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DELEGATION PAPER SUBMITTED BY CHINESE TAIPEI

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Submitted by Chinese Taipei

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Background

In accordance with the Chair's Summary of the First South Pacific Albacore Allocation Workshop, which encouraged CCMs to develop allocation proposals for further discussion at the second workshop, Chinese Taipei submits this paper to share our preliminary views on the allocation of South Pacific albacore. We hope that this paper will provide a basis for further discussion among CCMs, facilitate convergence on the allocation issue, and advance the allocation process in support of the future implementation of the Management Procedure (MP) for this stock.

Chinese Taipei understands that some CCMs have expressed a preference for a zone-based allocation approach and have proposed an allocation between the high seas and EEZs at a ratio of 25:75. However, historical catch patterns indicate that the respective shares of catches taken on the high seas and within EEZs have been approximately 41:59. Against this background, Chinese Taipei has difficulty supporting an approach that would predetermine a high seas share of only 25%, which would differ substantially from historical fishing patterns.

Chinese Taipei considers that historical fishing performance should provide the fundamental starting point for allocation. Historical catches reflect the longstanding fishing interests of CCMs, the scale and dependence of existing fisheries, and the fishing opportunities on which fishing communities and industries have developed over time. This consideration is particularly important where the TAC established under the MP may be below recent catch levels. Under such circumstances, the allocation process should seek to avoid disproportionate disruption to existing fisheries and to maintain their economic viability, while ensuring the conservation and sustainable use of the stock.

Consideration of historical fishing performance is also relevant in light of the

conservation obligations already undertaken by CCMs. Under CMM 2015-02, certain CCMs have been required for more than a decade to constrain their fishing effort by reference to historical levels. Compliance with such requirements has limited opportunities for expansion and has contributed to the Commission's collective conservation efforts. Chinese Taipei therefore considers that past implementation of, and contributions to, the Commission's conservation and management measures should be appropriately recognized when determining future allocations. An allocation arrangement should, to the extent practicable, avoid placing a disproportionate additional adjustment burden on fisheries that have already been subject to longstanding constraints.

At the same time, Chinese Taipei recognizes that historical fishing performance should not be the sole consideration in determining allocation. Appropriate consideration should also be given to the relevant factors set out in Article 10(3) of the Convention, including the special circumstances and development aspirations of developing State Members, particularly SIDS and participating territories, as well as the interests of coastal States in relation to fisheries within their EEZs.

Chinese Taipei considers that these different interests should be accommodated in a balanced manner. Where the TAC is below recent catch levels, priority should be given to achieving an equitable distribution of the necessary adjustment while maintaining the viability of existing fisheries. Should the MP provide additional fishing opportunities in the future as the TAC increases, the Commission could further consider how such additional opportunities may be used to accommodate development aspirations, consistent with the Convention and the objectives of the MP.

Determining an appropriate overall division of the TAC between the high seas and EEZs, however, is inherently difficult. Applying a predetermined high seas–EEZ ratio to the TAC before considering the historical fishing interests of individual CCMs could

significantly alter the relative weight given to those interests, particularly where that ratio differs substantially from historical fishing patterns.

Against this background, Chinese Taipei proposes a two-step allocation approach that combines flag-based and zone-based considerations. As a first step, the TAC would be allocated among CCMs based on their historical total catches south of 10°S, including catches taken both within EEZs and on the high seas. As a second step, each CCM's initial allocation would be divided into high-seas and EEZ components based on its historical fishing pattern. The high-seas component would remain with the relevant flag CCM, while the EEZ component would be attributed to the relevant coastal State or States.

Chinese Taipei considers that this approach provides a practical compromise between a purely flag-based allocation and an approach that predetermines an overall division of the TAC between EEZs and the high seas. It recognizes the historical fishing interests and past conservation efforts of flag CCMs in determining the initial allocation, while also recognizing the interests of coastal States with respect to fishing opportunities within their EEZs and leaving appropriate scope for the Commission to take into account the broader considerations identified in Article 10(3) of the Convention.

Furthermore, we emphasize the importance of the establishment of appropriate mechanisms for the carry-over and transfer of allocations. Such mechanisms would provide greater flexibility in the utilization of allocations by all CCMs, facilitate more efficient use of available fishing opportunities, and help accommodate the different operational needs and circumstances of CCMs.

Allocation frameworks

1. Based on the considerations outlined above, Chinese Taipei proposes the following two-step allocation framework:

(1) Initial allocation based on historical catch, followed by a zonal division

The TAC would first be allocated among CCMs based on their respective historical total catches (EEZs and high seas combined) south of 10°S. Each CCM's initial allocation would then be divided into an EEZ component and a high-seas component based on the historical proportion of its catches taken within EEZs and on the high seas.

Each CCM would retain its high-seas component, while its EEZ component would be attributed to the relevant coastal State(s). Where a flag CCM has historically taken catches within the EEZs of more than one coastal State, its EEZ component would be further distributed among those coastal States in proportion to the flag CCM's historical catches taken within each respective EEZ.

(2) Accounting of catches against the relevant limits

Catches taken by a CCM on the high seas would be counted against that CCM's high-seas limit. Catches taken within an EEZ would be counted against the limit attributed to the relevant coastal State, irrespective of the flag of the vessel taking the catch.

(3) Flexibility between years within a management cycle

Recognizing that annual catches may fluctuate, a CCM may, within a management cycle, utilize a portion of its following year's allocation in advance, with the corresponding amount deducted from its allocation for the following year. Such advance use would be limited to a maximum of 17% of the CCM's initial allocation.

2. With regard to the allocation baseline, Chinese Taipei proposes the following reference periods for consideration.

- (1) 2000-2004.
- (2) 2015-2024.
- (3) 2020-2024.

3. Taking into consideration the FFA proposal concerning Article 10(3) of the Convention, each CCM may transfer up to [5%] of its allocation to FFA members.

Transferability

A CCM may transfer to another CCM X% of its allocation, without being restricted to either the high seas or EEZs. Transfers may only take place where there is agreement by both the transferring and receiving CCMs.

The transferring and receiving CCM shall notify the Secretariat before any fishing activities relating to the transferred limits take place.