



Report of the 3rd Technical Committee on Allocation Criteria

Kish Is. Islamic Republic of Iran, 21–23 February 2016

DISTRIBUTION:

Participants in the Session
Members of the Commission
Other interested Nations and International Organizations
FAO Fisheries Department
FAO Regional Fishery Officers

BIBLIOGRAPHIC ENTRY

IOTC 2016. Report of the 3rd Technical Committee on Allocation Criteria. Kish Is, Islamic Republic of Iran 21–23 February 2016. *IOTC-2016-TCAC03-R[E]*: 26 pp.

The designations employed and the presentation of material in this publication and its lists do not imply the expression of any opinion whatsoever on the part of the Indian Ocean Tuna Commission (IOTC) or the Food and Agriculture Organization (FAO) of the United Nations concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

This work is copyright. Fair dealing for study, research, news reporting, criticism or review is permitted. Selected passages, tables or diagrams may be reproduced for such purposes provided acknowledgment of the source is included. Major extracts or the entire document may not be reproduced by any process without the written permission of the Executive Secretary, IOTC.

The Indian Ocean Tuna Commission has exercised due care and skill in the preparation and compilation of the information and data set out in this publication. Notwithstanding, the Indian Ocean Tuna Commission, employees and advisers disclaim all liability, including liability for negligence, for any loss, damage, injury, expense or cost incurred by any person as a result of accessing, using or relying upon any of the information or data set out in this publication to the maximum extent permitted by law.

Contact details:

Indian Ocean Tuna Commission
Le Chantier Mall
PO Box 1011
Victoria, Mahé, Seychelles
Ph: +248 4225 494
Fax: +248 4224 364
Email: secretariat@iotc.org
Website: <http://www.iotc.org>

ACRONYMS

CMM	Conservation and Management Measure (of the IOTC; Resolutions and Recommendations)
CPCs	Contracting Party and Cooperating Non-Contracting Party
DWFN	Distant Water Fishing Nation
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organization of the United Nations
IOTC	Indian Ocean Tuna Commission
MPF	Meeting Participation Fund
MSY	Maximum sustainable yield
IGO	Inter-governmental Organisation
IUU	Illegal, Unreported and Unregulated
NGO	Non-governmental organization
SC	Scientific Committee of the IOTC
TAC	Total Allowable Catch
TCAC	Technical Committee on Allocation Criteria
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	United Nations Fish Stocks Agreement

HOW TO INTERPRET TERMINOLOGY CONTAINED IN THIS REPORT

Level 1: *From a subsidiary body of the Commission to the next level in the structure of the Commission:*

RECOMMENDED, RECOMMENDATION: Any conclusion or request for an action to be undertaken, from a subsidiary body of the Commission (Committee or Working Party), which is to be formally provided to the next level in the structure of the Commission for its consideration/endorsement (e.g. from a Working Party to the Scientific Committee; from a Committee to the Commission). The intention is that the higher body will consider the recommended action for endorsement under its own mandate, if the subsidiary body does not already have the required mandate. Ideally this should be task specific and contain a timeframe for completion.

Level 2: *From a subsidiary body of the Commission to a CPC, the IOTC Secretariat, or other body (not the Commission) to carry out a specified task:*

REQUESTED: This term should only be used by a subsidiary body of the Commission if it does not wish to have the request formally adopted/endorsed by the next level in the structure of the Commission. For example, if a Committee wishes to seek additional input from a CPC on a particular topic, but does not wish to formalise the request beyond the mandate of the Committee, it may request that a set action be undertaken. Ideally this should be task specific and contain a timeframe for the completion.

Level 3: *General terms to be used for consistency:*

AGREED: Any point of discussion from a meeting which the IOTC body considers to be an agreed course of action covered by its mandate, which has not already been dealt with under Level 1 or level 2 above; a general point of agreement among delegations/participants of a meeting which does not need to be considered/adopted by the next level in the Commission's structure.

NOTED/NOTING: Any point of discussion from a meeting which the IOTC body considers to be important enough to record in a meeting report for future reference.

Any other term: Any other term may be used in addition to the Level 3 terms to highlight to the reader of an IOTC report, the importance of the relevant paragraph. However, other terms used are considered for explanatory/informational purposes only and shall have no higher rating within the reporting terminology hierarchy than Level 3, described above (e.g. **CONSIDERED; URGED; ACKNOWLEDGED**).

TABLE OF CONTENTS

1. Opening of the Session.....	6
2. Letter of credentials.....	6
3. Admission of observers.....	6
4. Adoption of the Agenda and arrangements for the session	6
5. Decisions of the Commission related to the work of the TCAC	6
6. The IOTC process: Outcomes, updates and progress.....	7
7. Allocation criteria	9
8. Updated proposals for an Allocation Quota System: Resolution 14/02.....	9
9. Proposals for Alternative Management Measures as Stated in Resolution 14/02	11
10. Other Business	11
11. Review of the Draft and Adoption of the report of the 3rd Technical Committee on Allocation Criteria (TCAC03)	12
Appendix I List of Participants	13
Appendix II Agenda of the 3rd Technical Committee on Allocation Criteria	16
Appendix III List of Documents	18
Appendix IV Guiding Legal Text	19
Appendix V G16 Group of Like-Minded Coastal States of the Indian Ocean on Guiding Principles for Allocation Criteria.....	22
Appendix VI Group of IOTC Coastal States and Distant Water Fishing Nations on Common Principles for an Allocation System	23
Appendix VII Possible principles for allocation	24
Appendix VIII Statements by the Republic of Mauritius and the United Kingdom (OT)	25
Appendix IX Recommendations of the 3rd Technical Committee on Allocation Criteria (TCAC03)	26

EXECUTIVE SUMMARY

The 3rd Session of the Technical Committee on Allocation Criteria (TCAC03) was held on Kish Is. Islamic Republic of Iran, from 21 to 23 February 2016, Chaired by an independent Chairperson, Mr Don MacKay. A total of 59 delegates attended the Session (82 in 2013), comprised of 52 (69 in 2013) delegates from 21 (23 in 2013) Contracting Parties (Members), 1 (1 in 2013) delegate from 1 (1 in 2013) Cooperating Non-Contracting Party, 4 (9 in 2013) delegates from 4 (5 in 2013) observer organisations and 2 (3 in 2013) invited experts.

The Deputy Minister and Head of Iran Fisheries Organization, Dr Salehi welcomed the participants to the Islamic Republic of Iran and declared the meeting open. The Chair Mr Don MacKay and the IOTC Executive Secretary (Interim), Dr David Wilson, joined in welcoming participants to the TCAC03.

The following are a subset of the complete recommendations from the 3rd Session of the Technical Committee on Allocation Criteria (TCAC03), which are provided at [Appendix IX](#).

Updated proposals for an Allocation Quota System: Resolution 14/02

TCAC03.02 ([para. 52](#)) The TCAC **RECOMMENDED** that the Commission note that it had been possible to have a comprehensive and constructive exchange of views based on the written proposals that had been presented by several delegations, as well as two information papers that had been presented by two separate groups of delegations. While there were significant differences of view on some issues, it was already possible to identify potential convergence of views on others, and further work would bring the various positions much closer together.

TCAC03.03 ([para. 53](#)) The TCAC **RECOMMENDED** the Program of Work for the TCAC include:

- a. Guiding Principles: That the combined paper on possible guiding principles discussed at the TCAC03 for a system of allocation, which is provided at [Appendix VII](#), be the basis of further work at the next meeting.
- b. Further discussion on alternative measures in accordance with [paragraph 61](#).

TCAC03.04 ([para. 54](#)) The TCAC **RECOMMENDED** that the IOTC Secretariat should facilitate a review of all available catch history data in the IOTC area of competence, with the purpose of collating information on a spatial and temporal basis, thereby permitting CPCs to better understand the catches made within individual EEZs and on the High Seas, over time, and also the development and refinement of estimation procedures, consistent with the rules of the Commission.

Review of the Draft and Adoption of the report of the 3rd Technical Committee on Allocation Criteria (TCAC03)

TCAC03.07 ([para. 66](#)) The TCAC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from TCAC03, provided at [Appendix IX](#).

1. OPENING OF THE SESSION

1. The 3rd Session of the Technical Committee on Allocation Criteria (TCAC03) was held on Kish Is. Islamic Republic of Iran, from 21 to 23 February 2016, Chaired by an independent Chairperson, Mr Don MacKay. A total of 59 delegates attended the Session (82 in 2013), comprised of 52 (69 in 2013) delegates from 21 (23 in 2013) Contracting Parties (Members), 1 (1 in 2013) delegate from 1 (1 in 2013) Cooperating Non-Contracting Party, 4 (9 in 2013) delegates from 4 (5 in 2013) observer organisations and 2 (3 in 2013) invited experts. The list of participants is provided at [Appendix I](#).
2. The Deputy Minister and Head of Iran Fisheries Organization, Dr Salehi welcomed the participants to the Islamic Republic of Iran and declared the meeting open. The Chair Mr Don MacKay and the IOTC Executive Secretary (Interim), Dr David Wilson, joined in welcoming participants to the TCAC03.

2. LETTER OF CREDENTIALS

3. The TCAC **NOTED** that in accordance with Rule III, para. 1 of the IOTC Rules of Procedure (2014), a Letter of Credentials was received from all of the 21 CPCs present at the meeting and the 5 observers.
4. The TCAC **WELCOMED** the newest Contracting Party to the IOTC, the Republic of South Africa, which acceded to the IOTC Agreement on 16 February 2016.

3. ADMISSION OF OBSERVERS

5. The TCAC **NOTED** that at the 17th Session of the Commission, Members decided that its subsidiary bodies should be open to participation by observers from all those who have attended the current and/or previous sessions of the Commission. Applications by new Observers should continue to follow the procedure as outlined in Rule XIV of the IOTC Rules of Procedure (2014).

3.2 *Intergovernmental Organisations (IGO)*

6. In accordance with Rule VI.1 and XIV.4 of the IOTC Rules of Procedure (2014), the TCAC **ADMITTED** the following Inter-governmental organisations (IGO) as observers to the 3rd Session of the TCAC:
 - a. Forum Fisheries Agency (FFA)
 - b. WB/IOC/SWIOFC/SWIOFish1 Project

3.3 *Non-governmental Organisations (NGO)*

7. In accordance with Rule VI.1 and XIV.5 of the IOTC Rules of Procedure (2014), the TCAC **ADMITTED** the following Non-governmental organisations (NGO) as observers to the 3rd Session of the TCAC:
 - a. International pole and line foundation (IPNLF)
 - b. World Wide Fund for Nature (a.k.a World Wildlife Fund, WWF)

3.4 *Invited experts*

8. In accordance with Rules VI.1 and XIV.9 of the IOTC Rules of Procedure (2014), which state that the Commission may invite experts, in their individual capacity, to enhance and broaden the expertise of the TCAC, the TCAC **ADMITTED** the invited experts from Taiwan, China to the 3rd Session of the TCAC.

4. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

9. The TCAC **ADOPTED** the Agenda provided at [Appendix II](#). The documents presented to the TCAC03 are listed in [Appendix III](#), which included 2 new Information Papers (IOTC–2016–TCAC03–INF01 and IOTC–2016–TCAC03–INF02) to be considered under [Agenda item 6](#).

5. DECISIONS OF THE COMMISSION RELATED TO THE WORK OF THE TCAC

10. The TCAC **NOTED** paper IOTC–2016–TCAC03–03 which outlined the decisions and requests made by the Commission at its previous Sessions, specifically relating to the TCAC process. At its 18th Session in 2014, the Commission adopted Resolution 14/02 *for the conservation and management of tropical tunas stocks in the IOTC area of competence*. The former Resolution 12/13 was revised to become Resolution 14/02 *for the conservation and management of tropical tunas stocks in the IOTC area of competence* so that it retained only those elements related to the already established process for an allocation system or any other relevant measures to be developed to manage tropical tuna stocks.

11. The TCAC **NOTED** that the main objective of developing an allocation criteria is to ensure sustainability of the resources. To achieve this and to guide the decisions of the Commission, CPCs are urged to ensure that they meet their obligations to provide data to the Commission.

6. THE IOTC PROCESS: OUTCOMES, UPDATES AND PROGRESS

6.1 Progress on the recommendations of TCAC02

12. The TCAC **NOTED** paper IOTC–2016–TCAC03–04, which provided delegates at the TCAC03 with an update on the progress made in implementing the recommendations from the TCAC02, as endorsed by the Commission at its 17th Session in 2013. Of the three recommendations rising from the TCAC02, only one remains pending, as follows:

6.1.1 Legal advice

TCAC02.01 (para. 35.) The TCAC **AGREED** that there was a need for a legal expert to be present at the next TCAC 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.

Progress: The Commission did not approve funding for the hiring of an external legal expert to attend the TCAC03. In addition, the FAO Legal office has been unable to send a legal representative. The IOTC Secretariat continues to seek alternatives to meet the TCAC02 recommendation.

13. The TCAC **NOTED** that the independent Chair of TCAC03 has extensive experience in dealing with international legal matters and volunteered to provide advice where required.

6.1.2 Report on the availability, completeness and quality of catch data for all fleets in the IOTC database

14. The TCAC **NOTED** paper IOTC–2016–TCAC03–05, which provided an overview of the availability, completeness and quality of data for all fleets in the IOTC database. Determining the reliability of catch data held at the IOTC Secretariat is an important step in the determination of baseline historical time series of catches for albacore, bigeye tuna, skipjack tuna, yellowfin tuna and swordfish. Information is provided as:

- Time series estimates of total annual catches by country and species, including:
 - Coastal fisheries (Box 1): estimates of annual catches by country and species;
 - Surface and longline fisheries (Box 1): estimates of annual catches by country, area and species, in particular total catch within Economic Exclusive Zones (EEZ) and high seas.
- Estimates of total catches by country, species, and month, in close-to-real time.

15. The TCAC **NOTED** that some of the key elements that need to be available for an allocation process or for the development of alternative management measures include time series estimates of catches by 1) country; 2) spatial distribution (within Exclusive Economic Zones and on the high seas); 3) temporal distribution (year, month); and 4) fleet type (e.g. gillnet, longline; pole-and-line; purse seine).

16. The TCAC **NOTED** that in general, all types of fishery catch statistics (e.g. nominal catches, and time-area catches) are obtained, to various degrees, through sampling schemes and are therefore by definition ‘estimates’. Such catch estimates will always have uncertainty associated with them, however the level of uncertainty is dependent on the sampling design, type of fishery and the amount of catch and effort that are sampled by the CPC. The same applies to the catches that the IOTC Scientific Committee adopts each year as the best scientific estimates, which are the product of data reviews and further estimation by the IOTC Secretariat, including estimation of catches which are not reported by the flag countries concerned.

17. The TCAC **NOTED** that the time-series of catches presented in paper IOTC–2016–TCAC03–05 cover all known fishing activities in the Indian Ocean and for this reason, represent the best estimates of catches for the species under consideration. Although some of the issues identified are likely to compromise the quality of the estimates to some degree, the final estimates of catch are not thought to be substantially affected by these issues.

18. The TCAC **NOTED** that the quality of data for some sectors does not allow for identification of areas where additional work is required to disaggregate the data sets, especially with regards to surface fisheries which may combine data from both the artisanal fisheries sector and vessels included in the IOTC Record of Authorised Vessels.

19. The TCAC **RECOMMENDED** that the IOTC Secretariat identify the concerned parties whose vessels were operating under *Flags of Convenience* and encourage them to provide missing data for both the longline and surface fisheries.

6.2 *Guiding principles: Recalling from TCAC01 & TCAC02*

20. The TCAC **NOTED** paper IOTC–2016–TCAC03–06, which aimed to serve as a reference document detailing the guiding principles proposed at the previous sessions of the TCAC (TCAC01 held in 2011 and TCAC02 held in 2013).
21. The TCAC **AGREED** that the guiding principles developed at the TCAC01 and TCAC02 should be further refined throughout the course of the current meeting, as although they provided a basis for a future quota allocation system, they were not exhaustive.

6.3 *Guiding legal text and discussion thereof*

22. The TCAC **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.
23. The TCAC **RECALLED** Article V, paragraphs 1 and 2d, and Article XVI of the IOTC Agreement, as provided at [Appendix IV](#).
24. The TCAC **RECALLED** Part V of the United Nations Convention on the Law of the Sea (UNCLOS) on Exclusive Economic Zones; in particular Articles 55, 56, 62, 63 and 64, as provided at [Appendix IV](#), and **NOTED** the UNCLOS Implementing Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
25. The TCAC **NOTED** that throughout the course of the TCAC03 meeting, several topics were debated at length in relation to all of the Proposals detailed under [Agenda items 6 and 8](#). Thus, the following are presented here as a brief outline of the topics of those debates:
 - a. The sovereign rights of coastal States within the EEZ.
 - b. Whether catch taken in the EEZ should be attributed to the coastal State or the flag State (if different) for the purposes of calculating historical catch (i.e. whether the sovereign rights of coastal States support the principle that historical catch from within EEZs is attributed to the coastal State in whose EEZ the fishing occurred).
 - c. The appropriate time period to be used in calculating historical catch.
 - d. The extent to which, and manner in which, compliance should be a criterion for allocation.
 - e. The way in which the obligation to assist developing States to increase their participation in fisheries, including on the high seas, should be implemented through allocation (e.g. the particular needs of developing States, and small island States have to be accommodated, in accordance with International law).
 - f. Whether and to what extent specific allocation should be given to new entrants into the fishery.
 - g. That the proposed principle that coastal States receive allocations based on the fishing opportunities in their EEZ regardless of whose vessels may have established catch history should not be seen as confronting to flag States or their industry (i.e. it does not preclude on-going access nor make investment redundant).
 - h. That the point that flag States receive allocations based on the fishing history in coastal States' EEZ through fisheries agreements, should not be seen as confronting the right of coastal States in the EEZ.
 - i. The manner and extent to which investments, trade and market related issues, jobs, food security and livelihoods should be criteria for allocations.

6.4 *Guiding principles: G16 group of like-minded coastal States*

26. The TCAC **NOTED** paper IOTC–2016–TCAC03–INF01 from the meeting of the G16 group of like-minded coastal States, which was held in the two days prior to TCAC03. The paper seeks to provide additional context, clarification and specificity about the principles developed by the G16 during TCAC01 and TCAC02, particularly on the sovereign rights of coastal States and the special requirements of developing coastal and island States, including in respect of food and livelihood security. It was explained that the principles supersede those put forward by the G16 in previous TCAC meetings and would be used to assess the performance of prospective allocation systems in meeting high level objectives. The new principles are provided at [Appendix V](#).
27. The TCAC **NOTED** that one of the guiding principles in this paper proposes the attribution of catches made in the EEZ of coastal States by other flag States to the concerned coastal States, while supported by the G16 States, posed considerable difficulty for others, and will require further negotiation.

6.5 *Guiding principles: European Union and France (OT)*

28. The TCAC **NOTED** paper IOTC–2016–TCAC03–INF02 from the European Union and France (OT), which was developed during the course of the TCAC03 meeting. The paper draws on the principles developed during TCAC01 and TCAC02, and discussions in TCAC03, including other papers presented at the meeting. The revised principles are provided at [Appendix VI](#).
29. The TCAC **NOTED** the comment of the proponents of INF02, that the issue of food security should not be perceived as only the availability of fish for direct consumption by the people who depend on it as a source of food, but should also consider the direct benefits derived from all upstream and downstream activities resulting from the exploitation of those resources by third parties that contributes to creating jobs and revenues and to the economies of those States and which results in those States' ability to assure food security through other sources of food.

6.6 *General discussion of papers INF01 and INF02*

30. The TCAC **NOTED** that there was a high level of appreciation and support for many of the principles contained in the papers, some of which should be subject to further discussions, and the positive contribution that they bring to the meeting.
31. The TCAC **AGREED** that while there had been useful discussion of both papers they should be given further consideration at a future TCAC meeting.
32. The TCAC **NOTED** that the interest of one very important fleet operating in the IOTC area of competence is not being considered due to the inability of the fleet to fully and equitably engage in the work of the Commission towards developing an allocation criteria system.

7. ALLOCATION CRITERIA

33. The TCAC **NOTED** that there are diverging opinions on allocation criteria between different CPCs at this time, and that a step-by-step approach to reaching consensus on the guiding principles as an initial step should be considered. The principles should be developed first, followed by allocation criteria and other matters such as weightings and the process for allocation.

8. UPDATED PROPOSALS FOR AN ALLOCATION QUOTA SYSTEM: RESOLUTION 14/02

8.1 *Presentation and discussion of proposals from Members*

34. The TCAC reviewed the following four (4) proposals submitted by Members for consideration:
- **IOTC–2016–TCAC03–PropA:** Quota allocation system for Indian Ocean tuna fisheries (Indonesia)
35. The TCAC **NOTED** that the proposal claims to maintain the importance of historical engagement of each CPC in the IOTC area of competence, the aspirations of the coastal States and the socio-economic importance of fisheries activity for each CPC. The proposal also claims to acknowledge the importance of allocating a portion of the resource as a reserve, or for allocating to new entrants.
36. The TCAC **ACKNOWLEDGED** that the proposal contains both the criteria and method of calculating allocations, including weightings to be given to criteria. There was general recognition that some of the criteria in the proposal will require further development, whilst others could be deferred without the risk of hampering progress towards the development of the initial allocations criteria.
37. The TCAC **NOTED** the precedents set under some international fisheries instruments, such as the UNFSA, which emphasise the need to promote the interests of developing coastal States in the establishment of Conservation and Management Measures for highly migratory fish stocks.
- **IOTC–2016–TCAC03–PropB:** Proposal for TCAC03 (I.R. Iran)
38. The TCAC **NOTED** that the proposal emphasised the right to food as a human right, the livelihood of fishers and their dependency on fishing and the sovereign rights of the coastal States in their EEZs with respect to sustainable fisheries.
39. The TCAC **NOTED** that there are a number of common elements to those outlined in IOTC–2016–TCAC03–PropA. One of the recurring elements was the lack of agreement over who should receive attribution from catches made by other flag States inside the EEZ's of coastal States, as noted in [Section 6.3](#).
40. The TCAC **NOTED** that there was no agreement of the time series of data to be used to compute the average historical catch for CPCs, noting that the recent piracy incidents have affected normal fishing activities in the

Western Indian Ocean and some coastal CPCs have only recently developed their own fleet, under the IOTC Fleet Development Plans (mandated under Resolution 15/11).

41. The TCAC **NOTED** the sovereign rights of coastal States over their EEZs, which included the right to permit third parties to access resources in their EEZs including through access agreements.
 - **IOTC–2016–TCAC03–PropC:** On establishing a quota allocation system for the main targeted species in the IOTC area of competence (European Union)
42. The TCAC **NOTED** that the proposal claims to recognise the legitimate rights and aspirations of both coastal States, in particular small island developing coastal States and territories and small and vulnerable economies; and, distant water fishing nations that have historically fished and invested in the area.
43. The TCAC **NOTED** that the paper contains a number of principles that takes into account the outcome of discussions in TCAC01 and TCAC02.
44. The TCAC **NOTED** that the proposal raises the issue of attribution of catches; in this case the proposal favours attribution of catches made by other flag States in the EEZ of coastal States to the harvesting flag State.
45. The TCAC **NOTED** that some CPCs expressed the view that the proposal emphasises the use of compliance as a mechanism to penalise CPCs, should the proposal lead to an allocation system, and expressed concern that this will prejudice developing CPCs who lack the means and resources to fully comply with their obligations to the Commission.
 - **IOTC–2016–TCAC03–PropD:** On establishing a quota allocation system for the main targeted species in the IOTC area of competence (Seychelles)
46. The TCAC **NOTED** that the proposal claims to maintain recognition of the legitimate sovereign rights and aspirations of coastal States, in particular small island developing coastal States and territories and small and vulnerable economies, and the interests of distant water fishing nations that have historically fished in the IOTC area of competence. However, the revised proposal responds to several concerns raised by coastal States at the Nairobi meeting, in particular the need to define mechanisms by which all coastal States may benefit from a quota share regardless of catch history.
47. The TCAC **NOTED** that the proposal is a hybrid scheme based on catch per area in the EEZs and fishing zones of coastal States, and on historical levels of catch by all eligible flag State fishing vessels on the high seas. The revised proposal, in the short term, claims to maintain the status quo whilst over the longer term the development aspirations of coastal States may be realised.
48. The TCAC **NOTED** the divergence of views by some CPCs on this proposal, based on the difficulties caused by the attribution of catches and the determination of time series of data to be used for calculating the average catch.
49. The TCAC **NOTED** that a CPC expressed the view that the hybrid approach could only benefit a minority of coastal States and could also reduce the margins to build a set aside to allocate resources to other coastal States. Furthermore, concern had also been expressed that this approach could trigger unforeseeable consequences for the current state of fisheries, processing industry and markets.

8.2 *Deliberation for a combined proposal*

50. The TCAC **ACKNOWLEDGED** the constructive nature of the new elements presented during the debate in 2016. To continue with the development of an allocation mechanism incorporating these elements, further inter-sessional work is required. CPCs are encouraged to conduct inter-sessional consultations with the goal of working towards a revised proposal that could be supported by all CPCs. These further developments should be accompanied by examples that would facilitate the understanding of the consequences of the different formulations to all participants in the allocation process.
51. The TCAC **AGREED** that papers INF01 and INF02 would provide a good basis for further discussion, as they were largely reflective of the range of views that had been presented, and that it would be useful to combine both into a single paper to facilitate future discussion and negotiation.
52. The TCAC **RECOMMENDED** that the Commission note that it had been possible to have a comprehensive and constructive exchange of views based on the written proposals that had been presented by several delegations, as well as two information papers that had been presented by two separate groups of delegations. While there were significant differences of view on some issues, it was already possible to identify potential convergence of views on others, and further work would bring the various positions much closer together.

53. The TCAC **RECOMMENDED** the Program of Work for the TCAC include:
- Guiding Principles: That the combined paper on possible guiding principles discussed at the TCAC03 for a system of allocation, which is provided at [Appendix VII](#), be the basis of further work at the next meeting.
 - Further discussion on alternative measures in accordance with [paragraph 61](#).
54. The TCAC **RECOMMENDED** that the IOTC Secretariat should facilitate a review of all available catch history data in the IOTC area of competence, with the purpose of collating information on a spatial and temporal basis, thereby permitting CPCs to better understand the catches made within individual EEZs and on the High Seas, over time, and also the development and refinement of estimation procedures, consistent with the rules of the Commission.

9. PROPOSALS FOR ALTERNATIVE MANAGEMENT MEASURES AS STATED IN RESOLUTION 14/02

- 9.1 IOTC–2016–TCAC03–PropE:** Limiting fishing capacity in the IOTC area of competence. Based on reference capacities (2006 for vessels targeting trop. tunas and 2007 for vessels targeting SWO and ALB) and achieved fleet development plans (European Union)
55. The TCAC **NOTED** the proposal from the European Union (IOTC–2016–TCAC03–PropE) and the general lack of support that it received by CPCs.
56. The TCAC **NOTED** that the proposal allocates a proportion of the overall capacity of the fishery to each CPC. Concerns were expressed that it may lead in the future to inevitable calls for formal allocations to be based on the relative capacity held by each CPC, and as such, some CPCs were unable to support the proposal in its current form.
57. The TCAC **NOTED** that some elements, such as a baseline allocation to coastal States and the potential additional allocations to developing coastal States could be positive inclusions, though the specific mechanisms needed further refinement.
58. The TCAC **AGREED** that the adoption of a system of allocation will take several more years, and as such, there is a clear need to consider possible interim alternative management measures that would ensure IOTC species are fished sustainably.
59. The TCAC **NOTED** the concerns from one CPC who questioned:
- whether capacity limitations were a useful means of truly being effective in capping or reducing catch. It was suggested that more often than not that potential reductions in capacity are negated by effective capacity exchanges.
 - why the periods of 2006 and 2007 were selected as the baseline for reductions to achieve sustainability, given that these periods are now around 10 years old and are unlikely to represent the current fishery, or the estimated sustainability levels from the Scientific Committee. Specifically, whether the proposal poses a reduction and therefore whether there is any actual contribution to sustainability.
 - However, in response, it was explained that the 2006 and 2007 reference periods were considered in order to reflect Resolution 14/02 provisions and also to avoid considering the years where the piracy off Somalia affected fisheries.
60. The TCAC **NOTED** the statement made by the Republic of Mauritius and the corresponding statement made by the United Kingdom (OT), as provided in [Appendix VIII](#).

9.2 *General discussion*

61. The TCAC **RECOGNISED** the mandate it received from Resolution 14/02 includes the consideration of alternative management measures. However, discussion of PropE had shown that there were significant differences of view on the proposal and it would not be possible to reach consensus at this meeting. Discussion should therefore be carried over to future meetings.

10. OTHER BUSINESS

10.1 *Date and place of the 4th Session of the Technical Committee on Allocation Criteria (TCAC04)*

62. The TCAC was unanimous in its thanks to I.R. Iran for hosting the TCAC03 and commended I.R. Iran its warm welcome and the excellent facilities and assistance provided to the IOTC Secretariat in the organisation and running of the Session.

-
63. **NOTING** that the current length of the TCAC (3 days) may not be sufficient to progress the various issues, the TCAC **RECOMMENDED** the next TCAC meeting should be 4 days in duration, though the Commission should review this at its next Session. The venue and dates (in 2017) shall also be finalised by the Commission.

10.2 Election of a Chairperson and Vice-Chairperson for the next biennium

64. The TCAC **THANKED** the independent Chairperson, Mr Don MacKay, for his excellent Chairmanship and guidance on the range of matters debated throughout the course of the meeting.

Chairperson

65. The TCAC **AGREED** that the contracting of an independent Chairperson has benefited the TCAC process substantially, and **RECOMMENDED** that the Commission include funds for this purpose in its 2017 and 2018 budgets.

11. REVIEW OF THE DRAFT AND ADOPTION OF THE REPORT OF THE 3RD TECHNICAL COMMITTEE ON ALLOCATION CRITERIA (TCAC03)

66. The TCAC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from TCAC03, provided at [Appendix IX](#).
67. The TCAC **ADOPTED** the report of the 3rd Session of the Technical Committee on Allocation Criteria (IOTC–2016–TCAC03–R) on 23 February 2016.

APPENDIX I

LIST OF PARTICIPANTS

CHAIRPERSON

Mr Don **MacKay**
Independent Consultant: New Zealand
Email: don_maria_mackay@msn.com

IOTC MEMBERS**AUSTRALIA**

Head of Delegation
Ms Susan **Howell**
Department of Agriculture and Water
Resources
Email: susan.howell@agriculture.gov.au

Alternate

Dr Ashley **Williams**
Department of Agriculture and Water
Resources
Email: Ashley.Williams@agriculture.gov.au

BELIZE

Absent

CHINA

Absent

COMOROS

Absent

EUROPEAN COMMISSION**Head of Delegation**

Mr Seppo **Nurmi**
European Commission
Email: Seppo.NURMI@ec.europa.eu

Alternate

Mr Orlando **Fachada**
European Commission
Email: Orlando.fachada@ec.europa.eu

Advisor(s)

Mr Anertz Muniategi **Bilbao**
European Commission
Email: anabac@anabac.org

Mr Miguel Herrera

European Commission
Email: miguel.herrera@opagac.org

Mr Hilario Murua

European Commission
Email: hmurua@azti.es

Ms Gelare Nader

European Commission
Email: g.nader@minez.nl

Mr Thomas Roche

European Commission
Email: thomas.roche@developpement-durable.gouv.fr;

FRANCE (OT)**Head of Delegation**

Mr Tristan **Diefenbacher**
Ministère de l'Écologie, du Développement
Durable et de l'Énergie
Email: tristan.diefenbacher@developpement-durable.gouv.fr

GUINEA

Absent

INDIA

Absent

INDONESIA**Head of Delegation**

Mr Saut **Tampubolon**
Ministry of Marine Affairs and Fisheries
Email: s.tampubolon@yahoo.com

Alternate

Prof. Dr Indra **Jaya**
Bogor Agricultural University
Email: indrajaya@ipb.ac.id

Advisor(s)

Prof. Dr Ali **Suman**
Ministry of Marine Affairs and Fisheries
Email: alisuman_62@yahoo.com

IRAN**Head of Delegation**

Mr Ali Asghar **Mojahedi**
Iran Fisheries Org
Email: mojahedia@gmail.com

Alternate

Mr Reza **Shahifar**
Iran Fisheries Org
Email: r.shahifar@gmail.com

Advisor(s)

Mr Seyed Parviz Mohebi **Nozar**
Iran Fisheries Org
Email: parvizhoebbi15@yahoo.com

Dr Farhad Kaymaram

Iranian Fisheries Science Research Institute
Email: farhadkaymaram@gmail.com

Dr Mohammad Asbaghi

Iran Fisheries Org
Email: asbaghi_m@yahoo.com

JAPAN**Head of Delegation**

Mr Kimiyoshi **Hiwatari**
Fisheries Agency
Email: kimiyesi_hiwatari190@maff.go.jp

Alternate

Dr Tsutomu **Nishida**
National Research Institute of Far Seas
Fisheries
Email: aco20320@par.odn.ne.jp

KENYA**Head of Delegation**

Mr Stephen **Ndegwa**
Ministry of Agriculture, Livestock and
Fisheries
Email: ndegwafish@yahoo.com

KOREA, Rep. of**Head of Delegation**

Mr Jeongseok **Park**
Ministry of Oceans and Fisheries
Email: jeongseok.korea@gmail.com

Advisor(s)

Mr Ilkang **Na**
Korea Overseas Fisheries Association
Email: ikna@kosfa.org

Mr Junghee Yoo

Dongwon Industries
Email: gagame2@dongwon.com

MADAGASCAR**Head of Delegation**

Mr Rijaso **Fanazava**
Ministère des Ressources Halieutiques et de la
Pêche
Email: rjafanazava@yahoo.fr

MALAYSIA**Head of Delegation**

Mr Samsudin **Basir**
Department of Fisheries
Email: s_basir@yahoo.com

MALDIVES**Head of Delegation**

Dr M. Shiham **Adam**
Ministry of Fisheries and Agriculture
Email: msadam@mrc.gov.mv

Alternate

Mr Hussain **Sinan**
Ministry of Fisheries and Agriculture
Email: Hussain.sinan@fishagri.gov.mv

MAURITIUS

Head of Delegation

Mrs Meera **Koonjul**
Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands
Email: mkoonjul@govmu.org

MOZAMBIQUE

Head of Delegation

Ms Claudia **Tomas**
Ministry of Sea, Inland Waters and Fisheries
Email: ctomas2013@gmail.com

Alternate

Mr Avelino **Munwane**
Ministry of Sea, Inland Waters and Fisheries
Email: avelinoalfiado@hotmail.co.uk

OMAN

Head of Delegation

Dr Ahmed **Al-Mazroui**
Marine Fisheries Department
Email: ahmed.almazrui20@gmail.com

PAKISTAN

Mr S. M Zafar **Imam**
Marine Fisheries Department
Email: zafarimam2001@yahoo.com

PHILIPPINES

Head of Delegation

Mr Benjamin **Tabios**
Department of Agriculture
Email: benjo_tabios@yahoo.com

Alternate

Mr Rafael **Ramiscal**
Bureau of Fisheries and Aquatic Resources
Email: rv_ram55@yahoo.com

Ms Rosanna Bernadette **Contreras**
Socargen Federation of Fishing and Allied Industries
Email: fishing.federation@gmail.com

Mr Jose Ronald **Jamilaren**
Marchael Sea Ventures
Email: jvcjamilarencorp@yahoo.com

SEYCHELLES

Head of Delegation

Mr Philippe **Michaud**
Seychelles Fishing Authority
Email: sabe@finance.gov.sc

Alternate

Mr Roy **Clarisse**
Seychelles Fishing Authority
Email: royc@sfa.sc

SOUTH AFRICA, REP. OF

Head of Delegation

Mr Saasa **Pheeha**
Department of Agriculture and Fisheries
Email: SaasaP@daff.gov.za

Alternate

Mr Qayiso **Mketsu**
Department of Agriculture and Fisheries
Email: QayisoMK@daff.gov.za

SRI LANKA

Head of Delegation

Mrs W.M.M.R **Adikari**
Ministry of Fisheries and Aquatic Resources
Email: secfisherieslk@gmail.com

Alternate

Mr M.C.L **Fernando**
Department of Fisheries and Aquatic Resources
Email: mclfernando@gmail.com

Advisors

Mrs H.P.K **Hewapathirana**
Department of Fisheries and Aquatic Resources
Email: hewakal2012@gmail.com

Dr R.R.P **Maldeniya**

National Aquatic Resources Research & Development Agency
Email: rekhamaldeniya@gmail.com

Mr Roshan **Fernando**

Seafood Exporters' Association of Sri Lanka
Email: roshanf@tropicsrilanka.com

Mr Channan **Weeratunga**

Seafood Exporters' Association of Sri Lanka
Email: chann.w@qsffish.com

Mr M.R.D.C Asoka **Perera**

Seafood Exporters' Association of Sri Lanka
Email: jstpap@sltnet.lk

SUDAN

Absent

TANZANIA (UNITED REPUBLIC OF)

Head of Delegation

Dr Kassim **Juma**
Ministry of Livestock and Fisheries Development
Email: kassimjuma48@gmail.com

Alternate

Dr Mathias **Igulu**
Tanzania Fisheries Research Institute
Email: mathiasigulu@gmail.com

UNITED KINGDOM (OT)

Head of Delegation

Mr John **Pearce**
MRAGg
Email: j.pearce@mrag.co.uk

Ms Helen **Stevens**

Foreign & Commonwealth Office
Email: helen.stevens@fconet.fco.gov.uk

YEMEN

Absent

COOPERATING NON-CONTRACTING PARTIES

BANGLADESH

Mr Syed Arif **Azad**
Ministry of Fisheries and Livestock
Email: s_arif_azad@yahoo.com

DJIBOUTI

Absent

SENEGAL

Absent

LIBERIA

Absent



OBSERVERS

SWIOFISH1 PROJECT

Mr Daroomalingum **Mauree**
Indian Ocean Commission
SWIOFish1 project
Email: daroomalingum.mauree@coi-ioc.org

WORLD WIDE FUND FOR NATURE

Dr Wetjens **Dimmlich**
World Wide Fund for Nature
Email: wdimlich@wwf.panda.org

INTERNATIONAL POLE AND LINE FOUNDATION

Mr Martin **Purves**
International Pole and Line Foundation
Email: martin.purves@ipnlf.org

FORUM FISHERIES AGENCY

Mr Wez **Norris**
Forum Fisheries Agency
Email: wez.norris@ffa.int

INVITED EXPERTS

Mr Ming-Fen **Wu**
Email: mingfen@msl.fao.gov.tw

Mr Chien-Nan **Lin**
Email: mingfen@msl.fao.gov.tw

INDIAN OCEAN TUNA COMMISSION SECRETARIAT

Dr David **Wilson**
Executive Secretary (Interim)
Email: david.wilson@iotc.org

Mr Gerard **Domingue**
Compliance Coordinator
Email: gerard.domingue@iotc.org

Olivier **Roux**
Translator
Email: olivier@otolithe.com

Ms Hava **Yakub**
Office Assistant
Email: hava.yakub@iotc.org

INTERPRETERS

Mr Joe Keguro **Muhingi**
Email: muhindi.jk@gmail.com

Mr Clement Peter Gatangi **Mwangi**
Email: clempgm@gmail.com

Edmond Oladipo **Johnson**
Email: oladipojohnson60@yahoo.com

Mr Dickens Omondi **Awiti**
Email: awitidickens@gmail.com

APPENDIX II
AGENDA OF THE 3RD TECHNICAL COMMITTEE ON ALLOCATION CRITERIA

Date: 21–23 February 2016

Location: Kish Is., I.R. Iran

Venue: Building G7, Kish International Convention Center

Time: 09:00–17:00 daily

Chairperson: Mr Don MacKay; **Vice-Chairperson:** Nil

- 1. OPENING OF THE SESSION** (Chairperson & IOTC Secretariat)
- 2. LETTER OF CREDENTIALS** (IOTC Secretariat)
- 3. ADMISSION OF OBSERVERS** (Chairperson)
- 4. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION** (Chairperson)
 - IOTC–2016–TCAC03–01: Agenda for the 3rd Technical Committee on Allocation Criteria (TCAC03)
 - IOTC–2016–TCAC03–02: List of documents for the 3rd Technical Committee on Allocation Criteria (TCAC03)
- 5. DECISIONS OF THE COMMISSION RELATED TO THE WORK OF THE TCAC** (Chairperson & IOTC Secretariat)
 - IOTC–2016–TCAC03–03: Decisions of the Commission related to the work of the TCAC (Chairperson & IOTC Secretariat)
- 6. THE IOTC PROCESS: OUTCOMES, UPDATES AND PROGRESS**
 - 6.1 Progress on the recommendations of TCAC02 (Chairperson)
 - IOTC–2016–TCAC03–04: Progress on the recommendations of TCAC02 (IOTC Secretariat)
 - IOTC–2016–TCAC03–05: Report on the availability, completeness and quality of catch data for all fleets in the IOTC database (IOTC Secretariat)
 - 6.2 Guiding principles: Recalling from TCAC01 & TCAC02 (Chairperson)
 - IOTC–2016–TCAC03–06: Guiding principles: Recalling from TCAC01 & TCAC02 (IOTC Secretariat)
- 7. ALLOCATION CRITERIA** (Chairperson)
- 8. UPDATED PROPOSALS FOR A QUOTA ALLOCATION SYSTEM – RESOLUTION 14/02**
 - 8.1 Presentation and discussion of Proposals from Members
 - IOTC–2016–TCAC03–PropA: Quota allocation system for Indian Ocean tuna fisheries (Indonesia)
 - IOTC–2016–TCAC03–PropB: Proposal for TCAC03 (I.R. Iran)
 - IOTC–2016–TCAC03–PropC: On establishing a quota allocation system for the main targeted species in the IOTC area of competence (European Union)
 - IOTC–2016–TCAC03–PropD: On establishing a quota allocation system for the main targeted species in the IOTC area of competence (Seychelles)
 - 8.2 Deliberations for a combined proposal
- 9. PROPOSALS FOR ALTERNATIVE MANAGEMENT MEASURES AS STATED IN RESOLUTION 14/02** (Chairperson)
 - IOTC–2016–TCAC03–PropE: Limiting fishing capacity in the IOTC area of competence. Based on reference capacities (2006 for vessels targeting trop. tunas and 2007 for vessels targeting SWO and ALB) and achieved fleet development plans (European Union)

10. OTHER BUSINESS

10.1 Date and place of the 4th Session of the Technical Committee on Allocation Criteria (TCAC04)
(Chairperson)

10.2 Election of a Chairperson and Vice-Chairperson for the next biennium (IOTC Secretariat)

11. REVIEW OF THE DRAFT, AND ADOPTION OF THE REPORT OF THE 3rd TECHNICAL COMMITTEE ON ALLOCATION CRITERIA (TCAC03) (Chairperson)

APPENDIX III
LIST OF DOCUMENTS

Document	Title	Availability
IOTC–2016–TCAC03–01	Draft: Agenda for the 3 rd Technical Committee on Allocation Criteria (TCAC03)	✓ 30 December 2015 ✓ 9 February 2016
IOTC–2016–TCAC03–02	Draft: List of documents for the 3 rd Technical Committee on Allocation Criteria (TCAC03)	✓ 22 January 2016 ✓ 9 February 2016
IOTC–2016–TCAC03–03	Decisions of the Commission related to the work of the TCAC (Chairperson & IOTC Secretariat)	✓ 22 January 2016
IOTC–2016–TCAC03–04	Progress on the recommendations of TCAC02 (IOTC Secretariat)	✓ 22 January 2016
IOTC–2016–TCAC03–05	Report on the availability, completeness and quality of catch data for all fleets in the IOTC database (IOTC Secretariat)	✓ 22 January 2016
IOTC–2016–TCAC03–06	Guiding principles: Recalling from TCAC01 & TCAC02 (IOTC Secretariat)	✓ 22 January 2016
<i>Proposals for allocation quota system</i>		
IOTC–2016–TCAC03–PropA	Quota allocation system for Indian Ocean tuna fisheries (Indonesia)	✓ 20 January 2016
IOTC–2016–TCAC03–PropB	Proposal for TCAC03 (I.R. Iran)	✓ 21 January 2016
IOTC–2016–TCAC03–PropC	On establishing a quota allocation system for the main targeted species in the IOTC area of competence (European Union)	✓ 21 January 2016
IOTC–2016–TCAC03–PropD	On establishing a quota allocation system for the main targeted species in the IOTC area of competence (Seychelles)	✓ 22 January 2016
<i>Proposals for alternative management measures as stated in Resolution 14/02</i>		
IOTC–2016–TCAC03–PropE	Limiting fishing capacity in the IOTC area of competence. Based on reference capacities (2006 for vessels targeting trop. tunas and 2007 for vessels targeting SWO and ALB) and achieved fleet development plans (European Union)	✓ 21 January 2016
<i>Information papers</i>		
IOTC–2016–TCAC03–INF01	Paper submitted by the G16 group of like-minded coastal States of the Indian Ocean on guiding principles for allocation criteria (Australia, Bangladesh, Indonesia, Iran, Kenya, Malaysia, Maldives, Mauritius, Madagascar, Mozambique, Oman, Pakistan, Seychelles, South Africa, Sri Lanka and Tanzania)	✓ 20 February 2016
IOTC–2016–TCAC03–INF02	Paper submitted by the group of IOTC coastal States and Distant Water Fishing Nations on common principles for an allocation system (European Union, France (OT))	✓ 22 February 2016

APPENDIX IV GUIDING LEGAL TEXT

Article V, paragraphs 1 and 2d, and Article XVI of the IOTC Agreement.

Article V. Objectives, Functions and Responsibilities of the Commission

1. *The Commission shall promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks.*

2. *In order to achieve these objectives, the Commission shall have the following functions and responsibilities, in accordance with the principles expressed in the relevant provisions of the United Nations Convention on the Law of the Sea:*

(d) to keep under review the economic and social aspects of the fisheries based on the stocks covered by this Agreement bearing in mind, in particular, the interests of developing coastal states;

Article XVI Coastal States' Rights

This Agreement shall not prejudice the exercise of sovereign rights of a coastal state in accordance with the international law of the sea for the purposes of exploring and exploiting, conserving and managing the living resources, including the highly migratory species, within a zone of up to 200 nautical miles under its jurisdiction.

Part V of the Convention of the Law of the Sea on Exclusive Economic Zones; Articles 55, 56, 62, 63 and 64.

Article 55 Specific legal regime of the exclusive economic zone.

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.

Article 56 Rights, jurisdiction and duties of the coastal State in the exclusive economic zone.

1. *In the exclusive economic zone, the coastal State has:*

(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superadjacent 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.

2. *In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.*

3. *The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.*

Article 62 Utilization of the living resources

1. *The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to article 61.*

2. *The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other States access to the surplus of the allowable*

catch, having particular regard to the provisions of articles 69 and 70, especially in relation to the developing States mentioned therein.

3. In giving access to other States to its exclusive economic zone under this article, the coastal State shall take into account all relevant factors, including, inter alia, the significance of the living resources of the area to the economy of the coastal State concerned and its other national interests, the provisions of articles 69 and 70, the requirements of developing States in the subregion or region in harvesting part of the surplus and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks.

4. Nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the other terms and conditions established in the laws and regulations of the coastal State. These laws and regulations shall be consistent with this Convention and may relate inter alia, to the following:

(a) licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;

(b) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period;

(c) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used;

(d) fixing the age and size of fish and other species that may be caught;

(e) specifying information required of fishing vessels, including catch and effort statistics and vessel position reports;

(f) requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;

(g) the placing of observers or trainees on board such vessels by the coastal State;

(h) the landing of all or any part of the catch by such vessels in the ports of the coastal State;

(i) terms and conditions relating to joint ventures or other cooperative arrangements;

(j) requirements for the training of personnel and the transfer of fisheries technology, including enhancement of the coastal State's capability of undertaking fisheries research;

(k) enforcement procedures.

5. Coastal States shall give due notice of conservation and management laws and regulations

Article 63 Stocks occurring within the exclusive economic zones of two or more coastal States or both within the exclusive economic zone and in an area beyond and adjacent to it.

1. Where the same stock or stocks of associated species occur within the exclusive economic zones of two or more coastal States, these States shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to coordinate and ensure the conservation and development of such stocks without prejudice to the other provisions of this Part.

2. Where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area.

Article 64 Highly migratory species.

1. The coastal State and other States whose nationals fish in the region for the highly migratory species listed in Annex I shall cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone. In regions for which no appropriate international organization exists, the coastal State and other States whose nationals harvest these species in the region shall cooperate to establish such an organization and participate in its work.

2. The provisions of paragraph 1 apply in addition to the other provisions of this Part.

APPENDIX V
G16 GROUP OF LIKE-MINDED COASTAL STATES OF THE INDIAN OCEAN ON GUIDING
PRINCIPLES FOR ALLOCATION CRITERIA

Submitted by Australia, Bangladesh, Indonesia, Iran, Kenya, Malaysia, Maldives, Mauritius, Madagascar, Mozambique, Oman, Pakistan, Seychelles, South Africa, Sri Lanka and Tanzania without prejudice to the further development of positions individually or collectively.

Principles of Allocation

- a. Sustainability to be achieved through appropriate overall limits on each stock in accordance with agreed TRPs and Harvest Control Rules. Any allocation system must support sustainability by ensuring compliance with overall catch limits.
- b. Upfront allocations or mechanisms to reallocate over time must be inbuilt in order to ensure opportunities for development and leveraging livelihoods and food security aspirations of small, vulnerable economies and developing Coastal States and small islands and those with large fleets of subsistence vessels.
- c. Consistent with the sovereign rights of coastal States, their catch must be based on the level of resources and fishing opportunities of each relevant IOTC fish species in their EEZ.
- d. Consistent with the sovereign rights of coastal States, where catch history in EEZs is used, it must be solely attributable to the coastal State, regardless of the flag of the fishing vessel(s).
- e. Allocation in respect of high seas opportunities must facilitate increased participation by IOTC developing coastal States.

Data Review

The IOTC Secretariat is requested to conduct a review of all available catch history in the IOTC area. The purpose of such a review is to collate information on a spatial and temporal basis (individual EEZs and High Seas areas over time).

APPENDIX VI

GROUP OF IOTC COASTAL STATES AND DISTANT WATER FISHING NATIONS ON COMMON PRINCIPLES FOR AN ALLOCATION SYSTEM

Submitted by European Union and France on behalf of its Indian Ocean Territories.

The Group of IOTC Coastal States and Distant Water Fishing Nations having analysed the existing proposals for establishing a quota allocation system in the IOTC and taking into account discussions undertaken in the 1st, 2nd and 3rd meetings of the Technical Committee Allocation Criteria (TCAC1, TCAC2 and TCAC3) agreed to propose common principles on an allocation system

These common principles aim to contribute to progress on the definition of an allocation criteria system taking into account the main principles supported by all IOTC members in the 1st meeting of the Technical Committee Allocation Criteria, and to establish common grounds with the proposal made at the TCAC3 by the G16 Group of like-minded coastal states.

Principles for Allocation

- a) ensure the sustainable utilisation of the resource,
- b) allocate fair and equitable fishing opportunities to all participants and ensure transparency, predictability and progressiveness,
- 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 according to the principles of sustainable and responsible fisheries, giving priority to the most disadvantaged nations (small islands developing States and Least Developed States),
- 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 trade 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 in accordance with scientific criteria,
- l) consider food security issues, which shall include not only the catch of tuna and tuna-like species, but also their processing and trade,
- m) take into account, if applicable, bio-ecological significance,
- n) take into account contributions for research, data collection and compliance capacity building,
- o) foresee a system to allocate fishing rights to new coastal state entrants.

Data Review

Contracting Parties are requested to make all necessary efforts to improve compliance with Resolutions concerning data reporting (15/01, 15/02 and 11/04) to allow the IOTC secretariat to review catch history data in IOTC area in order to the definition of an allocation criteria system based on the reality of the fisheries managed by the IOTC.

The document IOTC-2016-TCAC03-05 in its figures 5a-b clearly shows that it is not possible for the IOTC secretariat under the current data requirements to separate data between EEZ and high seas.

APPENDIX VII
POSSIBLE PRINCIPLES FOR ALLOCATION
(working paper for further discussion)

- a. Sustainability to be achieved through appropriate overall limits on each stock in accordance with agreed TRPs and Harvest Control Rules. Any allocation system must support sustainability by ensuring compliance with overall catch limits.
- b. Upfront allocations or mechanisms to reallocate over time must be inbuilt in order to ensure opportunities for development and leveraging livelihoods and food security aspirations of small, vulnerable economies and developing Coastal States and small islands and those with large fleets of subsistence vessels.
- c. Consistent with the sovereign rights of coastal States, their catch must be based on the level of resources and fishing opportunities of each relevant IOTC fish species in their EEZ.
- d. Consistent with the sovereign rights of coastal States, where catch history in EEZs is used, it must be solely attributable to the coastal State, regardless of the flag of the fishing vessel(s).
- e. Allocation in respect of high seas opportunities must facilitate increased participation by IOTC developing coastal States.
- f. Ensure the sustainable utilisation of the resource,
- g. Allocate fair and equitable fishing opportunities to all participants and ensure transparency, predictability and progressiveness,
- h. Recognise the rights of both Indian Ocean coastal states and distant water fishing nations,
- i. Take into account the aspirations of Indian Ocean coastal states, including to develop their fishing opportunities according to the principles of sustainable and responsible fisheries, giving priority to the most disadvantaged nations (small islands developing States and Least Developed States),
- j. 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,
- k. Consider the weight of trade of tuna products on economies and on the global consumption of tuna products of Contracting Parties,
- l. Reflect the compliance record/status of each CPC,
- m. Consider incentives for compliance with IOTC Conservation and Management Measures,
- n. Enforce effectively rules against IUU fishing,
- o. Consider degree of sustainability of fishing methods with respect to ecosystem approach,
- p. Authorise the transferability (lease) of allocations in accordance with scientific criteria,
- q. Consider food security issues, which shall include not only the catch of tuna and tuna-like species, but also their processing and trade,
- r. Take into account, if applicable, bio-ecological significance,
- s. Take into account contributions for research, data collection and compliance capacity building,
- t. Foresee a system to allocate fishing rights to new coastal state entrants.

APPENDIX VIII
STATEMENTS BY THE REPUBLIC OF MAURITIUS AND THE UNITED KINGDOM (OT)

Mauritius: Statement on the European Union’s paper IOTC-2016-TCAC03-PropE

- “a) Mauritius does not recognize the so-called British Indian Ocean Territory. The Chagos Archipelago was illegally excised from the territory of Mauritius prior to its independence in violation of UN General Assembly resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965.*
- b) Under both Mauritian law and International law, the Chagos Archipelago including Diego Garcia is under the sovereignty of Mauritius. Mauritius objects to the proposed allocation of a quota to UK on the basis of Chagos Archipelago.*
- c) As Chagos Archipelago forms an integral part of the Republic of Mauritius, the calculation of the Baseline Nominal Catch Proportion of the Republic of Mauritius should also include the catch per area in the waters around Chagos Archipelago.”*

United Kingdom (OT): Statement in response to the above statement from Mauritius

“In response to Mauritius’ statement; the Government of the United Kingdom has no doubt regarding its sovereignty of the Chagos Archipelago, which has been British since 1814 and which it administers as the British Indian Ocean Territory. Whilst the UK Government does not recognise the Republic of Mauritius’ claim to sovereignty of the Archipelago the UK has repeatedly undertaken to cede it to Mauritius, when no longer required for defence purposes, and we maintain that commitment. These defence purposes contribute significantly towards global security, and are central to efforts at countering regional threats, including those from terrorism and piracy.”

APPENDIX IX
RECOMMENDATIONS OF THE 3RD TECHNICAL COMMITTEE ON ALLOCATION CRITERIA
(TCAC03)

Note: Appendix reference refer to the Report of the 3rd Session of the Technical Committee on Allocation Criteria (IOTC–2016–TCAC03–R)

Report on the availability, completeness and quality of catch data for all fleets in the IOTC database

TCAC03.01 ([para. 19](#)) The TCAC **RECOMMENDED** that the IOTC Secretariat identify the concerned parties whose vessels were operating under *Flags of Convenience* and encourage them to provide missing data for both the longline and surface fisheries.

Updated proposals for an Allocation Quota System: Resolution 14/02

TCAC03.02 ([para. 52](#)) The TCAC **RECOMMENDED** that the Commission note that it had been possible to have a comprehensive and constructive exchange of views based on the written proposals that had been presented by several delegations, as well as two information papers that had been presented by two separate groups of delegations. While there were significant differences of view on some issues, it was already possible to identify potential convergence of views on others, and further work would bring the various positions much closer together.

TCAC03.03 ([para. 53](#)) The TCAC **RECOMMENDED** the Program of Work for the TCAC include:

- a. Guiding Principles: That the combined paper on possible guiding principles discussed at the TCAC03 for a system of allocation, which is provided at [Appendix VII](#), be the basis of further work at the next meeting.
- b. Further discussion on alternative measures in accordance with [paragraph 61](#).

TCAC03.04 ([para. 54](#)) The TCAC **RECOMMENDED** that the IOTC Secretariat should facilitate a review of all available catch history data in the IOTC area of competence, with the purpose of collating information on a spatial and temporal basis, thereby permitting CPCs to better understand the catches made within individual EEZs and on the High Seas, over time, and also the development and refinement of estimation procedures, consistent with the rules of the Commission.

Date and place of the 4th Session of the Technical Committee on Allocation Criteria (TCAC04)

TCAC03.05 ([para. 63](#)) **NOTING** that the current length of the TCAC (3 days) may not be sufficient to progress the various issues, the TCAC **RECOMMENDED** the next TCAC meeting should be 4 days in duration, though the Commission should review this at its next Session. The venue and dates (in 2017) shall also be finalised by the Commission.

Chairperson

TCAC03.06 ([para. 65](#)) The TCAC **AGREED** that the contracting of an independent Chairperson has benefited the TCAC process substantially, and **RECOMMENDED** that the Commission include funds for this purpose in its 2017 and 2018 budgets.

Review of the Draft and Adoption of the report of the 3rd Technical Committee on Allocation Criteria (TCAC03)

TCAC03.07 ([para. 66](#)) The TCAC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from TCAC03, provided at [Appendix IX](#).