

**DISCUSSION WITH PHILIPPINES – 19 MARCH 2004
REPORT**

Discussions were held with the Philippines concerning their intentions to become a cooperating non-member of the CCSBT on 19 March 2004 in Tokyo, Japan. Japan represented the CCSBT in these discussions.

Participants

The Japanese delegation comprised:

- Masanori Miyahara, Counsellor, Fisheries Agency of Japan (FAJ)
- Katsuma Hanafusa, Director for International Negotiation (FAJ)
- Takashi Koya, International Affairs Division (FAJ)
- Miho Wazawa, International Affairs Division (FAJ)
- Takumi Fukuda, Far Seas Fisheries Division (FAJ)
- Takaaki Suzuki, Far Seas Fisheries Division (FAJ)

The Philippines delegation comprised:

- Atty. Reuben A. Ganaden, Assistant Director, Department of Agriculture, Bureau of Fisheries and Aquatic Resources
- Richard L. Sy, President, Sun Warm Fishing Service, Inc.
- Francisco Tiu Laurel, Jr.

Opening

The Japanese delegation, on behalf of the CCSBT, circulated a draft application letter for the Philippines to become a cooperating non-member of the CCSBT (copy attached). It was emphasized that the CCSBT considered an appropriate catch limit would be between 40 tonnes and 50 tonnes.

The Philippines delegation raised several questions. The Japanese delegation responded as follows:

1. Application

The Philippines delegation pointed out that the Philippines Government had already submitted an application to become a cooperating non-member last year, and that another application was not necessary.

The Japanese delegation said that, as the application was submitted to the Commission before CCSBT 10, where the resolution on cooperating non-member status was adopted, a new application should be made and received by the Commission before 21 June 2004 so that status could come into effect for CCSBT11.

2. Definition of catch limit

The Philippines delegation indicated it was their understanding that catch limits established by CCSBT are for SBT targeted fisheries and the limit would not

apply to bycatch. They also said that all of the SBT caught by Philippine vessels are bycatch from operations targeting bigeye tuna and there are practical difficulties for the quantity control of such bycatch.

The Japanese delegation explained that catch limit means the upper limit of SBT catch volume, regardless of how the fish are caught and the Philippines Government will need to take appropriate measures to have their fishers observe the approved catch limit, even though it is taken as bycatch.

3. Catch limit

The Philippines delegation suggested that since the only formally agreed decision of the Commission was that "100 tons is to accommodate other non-member countries including Philippines", it would be possible for total catches of all cooperating non-members to be less than 100 tons at any one time. In this context, the CCSBT's proposal for setting a catch limit of only 50 tonnes for the Philippines was too limiting and inconsistent with the agreement.

The Japanese delegation explained that the Commission could not specifically allocate catch limits to each cooperating non-member at CCSBT 10 because it was impossible at that stage to judge which State would be granted the status of cooperating non-member in accordance with the procedures of the resolution. An aggregated quota of 100 tonnes, was the only option the Commission could take at CCSBT 10 but it was always intended that specific allocations within the 100 tonnes would be made. Japan also stressed that, as the resolution provides for a negotiation process on setting catch limits with each applicant for cooperating non-member status, the proposed catch limit of 40 - 50 tons was consistent with the provisions of the resolution.

The Philippines delegation emphasized that, since a catch limit of 70 tonnes for the Philippines had been informally discussed at CCSBT 10 they were very uncomfortable and surprised that the CCSBT would now be offering a smaller catch limit. The Philippines requested an explanation of the CCSBT's policy change.

The Japanese delegation explained that the CCSBT's new proposal was agreed a day before this meeting through substantial discussions among members, taking account of various factors including:

- the SBT catch reported by the Philippine to CCSBT
- the current practices of the Philippine fleet
- the result of discussions with South Africa last February

Conclusion

Both delegations could not reach an agreement on a catch limit. The Japanese delegations reiterated the appropriateness of the 50 tonnes and requested that, while further discussion can be undertaken through e-mails, the Philippines delegation consider the CCSBT's proposal and submit an application based on the draft provided at the meeting by 21 June 2004.

June XX, 2004

Mr. Brian Macdonald
Executive Secretary
Convention for the Conservation of Southern Bluefin Tuna (CCSBT)

Dear Mr. Macdonald,

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

The Government of the Republic of Philippines presents its compliments to the Executive Secretary for the Convention 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 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 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 Philippines looks forward to your favorable consideration of our application for Co-operating Non-member status.

Kindly accept our highest regards.

Yours sincerely

(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 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 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 2003/2004 fishing season shall be 40 tonnes.

2. Conservation and Management Measures

The Government of the Republic of 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 the 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.