



CCSBT-EC/0310/07

4. Relationship with Non-members

Purpose

For the Extended Commission to discuss the situation with non-members.

Discussion

Indonesia

Indonesia fishes in the only known spawning ground of SBT south of Java. Over the last six years, the CCSBT's current estimates of Indonesia's catch averaged 1810 tonnes with an estimated catch of 1930 tonnes in 2002. The Indonesian catch is significant for reasons of both size (it is the third largest catcher) and its location in the spawning ground.

Indonesia has been identified under the Action Plan but no activity is current. The Extended Commission noted that arrangements have been put in place to encourage Indonesia's cooperation with its management and conservation objectives.

The Extended Commission has agreed to assist Indonesian participation as an observer in meetings.

Observers were sent to the Indonesian Catch Monitoring Workshop held in New Zealand in April 2003 without financial assistance from the Extended Commission. Indonesia cooperated fully and provided significant data for the workshop. This data demonstrated that while the Indonesian fishery is basically a by-catch fishery, there seems to be some targeting of SBT.

Observers nominated to attend the 4th SAG and 8th SC did not arrive at the venue. Indonesia has apologised for the non-appearance, which was due to communication difficulties. Attendance at CCSBT10 has been assured.

Indonesia has made enquiries with the Executive Secretary concerning participating in the activities of the Extended Commission when cooperating non-member status is decided.

South Africa

South Africa has indicated it will be participating in CCSBT10 as an observer and has participated in previous meetings although not on a continuous basis. South Africa has expressed an intention to join the CCSBT in the past.

At CCSBT9, South Africa signalled its desire to accede to the Convention and indicated its intention and a case for developing a SBT fishery. A quota of 300-400 tonnes was sought in this context. The Extended Commission was unable to agree on the terms of a response to South Africa's application at CCSBT9, but noted the status of cooperating non-member could provide a basis for initial engagement. Because the status of cooperating non-member has not been resolved, it has not been possible to formally invite South African participation on this basis. A copy of South Africa's statement at CCSBT9 is at **Attachment A**.

There has been no contact with South Africa since CCSBT9 except to extend an invitation to attend CCSBT10.

There have been no exports to Japan from South Africa recorded on the TIS database.

Philippines

The TIS database shows exports during 2002 from the Philippines to Japan of 45 tonnes.

Following the decision at CCSBT9 to ask the Philippines to confirm they were deregistering vessels believed to be associated with IUU fishing, the Philippines have advised that they have taken this action.

The Philippines have formally sought advice from the Secretariat on when it will be possible to apply to participate in the activities of the Extended Commission as a cooperating non-member.

The Philippines have advised they will be attending CCSBT10 as an observer.

Seychelles

At CCSBT9 the Seychelles were identified under the Action Plan in the light of a significant and growing SBT catch and an apparent association with IUU fishing vessels. Details of the exchange of correspondence between the Extended Commission and the Seychelles Fishing Authority are included in the background material for the Action Plan agenda item.

In summary, the Seychelles have indicated their intention to fully cooperate with the Extended Commission, that they do not intend to establish a SBT fishery and that they have taken action to discontinue registration of vessels identified with IUU fishing.

The TIS database records exports during 2002 from the Seychelles to Japan totalling 125 tonnes

The Seychelles will not be participating in CCSBT10 as an observer.

Prepared by the Secretariat

**TO THE CONVENTION FOR THE CONSERVATION OF SOUTHERN BLUE
FIN TUNA (CCSBT)**

OPENING STATEMENT BY SOUTH AFRICA TO THE NINTH ANNUAL
MEETING OF THE COMMISSION, HELD IN CANBERRA, AUSTRALIA, FROM
15-18 OCTOBER 2002.

(Statement by Mr. Horst Kleinschmidt, Deputy Director-General in the Department of
Environment and Tourism, responsible for Marine and Coastal Management)

Mr Chairman, Ladies and Gentlemen:

I bring you the best wishes and compliments of the Government of South Africa. I want
to thank you all most sincerely for affording me an opportunity to address you here
today.

Our presence here signals our Government's keen interest and readiness to accede as a
member of CCSBT. I wish to address you on the basis and reasons for such accession.

Any country seeking access to a Convention such as this, and that seeks to have granted
to itself a share of the allowable catch of Southern Bluefin Tuna (SBT), should be
obliged to explain its history, motivation and track record with regard to conservation to
the CCSBT.

Mr. Chairman, allow me to provide you with the case South Africa makes.

My country, at the southern tip of Africa, is only in its 8th year of democracy. As you all
of you know the transition process has often taken place under difficult conditions. The
orderly and lawful management of our fisheries has been no exception.

In the days of apartheid a white Government awarded quota rights to a small band of
white owned and white managed companies of not more than a few hundred. Not
surprisingly, immediately post our first democratic elections in 1994, the number of
rights seekers shot up to over 10,000. Our country and the Ministry I work for was not
prepared for this new demand. A tumultuous time followed. In brief, a legally
defensible, administratively just and transparent system had to be found that would
ensure three critical things: transformation of the industry to reflect the demographic
nature of our country in ownership, management and share of TAC/TAE in each fishery,
stability to allow for a vibrant and competitive fishing industry and thirdly, ensuring
adherence to our management protocols and an adhered to compliance through better
law enforcement.

It is with some pride and a great deal of pleasure that I can inform you that we have
substantially succeeded in each of the three areas over the past 18 months. We have,

recently, awarded fishing rights (quota's) to 1,600 legal entities in 14 of the most important commercial fishing sectors of our country. Through this we have achieved significant, but not as yet full, representivity of all the people of our country as far as ownership, management and access to share of TAC/TAE is concerned. In fact the allocations have met our new standards of administrative justice, of freedom to access of information and, I believe, the Governments interim targets to de-racialise our society. Notably the number of legal challenges to the awarding of rights has dramatically declined and those that took us to court have all failed to date.

We have, through the above also brought new stability to our industry. Annual quota rights have given way to four-year rights and must lead to 15-year rights. The new system is making it possible to re-invest in the industry, especially where vessels and gear is concerned.

At the same time we have made new and important strides in prosecuting offenders who over-fished, did not report their catches or in other ways tried to deceive the authorities. This includes a number of incidents where vessels from other countries are involved. Separate to this presentation we can inform you of a string of toothfish, tuna, and swordfish transgression committed by foreign vessels and that we have taken action against in our waters or our ports recently.

The most important prosecution during the past year was against a South African company, Hout Bay Fishing Pty. Ltd. They confessed, eventually, to over 300 counts of fraud and corruption. In plea-bargaining they paid the state the greatest over admission of guilt: R40million of close to US\$5million. This also lead to the arrest of a further 18 small operators and the dismissal of 14 of our Inspectorate.

Mr. Chairman I want to demonstrate not only how we have emerged from the problems of the past, but also how we have been able, gradually, to establish the basis for a strong and vibrant new fishing industry in our country that seeks its place amongst nations, a place that was previously denied for obvious reasons.

Be under no illusion, the South African fishing industry suffered immeasurably because of apartheid. Our country was rightly the target of international boycotts and this impacted on the fishing industry in that it could not develop or expand where other countries did so, throughout the 1970's and 1980's.

I should further wish to point out, that as part of our need and desire to emerge from the difficult and compromised past, we have negotiated the end to preferential excess by other countries (i.e. Japan and Taiwan) in our waters. Those that still seek to have preferential access have been told, that we are involved in a concerted drive to build our own industry and given our past, need every means to accommodate those in our country who were previously excluded.

It is in this context that we are now at the ready to finally rebuild our own tuna industry. With foreign fishing in our waters on preferential terms out of the way, we are keen to develop our own tuna industry by bringing our own tuna long-line experiment to an end and we are now looking forward to a fully-fledged own tuna industry.

Let me not be misunderstood: we are not saying that we will not or are not prepared to work co-operatively with foreign fishing interests. We welcome foreign investment in our industry, including joint ventures, and my Department will facilitate in practical terms any arrangements that may be pursued.

Let me therefore offer one key reason why, if we are to meaningfully participate, we seek a place at CCSBT: as a coastal developing state, we have the will, the capacity and the appetite to join that family of nations assembled here, and that we should form part of. As a country with enormous developmental needs, it would send a most important sign to our Government, to our industry and our country as such, if we were granted a quota of say 300 or 400 tons of SBT.

As a developing state, we would, I have no doubt, have little capacity, if indeed any, to merely join on the basis of a mere prospect of a quota at some time in the future.

Let me then turn to a number of pertinent and direct issues that I would like you to take cognisance of:

1. What about us having a record, despite the apartheid history, as a nation, in the tuna fishery?

Let me tell you first of all that South Africa may well qualify as one of the very first to have caught SBT from the 1960's onwards. South Africa at the time caught around 4,000 tons per annum. Unhappily this fishery went into decline for economic reasons and not least due to the boycott of our country. We thus had a SBT fishery prior to some of you sitting around this table.

2. In more recent times and in fact right up to the end of this year, SBT was caught in our waters, by special concession, by Japanese and Taiwanese vessels. In terms of the agreements with them, we assessed and considered catch reports from them on a regular basis and these formed in fact the essence of our annual negotiations. Thus, although not caught by us, we acted as the custodians of a consistent catch record by foreign fleets in our waters since the late 1970's. These records are available from us for inspection.

We contend, and our industry says so clearly, our capacity to develop a fully-fledged tuna industry in recent times, could not develop whilst others operated in our waters. Our position thus is that we have a valid and justifiable record of performance as I have explained above.

I would wish to be fully and well understood with reference to the points I am making in regard to both the Japanese and Taiwanese participation in our waters: We seek no argument with either fishing nation. Having brought an end to the two arrangements, both of which have their roots in the apartheid era, we merely seek to normalise a situation that was artificially distorted due to our own past. We would like to move on, beyond the ending of these agreements, and continue with the fraternal relations that we

have enjoyed with both in recent years. We do not believe that the historic anomaly is a reason not to co-operate on matters of mutual interest.

3. We ask you to appreciate the developmental nature of what we are wishing to achieve. Over recent years we have established effective regulation in our long-line industry. I have already on bringing tuna long-line industry on a full, proper and long term footing from now on. (We have at present some 50 tuna vessels in this industry.) Prior to that we brought our Hake long-line industry on a sound footing. The same applies to our Patagonian toothfish and shark long-line fisheries.

In an effort to meet the socio-economic needs in our country, we have recently been able to attract new funds from our central treasury, to look into the science that would underpin the development of other fisheries in our in-shore waters that have not as yet been tapped. We envisage the opening up, over the next 5 years, of a further 10 to 12 fisheries, managed on a sustainable basis in terms of our legislation.

This all constitutes a drive to build our industry into a modern and responsible one.

4. We should finally make the point that South Africa has a strong and proud record of participation in other conventions. This includes our membership of ICCAT and CCAMLR. Our historic record of submitting catch records and participation in scientific programs stands for all to see.
5. South Africa commits itself to participate fully over issues such as observers on board and the fitting of VMS to our vessels.
6. We also want to make mention of our role in southern Africa and our commitment to the Southern African Development Community (SADC) its Fisheries Protocol. The desire and intent by the region is to develop our fishing capacities, notably where these link us to adjacent international waters.
7. In terms of UNCLOS, we believe that we have every right to seek access to the Convention and trust that you will see this similarly.

Lastly, given the right conditions, we will be able to go back to our Minister and recommend accession. We do so with every will and intention of adding to the spirit of co-operation and international governance that the Convention stands for and has acted upon. We commit ourselves to act as sustainable conservationists of SBT; as much as anyone who is part of this convention.

We trust that you will consider our need and our role in a favourable light.

I thank you very much.