**Agenda Item 9**

**Chair’s Summary of TCAC12 Meeting**

**- I want to first thank all chairs of the WGs who helped to move our work this week.**

**- It’s been a challenging week this week. I sense that many delegations feel they didn’t get what they were expecting from the discussions. I think that we made some good progress on a number of issues, but I also see that we need to make better/faster progress on some of the key issues.**

**CS Allocation Criteria and Indicators**

**-1. This week we advanced the discussion of the Coastal State Allocation Criteria and related indicators. New proposals were made for the criteria as well as the indicators. Based on the discussions around the table this week, these will be adjusted to reduce the number of indicators to those for which data are accessible from 3rd party internationally agreed sources.**

**- While delegations need time to consider these new criteria and indicators, I sense an openness to consider these changes, if they can be operationalized into quantifiable indicators that may be simulated for the next phase in the negotiations.**

**- Coastal States leading the work on this have agreed to do further work to evolve the wording of the indicators to make them quantifiable so that they may be simulated.**

**- I also heard the need to simulate the previous version of these criteria and indicators relying on HDI and GNI information, so that delegations may see the difference between the two options of Coastal State Allocation Criteria.**

**Outermost Territories and Overseas Territories**

**-2. Progress was made on the issue of eligibility of outermost territories and overseas territories to the criteria and indicators under the coastal State Allocation Criteria.**

**- A proposal has been agreed to adjust the text of the allocation regime to make it clear that France OT is treated as a Coastal State CPC under the Allocation Criteria.**

**- There was a recognition that the REIO has a coast line in the IOTC Area from its outermost territories, and as such, it should benefit of an allocation that relates to the size of the EEZ of its outermost territories in the IOTC Area of Competence.**

**- There was also a recognition that the REIO would not be seeking the application of paragraph 6.6(1)(b) of the Coastal State Allocation Criteria for its outermost territories.**

**- There remains a difference of views as to whether such REIO in relation to its outermost territories should benefit from the portion of the Coastal State Allocation Criteria related to aspirations under paragraph 6.6(1)(a). This will need to be resolved.**

**- Changes to the text will be required to effect all of these views.**

**Catch Estimates**

**-3. TCAC delegations were pleased to hear the Secretariat’s presentation on the Updated Catch Estimates Document produced for the meeting.**

**- It was recognized that the process for estimating catches was largely already in place for assisting stock assessments, but that an added layer of information and estimations was made (and required) to factor in the requirements of the current draft Allocation regime.**

**- Some concerns were expressed with the need for a process to validate catches, particularly those catches estimated in overlap areas differentiating catches within national jurisdictions from those on the high seas.**

**- The Catch Estimates and Process and methodology information presented a good segway into the discussion on catch history, the reference period associated to this, and the EEZ catch to be attributed to Coastal States.**

**Catch History Reference Period**

**-4. Delegations provided their preferences in respect of the current 4 options provided in the text of the allocation regime to determine catch history for the purpose of Catch Based Allocations.**

**- Some delegations expressed the need to factor in that catches were affected following piracy issues in the Eastern African waters post 2007.**

**- A summary table was provided by the Chairperson and adjusted to reflect the views of delegations expressed during the meeting. A majority of delegations supported option 3 – which consists of the Best 5-year average of catches taken during the period 1950-2016 for each CPC, while some delegations also supported options 1 and 4.**

**- While all delegations who supported option 2 expressed flexibility and a preference for another option which led one delegation to propose the elimination of Option 2, at least one delegation insisted on simulating all 4 options.**

**- And, while generally supporting a more simple approach for determining allocations, delegations appeared to be flexible in supporting the use of catch history distinct for each stock to be covered by the Allocation Regime.**

**EEZ Attributed Catches**

**-5. In respect of EEZ catches to be attributed to CS, there was an unequivocal position expressed by Coastal States in support of 100% of these catches to be attributed, and allocated to Coastal States.**

**- There was also an expression of willingness on the part of CS to consider a phasing in of the EEZ catch allocation through as short a transition period as possible.**

**- The delegations with recorded catch history in these EEZ waters expressed a willingness to transition the allocations of EEZ catches in an amount or proportion that they believe should be negotiated, and in a transition time that would depend on the amount to be attributed.**

**Transition Period**

**6- Discussions followed on the possible transition period and the rate of the transition.**

**-There was a majority view in support of a transition period of 6 years, essentially representing the equivalent of 2 allocation cycles.**

**- Other delegations preferred to leave the text open to negotiate the time period once simulations are provided.**

**- One such delegations proposed a 10 year period, subject to such negotiations.**

**- I proposed to reflect the discussion by including both the 6 year and 10 year options to help narrow down the future simulations, but both options would be put in brackets to reflect the lack of consensus on the period.**

**- At the request of TCAC members, I proposed text and two options for an Annex that reflected a table for a calendar and methodology for transitioning the EEZ attributed catch allocation.**

**- While no specific proposals were presented for the progression of the transition within the transition period, some delegations preferred that the transition start with a larger amount to support a commercial fishery from the start of the allocation period tapering off to a smaller amount of allocation over the transition period up to 100% of the allocation being provided by the end of the transition period, while others preferred starting small and growing the allocated amount over the period, to reduce the disturbance and economic impacts on their fleet.**

**-Some delegations indicated flexibility on a longer time period if the initial year one allocation during the transition, was a larger amount.**

**- The table reflected annual increments within the transition period, but no specific amount or percentage were included in the annual increments.**

**- The text and table with adjustments will be included in the text of the Allocation Regime.**

**- There was support for considering different transition periods for each stock to be allocated and the alternative option related to this will be reflected in the next version of the text of the allocation regime.**

**Geographical Scope of Allocation Regime**

**7. The TCAC then considered the Geographical Scope of the Allocation Regime**

**- There was an expression of general disappointment with the lack of legal advice from the FAO in time for this TCAC meeting, that may have provided clarity on the scope of the Area of Competence of the IOTC, which may impact views expressed by some delegations in support of excluding territorial seas and archipelagic waters from the application of the allocation regime with a view to protecting Coastal State sovereignty in these waters.**

**- While no progress was made on the scope of application clauses of the text, the TCAC members were generally supportive of the new provisions added to the text regarding the rights and obligations of CPCs in respect of allocations, as laid out in Art. 8.1.**

**Scope related to Stocks**

**8. In respect of the scope of stocks to which the allocation regime would apply, Members reiterated their consensus view that all 5 major stocks should be covered as a matter of priority, in the allocation regime.**

**- The committee considered a new proposal for changes to the text that would see the regime apply to the 5 big stocks (3 tropical tunas, albacore and swordfish), and a reference to an eventual decision to be made on whether to apply this regime or some other allocation measures to the remaining stocks of the IOTC.**

**- Concerns were expressed about the lack of data from some neritic species on this “other species list”, and the fact that some of these species are managed by another regional organization, thereby potentially causing a conflicting application of measures if the IOTC were to apply allocations to these stocks.**

**- Other members clearly preferred to apply the allocation text to all IOTC stocks and did not support excluding these stocks from the regime.**

**- I pointed out that in the list of “other species”, there were species that are NOT neritic but billfishes, which the committee may wish to consider in the context of determining which species to exclude, if any.**

**- It was agreed to insert the proposed changes to the text from the CS in brackets, to enable all delegations to consult further on this issue, and perhaps come back with alternative proposals to help achieve consensus.**

**- It was also agreed to insert the remaining part of Article 5 (5.3) in brackets until this resolution can be found, with a view to determine whether this section is required.**

**Presentation on Calendar and Implementation Process Plan**

**9. The TCAC heard a presentation from the Secretariat on the calendar and implementation process for the eventual allocation regime, and the different milestones, requirements and timelines.**

**- An alternative, faster track, process was also presented by the Secretariat, with the caveat that such an approach would be challenging to implement given current resources in the Secretariat.**

**- Several delegations spoke in favour of a faster process that would see an allocation regime adopted as quickly as possible, including the need to simulate allocation criteria in the near future, and some of the administrative steps outlined in the calendar implemented concurrently with the ongoing negotiations of the text.**

**Review of Allocation Process**

**- This was followed by a detailed review of the current options for an allocation process in the text in Art. 9.**

**- Changes were proposed throughout this section to reflect the consensus view that allocation related decisions should be taken directly by the Commission and to avoid the creation of an added layer – the Allocation Committee - proposed as one option throughout the text.**

**- Consensus was achieved on most of the changes to be made to Art. 9.**

**- There remains an outstanding issue regarding the legal vehicle used to effect Commission decisions on allocations – such as a resolution or the Commission Report – including, specifically, decisions regarding adjustments made to allocations, to ensure that CPCs may legally recognize these decisions and implement them into their national laws in their respective jurisdiction.**

**-Delegations agreed to consult with their respective lawyers and a follow up discussion will be required to finalize this text.**

**Other Provisions of the Allocation Text**

**- Delegations agreed to discuss three other themes in the text of the Allocation Regime: The Non-compliance provisions in Article 7; the new entrants provisions in Article 6.10 and the CNCP provisions in Article 6.11.**

**Non-Compliance**

**-10. In terms of the Task Group’s review of other provisions of the Allocation Text, progress was made in relation to the overcatch provisions in article 7.1 and the Significant non-compliance provisions in article 7.2, while one or two brackets remain in the text.**

**- Some proposals were made to add precision and make the text related to significant non-compliance more objective. There was also a recognition of the need to better align the text of article 7.2, in particular paragraph (c) with the Compliance Committee rules for consistency.**

**New Entrants**

**11. Clarifications were also provided in respect of the application of the allocation regime to New Entrants and consensus was achieved on the text proposed by the Chair with some minor adjustments.**

**- It was recognized that a process will be needed to verify and validate catch data for catch history of not only new entrants, but existing CPCs and that discussions would be held in the future on this, which may need to be reflected in the text of the Allocation Regime.**

**CNCPs**

**12. The Committee then considered the provisions of the text related to CNCPs. Some changes were agreed to simplify the text.**

**-Some delegations requested that the text related to the condition around the status of the stock and reference to the Kobe plot be put in to brackets for further reflection.**

**-One delegation opposed the idea of allocating any quota to CNCPs and hence the provision was put into brackets.**

**Conclusion**

**- The last thing I would say, is that in drafting my notes to summarize our week to date, it became obvious to me that we have made important progress this week.**

**- I hope this summary helps to convey this, as we all often tend to focus on the issues and the negative, and not taking a step back to see the progress made.**

**- This is not to say that we’ve resolved everything, far from it. Key critical issues still need to be fleshed out and resolved.**

**- I would propose we move to the next agenda item to discuss where we go from here.**