delegations also expressed concerns regarding the poor quality of data reporting, and the limited capacity of many members to implement limits and monitor catches.**



# Consultations

- **Some developing State delegations noted their limited capacity to monitor and report catch and effort, particularly in diverse and distributed artisanal fisheries, and limited capacity to manage fisheries to regionally agreed limits.**
- **Any agreement on allocation, and subsequent catch limits, will require substantial assistance packages to strengthen national monitoring, reporting and management frameworks and processes.**



# Consultations

- **Most delegations expressed divergent views on socio-economic indicators, with some delegations expressing concerns at complexity and practicality.**
- **Delegations expressed varying views on reference years.**
- **Many delegations expressed support for allowing transfers of annual quota, though some clarification is required on the long-term consequences of transfers.**



# Consultations

- **All delegations that discussed this matter agreed that transfers would only apply to annual quota and should not impact on the enduring rights and allocations of IOTC members.**
- **Most delegations found the current draft complex and difficult.**



# Reflections – Revising Chair’s Draft

- **While many delegations supported simplifying the Chair’s draft allocation resolution, I do not have clear instructions on how to revise it.**
- **It is clear that the draft has become highly complex with varying interpretations over key provisions, and some confusion over its meaning and impact.**
- **It is also apparent that further negotiations of the current draft will likely be confusing and difficult due to ongoing uncertainties with the actual criteria.**



# Reflections – Rights and Aspirations

- **The draft conflates coastal State concerns over their sovereign rights, with the special requirements and aspirations of developing States. These are two separate issues. They require separate consideration but are conflated as one.**
- **It is difficult to negotiate these as proposed in the current draft without exacerbating confusion over rights and aspirations, and potentially raising concerns over ‘double-dipping’.**



# Reflections – Rights and Aspirations

- Two separate issues need to be resolved:
  - Catch attribution for waters under national jurisdiction needs to be resolved, as the convention area explicitly includes EEZs where coastal States hold sovereign rights. There is an additional question in regard to catches within territorial seas and archipelagic waters where sovereignty applies (*noting that FAO legal referred jurisdiction questions back to IOTC*).
  - The aspirations and special requirements of developing States must be addressed as per IOTC Agreement, and broader international law/policy.



# Reflections – Socio-Economic Indicators

- **Assuming that TCAC agrees on a Special Requirements/Developing State criteria and weighting that assigns a percentage of catch to these concerns, TCAC then needs to consider how this percentage is distributed among developing States, and ensure that it benefits the development concerns.**
- **The negotiation over development indices and socio-economic indicators can inform this process, but it is complex and data-dependent.**





# Reflections - Species

- **Negotiating allocation for all species at the same time creates further complexity, and raises significant challenges for coastal States that have diverse artisanal fisheries targeting neritic tunas.**
- **While these species clearly require management and are included in the IOTC jurisdiction, they have significantly different characteristics and fisheries compared to the tropical tunas and may require a different allocation regime or weightings, or may be better served by other management approaches.**



# Reflections – Spatial Data

- Unlike some other tuna RFMOs, IOTC does not require members to provide operational data and does not operate a centralised VMS or a comprehensive observer scheme.
- The secretariat has developed a highly useful catch visualisation tool, but its accuracy is limited for 5x5 squares that straddle multiple jurisdictions.
- In order to accurately estimate catch attributions, either the IOTC will need to improve data reporting to the same standard as other RFMOs, or the TCAC will need to find a '*work-around*' for assigning catches in 5x5 squares that straddle multiple jurisdictions.



# Reflections – Reference Years

- **While the IOTC has access to fisheries data back to 1950, the coverage is variable and inconsistent in early years.**
- **Reference to early historic data will need to consider bias concerns as early years may favour developed industrial fleets over developing artisanal and small-scale industrial fleets.**
- **Piracy and other extenuating circumstances may need to be considered.**
- **Proposals to allow choice of best 5 reference years could mitigate this.**



# Reflections – Reference Years

- Ongoing delays in defining the date range for reference years may exacerbate a ‘race-to-fish’ and inflame mistrust among members.
- As such, it is important that the TCAC resolve reference years urgently.



# Reflections - Capacity

- **Many IOTC members have limited capacity to monitor and report fisheries, particularly in diverse artisanal fisheries, or manage catches to agreed limits.**
- **It is critical that TCAC members are confident that all members can, and will, implement their subsequent limits so as to enable compromise and agreement.**
- **For some IOTC members, it is a practical reality that they do not currently have the capacity to monitor, report and manage all relevant fisheries.**



# Reflections - Capacity

- It may also be difficult for some members to implement such provisions domestically without assistance.
- IOTC will need a capacity building plan to support implementation, and may seek assistance from global donors to fund a regional package to support capacity building, and structural adjustments in highly vulnerable communities.
- Pacific has implemented numerous consecutive GEF, World Bank and other grants to build WCPFC engagement and implementation capacity for Pacific SIDS over past 20 years.



# Reflections – Package Deal

- **Any agreement on allocation will clearly require a package deal so as to enable members to balance compromises across numerous issues.**
- **TCAC members will need to maintain a flexible and positive approach to negotiation, understanding that a balanced compromise will be required so as to enable agreement.**



# Recommendations – TCAC13 Focus on Key Criteria and Workplan

- **Following consultations, I do not believe that TCAC can resolve disagreements on matters of principle, through negotiating technical text on a screen.**
- **Given the complexity, technicality and lack of clarity in the current chair's draft, I recommend that we focus TCAC13 on a broader discussion of key issues before we attempt to revise the current draft.**





# Recommendations - Workplan

- **Following discussion of key criteria, TCAC can then determine if it continues with this approach and instruct chair on revisions to the draft resolution.**
- **TCAC13 can also consider what supporting analysis and simulations (i.e numbers) it will require to progress negotiations.**
- **If this approach is accepted, workplan would follow decision tree to resolve catch attribution, weightings, reference years and other matters – again, noting that this is a package deal - each step in the decision tree is connected to the entire package which would be negotiated in 2026.**



# Recommendations - Species

- **Initial recommendation amended. Suggest TCAC select one of four options:**
  - **Initially negotiate resolution for yellowfin, then other species**
  - **Initially negotiate resolution for skipjack, then other species**
  - **Initially negotiate resolution for tropical tunas, then other species**
  - **Negotiate allocation resolution that applies to all IOTC species, with allocations to be implemented for each species according to prioritisation by the commission.**



