
CHAIR'S EXPLANATORY NOTE FOR THE 9TH MEETING OF THE TECHNICAL COMMITTEE ON ALLOCATION CRITERIA

Prepared by: The TCAC Chairperson

Dear Heads of delegation and Delegates,

We are scheduled to meet virtually November 2-5, 2021 to continue the work of the Committee to develop allocation criteria for the IOTC.

Based on the discussions to date, the exchanges on the first draft Chair's proposal during TCAC08 and the written comments received on Draft #1 (IOTC-2021-TCAC08-04 Rev1) during and after the TCAC08 meeting from many delegations, I have attempted to reflect all of these views in a second draft of the Chair's proposal for an Allocation Regime, which I will refer to as Draft #2 (IOTC-2021-TCAC09-02). While I have identified the delegation source of most changes in the side bar comments, I would refer delegations to the compilation of written comments on Draft #1 prepared by the Secretariat and contained in IOTC-2021-TCAC09-REF01. The focus of our TCAC09 meeting will be on Draft #2.

Draft #2 Chair's Proposal for an Allocation Regime for the IOTC

An annotated version of Draft #2 has been provided to delegations for the TCAC09 meeting (IOTC-2021-TCAC09-02a), which will be our key working document for the meeting. You will see all changes, additions and deletions have been tracked in the text. When I made substantive adjustments to text proposed by delegations, I have flagged this in side bar comments. You will also see that I have explained some of the changes I made, and I have raised certain issues requiring further discussion, in the side bar comments.

Where changes proposed have been opposed by one or more delegations, the change has been put in brackets. This is to reflect the lack of consensus to date on the wording. Where more than one proposal has been made with respect to the same part of the text, I have proposed text which tries to capture the intent of all proposals. Where this has not been possible, I have included the alternatives for TCAC Members to decide. In such instances, the text with the alternative text has been put in brackets. And, finally, where a delegation expressed a reservation on the text of a provision, brackets have been added to the text.

As you will see, while we have made good progress on a number of issues, we still have a lot of work to do, to achieve our common objective of developing an allocation regime for the IOTC. I still believe that this is possible if everyone continues to contribute in a positive and constructive way. This will be especially important in respect of those issues where polarized views continue to exist.

TCAC09

We will be meeting virtually for 4 hours each day for 4 days, with a 15 minutes break after 2 hours. Following the usual preliminary items, I will kick start the substantive part of the meeting with a brief presentation of Draft #2. We will then hear delegations' general overview comments on Draft #2. This is an opportunity for delegations to flag their most important priority issue, which they feel has either been, or not been, addressed by Draft #2.

This will be followed by a paragraph by paragraph review of the text which will likely subsume the rest of the meeting. I encourage intersessional work by all of you and your delegations. If you or a group

of delegations wish to propose changes or new text to be inserted in Draft #2, I would welcome these. It will be helpful if these were provided in writing. And, I would strongly encourage you to engage each other and consult one another on these proposed changes before you submit them to the Committee in November.

Negotiation Process

As in TCAC08, we will follow the standard practice of UN organisations for negotiating text. While many of you are accustomed to using this process, I have provided a summary of the rules in an annex to this memorandum for clarity.

Approach for 2022

I would also encourage you to provide written submissions after the TCAC09 meeting, which reflect your input at the meeting. My plan is to make changes and adjustments to Draft #2 after our November meeting, based on your interventions and written submissions. I will circulate a revised Draft #3 text early in 2022. We are scheduled to meet twice as a committee in 2022: March 14-17 and October 10-13. I sincerely hope that we can have these meetings in a face to face setting, as I would particularly like to finally meet all of you! But also because I think this will be helpful to advance our work together.

To make progress on the tough issues, it may be necessary for us to meet in smaller groups inter-sessionally in 2022 to tackle specific issues. I would propose that we discuss this on Day 4 of our meeting in November, so that we may plan for this in our approach moving forward in 2022.

I look forward to continuing our work together during our virtual meeting in November.

With kind regards,

Nadia Bouffard
Chair,
TCAC, IOTC

Process and Rules for Negotiating Text of IOTC Allocation Regime

- 1- Nothing is agreed to until the entire text is agreed to;
- 2- For a final text to move to the Commission for adoption, it will need to have consensus from all Members of TCAC, either by agreement from all, or no explicit objection raised;
- 3- The absence of proposed changes, reservations or brackets on a section, paragraph or text will amount to consensus. In such instances, the section, paragraph or text will be considered adopted and no further changes or comments will be taken on it in the next round of review.
- 4- Brackets on a portion or on an entire paragraph, means that there is no consensus on its content and wording.
- 5- If a delegation needs more time to consider a paragraph or a proposed change to a paragraph, the delegation can reserve the opportunity to come back to it, in which case the relevant text will be put in brackets.
- 6- When opposition is signaled by one or more delegations on a paragraph or a portion of it, and there is no consensus on the view expressed or proposed change, brackets will be put on the new wording proposed. This means that further discussions are required, and changes and comments will continue to be taken on the paragraph.
- 7- When alternative text proposals are made in respect of a paragraph, both or all options will be included in brackets, and Members will need to negotiate and eventually agree to a single text.
- 8- In the final rounds of negotiations, only wording remaining in brackets will be considered.

The role of the chair is not to decide for delegations or to choose one option or the other on text proposals. The Chair will make suggestions if it helps, or if there are matters that haven't been considered. It is up to delegations to decide if they wish to follow the Chair's suggestions. The Chair will propose wording to try to bridge the different views, but at the end of the day, delegations will need to be comfortable with the final text, and either give a show of support, or abstain from any comment, for the Chair to declare victory, and move the text for the Commission's consideration.

While this description of the process and rules is basic, clarifying the rules and expectations from the beginning, allows for a better process and as such, a better outcome.