**9th Meeting of the Compliance Committee (CC9) and 12th Meeting of the Parties (MoP12)**

*Ebene, Mauritius, 25–27 June 2025 and 30 June – 04 July 2025*

**MoP-12-39**

Proposal for a new

CMM for a SIOFA allocation framework

Delegation of the Cook Islands

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| **Meeting** | Compliance Committee  Meeting of the Parties |
| **Document type** | working paper  information paper |
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| **Abstract** | |
| MOP11 endorsed the development of a SIOFA allocation framework and welcomed the offer from the Cook Islands to develop a paper to advance this work. Accordingly, this proposal outlines an interim allocation framework for SIOFA fisheries. It provides allocation criteria for the Meeting of the Parties to use when distributing participatory rights to CCPs.  The proposal responds to the various directions and discussions from the Meeting of the Parties and the Scientific Committee calling for the establishment of an allocation framework for SIOFA fisheries. This includes:   * SC9 recognising the need for allocation of catch and effort limits; * SC10 noting the value in considering potential flexibility in the setting of total allowable catches, including potential approaches to overage, underage, carryovers, multi-year limits and transferability; * MOP10 endorsing the 2nd SIOFA Performance Review recommendation 14 that ‘SIOFA CCPs engage in discussions towards a future regime for the allocation of fishing rights’. * MOP11 endorsing the 2nd Workshop on Harvest Strategy Development recommendation that the MOP ‘develop a framework for deciding allocations based on catch history, among other factors, and to advance this work in parallel with the development of harvest strategies’.   The allocation framework outlined in this proposal is ‘interim’ in the sense that it shall only apply until the MOP has adopted a harvest strategy for a particular SIOFA fishery that includes mechanisms for quota allocation (paragraph 4). It provides fair and transparent criteria for the MOP to apply, consistent with the SIOFA Agreement.  This proposal responds to the specific direction of the MOP. It also seeks to ensure that the MOP applies effective, sustainable and fair criteria for participation in SIOFA fisheries within areas of beyond national jurisdiction.  The Cook Islands welcomes open and constructive engagement from CCPs during CC9 and MOP12.  Rev1 amendments reflect CCPs’ input during CC9, including:   * Amending title to remove ‘interim’ noting that this is a high-level framework to guide MOP allocation distribution; * Addition of a new preambular paragraph referencing allocation agreement within the functions of RFMOs; * Amendment to paragraph 1 to clarify that the MOP shall apply the allocation framework to SIOFA fisheries on a stock or species basis (i.e. that may differ for different species or stock). * Deletion of paragraph 3 noting CCPs comments that this paragraph makes the CMM’s application unclear. * Addition of footnote in paragraph 6(a) to clarify that historical catch under the SIOFA framework may differ between species based on when SIOFA adopted CMMs. * Amendment to paragraph 6(c) to include reference to coastal States based on input received from CCPs. * Amendment to paragraph 6(d) to include reference to contributions to science. * Deletion of review clause (paragraph 11) to reflect comments made by various CCPs indicating a preference for stability of the measure.   Rev2 amendments in highlight:   * Para 6(a): Amendments to clarify the scope of ‘historical catch’ to reflect comments from CCPs. The new paragraph 6(a) now includes three clear timeframes. This includes (i) historical catch prior to SIOFA Agreement entering into force; (jj) historical catch from the start of SIOFA Agreement until now; and (iii) future catch. To reflect this, the timeframes are aligned to reporting dates. * Para 7(b): Amendment to broaden consideration to all of paragraph 6 criteria. * Para 7(c): Amendment to include a clarification that the MOP has the discretion to allocate less than 5% to individual new entrants. * Paragraph 10: New paragraph to ensure that new entrants have a genuine interest in a fishery and to ensure that existing participants are not unfairly impacted by new entrants that have no intention of fishing their allocation.   **Rev3** outlines the current positions on paragraphs where CCPs have differing views.  In addition, this revision contains some requested edits in highlight:   * Paragraph 2: Proposed amendment to replace ‘apply’ to ‘consider’ noting these are high level criteria. Additional language at the end of the paragraph to clarify that this CMM will not prejudice existing CMMs currently in force. * Paragraph 6(a)(i): A number of CCPs requested reference to MOP12 be changed to a specific date aligned to reporting date for current year. This would ensure that historical catch prior to entry into force of the Agreement is based on data verified by SIOFA at year of adoption of this CMM. * Paragraph 6(b): clarify that the reference to compliance refers to CCPs’ degree of compliance. * Paragraph 6(d): Some additional language linking criterion to SIOFA fisheries contributions. * Paragraph 11: fixing an incorrect paragraph reference.   In particular, CCPs are requested to provide their views on the paragraphs where differing views are outlined. | |

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| **Recommendations** |
| * CC9 to recommend that MOP12 adopt the proposed CMM. * MOP12 adopt the proposed CMM. |

**CMM XX (2025)**

**CONSERVATION AND MANAGEMENT MEASURE (CMM) FOR A SIOFA ALLOCATION FRAMEWORK**

**The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

*RECOGNISING* that Article 6(1)(k) of the *Southern Indian Ocean Fisheries Agreement* (the Agreement) requires the Meeting of the Parties to establish the criteria for, and rules governing, participation in fishing.

*FURTHER RECOGNISING* that Article 6(2) of the Agreement provides that the Meeting of the Parties, 'in determining criteria for participation in fishing, including allocation of total allowable catch or total level of fishing effort, the Contracting Parties shall take into account, inter alia, international principles such as those contained in the 1995 Agreement’.

ACKNOWLEDGING that Article 10(b) of the 1995 Agreement provides that one of the functions of regional fisheries management organisations is for States to ‘agree, as appropriate, on participatory rights such as allocations of allowable catch or levels of fishing effort’.

*NOTING* that Article 6(3) of the Agreement provides that Contracting Parties, in determining criteria for participation in fishing, including associated catch or effort allocations, may designate annual quota allocations or fishing effort limitations for Contracting Parties, allocate catch quantities for exploration and scientific research, and set aside fishing opportunities for non-Contracting Parties to this Agreement, if necessary.

*NOTING* that the 9th Scientific Committee recognised the need for allocation of catch and effort limits and the 10th Scientific Committee discussed the value in considering potential flexibility in the setting of total allowable catches, including potential approaches to overage, underage, carryovers, multi-year limits and transferability between CCPs.

RECALLING that the 11th Meeting of the Parties endorsed the recommendation of the 2nd Workshop on Harvest Strategy Development to ‘develop a framework for deciding allocations based on catch history, among other factors, and to advance this work in parallel with the development of harvest strategies’.

***ADOPTS* the following CMM in accordance with Articles 4 and 6 of the Agreement:**

**Objective**

1. The objective of this CMM is to establish an allocation framework for SIOFA fisheries through specifying criteria for distributing participatory rights to Contracting Parties, Cooperating non-Contracting Parties and Participating Fishing Entities (CCPs).

**Application**

1. The MOP shall [consider]~~apply~~ the allocation criteria outlined in this CMM when distributing participatory rights to CCPs for established SIOFA fisheries with an adopted TAC on a species or stock basis, without prejudice to any CMMs currently in force.
3. This CMM shall not impact in any way the total allowable catch for any SIOFA fishery set by the Meeting of the Parties.
4. This CMM shall not prejudice the rights of any new SIOFA Party[[3]](#footnote-3) entrant to a SIOFA fishery.

**Allocation criteria**

1. When allocating rights for SIOFA Parties for any SIOFA fishery, the Meeting of the Parties shall use the following criteria:
   * 1. Historical catch~~[[4]](#footnote-4)~~ in the Agreement Area:caught prior to 1 January 2013 and reported to the SIOFA Secretariat by ~~MOP12~~ 31 May 2025.
     2. caught between 1 January 2013 and 31 December 2024 and reported to the SIOFA Secretariat by MOP12 and caught in accordance with the SIOFA Agreement and any applicable SIOFA CMMs, including all data reporting requirements.
     3. caught after 1 January 2025 and reported to the SIOFA Secretariat and caught in accordance with the SIOFA Agreement and any applicable SIOFA CMMs, including all data reporting requirements.
   1. CCPs’ degree of compliance with the SIOFA Agreement and any SIOFA CMMs;
   2. The fisheries development aspirations and/or interests of:
      1. coastal developing States;
      2. coastal States adjacent to the Agreement Area; and
      3. small island developing States.
   3. Contributions to fisheries science, the conservation and management of fishery resources, including the provision of accurate data and effective monitoring, control, surveillance and enforcement regarding SIOFA fishery resources.
2. Following consideration of the criteria outlined in paragraph 6, the Meeting of the Parties shall determine allocation rights for SIOFA Parties for any SIOFA fishery as follows:
   1. Allocations may be set for an annual or multi-year period.
   2. Allocation for each SIOFA Party shall be based on a proportional historical catch in accordance with paragraph 6(a) and based on the criteria in paragraphs 6(b) to (d).
   3. Regarding new entrants:
      1. Subject to paragraph 6(c), reserve [5%] of the total catch allocation collectively for potential SIOFA Party or Cooperating Non-Contracting Parties (CNCP) seeking to be new entrants to that fishery. However, no new entrant shall receive a higher percentage than an existing participant.
      2. The MOP may allocate less than 5% of the total catch allocation for individual new entrants.
      3. When the MOP is determining allocation rights for SIOFA Parties, if the MOP has not approved any new entrants, the 5% reserved allocation shall be reallocated to existing participants in the same proportion as the remaining allocation.
   4. For any new and exploratory fisheries (as specified in CMM-17[[5]](#footnote-5) (2024)) that are subsequently recognised as established fisheries, the Meeting of the Parties shall consider reserving a proportion greater than 5% of the total catch allocation for new SIOFA Party entrants into that fishery.
3. When considering the annual participatory rights, including any allocation rights, for CNCPs, the Meeting of Parties shall use the criteria in paragraphs 6 and 7 and any other considerations it deems appropriate.

**Catch Management**

1. Once the Meeting of the Parties has allocated rights for a SIOFA fishery, CCPs may transfer all or part of their allocation in any specified year to another CCP by mutual agreement. Any transfer of allocation shall, at a minimum, require notification to the Secretariat who shall notify CCPs and be without prejudice to future agreements on the allocation of fishing rights.
2. New entrants may not transfer their allocated rights for a SIOFA fishery within the first 3 years of being approved as a new entrant.
3. For each SIOFA fishery with allocated rights, the Meeting of the Parties should establish additional rules for:
   1. the management of overages, underages and carryovers of a CCP’s allocation; and
   2. data collection and reporting for catch arrangements falling under paragraphs 9 and 11(a).

1. Restricted documents may contain confidential information. Please do not distribute restricted documents in any form without the explicit permission of the SIOFA Secretariat and the data owner(s)/provider(s). [↑](#footnote-ref-1)
2. Documents available only to members invited to closed sessions. [↑](#footnote-ref-2)
3. SIOFA Party refers to a SIOFA Contracting Party or Participating Fishing Entity. [↑](#footnote-ref-3)
4. ~~Historical catch refers to catch within the Agreement Area from 2013 and recognises that CMMs regulating SIOFA species may have different dates of entry into force.~~ [↑](#footnote-ref-4)
5. Or its replacement measure. [↑](#footnote-ref-5)