

TCAC17

Virtual – 13/14 October

TCAC17 Agenda

1. Opening of the session
2. Letters of credentials and admission of observers
3. Adoption of the agenda and arrangements for the session
4. Summary of progress
5. Amendment and prioritisation of TCAC workplan (two suggested options)
6. Terms of reference
7. Other business (TCAC18 2027 meeting schedule and location)
8. Adoption of report

Agenda #4 - Summary of progress
Allocation criteria

- TCAC13 **AGREED** to the development of a 'package deal' which would be structured around three allocation criteria:
  - **Catch History** (addresses existing & historical fishing interests, including industrial and artisanal. If artisanal data is lacking, use other indicators such as EEZ size etc)
  - **Special Requirements** (development aspirations)
  - **Baseline** (equity – everyone gets a small share)
- Details to be developed, focusing first on five principal species (yellowfin, bigeye, skipjack albacore and swordfish).
- Subsequent TCAC meetings subsequently discussed criteria, proportions/ratios etc.

Agenda #4 - Summary of progress
Allocation criteria – Catch history/fishing interest/biomass

- While catch history is not mentioned in IOTC agreement, UNFSA requires the consideration of respective interests, fishing patterns and practices of new and existing members. Catch history is commonly used as indication of fishing interest.
- Recognition of catch history is important to developed and developing States, coastal and distant water fishing States.
- Catch history was also included in the previous Chair's draft resolution.
- Some coastal States have proposed that the spatial distribution of biomass must also be considered, instead of, or alongside catch history. Some suggest that this is necessary due a lack of data, and/or that it reflects their sovereign rights.

Agenda #4 - Summary of progress
Allocation criteria – Catch history/fishing interest/biomass

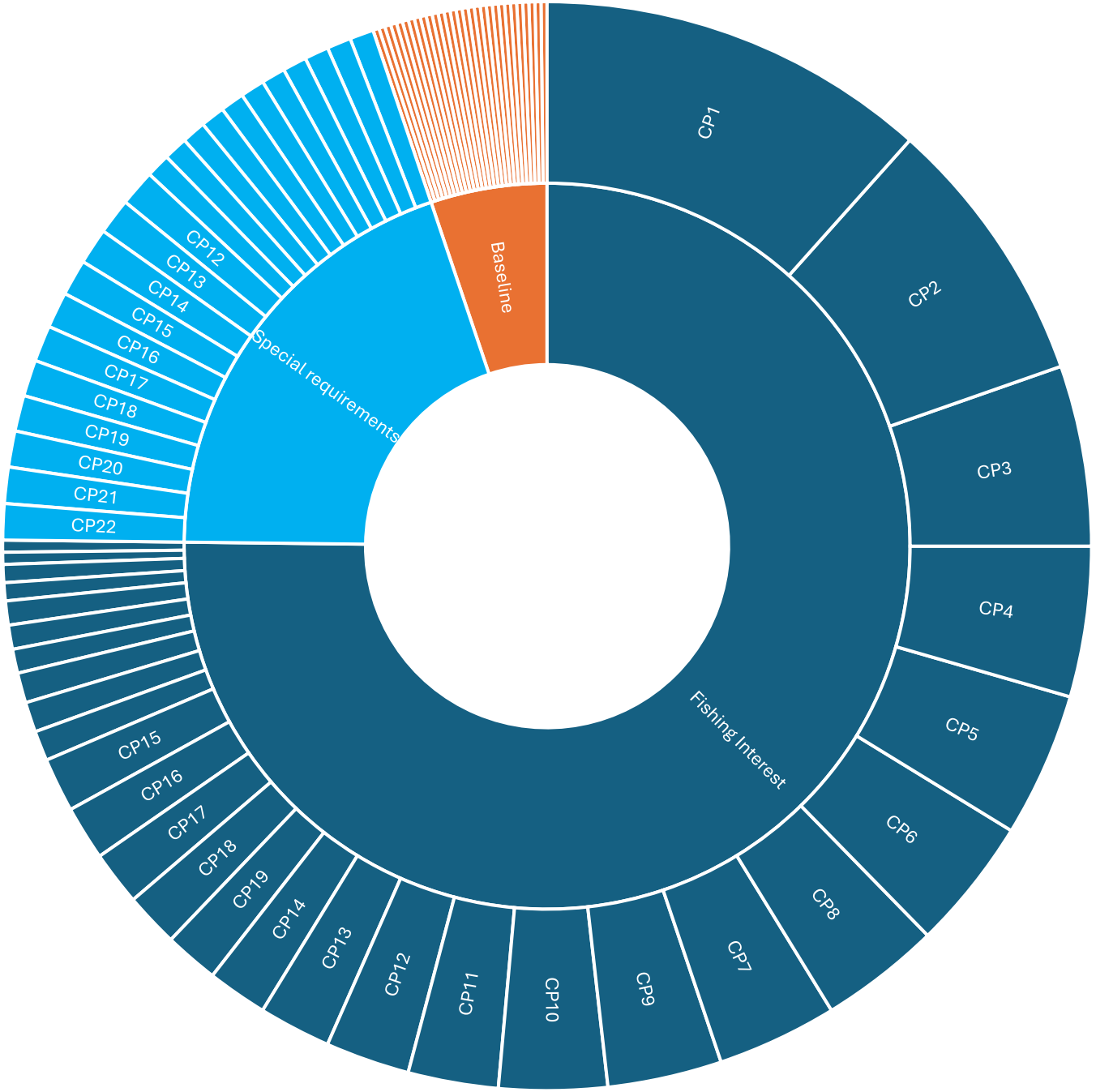
- TCAC16 **NOTED** discussions on three criteria provided further insights but no agreement. Perhaps most critical related to the treatment of 'catch history' and whether this should be viewed as a criterion or as an indicator of fishing interest alongside other indicators such as biomass proxies (i.e EEZ size), proximity to fishing grounds, geographical tuna migration patterns, and the spatial distribution of the stocks within the Area of Competence, including EEZs.
- In this discussion, TCAC16 **AGREED** with Australia's proposal that an independent scientific consultant review the theoretical basis for a biomass proxy methodology and provide this advice through the Working Party on Tropical Tuna and Scientific Committee in the period leading into next TCAC subject to extra-budgetary funding.

Agenda #4 - Summary of progress
Allocation criteria – Special requirements of developing States

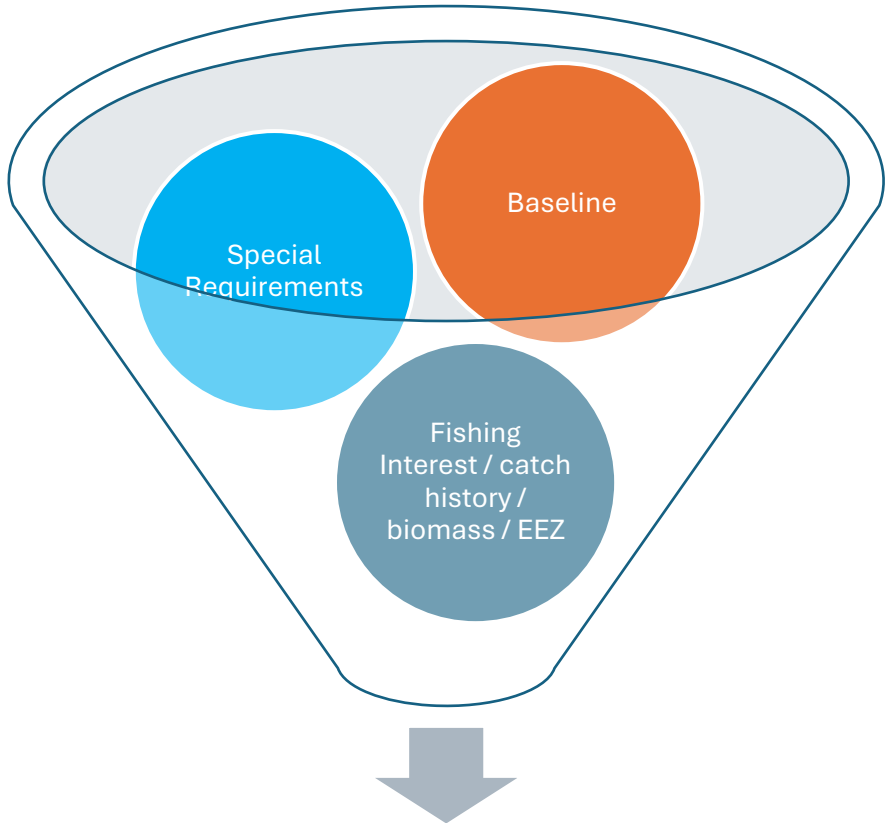
- The special requirements of development States and the equitable treatment of their development aspirations is widely referred to in the IOTC agreement, and broader international law and development fora.
- It was also similarly considered in previous TCAC discussions and the previous Chair's draft resolution.

Agenda #4 - Summary of progress
Allocation criteria - Baseline

- TCAC04 agreed in 2018 that a baseline allocation should be included, but no weighting has been agreed. It was also included in the previous Chair's draft.
- The baseline criteria provides all CPCs with an equal minimum 'baseline' share.
- This partly addresses equity concerns and provides an incentive for non-members and CNCPs to join the IOTC and abide by limits.



Allocation criteria



Quota

Agenda #4 - Summary of progress
Other Matters

- TCAC15 **AGREED** to key components for a transferability framework.
- TCAC15 **AGREED** that compliance is fundamental to the successful implementation of allocation regime, noting that many members agreed that compliance should only apply to the application of the regime and should not include past compliance issues.
- TCAC **AGREED** that a systematic sanction mechanism would need to be established to ensure compliance with an allocation framework.

Agenda #4 - Summary of progress
Workplan and key foundations for allocation framework

- TCAC14 **AGREED** to a workplan to develop allocation framework as a package deal and conclude with a draft resolution to be finalised at TCAC18 in early 2027.
- However, while progress has been made, TCAC has not agreed key foundations that are critical to an allocation framework and interact with each other, including:

- **Jurisdiction,** particularly relating to inclusion of EEZs.
  - IOTC Agreement applies to EEZs and high seas.
  - Law of the Sea and UNFSA require cooperation and compatibility of conservation and management across high seas and EEZs.
  - Yet some coastal States oppose inclusion of their EEZs.

Agenda #4 - Summary of progress
Workplan and key foundations for allocation framework

- **Treatment of artisanal fisheries.**
  - Lack of definition prevents consideration of special requirements of artisanal fisheries as 'catches inside EEZs by vessels less than 24m' includes large catches by industrial fleets.
  - Some coastal States are wary of including EEZs without adequate consideration of artisanal fisheries, but this requires differentiation between artisanal/small-scale/subsistence fisheries and coastal industrial fisheries.

Agenda #4 - Summary of progress
Workplan and key foundations for allocation framework

- TCAC16 considered Chair's proposal for an artisanal/small-scale/subsistence fisheries characterisation framework, and **AGREED** that a stepwise process to address the treatment of artisanal/small-scale/subsistence fisheries should be included in the TCAC workplan to advance discussions:
  - Gather information on livelihood and subsistence fisheries
  - For the purposes of allocation, agree on the characterisation of fisheries to be granted special treatment
  - Calculate the catch represented by this sector
  - Consider the special treatment of these fisheries
  - Some CPs stress this should be addressed before finalising allocation framework.

Agenda #4 - Summary of progress
Workplan and key foundations for allocation framework

- **Catch history.** Almost all CPs agree that catch history should be key criteria
  - Some suggest that biomass/EEZ should equally be considered.

- **Catch attribution** from foreign vessels inside an EEZ. Almost all coastal States cite sovereign rights over past, present and future fisheries within their EEZs – hence catch history by foreign vessels in their EEZ should be attributed to coastal State.
  - Some distant water fishing States oppose this interpretation.
  - Coastal States unlikely to include EEZs in allocation framework if sovereign rights concerns are not respected.

Agenda #4 - Summary of progress
Workplan and key foundations for allocation framework

- TCAC16 **AGREED** to the framework below for future discussions of catch attribution:
  - In Year 1, X% of the historical catch of a Flag State CPC fishing in another CPC's jurisdictional waters shall be attributed to the corresponding coastal State CPC. The remainder shall be attributed to the Flag State CPC.
  - Y-X% shall be attributed to the corresponding coastal State CPC in a stepwise manner over the following Z-year period, concluding with a permanent arrangement according to a pre-agreed schedule. The remainder shall be attributed to the Flag State CPC each year during the Z-year period.
  - * The value of X and Y will be a range from 0 and up to 100.

Agenda #4 - Summary of progress
Questions and Discussion

- TCAC17 is invited to discuss summary and clarify any questions regarding progress to date.

Agenda #4 - Summary of progress
IOTC adoption of resolutions and management of catch

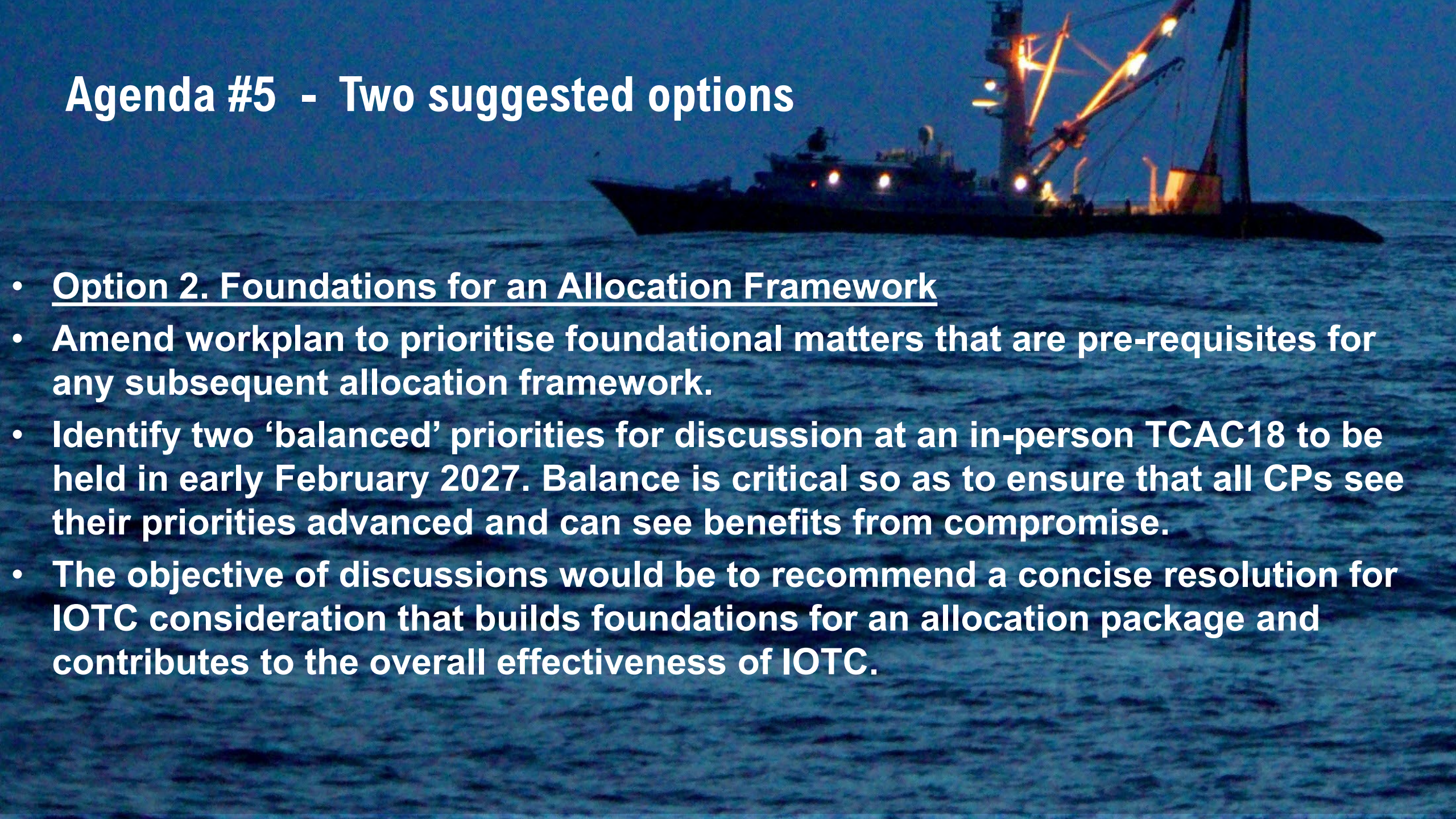
- As noted by some CPs at IOTC30, much has changed since the initial formation of the TCAC many years ago. The IOTC has since adopted various resolutions implementing management procedures and catch limits for a number of species.
- Chair requested secretariat to prepare a brief analysis that estimates the percentage of catch that is now managed by each resolution.
- This analysis is intended to inform our understanding of the current coverage of IOTC management in the absence of an allocation framework.
- **Secretariat to present brief summary of analysis.**
- **TCAC17 is invited to ask questions of clarification.**

Agenda #5 - Two suggested options



- Option 1. Resolution on Allocation Guidelines
- TCAC17 instructs chair to prepare a draft resolution that provides guidelines for future allocations of catch limits. Guidance is intentionally high-level, identifying values and principles that should be considered in future resolutions. No percentages or numbers.
- Draft would include a preamble that briefly summarises key discussions and international frameworks, and then outlines principles, values and tools to guide future allocations.
- Chair would distribute draft resolution in early December, for discussion and adoption at final in-person TCAC18 in February 2027. If agreed, resolution would then be recommended for adoption by IOTC31 in May 2027, concluding the work of TCAC and thereby dissolving the committee.

Agenda #5 - Two suggested options



- <u>Option 2. Foundations for an Allocation Framework</u>
- Amend workplan to prioritise foundational matters that are pre-requisites for any subsequent allocation framework.
- Identify two ‘balanced’ priorities for discussion at an in-person TCAC18 to be held in early February 2027. Balance is critical so as to ensure that all CPs see their priorities advanced and can see benefits from compromise.
- The objective of discussions would be to recommend a concise resolution for IOTC consideration that builds foundations for an allocation package and contributes to the overall effectiveness of IOTC.

Agenda #5 - Two suggested options



- <u>Option 2. Foundations for an Allocation Framework</u>
- If TCAC17 selects this option, then CPs invited to select balanced priorities such as:
  - treatment of artisanal fisheries AND jurisdiction
  - treatment of artisanal fisheries AND catch attribution
  - defining indicators for measuring fishing interest AND catch attribution
  - or other foundational matters that balance IOTC member interests
- If TCAC17 selects this option but cannot agree on priorities, then Chair could organise an online poll to rank priorities and set the agenda for TCAC18 accordingly.

Agenda #5 - Two suggested options



- TCAC17 is invited to discuss two options and ask questions of clarification:
  - Option 1. Resolution on Allocation Guidelines
  - Option 2. Foundations for an Allocation Framework
- Following discussion, TCAC17 is invited to prioritise options and then confirm subsequent details for action.

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