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## **PROPOSAL B**

**PROPOSED BY: I.R. IRAN**

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### **Background**

This proposal responds to IOTC Resolution 10/01 which adapted in March 2010 in Korea and agreed that a technical committee shall be held and discuss on allocation criteria or any other relevant measures, for the management of the main targeted species including, Yellow fin, Big eye tunas and Swordfish, under the IOTC competence areas and following discussed subjects during 1<sup>st</sup> technical committee meeting in Kenya and 2<sup>nd</sup> technical committee meeting in Oman. In addition the most recently adapted Resolution 14/02 was to discuss and recommends an allocation quota system for the management of tuna and tuna-like resources in the Indian Ocean.

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On this way during 1<sup>st</sup> technical committee on allocation criteria (TCAC01, Nairobi, Kenya, 16-18 February 2011) five countries including EU, Indonesia, I. R. Iran, R. Korea and Seychelles presented their proposal and IOTC members discussed about details of under developing system. 1<sup>st</sup> meeting noted that the process of establishing allocation criteria and agreement on basic principles are complex and the committee is unable to complete the task in the short time and agreed that more work is required and developing an allocation system needs another technical meeting.

The Second Session of the Technical Committee on Allocation Criteria (TCAC02, Muscat, Oman, and 18-20 February 2013) recognized the mandate it received from Resolution 12/13 includes the consideration of alternative management measures. Also it noted that, the meeting was not in a position to discuss alternative measures in detail on that meeting. The TCAC02 agreed that there was a need for a legal expert to be present at the next meeting to offer advice to the TCAC. As such, the TCAC recommended that the Commission allocated the necessary funds for this purpose, either for an external legal expert or for the FAO legal office to commit a suitable expert.

On this way during TCAC01, a group of Like-minded Coastal States of the Indian Ocean met at outside the plenary and noted that it was not possible, to agree at that stage, on a set of allocation criteria that may be used for developing a comprehensive quota system or any other relevant measures. The group met again, in Oman, during the TCAC02 Meeting on

Muscat. The like-minded coastal States of the Indian Ocean (including Australia, Comoros, India, Indonesia, I.R.Iran, Kenya, Oman, Malaysia, Maldives, Madagascar, Mauritius, Mozambique, Seychelles, Sri Lanka, Tanzania, Thailand, Malaysia) considered the increased harvesting pressure on the tuna resources in the IOTC area of competence and analyzed the various proposals that has been submitted to the TCAC02. The Group proposed the following Guiding Principles to be used for the deliberation and consideration for adoption at the TCAC02 and then used in any future allocation criteria or any other relevant measures for the IOTC Commission:

1. Sustainable fishery.
2. Exclusive Rights of the Indian Ocean coastal States in their EEZs.
3. Special consideration for small, vulnerable economies and developing Coastal States of the Indian Ocean
4. Food and livelihood security
5. Equitable utilization and conservation of the resources.
6. Recognize and take account of the rights of all CPCs on the high seas.
7. Tuna management process shall be consistent with International laws.

Base on Annex1 to appendix XI which is reflected TCAC02 report, all CPCs agreed with proposed principals by like-minded countries and only Japan and EU did not agreed with Exclusive Rights of the Indian Ocean coastal States in their EEZs (Table).

In conclusion the TCAC02 condition has indicated all CPCs are very close to consensus in principals and finalization needs a little more discussion. The third technical committee meeting (TCAC03) is going to be held during 21-23 February, 2016, by hosting of I.R.IRAN and the IOTC members are going to discuss about allocation criteria, which they will adapt as a basic principles on the quota allocation system by the IOTC member countries.

Annex I (to Appendix XI)  
PRINCIPLES AND RESULTS

PRINCIPLES	JAPAN	SEYCHELLES	EUROPEAN UNION	IRAN	MOZAMBIQUE	SRI LANKA	INDONESIA
Sustainable fishery	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Exclusive Rights of Indian Ocean coastal States in their EEZs	No	Yes	No	Yes	Yes	Yes	Yes
Special consideration for small, vulnerable economies and developing Coastal States of the Indian Ocean	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Food Security and Livelihood	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Equitable utilization and conservation of the resources	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Recognize and take account of rights of all CPCs on the high seas	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tuna Management processes shall be consistent with international law	Yes	Yes	Yes	Yes	Yes	Yes	Yes

## 1-Principles

- Considering international law and FAO missions and mandates, providing a desirable condition for food and food security in universal level is the main responsibility and duty of governments, regional and international organizations, that 3<sup>rd</sup> technical meeting on allocation criteria should to follow them as an approach in it's under developing system.

-Realizing, most of the current fishing activities in IOTC competence area have done by local people and majority of them rarely located in economical level, noting to role of tuna fisheries in occupation, livelihood and food security of the people, especially in developing countries and considering of social economic aspects of fishing activities, indicated that without adoption the mentioned approach, not only developing of criteria but also implementation of under construction system will face with many difficulties.

-Considering sustainable fisheries of tuna and tuna-like fish stocks and current status of their stocks levels, developing appropriate criteria, equitable allocation mechanism and implementation a responsible fisheries in IOTC competence areas are the main principles of the under developing system.

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## **2- Allocation criteria**

Base on I. R. Iran proposal, there are seven main criteria which are noticeable on developing an equitable allocation system in the IOTC competence area. These criteria with conjunction with MSY will lead the IOTC to making a decision about quotas for target species. On this way, scientific research results and regional expertise experiences, lead the scientific committee to better understanding about total allowable catch and consequently sustainable fishing level in the IOTC competence area every year.

In order to developing an equitable allocation criteria in IOTC competence areas, the 3rd technical committee on allocation criteria shall consider to all aspects of tuna fishing activities, such as social economic condition of countries, their national laws and legislations. On this way, paying more attention to the FAO missions and mandate and IOTC objectives on establishing a mechanism for allocation criteria and management of responsible fisheries is a necessity.

Without any doubt, access to responsible fishery and conservation of tuna fish stocks need CPCs and cooperating none member countries assistance and contribution. For these the allocation criteria should be containing all countries benefits especially developing countries and coastal states, which their local people and fishermen livelihood and income directly corresponded with fishery. On the other hand the TACA03 meeting should be develop such a system which it will be able to conserve both tuna fish stocks and stockholders' benefits. Considering to all mentioned detail I.R. Iran propose to the 3rd technical committee, the allocation criteria as a bellow:

### **2.1. The right to food and food security**

The right to food is a human right. It protects the right of all human beings to live in dignity, free from hunger, food insecurity and malnutrition. The right to food is about ensuring that all people have the capacity to feed themselves in dignity. The right to food is protected under international human rights and humanitarian law and the correlative state obligations are well-established under international law. The right to food is recognized in article 25 of the universal declaration on human rights and article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as a plethora of other instruments. Noteworthy is also the recognition of the right to food in numerous national constitutions. The right to adequate food as a human right was first formally recognized by

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the United Nations in the Universal Declaration of Human Rights (UDHR) from 1948, as a part of the right to a decent standard of living.

Surely majority of current fishing activities which carried out by coastal states in IOTC competence area are done by local fishermen who are working only for food and primary requirements of life. Available information shows only a few countries are having industrial fisheries by rich companies which are active not only in Indian Ocean but also in the other oceans. In fact the benefit of this kind of companies is huge and is not analogical with developing and less developing countries fishermen income, where the fishermen fishing only for food. In fact technical committee should to pay more attention to the fishermen's right for food and should try to make a system which will secure their life level in quality.

## **2.2. Role of Tuna fisheries on social economic condition of fishermen**

Social-Economic aspects of CPCs are the most important criterion for adoption a fair allocation criteria system, which directly influenced local people's life. During past years many governments, private sectors, companies, fishermen cooperatives and etc have invested a huge amount of money in different divisions of fisheries such as, construction of vessels, cold storage, processing centers and correspondent industries. Besides of huge investments and fishing activities growth, many prior and astern industries and jobs have been created in coastal areas. The important point is, the income of created jobs mostly located in economical border, so constraining a little pressure or changes, will be affected negatively local people jobs, incomes, livelihood and life, the point that FAO completely have been avoided it during its history.

On this way a close cooperation among countries and IOTC for analyzing economical condition is very necessary. So for implementation any allocation system, the technical committee should to survey on role of tuna fisheries on social economic condition of fishermen in each country. On the other hand, the number of fishermen, vessels, fishing harbors or landing places, processing centers, cold storages, refrigerator facilities, ship building factories, builders and traders of fishing equipments and devices, amount of investments by government or private sectors, local people and fishermen councils, existence fishery cooperatives, companies and etc are the most important factors which the technical committee should to consider them in under developing system.

### **2.3. History of tuna fishery**

The CPCs and cooperating non member countries history and background in tuna fisheries through the IOTC competence area, is one of the main important creation, which needs to consider by technical committee during developing an allocation criteria system. Base on available information many CPCs have historical right to fish in the IOTC competence area. In fact, these countries mostly belong to the Indian Ocean basin and depend on their capacities, historically have a fishery right in the area. Also the countries have had a main role on establishment of Indian Ocean Tuna Commission and it's continuously progress in the region. They have had close cooperation with the commission and have gotten a big role in implementation of responsible fishery base on FAO and IOTC regulations. They also invested a huge amount of money in fisheries field and dependence industries during past decades of their history, so they have many dependant industries and jobs on tuna fishery in the IOTC competence area now.

Based on I.R. Iran recommendation, past ten years average catch of countries is an appropriate period of time for setting their history as a base for this creation.

### **2.4. The right of Indian Ocean coastal states**

Base on article 56 of international law of the sea the coastal states rights in the exclusive economic zone are as a below:

- (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
- (b) Jurisdiction as provided for in the relevant provisions of this Convention with regard to:
  - (i) The establishment and use of artificial islands, installations and structures;
  - (ii) Marine scientific research;
  - (iii) The protection and preservation of the marine environment;
- (c) Other rights and duties provided for in this Convention.

Base on this creation all exploiting of fish in EEZ must to allocate to origin country and the rest allocate to all IOTC members which they have right to fish in the open sea. On the other hand through the under developing system, IOTC shall to adopt such a system which covers

coastal states benefits according their right. As it reflected through the agreement on conservation and management of straddling fish stocks and highly migratory species in 1995 (which developed under umbrella of United Nation Convention on law of the Sea in 1982), without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, all countries shall conserve and manage the living marine resources within areas under their national jurisdiction as provided in the Convention. In fact the agreement restate about sovereign right of coastal states on exploitation, conservation and management of straddling fish stocks and highly migratory species in their EEZ.

## **2.5. Responsible fishery**

This criterion follows the FAO Code of Conduct for Responsible Fisheries and leads the CPCs and cooperating none member countries to have sustainable tuna fishery. The certain parts of it are based on relevant rules of international law, including those reflected in the United Nations Convention on the Law of the Sea of 10 December 1982. The Code also contains provisions that may be or have already been given binding effect by means of other obligatory legal instruments amongst the Parties, such as the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993. The Code is global in scope, and is directed toward members and non-members of FAO, fishing entities, sub-regional, regional and global organizations, whether governmental or non-governmental, and all persons concerned with the conservation of fishery resources and management and development of fisheries.

The manual of responsible fishery has been printed by FAO and is available for all the countries. In addition many countries have implemented different aspects of FAO code of conduct, but in some cases they need more improvement. Control of fishing gears, their standards, establishing data collection system and producing useful information like amount of catch and their composition, fishing efforts, CPUE, port state measures, market state measures, combating with illegal, unreported and unregulated catch (IUU), implementation of VMS system and observer program, reduction of by-catch and protect endangered species like Sharks, marine mammals, turtles and other measures, which all of them have been following by IOTC where they reflected in different resolutions and the results documented during many years.

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## **2.6. Fishing fleet capacity**

Fishing fleets of CPCs have developed according to their fishery development plan, management system and investigations on fisheries industry. The current condition of this capacity is located in different level from small scale fisheries to industrial fisheries with large scale vessels. A vessel is a unit of effort for catch, with distinguished ability and capacity. Stability in number of vessels and promote their effectiveness will cause of occupation stability, guarantee food security and livelihood of fishermen. So number of vessels, their capacity for fishing and number of fishermen is an important criterion which insures occupation and livelihood of fishermen especially in developing and less developed countries.

Considering to creating equitable opportunities to occupation of local people and fishermen and consequently sustainability in fisheries, conservation of fish stocks and food security; I.R.Iran recommend, the 3<sup>rd</sup> technical committee adopt number of vessels, their technical specification and capacity for fishing (especially their engine power), number of created jobs and etc, as a criterion.

## **2.7. Compliance to IOTC regulations**

Base on responsible fisheries principals and regulations of the IOTC, the CPCs and cooperating none contracting countries, should produce appropriate information and present them to the IOTC. For better management of fisheries, IOTC needs more cooperation, in access to detail information and assistance of countries in some studies or researches. In these cases the cooperation of CPCs and cooperating non member countries is necessary. In the other hand base on working groups, scientific committee, commission decisions and related resolutions, all countries should to prepare related information, reports and documentation and finally their compliancy are evaluated by IOTC, the procedure is common for many years. The main purpose of this criterion is strengthening of IOTC authority in the area, implementation of unify and effective tuna fishing management system and gathering the CPCs and cooperating non member countries under IOTC umbrella and its regulations.

**3-Conclusion**

The main objective of technical committee meeting on establishing allocation criteria is, creation a system in the IOTC competence area where through the system, tuna and tuna like species are fished in acceptable level and CPCs and cooperating none member countries impart equitably. In conclusion proposed criteria by I. R. Iran have tried to cover different aspects of equitable allocation criteria system in the IOTC competence area. So I. R. Iran recommends, developing an allocation system through two steps. First the technical committee opens discussion on principals, criteria and finalization of them. Second the committee distinguishes and defines different factors in detail for each creation and giving appropriate rate and coefficient for each factor.

The other way is the 3<sup>rd</sup> technical committee works on presented principals by like-minded countries which main parts of it are acceptable for all countries and it is very close to consensus.