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Southern Indian Ocean Fisheries Agreement
Accord relatif aux Pêches dans le Sud de l'Océan Indien

10th Meeting of the SIOFA Compliance Committee (CC10) and 13th Meeting of the Parties to SIOFA (MoP13)

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MoP-13-21 REV76

Proposal for a new CMM for a SIOFA Allocation Framework

Delegation of the Cook Islands

Meeting	Compliance Committee ✓ Meeting of the Parties ✓
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Abstract	
This proposal outlines a new CMM for a SIOFA allocation framework. This proposal responds to the various directions and discussions from the Meeting of the Parties, the Scientific Committee and the Compliance 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'. - MOP12 considering a draft allocation framework and noting the continued interest among CCPs for the development of a SIOFA allocation framework and agreeing to continue to discuss this matter at MoP13. - CC9 and MOP12 considered a draft proposal for a new CMM for a SIOFA allocation framework. This provided CCPs the opportunity to provide feedback and input regarding the content and development of a SIOFA allocation framework.	

The Cook Islands has incorporated CCP feedback from CC9 and MOP12 into this proposal. In addition, the Cook Islands has incorporated subsequent CCP feedback received during ongoing intersessional consultations. For example:

- Para 2: Including language to ensure that this measure does not conflict any other CMM in force. This would prevent any potential conflict with any CMM specifying harvest strategy mechanisms for quota allocation.
- Paras 5 and 6: Providing provisions for new entrants and ensuring certainty and transparency in the process for SIOFA Contracting Parties and Participating Fishing Entities.
- Para 7(b): Outlining the scope of proportional historical catch as an allocation criterion consistent with CCP feedback. The timeframes are aligned to reporting year dates and cover:
 - i) Historical catch prior to the SIOFA Agreement entering into force (1 January 2013)
 - ii) Historical catch from the start of the SIOFA Agreement until end of current reporting year (31 December 2025)
 - iii) Historical catch that is recorded by CCPs after the date the CMM enters into force.

The proposal seeks to ensure that the MOP applies effective, sustainable and fair criteria for allocating catch and effort in SIOFA fisheries within areas beyond national jurisdiction. Noting that some SIOFA CMMs already include allocation specifications, the development and adoption of the proposed allocation criteria would provide an essential allocation framework prior to any MOP agreements on allocation mechanisms in CMMs. These allocation criteria would not supersede any existing allocations but would be applied in any future reallocation.

The proposal seeks to ensure that the rights of all SIOFA CCPs are respected, while providing for the legitimate rights and aspirations of developing coastal States, particularly small island developing States (SIDS), in the development of sustainable fisheries.

The Cook Islands has consulted with CCPs in 2026 regarding this proposal and invites all CCPs to continue constructive engagement in the development and potential adoption of this proposal.

Rev1 includes the following amendments as requested by a number of CCPs during CC10

(amendments reflected in underline or ~~strikethrough~~):

- Paragraph 5(c) and (d) – amending the paragraphs regarding new entrants to not include a prescriptive percentage. These amendments maintain the proposed approach to ensure opportunities for new entrants.
- Paragraph 7(a) and (b) – amending definition of proportional historical catch to simplify the definition, and exclude historical catch caught prior to the SIOFA Agreement entering into force.

Rev2 amendments (included in track changes) are as follows based on requests from CCPs during MOP13:

- Para 7(a)(i) – amendment to the date to reflect the exact date the SIOFA Agreement entered into force.
- Para 7(e) – amendment to directly reference Article 13 of the SIOFA Agreement
- Para 8 – deleting based on requests from CCPs noting that reflecting contributions to science unfairly discriminates developing States.
- New Para 8 – new paragraph to clarify that the allocation criteria in para 7 are not weighted.

Rev 3 Amendments are included in yellow highlights based on feedback from CCPs during MoP13:

- Clarification of CNCP rights and obligations.
- An alternative proposal for catch history language.
- Correction of the article 13 language.

Recommendations

Rev4 amendments were made during plenary session based on CCP feedback.

Rev5 contains a cleaned version of the proposal, with amendments, or outstanding text for review, in green highlight and track changes reflecting CCP input to address outstanding issues:

- Para 6 – reverted to the original paragraph 6. CCPs agreed to this with one CCP including report language in lieu of amendments to this paragraph.
 - Para 7:
 - o amendments to the preambular sentence were made during plenary and reflected in rev4 (i.e. ‘take into account’)
 - o paragraph 7(a)(i): amended in line with proposed revisions during plenary and reflected in rev4. Minor editorial change to footnote for clarity.
 - o paragraph 7(b): amended previous words ‘in future years catch’ to make it clear that this means ‘caught by a SIOFA Party after 2026’. This amendment was made to address clarity of this subparagraph.
 - Moved original paragraph 8 (regarding weighting) to paragraph 9, and included reference to both para 7 and 8.
 - Para 8 – amended to align wording with paragraph 7 (‘shall take into account’), and included an additional sentence to stipulate that the MOP’s consideration of contributions to science will not be done so in a manner that prejudices developing States that have not had the means to contribute.
 - Fixed the numbering of the footnotes.
- CC10 to recommend that MOP13 adopt the proposed CMM.
 - MOP13 adopt the proposed CMM.

Rev 7 amendments:

Rev s include the amendments made during the plenary meeting the subsequent amendment is highlighted cyan and includes:

The end of paragraph 7f has been moved to new paragraph 8biz and amended.

CMM XX (2026)**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 5(b) of the 1995 Agreement provides that States shall ensure that it adopts measures that 'are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global'.

FURTHER 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'.

UNDERLINING that Article 13 of the Agreement canvasses the requirements of Contracting Parties to fully recognise the special requirements of developing States and to cooperate in providing assistance to developing States.

RECOGNISING that the preamble of the Agreement highlights that cooperation between coastal States and all other States, organizations and fishing entities having an interest in the fishery resources of the Southern Indian Ocean is vital to ensure compatible conservation and management measures, and that this cooperation will contribute to the realization of a just and equitable economic order in the interests of all humankind, and in particular the special interests and needs of developing States, in particular the least-developed among them and small island developing States.

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 incorporating 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 the allocation of catch or effort to SIOFA Parties¹.

Application

2. The Meeting of the Parties (MOP) shall ~~consider~~ apply the allocation framework outlined in this CMM when allocating catch or effort to SIOFA Parties for established SIOFA fisheries with an adopted total allowable catch or total allowable effort on a species or stock basis, without prejudice to any CMMs currently in force, or their replacement measures, with an existing allocation framework.
3. This CMM shall not impact in any way the total allowable catch or total allowable effort for any SIOFA fishery set by the MOP.
4. This CMM shall not prejudice the rights of any existing SIOFA Party to a SIOFA fishery.

Allocation mechanisms

5. The MOP shall consider the following mechanisms for allocating catch or effort to SIOFA Parties for any SIOFA fishery:
 - a. ~~The MOP shall apply the allocation~~ the criteria in paragraph 7 when allocating catch or effort.
 - b. The MOP may set allocations for an annual or multi-year period.
 - c. Regarding new entrants¹:
 - i. Subject to paragraph 5(d), for any agreed allocation period, the MOP ~~shall~~ should reserve a percentage of the total allocation collectively for existing SIOFA Parties seeking to be new entrants to that fishery². However, no new entrant ~~shall~~ should receive a higher percentage than an existing participant.
 - ii. When the MOP is allocating catch or effort for SIOFA Parties, if the MOP has not approved any new entrants, the reserved allocation ~~shall~~ should be reallocated to existing participants in the same proportion as the remaining allocation.
 - d. For any new and exploratory fisheries (as specified in CMM-17 (2025) or its replacement measure) that are subsequently recognised as established fisheries, for any agreed allocation period, the MOP ~~shall~~ should consider reserving a proportion greater than the percentage of the total allocation reserved under paragraph 5(c)(i) for additional SIOFA Party entrants into that fishery.
6. The MOP shall only allocate catch or effort to SIOFA Parties. CNCPs seeking any allocation for a fishery shall first become a SIOFA Party in accordance with the Agreement.

Allocation criteria

¹ SIOFA Party refers to a SIOFA Contracting Party or Participating Fishing Entity.

¹ New entrants refers to any CCP not currently listed in Annex 1 of CMM 17 and any future iterations of this CMM.

7. The MOP shall ~~apply~~ consider the following criteria when allocating catch or effort to SIOFA Parties for any SIOFA fishery:
- a. Historical catch, including pProportional historical catch in the Agreement Area:
 - i. caught by a SIOFA Party prior to 2026³ and reported by the SIOFA Party to the SIOFA Secretariat by 31 May 2026; and
 - ii. caught in accordance with the Agreement and any applicable SIOFA CMMs, including all data reporting requirements;
 - b. Catch caught by a SIOFA Party after 2025 in future years catch in accordance with the Agreement and any applicable SIOFA CMMs, including all data reporting requirements;
 - c. SIOFA Parties' degree of compliance with the Agreement and any SIOFA CMMs;
 - d. The fisheries interests of coastal States adjacent to the Agreement Area; and
 - e. The fisheries development aspirations and interests of:
 - i. developing States bordering the Agreement Area as outlined in Article 13 of the Agreement, in particular small-island developing States; and
 - ii. other small island developing States.
 - f. When allocating catch or effort to SIOFA Parties for any SIOFA fishery, the MOP shall take into account may also consider Contributions to fisheries science and the conservation and management of SIOFA fishery resources, including the provision of accurate data and effective monitoring, control, surveillance and enforcement regarding SIOFA fishery resources. However, the MOP shall not apply this paragraph in a manner that prejudices the rights of developing State SIOFA Parties that may have had limited or no capacity to contribute to fisheries science and the conservation and management of SIOFA fishery resources.

8. The allocation criteria outlined in paragraph 7- and 8- are not weighted or listed in any order of priority.

8biz The MOP shall apply the allocation criteria in paragraph 7 in a manner that does not prejudice or disadvantage the rights and interests of developing State SIOFA Parties, while maintaining the integrity and effectiveness of SIOFA obligations and measures.

8.

Catch and Effort Management

9. Once the MOP has allocated catch or effort for a SIOFA fishery, SIOFA Parties may transfer all or part of their allocation in any specified year to another SIOFA Party by mutual agreement.
10. For any transfer of allocation:
- a. The transferring SIOFA Party shall notify the Secretariat prior to any transfer, who shall notify CCPs;
 - b. Any transfer shall be without prejudice to future agreements on the allocation of catch or effort; and
 - c. Any transfer shall be attributed to the transferring SIOFA Party as part of its catch history.

³ The year this of the CMM came into force.

11. New entrants to a SIOFA fishery may not transfer their allocation for a SIOFA fishery within the first 3 years of being approved as a new entrant. However, if a new entrant has not used any of its allocation in the first 3 years of being approved as a new entrant, its allocation will be forfeited and reallocated to existing participants in the same proportion as the remaining allocation.
12. For each SIOFA fishery with agreed allocation of catch or effort, the MOP shall establish additional rules for:
 - a. the management of overages, underages and carryovers of a SIOFA Party's allocation; and
 - b. data collection and reporting for catch arrangements falling under paragraphs 9, 10 and 12(a).