



CCSBT-EC/0910/14

Total Allowable Catch and its Allocation

Purpose

To provide relevant background information to support the Extended Commission's deliberations on the Total Allowable Catch (TAC), Research Mortality Allowance for 2011, and allocation of the TAC from 2012.

(1) Total Allowable Catch (TAC)

At CCSBT 16, the Extended Commission reached agreement on the TAC and its allocation for 2010 and 2011 as described at **Attachments A and B**. The average TAC for 2010 and 2011 was set to 9449t, with Members being given the flexibility to decide on the split of their allocations between 2010 and 2011. The split of allocations decided by individual Members was as follows:

Member	Split of catch (in tonnes) between fishing seasons	
	2010	2011
Australia	<=5,260	Remainder required for a 2 year total of 8,030
Indonesia	651	651
Korea ¹	876.437	841.563
Japan ²	2,200*	2,600*
New Zealand	<=570 ⁺	Remainder required to average 570 over the 2 years ⁺
Taiwan	1,026	692

* Allocation for each fishing season includes annual transfer (139 tonnes) from New Zealand

⁺ Allocation for each season subtracts the annual transfer (139 tonnes) to Japan.

The TAC for 2011 should not require discussion at CCSBT 17 unless unexpected issues are identified with respect to the state of the SBT stock and no such issues were identified at the September meeting of the Extended Scientific Committee (ESC).

However, a decision on the TAC for 2012 might be required at this meeting. The Resolution on the Total Allowable Catch and Future Management of Southern Bluefin Tuna that was adopted at CCSBT 16 (see **Attachment B**) stated that "The MP should be implemented in 2011 and be the basis for TAC setting for 2012 and beyond". Unless the resolution is amended, this means that no discussion of the TAC for 2012 should be required at CCSBT 17. However, at SFMWG 2, Australia advised that its fishing season commences only 6 weeks after the Annual Commission meeting and that for operational reasons, it required a one year time lag for implementation of TAC changes. If the Extended Commission decides to implement a 1 year time lag from the date of implementation of the MP, it means that the TAC for 2012 would need to be decided at CCSBT 17. For this situation, the ESC recommended that "If the Management Procedure (MP) is implemented in 2011 with a 1-year lag, the ESC recommends that the current TAC of 9449t remain for 2012".

¹ Revised from an original split of 806.437 and 911.563 for 2010 and 2011 respectively.

² Japan will advise if any further reduction in the allocation for 2010 fishing year is possible.

(2) Research Mortality Allowance

The following request for Research Mortality Allowance for 2011 was endorsed by the Extended Scientific Committee at its September 2010 meeting:

- 1.0t for a recruitment monitoring survey including a trolling survey in 2010/2011 by Japan.

The Extended Commission needs to decide whether to approve this request.

(3) Allocation of the TAC

At CCSBT 16, The Extended Commission agreed to start discussion from the 2010 Extended Commission meeting on quota allocation rules which may be used from 2012. The draft CCSBT Strategic Plan also identifies that principles should be established for allocation to Members following Article 8(4) of the Convention and that options should be developed (based on Convention text) for long term allocation arrangements for all Members, including new members, and apply to TAC increases or decreases.

Article 8.4 of the Convention specifies that:

- “4. In deciding upon allocations among the Parties under paragraph 3 above the Commission shall consider:
- (a) relevant scientific evidence;
 - (b) the need for orderly and sustainable development of southern bluefin tuna fisheries;
 - (c) the interests of Parties through whose exclusive economic or fishery zones southern bluefin tuna migrates;
 - (d) the interests of Parties whose vessels engage in fishing for southern bluefin tuna including those which have historically engaged in such fishing and those which have southern bluefin tuna fisheries under development;
 - (e) the contribution of each Party to conservation and enhancement of, and scientific research on, southern bluefin tuna;
 - (f) any other factors which the Commission deems appropriate.”

Some discussion of TAC allocation principles occurred at CCSBT 11 (2004), where it was agreed that:

- “44. The Extended Commission noted that decision rules for allocating the TAC derived from the management procedure need to be agreed prior to the introduction of the management procedure. The Extended Commission agreed that rules shall take into account the allocation principles reflected in the CCSBT 1 Mutual Understanding.
45. The Extended Commission decided that agreement on these rules should be developed through inter-sessional contact and decided by CCSBT 12. (A proposal from New Zealand for Decision Rules concerning Allocation of TAC is at **Attachment 11**).”

However, no decision was reached intersessionally, and with the exception of the Mutual Understanding from CCSBT 1, this issue remains unresolved. Nevertheless, prior to introduction of the management procedure (MP), it remains important to agree on the allocation rules/formulae that will apply when TAC changes are recommended by the MP.

The proposal from New Zealand mentioned in the report from CCSBT 11 is provided at **Attachment C** for information. A modification of this style of simple proposal may be suitable for determining new allocations that result from changes in the TAC that the MP recommends. However, this type of proposal does not address possible inequities in existing

allocations, particularly with respect to the aspirations of developing coastal States, nor does it assist with determining allocations for new entrants.

By way of further background, the following additional documents are attached:

- Chair's text from Annex 6 of the CCSBT 2 Report (1995), on principles for determining quota allocations for new entrants (**Attachment D**).
- A proposal from Japan to CCSBT 3, part 1 (1996) for a future quota allocation mechanism (**Attachment E**).
- The 2001 ICCAT criteria for the allocation of fishing possibilities (**Attachment F**).

As part of the discussion on allocation (in particular, the transition to a new allocation regime), it is worth considering tools/options that could be used to ease the transition from one allocation regime to another. Such options could include a gradual transition over multiple years and mechanisms such as annual quota transfers to ease the impact of changes.

**Extract from the CCSBT 16 Report of the Decision Concerning
the TAC and its Allocation**

49. The Extended Commission agreed to a “Resolution on the Total Allowable Catch and Future management of Southern Bluefin Tuna”, which is provided at **Attachment 13 [Attachment B to this paper]**. The Extended Commission also decided, as part of interim management measures, to adopt a TAC based on binding allocated catch limits for 2010 – 2011 as follows:

	Nominal catch (tonnes)	Allocated catch (tonnes)	Effective catch limit
Japan	5665	2261 (2010 – 2011)	2261 (2010 – 2011)
Australia	5665	4270 (2010 – 2011)	4015 (2010 – 2011)
New Zealand	1000	754 (2010 – 2011)	709 (2010 – 2011)
Korea	1140	859 (2010 – 2011)	859 (2010 – 2011)
Taiwan	1140	859 (2010 – 2011)	859 (2010 – 2011)
Indonesia	750	651 (2010 – 2011)	651 (2010 – 2011)

50. The Extended Commission agreed that each Member shall be bound to the allocation in column three above.
51. Furthermore, to contribute to the rebuilding of the SBT stock, Australia and New Zealand will make additional annual voluntary reductions of 255t and 45t respectively for 2010 and 2011, as outlined in the effective catch limit (column 4) of the above table.
52. The Extended Commission also agreed, for the purposes of paragraph 2(b) of Article 11 of the CCSBT Convention, that the budget shall be divided in proportion to the nominal catch in column two above.
53. The Extended Commission agreed on interim catch allocations for Cooperating Non Members for 2010, as follows:

	Allocated catch (tonnes)
The Philippines	45
South Africa	40
European Community	10

54. The Extended Commission also agreed to start discussion from 2010 Extended Commission meeting on quota allocation rules which may be used from 2012 allocations.
55. When deciding the quota allocation for 2012 and beyond, the report of the ESC shall be fully considered.

Resolution on the TAC from CCSBT 16 (Attachment 13)

**Resolution on the Total Allowable Catch
and Future Management of Southern Bluefin Tuna**

The Extended Commission for the Conservation of Southern Bluefin Tuna

Gravely concerned about the current status of the stock and, in particular, the most recent stock assessment from the Extended Scientific Committee advising that the spawning stock biomass is between 3% and 8% of the original spawning biomass,

Taking account of the recommendation of the Extended Scientific Committee that the Extended Commission effect a meaningful reduction in catch below the current total allowable catch of 11,810t,

Conscious of its obligation to conserve and manage the stock of southern bluefin tuna with the aim of its optimum utilisation,

Mindful of the desirability of allowing the fishing industry time to adjust to immediate and sustained reductions in the total allowable catch,

Determined to rebuild the status of stock to an interim rebuilding target reference point of 20% of the original spawning biomass within a reasonable timeframe,

Noting reductions will need to be sustained for a considerable period of time in order to allow the stock to rebuild,

Recognising the obligations of each Member and Co-operating Non-Member of the Extended Commission to take the necessary steps to ensure that the level of catch complies with its national allocation and to give effect to the conservation and management measures adopted by the Extended Commission,

In accordance with paragraph 3(a) of Article 8 of the Convention for the Conservation of Southern Bluefin Tuna, the Extended Commission decides as follows:

1. The global TAC for the 2010 and 2011 fishing seasons shall be reduced to an average level over the two years of 80%¹ of the current global TAC.
2. Accordingly the average global TAC for each of the 2010 and 2011 fishing seasons shall be 9449t.
3. By 15 November 2009, each Member shall provide formal advice to the Secretariat regarding how it will split its allocation² between the 2010 and 2011 fishing seasons.
4. The CCSBT Management Procedure (MP) should be finalised in 2010 for agreement by the Extended Commission at its annual meeting in 2010.
5. An emergency rule should be developed as part of the MP for exceptional circumstances such as recruitment lower than historically low levels.

¹ Each Member's catch in the first year should be reduced as much as possible and Members should endeavor to reduce by at least 10% below current levels

² Members' agreement on national allocations is explained in the report of the Extended Commission.

6. The MP should be implemented in 2011 and be the basis for TAC setting for 2012 and beyond.
7. In the event that an MP cannot be finalised by 2012, the Extended Commission shall adopt a reduction of the TAC for the 2012 fishing season to a level of 5,000t - 6,000t unless the Extended Commission decides otherwise based upon the new stock assessment.

New Zealand Proposal for Decision Rules concerning Allocation of TAC
(from Attachment 11 of the Report of CCSBT 11)

On the introduction of the management procedure the Extended Commission shall apply, and shall continue to apply, the following rules to determine the national allocations for members and for cooperating non-members whose allocations are less than 500 tonnes:

- If the TAC is within a range of 10,000 tonnes and 15,000 tonnes the allocations will not be reduced.
- If the TAC is below 10,000 tonnes, the allocations will be reduced in the same ratio as that applied to other members for that part of the reduction which is below 10,000 tonnes, or according to any other decision the Commission takes.

If the TAC is set at a level above 15,000 tonnes the CCSBT 1 Mutual Understanding will be used as a basis for the determination of allocation.

If the management procedure is not adopted at CCSBT 12 the Extended Commission will apply the above rules in its decisions on national allocations.

**Chair's text from Annex 6 of the CCSBT 2 Report
on the principles for determining quota allocation for new entrants**

Quota allocation to new entrants to the Commission for the Conservation
of Southern Bluefin Tuna

The following conditions will be applied when considering the quota allocation to new entrants:

1. The quota allocation to new entrants including cooperative Parties will be calculated based on the past catch records of the new entrant prior to the signature of the Convention for the Conservation of Southern Bluefin Tuna by the present three Parties in 1993. In this regard, figures in 1991 to 1993 should be provided as soon as possible by the entrants and shall be verified between the new entrants and the Parties. Thereafter, those figures should be used.
2. In considering the quota allocation to new entrants, the past catch reductions of the present Parties should be duly taken into account. This reduction rate is 59% (see below for the calculation).
3. In view of 1. and 2. above, it is suggested that in principle the quota allocation to a new entrant should be calculated by multiplying the average catch between 1991 and 1993 by 41% (100 minus 59). The quota may be adjusted, taking into account the provisions stipulated in Article 8, paragraph 4 of the Convention.:
 - (a) relevant scientific evidence
 - (b) the need for orderly and sustainable development of SBT fisheries
 - (c) the interests of Parties through whose exclusive economic or fishery zones SBT migrates
 - (d) the interests of Parties whose vessels engage in fishing for SBT including those which have historically engaged in such fishing and those which have SBT fisheries under development
 - (e) the contribution of each Party to conservation and enhancement of, and scientific research on, SBT
 - (f) any other factors which the Commission deems appropriateSuch adjustment should be made as a result of negotiation between the Parties and the new entrant.

* The quota restriction was introduced in 1986 for the first time, when the catch amount was 28,841 mt. The catch amount in 1993 was 11,750 mt. Therefore, the catch reduction rate between 1986 and 1993 is calculated:

$$(1 - 11750/28841) * 100 = 59\%$$

Proposal from Japan to CCSBT 3 for a future quota allocation mechanism
(from Attachment P of the CCSBT 3 Report)

Proposal

A FUTURE QUOTA ALLOCATION MECHANISM FOR PARTIES IN ACCORDANCE
WITH THE PROVISIONS OF THE CONVENTION

1. Preamble
2. Relevant provisions of the Convention
3. Interpretation of the provisions and weighting for each factor
4. Example from other international fishery organisations
5. Guidelines which should be adopted for the future

1. Preamble

Japan stressed as reflected in the report of the CCSBT Second Special meeting held from 29 April to 3 May 1996 that the Commission should establish a new mechanism for future national quota allocation in accordance with the provisions of the Convention. It is recorded that Australia and New Zealand agreed to Japan's request to review the current understanding of future national allocation at the 1996 Annual Meeting. Against this background, this proposal is to suggest the national quota allocation which is considered the most appropriate and fair when considering the interpretation of the provisions of the Convention and the other international organisation's customs.

2. Relevant provisions of the Convention

Article 8.4 of the CCSBT Convention is as follows;

- (a) relevant scientific evidence;
- (b) the need for orderly and sustainable development of southern bluefin tuna fisheries;
- (c) the interests of Parties through whose exclusive economic or fishery zones southern bluefin tuna migrates;
- (d) the interests of Parties whose vessels engaged in fishing for southern bluefin tuna including those which have historically engaged in such fishing and those which have southern bluefin tuna fisheries under development;
- (e) the contribution of each Party to conservation and enhancement of, and scientific research on southern bluefin tuna;
- (f) any other factors which the Commission deems appropriate.

3. Interpretation and weighting of the factors which need to be considered under Article 8.4 of the Convention

(1) the factors that need to be considered are:

- (a) relevant scientific evidence;

The issues that need to be considered specifically are:

- the flexibility of each Party's fishing industry to achieve MSY.
- assessment of the contribution of each Party's fishing industry in ensuring parental stocks at desirable levels.

- (b) the need for orderly and sustainable development of southern bluefin tuna fisheries;
 - current scale of fishing industry (numbers of fishing vessels, fishers, and the regions depending on this fishery).
 - the social and economic backgrounds which make the sustainable development of fisheries possible.
- (c) the interests of coastal States through whose fishery zones southern bluefin tuna migrates;
 - the existence of spawning area of southern bluefin tuna and juvenile's feeding area at each coastal State.
 - size of fishery zone of the coastal State.
- (d) the interests of Parties whose vessels engaged in SBT fishing (including those which have historically engaged in such fishing and those which have southern bluefin tuna fisheries under development);
 - the historical fishing record needs to be considered and accumulated retrospectively to the earliest year assessed for the stock assessment. (proceeding 1960).
 - the catch caught by the Parties' vessels should be assessed as its own catch record even if they were engaged in joint ventures.
 - the interests of Parties under development (new Party etc.) must not undermine the interests of the current Parties.
- (e) the contribution to conservation, enhancement and scientific research;
 - Conservation
 - the contribution of the current Parties should be considered on an equal basis. The future catch record for the new Party should be adjusted considering the efforts which the current Parties have made to the conservation and management actions.
 - the time the Parties' industries have spent in industry to industry cooperation and their scientific contributions should be assessed.

- Enhancement
 - the time the Parties have spent and their scientific contribution should be assessed.
- Research
 - priority should be given to the assessment of the Party which has presented catch and effort data used for the scientific stock assessment.
 - efforts to assist in identifying the solution of stock assessment uncertainties should be assessed.

(2) Weighting of the factors to be considered.

There is no specific provision in the Convention.

4. Example from other international fishery organisations.

The following is the criteria and weighting scheme for the catch allocation in the Northwest Atlantic Fisheries Organisation (NAFO) which consists of many Parties and has a stock conservation management record covering a long period.

(1) The criteria for the allocation covers

- (a) Parties interests;
- (b) Historical catch record;
- (c) Parties' degree of dependence on the coastal community;
- (d) Cooperation in monitoring and inspection;
- (e) Cooperation in stock conservation.

(2) Weighting

- Each Party's catch record for the previous 20 years..... 40%
- Each Party's catch record for the previous 5 years..... 40%
- Interests of the coastal States 10%
- New Parties or others 10%

5. The guidelines which should be adopted for future allocations.

		Japan	Aust.	NZ	Total
(a)	Scientific evidence *1	(5%) 1.7% (35.0)	1.5% (30.0)	1.8% (35.0)	5.0% (100.0)
(b)	need for sustainable development *2	(5%) 4.3% (85.0)	0.7% (13.7)	0.0% (1.2)	5.0% (100.0)
(c)	interests of coastal States *3	(20.%) 0.0% (0.0)	18.0% (90.0)	2.0% (10.0)	20.0% (100.0)
(d)	interests of Parties engaged in SBT fishing (historical record) *4	(60%) 46.7% (77.9)	13.2% (22.0)	0.1% (0.1)	60.0% (100.0)
(e)	contribution of conservation, enhancement and research *5	(10%) 5.8% (57.8)	3.1% (30.8)	1.1% (11.4)	10.0% (100.0)
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Total	(100%)	58.5%	36.5%	5.0%	100.0%
		↓	↓	↓	↓
appropriate national quota		6.874MT	4.289MT	587MT	11.750MT

(Note)

		Japan	Aust.	NZ	Total
*1	Scientific evidence	35.0%	30.0%	35.0%	100.0%
*2	Need for sustainable development	85.0%	13.8%	1.2%	100.0%
	• Fishery scale 50%	(80.0%)	(18.0%)	(2.0%)	(100.0%)
	• Social economical background 50%	(90.0%)	(9.5%)	(0.5%)	(100.0%)
*3	Interests of coastal states	0.0%	90.0%	10.0%	100.0%
*4	Historical record (catch record since 1960)	77.9%	22.0%	0.1%	100.0%
*5	Contribution rate of Conservation, Enhancement and Research	57.8%	30.8%	11.1%	100.0%
	• conservation: 33.3%	(33.3%)	(33.3%)	(33.3%)	(100.0%)
	• enhancement: 33.3%	(60.0%)	(40.0%)	(0.0%)	(100.0%)
	• research: 33.3%	(80.0%)	(19.0%)	(1.0%)	(100.0%)

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**ICCAT CRITERIA FOR THE ALLOCATION
OF FISHING POSSIBILITIES**

I Qualifying Criteria

Participants will qualify to receive possible quota allocations within the framework of ICCAT in accordance with the following criteria:

- 1 Be a Contracting or Cooperating non-Contracting Party, Entity or Fishing Entity.
- 2 Have the ability to apply the conservation and management measures of ICCAT, to collect and to provide accurate data for the relevant resources and, taking into account their respective capacities, to conduct scientific research on those resources.

II Stocks to Which the Criteria Would be Applied

- 3 These criteria should apply to all stocks when allocated by ICCAT.

III Allocation Criteria

A Criteria Relating to Past/Present Fishing Activity of Qualifying Participants

- 4 Historical catches of qualifying participants.
- 5 The interests, fishing patterns and fishing practices of qualifying participants.

B Criteria Relating the Status of the Stock(s) to be Allocated and the Fisheries

- 6 Status of the stock(s) to be allocated in relation to maximum sustainable yield, or in the absence of maximum sustainable yield an agreed biological reference point, and the existing level of fishing effort in the fishery taking into account the contributions to conservation made by qualifying participants necessary to conserve, manage, restore or rebuild fish stocks in accordance with the objective of the Convention.
- 7 The distribution and biological characteristics of the stock(s), including the occurrence of the stock(s) in areas under national jurisdiction and on the high seas.

C Criteria Relating to the Status of the Qualifying Participants

- 8 The interests of artisanal, subsistence and small-scale coastal fishers.
- 9 The needs of the coastal fishing communities which are dependent mainly on fishing for the stocks.
- 10 The needs of the coastal States of the region whose economies are overwhelmingly dependent on the exploitation of living marine resources, including those regulated by ICCAT.
- 11 The socio-economic contribution of the fisheries for stocks regulated by ICCAT to the developing States, especially small island developing States and developing territories¹⁴ from, the region.
- 12 The respective dependence on the stock(s) of the coastal States, and of the other States that fish species regulated by ICCAT.
- 13 The economic and/or social importance of the fishery for qualifying participants whose fishing vessels have habitually participated in the fishery in the Convention area.

¹⁴ In this document the term « territories » refers only to those territories of States which are Contracting Parties to the Convention as those territories.

- 14 The contribution of the fisheries for the stocks regulated by ICCAT to the national food security/needs, domestic consumption, income resulting from exports, and employment of qualifying participants.
- 15 The right of qualified participants to engage in fishing on the high seas for the stocks to be allocated.

D Criteria Relating to Compliance/Data Submission/Scientific Research by Qualifying Participants

- 16 The record of compliance or cooperation by qualifying participants with ICCAT's conservation and management measures, including for large-scale tuna fishing vessels, except for those cases where the compliance sanctions established by relevant ICCAT recommendations have already been applied.
- 17 The exercise of responsibilities concerning the vessels under the jurisdiction of qualifying participants.
- 18 The contribution of qualifying participants to conservation and management of the stocks, to the collection and provision of accurate data required by ICCAT and, taking into account their respective capacities, to the conduct of scientific research on the stocks.

IV Conditions for Applying Allocation Criteria

- 19 The allocation criteria should be applied in a fair and equitable manner with the goal of ensuring opportunities for all qualifying participants.
- 20 The allocation criteria should be applied by the relevant Panels on a stock-by-stock basis.
- 21 The allocation criteria should be applied to all stocks in a gradual manner, over a period of time to be determined by the relevant Panels, in order to address the economic needs of all parties concerned, including the need to minimize economic dislocation.
- 22 The application of the allocation criteria should take into account the contributions to conservation made by qualifying participants necessary to conserve, manage, restore or rebuild fish stocks in accordance with the objective of the Convention.
- 23 The allocation criteria should be applied consistent with international instruments and in a manner that encourages efforts to prevent and eliminate over-fishing and excess fishing capacity and ensures that levels of fishing effort are commensurate with the ICCAT objective of achieving and maintaining MSY.
- 24 The allocation criteria should be applied so as not to legitimize illegal, unregulated and unreported catches and shall promote the prevention, deterrence and elimination of illegal, unregulated and unreported fishing, particularly fishing by flag of convenience vessels.
- 25 The allocation criteria should be applied in a manner that encourages cooperating non-Contracting parties, Entities and Fishing Entities to become Contracting Parties, where they are eligible to do so.
- 26 The allocation criteria should be applied to encourage cooperation between the developing States of the region and other fishing States for the sustainable use of the stocks managed by ICCAT and in accordance with the relevant international instruments.
- 27 No qualifying participant shall trade or sell its quota allocation or a part thereof.