



Indian Ocean Tuna Commission  
Commission des Thons de l'Océan Indien



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# **Report of the Technical Committee Meeting on Allocation Criteria**

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**Nairobi, Kenya 16-18 February 2011**

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**IOTC-2011-SS4-R[E]**

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AS OF 18<sup>TH</sup> MARCH 2010

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## **I. Opening of the Session**

1. The Indian Ocean Tuna Commission (IOTC) Technical Committee on Allocation Criteria was held in Nairobi, Kenya, from 16 to 18 February 2011. Delegates from 21 Members of the Commission, 1 Cooperating non-Contracting Party and 4 Observers attended the Session. The list of participants is attached as Appendix I.
2. On behalf of the Government of Kenya, the Honorable Amason Jeffah Kingi, Minister for Fisheries Development of the government of Kenya welcomed the participants to Nairobi and declared the meeting open (Appendix II). The Technical Committee agreed that the Chairperson of IOTC, Mr. Rondolph Payet, chair the meeting.

## **II. Adoption of the Agenda**

3. The Technical Committee adopted the Agenda as presented in Appendix III to this report, with the addition of a presentation to be given by the Delegate from India under Agenda item 3. The documents presented to the Committee are listed in Appendix IV.
4. It was recalled that this Technical Committee had been called by the Commission in Resolution 10/01 adopted in March 2010 in Busan, Korea, with the objective to discuss and recommend an allocation quota system, or any other relevant measures, for the management of tuna and tune-like resources in the Indian Ocean.
5. Sri Lanka presented the conclusions of a Consultation on Indian Ocean Fisheries and Tuna, held in Colombo, 7-12 February 2011, under the auspices of the Indian Ocean Marine Affairs Cooperation (IOMAC), the relevant text will be made available to the Secretariat for transmission to participants.

## **III. Background information on allocation criteria**

### **A. Review of allocation criteria systems in other tuna RFMOs.**

6. The Secretariat presented a review of the allocation criteria systems developed in the four other tuna RFMOs (IOTC-2011-SS4-03), *i.e.* the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Inter-American Tropical Tuna Commission (IATTC) and the Western and Central Pacific Fisheries Commission (WCPFC).
7. In all cases, a two-step management process has been applied, i) establishment of a limit on fishing activities (*e.g.* catch or fishing capacity limit) and ii) the allocation of fishing opportunities amongst participants themselves.
8. Formal allocation procedures are yet to be adopted by any of the tuna RFMOs, however, the text of the Conventions of CCSBT and WCPFC include guidelines for allocation of fishing opportunities, and ICCAT adopted a set of guidelines for the negotiation of quotas at each allocation cycle. The IATTC does not allocate quotas, but adopts a Total Allowable Catch (TAC) and a closure date when the TAC is expected to be reached is determined by the Secretariat based on catch reports.
9. The comparison reveals that although the approaches take into account the differences between the oceans, there is also similarity in the criteria taken into account.

### **B. Criteria for evolving quota system for Indian Ocean tuna resources**

10. The delegate from India briefly introduced his views from the perspective of a developing coastal state. He stated that while considering the historical rights of distant water fishing nations, coastal states' right for development had to be adequately addressed. In addition he mentioned that neighbourhood rights (*e.g.* area of the Exclusive Economic Zone (EEZ), length of coastline, area of the continental shelf,

coastal fisher population, *etc.*), sovereign rights of the coastal states as well as socioeconomic criteria needed to be considered.

## **IV. Proposals for a quota allocation criteria system in IOTC**

11. The Technical Committee reviewed the four proposals presented before it, with the addition of a fifth proposal introduced by the Republic of Korea during the meeting.

### **A. Proposal A**

12. Indonesia introduced its proposal (IOTC-2011-SS4-PropA) by highlighting the urgent need to develop a quota allocation system that will ensure the sustainable utilization of resources of tuna and tuna-like species in the Indian Ocean. Sustainable utilization would be key to ensuring food security for coastal states in the region. The proposal is based on six criteria to be taken into account when allocating quotas and aimed to respect the aspirations of all CPCs: *i*) geographic area, *ii*) history of tuna fisheries, *iii*) historical catch (1999-2009), *iv*) fleets and fishing gears, *v*) Socio-economic context, and *vi*) environmental concerns. The Indonesian proposal did not include any weighting factors to be applied and is to be considered as guidelines for a negotiation process.

### **B. Proposal B**

13. Seychelles introduced a proposal (IOTC-2011-SS4-PropB) based on a hybrid system of attributing all historical catches in the EEZs of Indian Ocean coastal states to those coastal states, and historical catches by eligible flag states fishing on the high seas to those flag states. Seychelles explained that this hybrid system takes into consideration the aspirations of coastal states as well as their sovereign rights on the resources within their EEZs, and historical rights and investment efforts of distant water fishing nations. Once the baseline catch is established, correction factors are applied to account for lack of compliance, membership status and status of financial contributions for each potential participant. A utilization plan would be required from the participants. From the out-set, allocation can be transferred for each allocation period. After the initial fifteen years, a decision will be made on whether trade will be permitted.
14. Seychelles indicated that the example accompanying the proposal included data from only the purse-seine and longline fleets for illustrative purposes only, and stressed that any future allocation system would include artisanal catch data, such as those from the gillnet and pole-and-line fisheries. These, and other fisheries, were not included as the catch-and-effort data required for this procedure are not available for these fisheries in a spatially disaggregated form at present. The proposal makes provisions for newcomers through a percentage set-aside yet to be discussed.
15. Furthermore, Seychelles indicated that the thirty years reference period used for historical catches was only for illustrative purpose and that a more suitable period was open for discussion.
16. Following the presentation of the proposal, Mauritius and the United Kingdom requested the inclusion of the statements listed in Appendix V.

### **C. Proposal C**

17. The European Union (EU) introduced its proposal (IOTC-2011-SS4-PropC), which sets a baseline for allocation based on historical catches by flag state on a reference period of ten years that would better reflect the reality of the fishery.
18. At the same time the EU presented the provisions of its proposal related to the establishment of a set-aside, as a percentage of a TAC, which will be allocated amongst developing states and territories in order to meet their legitimate aspirations.

19. This set-aside, and its allocation amongst the developing states and territories should be based on concrete criteria such as the fleet development plans as well as other criteria to be decided by the Commission, which should take into account the different aspects of the developing states and territories status.
20. The EU proposal aims to recognize the rights and aspirations of both coastal states, and distant water fishing nations that have historically fished and invested in the Indian Ocean. The proposal outlines several main principles to be followed in developing an allocation system, as well as a series of correction factors, mainly based on compliance record/status, membership status and delay in payment of contributions. Positive correction factors will also be taken into account, *i.e.* positive compliance status, actions taken to address the situation of its vessels listed as IUU, support and implementation of scientific research.
21. The respective weight on this negative/positive correction factors would have to be discussed and agreed upon; provisions on voluntary transfers of quota, as well as reporting/payback/monitoring of implementation are also included in the proposal.

#### **D. Proposal D**

22. The I.R. of Iran introduced a proposal (IOTC-2011-SS4-PropD) based on historical catches during the last decade by flag states as a baseline. The proposal considers five factors and a weighting scheme based on: *i*) socio-economic aspects of tuna fisheries (30%), *ii*) implementation of responsible fishery practices (25%), *iii*) being an Indian Ocean coastal state (15%), *iv*) being an IOTC Member (15%), *v*) comply and cooperate with IOTC resolutions (15%). Iran stressed the need for a working group to further develop the implementation of a quota allocation system in a period of time.

#### **E. Proposal E**

23. Korea introduced its proposal (IOTC-2011-SS4-PropE), which emphasized the need to have a reference period adapted to the different CPCs. In the case of Korea, whose catches declined after the mid-70s, the proposed reference period would start in 1960. Such a historical pattern of Korean catch has been driven in particular by the effective exploitation strategy over the oceans, shifting from the Indian Ocean to the Pacific Ocean for the sake of reducing the fishing pressure on the stocks concerned, and due to Somali piracy problems in recent years. In addition Korea proposed to consider and adopt separate conservation and management measures for longline and purse-seine fleets as implemented in other RFMOs.

### **V. General discussion and guiding principles**

24. It was recognized that the process of establishing allocation criteria is complex and unlikely to be completed in the short time available for this meeting. Nevertheless, it was also recognized that progressing on the basis of common ground in the positions expressed at the meeting, including an agreement on basic principles that could guide further developments of an approach to allocation, was of high importance.
25. The Technical Committee also recognized that there are advantages to a mechanistic approach including transparency, in which allocations are calculated on the basis of a formula that incorporates the basic principles enunciated below, as opposed to a list of criteria that would require extensive negotiations at each allocation cycle.
26. A quota allocation system should be structured around guiding principles (*e.g.* sustainable fisheries, equitable distribution of the benefits, *etc.*); the allocation criteria (*e.g.* catch history, socio-economic status, geographical location, *etc.*); and indicators that quantify each of the allocation criteria (*e.g.* catch by area or catch by flag, population size, human development indicators, size of the EEZ in the Indian Ocean, *etc.*). A formula that combines all these elements would be used to derive a baseline allocation.

27. This baseline would be adjusted according to defined correction factors (*e.g.* membership status, compliance status, *etc.*) in order to obtain a final allocation for each eligible CPC.
28. Rules of implementation could be defined to regulate the manner in which the allocation is placed into effect by each CPC (*e.g.* transfer (lease of quota), submission of a utilization plan, any additional monitoring requirements to ensure correct reporting of compliance with the allocation system).
29. The following is a non-exhaustive list of the elements of a quota allocation system that were discussed and received support. The allocation system should include principle such as:
  - 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,and criteria such as:
  - 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
30. 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 VI.
31. Some CPCs, including coastal states IOTC Members, indicated that some of the elements included in the coastal states statement would be acceptable. However, they expressed their clear disagreement on others such as the catch by area element.
32. The Technical Committee agreed that, while it would be desirable to have an agreed allocation procedure for 2012, the complexity of the issue might preclude such an agreement being reached. Nevertheless, and recognizing that the overriding goal is to adopt a conservation measure that would ensure the sustainability of the resources involved, the Meeting noted that, if necessary and on the basis of scientific advice, other management measures will be available to the Commission to achieve that goal, while discussions on a quota allocation system continue.
33. The Technical Committee acknowledged the constructive nature of the new elements presented during the debate. To continue with the development of an allocation mechanism incorporating these elements, it was agreed that further inter-sessional work is required, including convening another Technical Meeting before the IOTC Session in 2012. Parties are encouraged to conduct inter-sessional consultations with the goal of working towards a revised proposal that could be supported by all Parties. 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.
34. Noting that historical catch data is likely to be an important component of the baseline calculation for the allocation system, the Technical Committee agreed that the Secretariat prepares, for the next meeting, a document on the availability, completeness and quality of data for all fleets in IOTC database.
35. The Technical Committee also recognized that the mandate it received from Resolution 10/01 includes consideration of alternative management measures. However, it noted that it was not in a position to discuss alternative measures with the information available. These measures would have more appropriately to be discussed during the Session of the Commission on the basis of scientific advice. A request was made to the Secretariat to provide information on alternative conservation and management measures implemented in other tuna RFMOs.
36. Maldives offered to host the next meeting of the Technical Committee in January 2012.



## **VI. Adoption of the report**

37. The report of the Technical Committee meeting on Allocation Criteria was adopted on the 18<sup>th</sup> February 2011.

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## **APPENDIX II**

### **OPENING ADDRESS BY HONORABLE AMASON JEFFAH KINGI, MINISTER FOR FISHERIES DEVELOPMENT OF THE GOVERNMENT OF KENYA**

The Permanent Secretary, Ministry of Fisheries Development,  
Professor Micheni Ntiba,  
The Secretary General IOTC, Mr. Alejandro Anganuzzi,  
Country Delegates,  
Ladies and Gentlemen

I take this opportunity to welcome all of you to this auspicious occasion of the technical committee meeting on allocation and criteria session of the Indian Ocean Tuna Commission (IOTC). For those of you coming from outside Kenya, I would like to welcome you to this beautiful country and specifically the city of Nairobi. Please feel at home and enjoy the relaxing atmosphere and ensure you have a safari tour to see our wildlife and the countryside.

This meeting was necessitated by the current situation whereby the tuna stocks are thought to be fully exploited or overfished. The working group resolution is supposed to propose to the commission on issues pertaining to exploitation of the tuna stocks. It is my hope that the deliberations here lead the commission into coming up with a strategy for the management of tuna resources to guarantee intergenerational equity.

Distinguished Guests,

The Indian Ocean fishery has had one of the most successful tuna tagging programmes with over 160,000 fish tagged and 10,000 recovered. The wealth of information gathered through this programme should also be utilized to ensure better management of the tuna resources. Tunas are known to be highly migratory and under the United Nations Convention on the Law of the Sea (UNCLOS) are supposed to be managed regionally. The challenge of effective Monitoring Control and Surveillance (MCS) is always expected and I would call on all countries to improve their flag and port state measures to curb the Illegal, Unreported and Unregulated (IUU) fishing. Harmonization of the regional penalties for the defaulters should also be encouraged to deter illegal fishing activities.

A working data collection system is an important tool for decision making. However, it's known that data collection is a costly exercise and sometimes poses logistical nightmare while undertaking especially the observer problem. As such allocation of resources towards MCS is overlooked by the planners, yet the data from MCS plays an important role in assisting them during decision making. The gathered information assists a lot in development and proper utilization of the fisheries resources, taking into account the Code of Conduct for Responsible Fisheries.

Ladies and Gentlemen,

Historical catches have shown that the exploitation of the tuna stocks in the Indian Ocean hit an all time high during the 2004 to 2006 season from where the catches have now been on a downward trend. History has shown us that without proper management of the fish stocks, the collapse of a fishery is eminent and this is what we are gathered here to prevent.

The collection of tuna data in the region has not been very effective and yet without data, decision making becomes difficult. I would urge all member and co-operating non contracting members of the IOTC to ensure that the data on tuna catches by their fleets are well documented and reported in time so that the Scientific Working Party can generate better estimates for proper stocks management. I would also like to thank the IOTC for setting aside a fund for scientists from developing nations to attend the working party meetings and urge the countries to take advantage of the fund for an increased understanding of the stock status.

Distinguished Guests,

The problem of Somali piracy has been affecting the tuna industry and I urge this meeting to ensure that the matter gets high attention during the Nairobi meeting and eventually at the commissioner's meeting.

As a country, Kenya has undertaken significant steps by creating a ministry specifically responsible for the management and development of fisheries resources, known as the Ministry of Fisheries Development. The ministry has undertaken various initiatives geared towards increasing the contribution of fisheries to the national economy. The Kenya oceans and fisheries policy places high priority to the development of Kenya's marine fisheries mainly due to the reduced production from the inland fisheries. The current marine production stands at 7,000 against the potential of 150,000 that the country is planning to exploit. The policy of my ministry is to enhance the exploitation of the territorial waters and the EEZ through public private partnership.

The country has passed a cabinet memo that aims at setting up a Coast Guard with the role of protecting the waters from illegal activities. An inter-agency Kenya Oceans Fisheries Council has been formed aimed at providing for a comprehensive framework for ocean governance.

Kenya is in the process of finalizing its fleet development plan that will soon be forwarded to the IOTC. The current production from the marine waters has been low but the fisheries policy recently started by the government aims at ensuring utilization of the territorial waters and the EEZ. In line with this, the Government is in the process of setting up a fishing port at Lamu to improve on the current available infrastructure.

It is my hope that fifty years down the line when we walk into Tsukiji market, we shall still have plenty of sashimi from the Indian Ocean. Walking in a supermarket in Madrid, we can still have canned tuna from the Indian Ocean. A visit at Antsiranana will still find the locals roasting tuna along the streets. When one gets to Colombo, the boat making industry targeting tuna will still be employing the boat builders while there will still be cannery workers in Seychelles.

Finally Honorable Delegates, I would like to urge you to address the matter with a sober mind. Those of us with knowledge of the Darwin's Nightmare are aware of how facts can be manipulated to suit partisan interest which I hope will not happen in this Nairobi meeting. Let the selfless hope for the future generations be our guiding principle as we come up with the position to present to the commissioners meeting.

With these brief remarks, it is now my pleasure to declare this Conference officially open.

**APPENDIX III**  
**AGENDA OF THE TECHNICAL COMMITTEE MEETING ON ALLOCATION**  
**CRITERIA**

- 1. Opening of the Technical Committee**
- 2. Adoption of the Agenda**
- 3. Background information**
  - a. Review of allocation criteria systems in other Tuna RFMOs**
  - b. Criteria for developing a quota system for Indian Ocean tuna resources**
- 4. Proposals for a quotas allocation criteria system in IOTC**
  - a. Proposal A, submitted by Indonesia**
  - b. Proposal B, submitted by Seychelles**
  - c. Proposal C, submitted by the EU**
  - d. Proposal D, submitted by the I.R. of Iran**
  - e. Proposal E, submitted by Korea**
- 5. Adoption of the report**

## APPENDIX IV

### LIST OF DOCUMENTS

Reference / Référence	Title / Titre
IOTC-2011-SS4-01	[E] Agenda [F] Ordre du Jour
IOTC-2011-SS4-02	[E] List of documents [F] Liste des documents
IOTC-2011-SS4-PropA	[E] The criteria to use in allocating quotas amongst CPCs of IOTC. <i>Submitted by Indonesia.</i> [F] Proposition de critères à utiliser pour l'allocation des quotas entre CPCs de la CTOI. <i>Soumis par l'Indonésie.</i>
IOTC-2011-SS4-PropB	[E] On establishing a quota allocation system for the main targeted species in the iotc area of competence. <i>Submitted by Seychelles.</i> [F] Sur la mise en place d'un système d'allocation de quotas pour les principales espèces cibles dans la zone de compétence de la CTOI. <i>Soumis par les Seychelles.</i>
IOTC-2011-SS4-PropC	[E] On establishing a quota allocation system for the main targeted species in the iotc area of competence. <i>Submitted by the EU.</i> [F] Sur la mise en place d'un système d'allocation de quotas pour les principales espèces cibles dans la zone de compétence de la CTOI. <i>Soumis par l'UE.</i>
IOTC-2011-SS4-PropD	[E] On establishing a quota allocation system for the main targeted species in the IOTC area of competence. <i>Submitted by the I.R. of Iran.</i> [F] Sur la mise en place d'un système d'allocation de quotas pour les principales espèces cibles dans la zone de compétence de la CTOI. <i>Soumis par la R.I. d'Iran.</i>
IOTC-2011-SS4-PropE	[E] Korean proposal on setting historical reference year and other considerations. <i>Submitted by the Republic of Korea.</i> [F] Proposition coréenne sur la définition de l'année de référence historique et autres considérations. <i>Soumis par la République de Corée.</i>
<b>Information document / Document d'information</b>	
IOTC-2011-SS4-Inf01	[E] A comparison of the four quota allocation proposals submitted to IOTC. <i>Submitted by the United Kingdom.</i> [F] Une comparaison des quatre propositions d'allocation de quotas soumises à la CTOI. <i>Soumis par le Royaume Uni.</i>

**APPENDIX V**  
**STATEMENTS OF THE REPUBLIC OF MAURITIUS AND THE UNITED**  
**KINGDOM**  
**WITH REGARDS TO THE PROPOSED QUOTA ALLOCATION TO THE UNITED**  
**KINGDOM ON THE BASIS OF CHAGOS ARCHIPELAGO**

Statement of the Republic of Mauritius

- 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.

Statement of the United Kingdom

The UK has no doubt about its sovereignty over the British Indian Ocean Territory which was ceded to Britain in 1814 and has been a British dependency ever since.

As the UK Government has reiterated on many occasions, we have undertaken to cede the Territory to Mauritius when it is no longer needed for defense purposes.

It is important that BIOT receives a quota so that it is in place at such a time as the Territory is ceded to Mauritius.

## **APPENDIX VI**

### **BASIC GUIDING PRINCIPLES AGREED BY LIKE-MINDED COASTAL STATES**

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.

- |                               |                         |
|-------------------------------|-------------------------|
| 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