

Working Paper from the Governments of the United Republic of Tanzania and Kenya
with regards to the Allocation of Fishing Opportunities for Stocks of Tropical Tunas
by the Indian Ocean Tuna Commission

CONSIDERING the objectives of the Commission to maintain stocks in perpetuity and with high probability, at levels not less than those capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the IOTC area of competence;

AWARE that, in recent years, the Indian Ocean Tuna Commission has been implementing measures intended to maintain the catches of tropical tunas by the levels recommended by its Scientific Committee;

NOTING that the IOTC has adopted Management Procedures for the stocks of bigeye tuna which result in estimates of Total Allowable Catch for each stock, at 80,583 metric tons;

FURTHER NOTING that the IOTC Scientific Committee assessed in 2024 the status of the stock of yellowfin tuna, determining that the stock has an 89% probability of being within the green quadrant of the Kobe Plot, meaning that the stock is not overfished nor subject to overfishing with a high probability;

FURTHER NOTING that during the recent special session of the Scientific Committee meeting recommended that the Commission adopt the TAC advice for Bigeye tuna of 92,670 t resulting from the MP

AWARE that the SC has issued scientific advice that recommends that future catches of yellowfin tuna remain within the range of MSY values estimated from the stock assessment, which are between 416 and 430 thousand metric tons; NOTING that yellowfin tuna catch in 2023 was at around 401 thousand metric tons, which is 20 thousand tons under the value recommended by the Scientific Committee;

BEING MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States and of Article 87 and 116 of the UN Convention of the Law of the Sea regarding the right to fish on the high seas;

RECOGNISING the special requirements of the developing States of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);

FURTHER RECOGNISING the need to ensure that conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, Article 24(c) of UNFSA;

NOTING that Kenya and the United Republic of Tanzania are IOTC Members and coastal developing states in the IOTC Area, with important fisheries resources in their exclusive economic zones waters, including tropical tunas;

NOTING that, in recent years, total nominal catches of tropical tunas in the Indian Ocean have been at around 1.2 million metric tonnes, with the catches of tropical tunas reported by Kenya and the United Republic of Tanzania representing no more than 16,000 metric tonnes (1.3% of total catch), for both countries and the three tropical tuna stocks combined;

FURTHER NOTING that both Kenya and Tanzania have had almost exclusively subsistence and artisanal fisheries in the past, having only recently started the development of industrial fisheries;

CONCERNED that the catch limits that have been adopted by the IOTC do not address the legitimate right and aspirations of some coastal developing states in the IOTC region, in particular those of Kenya and the United Republic of Tanzania, which have repeatedly indicated their intention to further develop their fisheries for tropical tunas, through the presentation of both fleet development plans and aspirations for a higher allocation of catches of tropical tunas;

NOTING that, at present, and based on resolution 21/01 the IOTC has set catch limits of yellowfin tuna at 3,654 and 3,905 metric tons for Kenya and the United Republic of Tanzania, respectively; and has encouraged them to maintain catch and effort at their recent 5-years average levels (2017-2021), without prejudice to their development aspirations;

FURTHER NOTING that, to date, Kenya and the United Republic of Tanzania have been in full respect of IOTC management and conservation measures, in particular those that set catch limits of tropical tunas, based on resolution 21/01 which is still an interim measure;

EXTREMELY CONCERNED about the impact that both Kenya and Tanzania having a poor history of catches of tropical tunas in Indian Ocean has had over the allocation of catches of yellowfin tuna and bigeye tuna, as may also have over the future allocation of catches of skipjack tuna;

NOTING the need for the IOTC to find a more balanced scheme for the allocation of catches of tropical tunas to Kenya and the United Republic of Tanzania, in a scenario of developing fishing capacity in both countries;

The governments of the Union of Tanzania and Kenya STATE the following:

1. The IOTC make decision on allocation for tropical tuna stocks for Kenya and the Union of Tanzania at 10,000 tonnes of yellowfin tuna and 3,000 tonnes of bigeye tuna for each country in line with the countrys' development aspirations, until the respective resolutions are either revised or allocation criteria adopted;
2. Kenya and the Union of Tanzania will only endorse future catch limits that do not fall short of their expectations and if the IOTC Scientific Committee identifies a worsening of stock status from 2024 conditions, recommends to substantially reduce Total Allowable Catches; then rights and aspirations of Kenya and the Union of Tanzania as coastal developing states in the IOTC Area of Competence are fully taken into consideration;
3. Both Kenya and the United Republic of Tanzania remain committed to continue working with other IOTC CPCs on the adoption of conservation and management measures for tropical tunas, in a spirit of full cooperation.