



CCSBT-EC/0510/07

4. Relationship with Non-members

Purpose

To discuss the situation with non-members.

Discussion

Indonesia

The Executive Secretary met with officials from the Indonesian Ministry for Foreign Affairs in February 2005 to discuss Indonesia's willingness to become a cooperating non-member of the CCSBT

At this meeting the Ministry of Foreign Affairs advised the Executive Secretary that Indonesia would not be applying for cooperating non-membership at least until 2008. The implications for Indonesia not becoming a cooperating no-member were explained and this was followed up with a formal letter. A copy of this letter is at Attachment A.

While Indonesia has acknowledged receipt of the Executive Secretary's letter, no formal reply has been received.

Indonesia was originally identified for attention under the CCSBT Action Plan. Action has been held in abeyance because of Indonesia's earlier expressed interest in becoming a cooperating non-member. In these circumstances Indonesia has been identified for consideration under the Action Plan – Agenda Item 18.

South Africa

South Africa sought cooperating non-membership of the CCSBT in May 2005. A copy of its application is at Attachment B.

South Africa's application accepted a catch limit of 30 tonnes for targeted SBT fishing but no limit in respect to bycatch. The South African proposal was circulated to members for intersessional consideration but no decision was made.

South Africa's application has been listed for consideration under Agenda Item 9 – Cooperating Non-members.

Despite requests from the Secretariat, South Africa has not been reporting SBT catch.

China

The Executive Secretary wrote to China on 19 May 2004 seeking advice on China's intentions with regard to the SBT fishery. The letter was prompted by information from the TIS scheme that China was catching SBT and exporting product to members.

No reply has been received to the Executive Secretary's letter.

Spain

The IOTC reported to the Secretariat that some 3.4 tonnes of SBT catch had been reported by Spain in 2003. The Secretariat sought advice from Spain concerning the nature and circumstances of the catch.

In reply Spain indicated that a further 1 tonne was caught in 2004 and that the catch in both years was by a small number of Spanish longliners undertaking exploratory fishing for new fishing grounds in the southern Indian and Pacific Oceans. The vessels were observed by Spanish Government officials.

Fiji

In August 2005, the Secretariat was contacted by a fish receiver in Fiji regarding SBT catch from an Indonesian vessel. The vessel was on the Fisheries Forum Agency list of vessels of good standing. The fish receiver was advised that the CCSBT regarded the catch as illegal and that it should not be traded.

In the context of this exchange the fish receiver indicated to the Secretariat that Fijian authorities had refused to issue export documentation and was therefore honouring its commitment to cooperate with the CCSBT.

USA

The USA has passed legislation with effect from 1 July 2005 to recognise the catch document scheme of the CCSBT (and other regional fisheries management organisations). Unless a consignment of SBT has an approved CCSBT trade document, including a vessel on the CCSBT list of authorised vessels, it may not be imported into the USA.

The Secretariat is endeavouring to have this cooperative effort extended to include the return of CCSBT trade documents to the Secretariat for reconciliation and trade identification purposes.

Prepared by the Secretariat

Commission for the Conservation of
Southern Bluefin Tuna



みなまぐろ保存委員会

29 June 2005

Ms Esti Andayani
Director Commodity and Standardisation
J1. Taman Pejambon No 6
Jakarta 10110
INDONESIA

Dear Ms Andayani

At our meeting on 11 May 2005 we agreed that I would write to Indonesia confirming the outcome of the meeting concerning Indonesia's intentions to become a cooperating non-member of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). The purpose of this letter is to document that outcome.

In response to the CCSBT's invitation to Indonesia to become a cooperating non-member you advised me that Indonesia would not be applying for at least twelve months and most likely not before 2008. You said the issue of applying to become a cooperating non-member had been discussed among stakeholders in Indonesia and that there were concerns about the responsibilities of cooperating non-membership and the catch limit agreed by the CCSBT for Indonesia.

You also indicated that Indonesia was unable to become involved in all international organisations and that some prioritisation was required. In this context, priority was being given to the Indian Ocean Tuna Commission.

I have advised CCSBT members of Indonesia's decision and they are disappointed, particularly as Indonesia is fishing in the only known spawning ground with significant implications for conservation and management of the stock. There is an expectation among members that, in these circumstances, Indonesia should be more accepting of its international responsibilities as a participant in the fishery. In effect, Indonesia is a participant in a fishery managed by a regional fisheries management organisation with which Indonesia is obliged under UNCLOS to cooperate.

On the basis that Indonesia does not intend to seek the status of a cooperating non-member in the near future it is deemed by the Commission to be IUU fishing for SBT and the Commission's IUU Resolution (enclosed) therefore applies to Indonesia. Consequently, and as explained at our meeting, Indonesia's decision will have implications for trade in southern bluefin tuna. CCSBT decisions to manage the stock include the maintenance of a list of vessels authorised to fish for southern bluefin tuna and a trade documentation scheme linked to the vessel list. Under the IUU Resolution agreed in 2003 and amended in 2004, only vessels from members and cooperating non-members will be added to the authorised vessel list and trade documents will only be valid if they incorporate a vessel on the authorised list.

As of the 1 July 2005 the resolution will apply to all vessels (irrespective of length) and to fresh and frozen product. As Indonesia's catch will not have valid statistical documents, CCSBT members and CNMs are obliged to prohibit the import of SBT from Indonesia.

The United States of America, in an amendment to Parts 300 and 635 of its Code of Federal Regulations (50 CFR), has recognised the CCSBT's trade document and a valid CCSBT trade document will also be required after 1 July 2005 for all imports, including from Indonesian, of southern bluefin tuna into the United States of America.

The Commission may also decide to introduce further trade restrictive measures in the future under its Action Plan (enclosed) specifically under its paragraph 6.

The CCSBT sees the current situation as regrettable but the responsible management of the southern bluefin tuna fishery must be given the highest priority. The CCSBT has asked me to request that Indonesia review its decision not to become a cooperating non-member and lodge an application as discussed previously as soon as possible.

Yours sincerely

A handwritten signature in blue ink that reads "Brian Macdonald". The signature is written in a cursive style.

Brian Macdonald
Executive Secretary



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

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Mr B Macdonald
Executive Secretary
CCSBT
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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

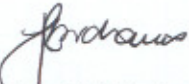
30 mt to be discarded. South Africa would therefore declare this bycatch as part of our commitment to transparency and openness with the Commission.

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