



CCSBT-EC/0510/12

## 9. Cooperating Non-members

### Purpose

To discuss:

- the on-going status of existing cooperating non-members
- the association of cooperating non-membership with the Extended Commission and the Commission

### Discussion

#### On Going Status

The resolution establishing the status of cooperating non-membership requires annual confirmation of that status after evaluation by the Extended Commission of the performance of cooperating non-members against commitments given to the Extended Commission.

The Philippines is the only cooperating non-member and the Exchange of Letters incorporating the commitments given by the Philippines are at Attachments A and B.

The Philippines needs to outline for the Extended Commission, the nature of any activities undertaken, which relate to these commitments.

In terms of the activities of the Extended Commission that are administered by the Secretariat, the Extended Commission is informed that the Philippines is complying with the processes of the Authorised Vessel List, the Trade Information Scheme and the submission of requested catch data.

The Philippines was given a catch limit of 50 tonnes at CCSBT11. No reports against this catch limit have been received, which relates to the 2005 calendar year.

#### New Applications

South Africa applied for cooperating non-membership in February 2005. A copy of the application is at Attachment C. In its application South Africa has undertaken to cooperate with the Extended Commission and reluctantly accepts the 30 tonne catch limit for its SBT targeted fishery. However, for SBT bycatch no catch limit is proposed.

South Africa is not responding to the Secretariat's requests for catch data.

#### Resolution Amendment

At CCSBT11 it was agreed that members would consider intersessionally whether the resolution on cooperating non-member status had application to both the Extended Commission and the Commission. It was agreed to discuss the matter at CCSBT12 if necessary.

The Secretariat is unaware of any intersessional discussion or decision on this issue. If the matter is unresolved and members wish to discuss the matter two ways forward might be considered:

First, consider whether read together, the resolutions on the creation of the Extended Commission and the status of cooperating non-member and the formal decision of the Commission at each annual meeting to adopt the decisions of the Extended Commission, means that cooperating non-member status has already been adopted by the Commission.

Secondly, if this is in doubt, decide to recommend that when it meets on 15 October 2005 the Commission pass a formal resolution to give effect to cooperating non-member status for the Commission. A draft resolution for this purpose is at Attachment D.

**Prepared by the Secretariat**

Kagawaran ng Ugnayang Panlabas



Department of Foreign Affairs

Office of the Secretary  
Maritime and Ocean Affairs Center

17591

18 June 2004

**MR. BRIAN MACDONALD**

Executive Secretary

Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

PO Box 37 Deakin St., West ACT 2600

Unit I, JAA House

19 Napier Close Deakin, Australia

Dear Mr. Macdonald:

ON BECOMING A CO-OPERATING NON-MEMBER OF THE EXTENDED COMMISSION AND THE EXTENDED SCIENTIFIC COMMITTEE FOR THE COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA (CCSBT)

The Government of the Republic of the Philippines presents its compliments to the Executive Secretary for the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), and acknowledges receipt of your invitation to become a Co-operating Non-member to the CCSBT. The Government of the Republic of the Philippines recognizes the Commission's authority for the management of Southern Bluefin Tuna (SBT).

Your letter of invitation is regarded as a positive and encouraging signal on the part of the Commission, and the Government of the Republic of the Philippines therefore wishes to respond positively by submitting this application for CCSBT Co-operating Non-member status with a formal statement in which our commitment to the specific requirements of paragraph 4 and 5 of the RESOLUTION TO ESTABLISH THE STATUS OF CO-OPERATING NON-MEMBER OF THE EXTENDED COMMISSION AND THE EXTENDED SCIENTIFIC COMMITTEE (the Resolution) are described.

The Government of the Republic of the Philippines looks forward to your favorable consideration of our application for Co-operating Non-member status.

Kindly accept our highest regards.

Sincerely yours,

Handwritten signature of Alberto A. Encomienda in black ink.

**ALBERTO A. ENCOMIENDA**  
Secretary-General

(ATTACHMENT)

**STATEMENT TO THE EXTENDED COMMISSION OF THE CCSBT OF THE PHILIPPINES COMMITMENT TO PROVISIONS PRESCRIBED IN THE RESOLUTION**

The Government of the Republic of the Philippines wishes to confirm its commitment with respect to provisions in Paragraph 4 and 5 of the Resolution, emphasizing the following specific matters:

**1. Catch Limits**

The Government of the Republic of the Philippines will manage the relevant fisheries to ensure that the annual catch volume of SBT does not exceed the catch limit decided at CCSBT. In this regard, catch limit for the 2004/2005 fishing season shall be 50 tonnes. We acknowledge that this catch limit may be reviewed at the Commission's annual meeting in October 2004 when the total allowable catch for all members and cooperating non-members is considered.

**2. Conservation and Management Measures**

The Government of the Republic of the Philippines will, cooperating with Indonesia, take measures to reduce SBT bycatch by its fishing vessels operating in the Indonesian EEZ under access arrangement with Indonesia.

**3. Data Provision**

The Government of the Republic of the Philippines will provide accurate catch data to the CCSBT each year and by the same time frame that is required by CCSBT.

**4. IUU Fishing**

The Government of the Republic of the Philippines will implement whatever domestic regulations are required to support the CCSBT's measures to combat IUU fishing.

Commission for the Conservation of  
Southern Bluefin Tuna



みなみまぐろ保存委員会

26 July 2004

Mr Alberto A. Encomienda  
Secretary-General  
Maritime and Ocean Affairs Centre  
Department of Foreign Affairs  
2330 Roxas Blvd.  
Pasay City  
PHILIPPINES

Dear Mr Encomienda

I refer to your letter of 18 June 2004 in which you applied to become a cooperating non-member of the Commission for the Conservation of Southern Bluefin Tuna.

Your application and the undertakings contained therein have been considered by members and accepted. As a result the Philippines is invited to participate in the next annual meeting in Busan, Korea on 19-22 October 2004.

The Commission asked me to thank the Philippines for its interest in and commitment to the conservation and management objectives of the Commission and looks forward to its participation in all future activities.

The vessels nominated by the Philippines have been added to the Commission's list of vessels authorised to fish for southern bluefin tuna.

I will be in contact with you shortly concerning the meetings of the Commission over the balance of 2004.

Yours sincerely

Brian Macdonald  
Executive Secretary



**DEPARTMENT: ENVIRONMENTAL AFFAIRS AND TOURISM  
REPUBLIC OF SOUTH AFRICA**

Private Bag X2, Roggebaai, 8012, Tel: (+27 21) 402 3911, Fax: (+27 21) 425 2920  
Website: [www.environment.gov.za](http://www.environment.gov.za)

Mr B Macdonald  
Executive Secretary  
CCSBT  
PO Box 37  
Deakin West  
ACT 2600  
AUSTRALIA

Dear Mr Macdonald

Thank you for your letter of 1 December 2004 in which you outline the offer of SBT catch allocation, the CCSBT is willing to make to South Africa.

I have now had the opportunity to confer with colleagues and members of our tuna industry. It is on the basis of this that I am now responding to you.

We must at the outset express our deep displeasure at the offer that South Africa be allocated merely 30mt on an annual basis. Our dismay is based on the fact that CCSBT appears not to recognize that SA is a range state with the closest proximity to the SBT winter feeding grounds as opposed to breeding grounds. An allocation of the kind proposed effectively prevents SA as a developing country from building a viable tuna longline fishery of any meaningful scale.

South Africa also notes that some distant water fishing fleets with substantial SBT allocations have repeatedly failed to catch the allocations made to them. We are thus all the more puzzled at the miniscule allocation made to South Africa. It would appear that South Africa as though being penalised due to excessive catches made by some SBT members. With hind sight it would seem that South Africa's own restraint in regard to SBT catches, whilst we operated an experimental tuna fishery, counts against South Africa getting a fairer share of the SBT TAC.

South Africa can only accept the offer of 30 mt if it applies to a directed SBT fishery but not to a bycatch of SBT, and then only in the interim, short term. South Africa has zero discard policy except for shark and bill fish and it is thus unable to allow any fish caught in access of

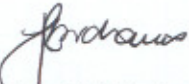
30 mt to be discarded. South Africa would therefore declare this bycatch as part of our commitment to transparency and openness with the Commission.

South Africa has recently allocated medium term quota rights to longline vessels able to catch tuna. This is done to develop our industry beyond that of an experimental fishery. The 30 mt allocation imposes severe unacceptable restrictions on this newly established fishery if SBT were not to be treated as a bycatch at certain times of the year. South Africa also notes that some member countries have caught almost 1000 mt SBT as bycatch.

With reference to the vessels that would be subject to the CCSBT list, South Africa herewith indicates its willingness to submit full details to the Commission. This would constitute those that would target tuna and would amongst others catch SBT. A full list will be prepared and forwarded to you in due course.

On the basis of the above approach South Africa hereby request the status of a cooperating non-member state. Should this require any further clarification or formal documentation kindly revert to me.

Yours sincerely

PP 

Horst Kleinschmidt

**DEPUTY DIRECTOR-GENERAL: MARINE AND COASTAL MANAGEMENT**

DATE: 25.01.05

**Attachment D**

**Resolution to Establish the Status of Co-operating Non-Member of  
the Commission and the Scientific Committee**

*(adopted at the Eleventh Annual Meeting – 11-14 October 2005)*



## **RESOLUTION TO ESTABLISH THE STATUS OF CO-OPERATING NON-MEMBER OF THE COMMISSION AND THE SCIENTIFIC COMMITTEE**

The Commission for the Conservation of Southern Bluefin Tuna,

**RECOGNISING** that ensuring the sustainability of the Southern Bluefin Tuna (SBT) stock requires that all those States and entities fishing this species work together through the Commission;

**CONSIDERING** that continued fishing for SBT by States and entities not adhering to conservation and management measures adopted in accordance with the Convention for the Conservation of Southern Bluefin Tuna (the Convention) substantially diminishes the effectiveness of those measures;

**RECOGNISING**, in accordance with Article 13 of the Convention, the continuing need for all members of the Commission to co-operate with each other to encourage States to accede to the Convention and to encourage entities to apply for membership of the Commission, and

**RECOGNISING** the continuing need to encourage all non-member States and entities whose fishing vessels harvest SBT or through whose exclusive economic or fishery zone SBT migrates to take appropriate actions to ensure the effectiveness of conservation and management measures and all other decisions adopted in accordance with the Convention;

Decides as follows:

1. The Commission hereby establishes the status of “co-operating non-member” of the Commission and the Scientific Committee.
2. The Executive Secretary of the Commission is instructed to invite every year all non-member States and entities whose fishing vessels harvest SBT or through whose exclusive economic or fishery zone SBT migrates to co-operate with the Commission by acceding to the Convention or, as the case requires, by becoming a member of the Commission or applying to the Commission for the status of a co-operating non-member.
3. Any State or entity that receives such an invitation may apply to the Commission to be admitted in the capacity of a Cooperating Non-Member to the Commission. Any applications for such admission should be received by the Executive Secretary of the Commission at least one hundred and twenty (120) days before the Annual Meeting of the Commission.
4. When submitting an application for admission in the capacity of a Cooperating Non-Member, the candidate State or entity will give a formal written statement to the Commission of its commitment to:
  - a. carry out the objective of the Convention;
  - b. abide by conservation and management measures and all other decisions and resolutions adopted in accordance with the Convention;

- c. take appropriate action to ensure that its fishing activities do not diminish the effectiveness of conservation and management measures and all other decisions adopted in accordance with the Convention;
- d. transmit to the Commission the review of its SBT fisheries and all other data that the members of the Commission are required to submit to the Commission;
- e. facilitate scientific research and studies of SBT;
- f. ensure that SBT statistical documents are completed in accordance with requirements of the Commission's Trade Information Scheme; and
- g. negotiate with the members of the Commission to develop any other criteria for its admission in the capacity of a Cooperating Non-Member specific to its situation.

**5.** In deciding upon a total allowable catch and its allocation the Commission may negotiate catch limits for Cooperating Non-Members. Cooperating Non-Members shall abide by any negotiated limit.

**6.** The commitments in paragraph 4(a) to (f), and any specific criteria determined by the Commission in negotiation with the applicant in accordance with 4(g), will form the basis of an Exchange of Letters between the applicant and the Commission. Upon conclusion of the Exchange of Letters the applicant will be admitted in the capacity of a "Cooperating Non-Member" of the Commission. The Cooperating Non-Member will reaffirm the commitments contained in the Exchange of Letters at the Annual Meetings of the Commission.

**7.** A State or entity that is admitted to the Commission in the capacity of a co-operating non-member will have the right to participate actively in meetings of the Commission, the Scientific Committee and their subsidiary bodies, including, but not limited to, the right to make proposals and the right to speak, but not to vote. The Commission may decide to restrict the participation of a cooperating non-member in a particular Agenda item.

**8.** At its Annual Meeting the Commission will determine whether the State or entity qualifies to retain the status of co-operating non-member. The Commission will evaluate the performance of the co-operating non-member against the commitments set out in its Exchange of Letters with the Commission.

**9.** If the Commission determines that a co-operating non-member has not fulfilled its commitments the Commission may proceed in accordance with the 2000 Action Plan, or take other appropriate steps.

**10.** The Executive Secretary is instructed to inform any non-member State or entity whose fishing vessels harvest southern bluefin tuna in a manner that undermines the conservation and management measures adopted in accordance with the Convention, or that fails to ensure that SBT statistical documents are completed in accordance with the requirements of the Trade Information Scheme, and that does not seek full membership of the Convention, membership of the Commission or co-operating non-member status, that continuing to allow such activities to take place, undermines the objective of the Convention.

**11.** The Rules of Procedure of the Commission are amended by inserting the following:

“RULE 3 A bis

**CO-OPERATING NON-MEMBERS**

A State or entity that is admitted to the Commission in the capacity of a co-operating non-member will have the right to participate actively in meetings of the Commission, the Scientific Committee and their subsidiary bodies, including, but not limited to, the right to make proposals and the right to speak, but not to vote. The Commission may decide to restrict the participation of a cooperating non-member in a particular Agenda item.”