
GUIDING PRINCIPLES: RECALLING FROM TCAC01 & TCAC02

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PURPOSE

To provide delegates to the 3rd Technical Committee on Allocation Criteria (TCAC03) with a reference document detailing the guiding principles proposed at the previous sessions of the TCAC (TCAC01 held in 2011 and TCAC02 held in 2013).

BACKGROUND

TCAC01 – 2011

In 2011, the TCAC01 agreed to a non-exhaustive list elements (principles and criteria) for a future quota allocation system, as follows:

Principles:

- a. contribute to the sustainable utilization of the resource,
- b. allocate fair and equitable fishing opportunities to all participants,
- c. recognize the rights of both coastal states and distant water fishing nations,
- d. take into account the aspirations of coastal states, including to develop further their fishing opportunities,

Criteria:

- e. socio-economic factors, such as dependency of coastal state economies on tuna and tuna-like fisheries, and investments made in tuna sector,
- f. the compliance record/status,
- g. provide incentives for compliance with IOTC conservation and management measures.

In addition, a group of coastal states presented a statement of their collective views on a list of elements that would be desirable in the formulation of an allocation system. This statement is presented in [Appendix I](#) for ease of reference.

TCAC02 – 2013

At the TCAC02 in 2013, a group of 16 Indian Ocean coastal states presented a list of seven guiding principles that may be adopted in formulating an allocation system or any other relevant measure(s) by the IOTC, as follows (the complete proposal is provided at [Appendix II](#) for ease of reference):

Principles:

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 utilisation 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.

The TCAC02 also **RECALLED** that the process of establishing allocation criteria is complex, nevertheless, progressing on the basis of common ground in the positions expressed at the meeting, including an agreement on basic principles that shall guide further developments of an approach to allocation, was of high importance. (*see para 32 of TCAC02 Report*).

The TCAC02 also **NOTED** a statement on the work undertaken by the drafting group on common principles and criteria for an allocation system, from the European Union and France which is provided at [Appendix III](#) for ease of reference.

DISCUSSION

The TCAC03 may wish to further refine or incorporate the collective opinions expressed in the previous two sessions of the TCAC into the report of the TCAC03.

RECOMMENDATION/S

That the TCAC03 **NOTE** paper IOTC–2016–TCAC03–06 and consider options for progressing or finalising the criteria for allocation.

APPENDICES

- [APPENDIX I](#) Basic guiding principles agreed by like-minded coastal states (*source: IOTC–2011–TCAC01–R, Appendix VI*)
- [APPENDIX II](#) Proposal of the like-minded IOTC coastal States of the Indian Ocean on guiding principles for allocation criteria (*source: IOTC–2013–TCAC02–R, Appendix XI*)
- [APPENDIX III](#) Statement by the European Union and France on the work undertaken by the drafting group on common principles and criteria for an allocation system (*source: IOTC–2013–TCAC02–R, Appendix XII*)

APPENDIX I
BASIC GUIDING PRINCIPLES AGREED BY LIKE-MINDED COASTAL STATES

(Source: IOTC-2011-TCAC01-R, Appendix VI)

A group of like-minded coastal States (the Group) attending the IOTC Technical Committee Meeting on Allocation Criteria held in Nairobi, 16-18 February 2011, met outside the plenary during the morning and in the afternoon of 17 February 2011. The Group acknowledged positive aspects of the five proposals (EU, Seychelles, Indonesia, Iran, and Korea) that were presented at the plenary. The coastal States, while recognizing the constructive and substantive efforts made by the five CPCs in putting forward their proposals, noted that it is not possible, to agree at this stage, on a set of allocation criteria that may be used for developing a comprehensive quota system.

The Group consisted of the following coastal States.

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|-------------------------------|-------------------------|
| 1. Australia | 10. Mozambique |
| 2. Comoros | 11. Oman (Sultanate of) |
| 3. India | 12. Pakistan |
| 4. Indonesia | 13. Seychelles |
| 5. Iran (Islamic Republic of) | 14. Sri Lanka |
| 6. Kenya (Republic of) | 15. Sudan |
| 7. Madagascar (Republic of) | 16. Tanzania |
| 8. Maldives (Republic of) | 17. Thailand |
| 9. Mauritius | |

The Group discussed and agreed the following as guiding principles that may be used to formulate the allocation criteria. These include:

1. For the purposes of allocation, all historical catches taken in EEZ of a coastal state shall be attributed to that coastal state. Historical catches taken on the high seas shall be attributed to the flag State.
2. No Coastal States shall be worse off than current position with respect to agreed baselines.
3. The allocation process must recognize the development aspiration of the coastal States
4. A mechanism should be developed for new DWFNs entrants.
5. Effective enforcement against IUU fishing is fundamental to quota allocation.
6. Sustainability of the resource should be considered.
7. The degree of sustainability of the resource should be considered with respect to by catch.
8. The special needs and vulnerabilities of artisanal, dependent coastal communities and Small Island States including their socio-economic and food security issues should be considered.
9. Degree of sustainability of fishing methods with respect to by-catch should be taken into account.
10. Transferability (Lease) of allocations should be permitted.
11. Quota may be utilized anywhere within the IOTC competent area or sub-area with qualification that licenses will be required to fish within another EEZ.

The Group also agreed to propose an interim management measure that may be implemented until a comprehensive quota management system is in place. The management measure will be proposed in the forthcoming Commission Meeting in Colombo.

The like-minded Coastal State greatly appreciated the support provided by the WWF for organizing a preparatory meeting among the coastal States, on 15 February 2011, that provided the basis for these guiding principles.

18 February 2011

APPENDIX II
PROPOSAL OF THE LIKE-MINDED IOTC COASTAL STATES OF THE INDIAN OCEAN ON
GUIDING PRINCIPLES FOR ALLOCATION CRITERIA

(Source: IOTC-2013-TCAC02-R, Appendix XI)

During the first Technical Committee Meeting on Allocation Criteria (TCAC01, Nairobi, 16-18 February 2011) 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 on 18 February 2013, in Muscat, Oman, during the first day of the Second Technical Committee Meeting on Allocation Criteria (TCAC02, Muscat, 18-20 February 2013). The Group noted the increased harvesting pressure on the tuna resources in the IOTC area of competence.

The Group (listed below) considered and analysed the various proposals that has been submitted to the TCAC2 (see Annex 1).

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|---------------|----------------|
| 1. Australia | 9. Maldives |
| 2. Comoros | 10. Mauritius |
| 3. India | 11. Mozambique |
| 4. Indonesia | 12. Oman |
| 5. Iran | 13. Seychelles |
| 6. Kenya | 14. Sri Lanka |
| 7. Madagascar | 15. Tanzania |
| 8. Malaysia | 16. Thailand |

These like-minded coastal States of the Indian Ocean propose 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.

Mindful of the unique nature of the fisheries in the region and complexities involved in developing a comprehensive scheme of allocation criteria, the Group also encouraged examining alternative management measures.

18 February 2013

APPENDIX III**STATEMENT BY THE EUROPEAN UNION AND FRANCE ON THE WORK UNDERTAKEN BY THE DRAFTING GROUP ON COMMON PRINCIPLES AND CRITERIA FOR AN ALLOCATION SYSTEM**

(Source: IOTC-2013-TCAC02-R, Appendix XII)

The EU and France on behalf of its Indian Ocean Territories having participated in the discussions of the drafting group invoked by the IOTC chairman in order to discuss and draft the common principles and criteria on an allocation system, highlight the main inferences of the drafting group.

The work undertaken by the mentioned group was based on the main principles supported by all members in the 1st meeting of the Technical Committee Allocation Criteria, which the drafting group tried to upgrade, and the principles proposed by the Like-Minded IOTC Coastal States in its proposal of 18 February 2013 and in the appendix VI (Basic Guiding Principles agreed by Like-Minded Coastal States) of the report of the Technical Committee on Allocation Criteria held in Nairobi in 16-18 February 2011.

Elements discussed and proposed to be taken into account for a quota allocation system are to:

- a. ensure the sustainable utilisation of the resource,
- b. allocate fair and equitable fishing opportunities to all participants,
- c. recognise the rights of both Indian Ocean coastal states and distant water fishing nations,
- d. take into account the aspirations of Indian Ocean coastal states, including to develop their fishing opportunities,
- e. consider socio-economic factors, such as dependency of Indian Ocean coastal state economies, for the livelihood of their local communities on tuna and tuna-like fisheries and investments made in the tuna sector,
- f. consider the weight of imports of tuna products on economies and on the global consumption of tuna products of Contracting Parties,
- g. reflect the compliance record/status of each CPC,
- h. consider incentives for compliance with IOTC Conservation and Management Measures,
- i. enforce effectively rules against IUU fishing,
- j. consider degree of sustainability of fishing methods with respect to ecosystem approach,
- k. authorise the transferability (lease) of allocations,
- l. consider food security issues, which shall include not only the catch of tuna and tuna-like species, but also their processing and trade.

The list of the elements of a quota allocation system supported by the first Technical Committee on Allocation Criteria (paragraph 29 of the document IOTC-2011-SS4-R[4]) remain the only principles endorsed by the Allocation Criteria Technical Committee.

No other elements have been adopted by the drafting group or by the technical Committee.