



CCSBT/0404/08

IMPLEMENTATION OF RESOLUTION ON IUU FISHING

Purpose

To discuss implementation of the Extended Commission's resolution on IUU fishing, which created a list of vessels over 24 metres in length authorised to fish for southern bluefin tuna.

To raise related issues concerning;

- Indonesia
- South Africa
- Philippines
- Seychelles
- China

The paper discusses these matters in three parts;

- implementation
- linkage between large scale vessel list and cooperating non-member status
- China

Background

At CCSBT10 the Extended Commission agreed to a resolution, which established arrangements for the creation of a list of vessels exceeding 24 metres in length authorised to fish for southern bluefin tuna. The resolution was very similar to instruments agreed by ICCAT and the IOTC and requires members and cooperating non-members to submit lists of vessels by 1 July 2004. Members and cooperating non-members are also required to establish arrangements for excluding imports from large scale vessels not on the authorised list. A copy of the resolution is at Attachment A.

The Secretariat has commenced development of the CCSBT systems necessary to administer the list and publish it on the CCSBT website. Members are required and have been asked to submit their listings by 1 July 2004.

The Executive Secretary wrote to Indonesia, South Africa, the Philippines, the Seychelles and China advising them that the CCSBT had established arrangements for a list of authorised large scale vessels and indicated that they would need to

submit lists of large scale vessels likely to be catching southern bluefin tuna if trade was not to be disrupted. The Executive Secretary's letter did not indicate that it was also necessary for these countries to become formal cooperating non-members for their lists of large scale vessels to be included in the CCSBT authorised list.

The five countries were chosen because of their recent involvement in the fishery or because of their stated intention to do so in the future. A sample letter is at Attachment B.

In a separate letter the Executive Secretary wrote to Indonesia, South Africa and the Philippines inviting them to apply to become cooperating non-members. A sample letter is at Attachment C. The letters were followed up with meetings between CCSBT delegations and each country. In these discussions only the Philippines were advised that formal cooperating non-member status was necessary for their large scale vessels to be included on the CSSBT list of authorised vessels. Reports of those meetings are included in other agenda papers for the Special Meeting.

Discussion

Implementation

Implementation of the CCSBT authorised list of vessels is proceeding according to plan and arrangements will be in place for the 1 July 2004 commencement date. It is expected that the vessel list will be live on the website in May, although population of the website with data will not commence until data is supplied by members and cooperating non-members.

Members are required to establish domestic arrangements to enable imports of southern bluefin tuna from vessels not on the list to be denied entry. Japan has initiated the necessary domestic regulations and these will be in place in November 2004. The Japanese regulations will only apply to frozen product from vessels over 24 metres in length. The Secretariat has no advice from other members of any arrangements they will be implementing to allow rejection of imports, although the amount of product affected would be small.

Combined, these developments can be expected to be efficient in further deterring IUU fishing by large scale freezer vessels and will enhance the effectiveness of the Trade Documentation Program.

There is a risk to the program's effectiveness from markets for southern bluefin tuna developing in non-member countries. However, these markets are small at the moment.

Linkage of Large Scale Vessel List to Cooperating Non-member Status

The requirements of the CCSBT list of authorised large scale vessels should, in principle, also have the effect of forcing non-members to become formal cooperating non-members if they wish to market southern bluefin tuna into a CCSBT member.

Because Japan is almost a monopsonist buyer of high quality southern bluefin tuna, loss of access should have a strong impact on targeted fishing by far seas longliners.

The impact on fish caught as bycatch is difficult to assess but would not be as great. For example, the bycatch of southern bluefin tuna is estimated to be only 4-6% of the total tuna catch by Indonesia and they will tend to be influenced more by the wider interests of the fishery.

The *Philippines* and the *Seychelles* should be most influenced because the catch from these two countries is taken by vessels over 24 metres and they export mainly frozen product. However, southern bluefin tuna is a bycatch of the two fleets and the level of incentive may be eroded.

The impact on *Indonesia* is difficult to assess. Only a small proportion of the Indonesian catch would require vessel listing to maintain access to Japan – a large proportion of the fishing fleet is under 24 metres and the majority of the product exported to Japan is fresh product. In this context, the incentive to become a cooperating non-member to allow authorisation of fishing vessels for market access reasons would not seem strong.

The situation with *South Africa* is similar to that of Indonesia. The material recently released by the South African government on the development of a tuna and swordfish fishery indicates that southern bluefin tuna would be exported in fresh form rather than as frozen product. It is not clear from the material made available by the South African government but it is likely that a significant proportion of the fleet would be under 24 metres.

If the Commission wanted to enhance the influence of the CCSBT list of authorised vessels and to have an impact for management and conservation reasons as well as its current primary purpose of deterring IUU fishing by large scale vessels, it might be necessary to:

- lower the threshold for vessel length from 24 metres to, say, 18 metres
- if possible, agree that members include fresh as well as frozen product in domestic regulations

China

China presents a more complicated situation for the Commission. According to the Trade Information Scheme, China exported about 36 tonnes of southern bluefin tuna to Japan in 2003. This is more than the catch limit offered to South Africa and close to the amount offered to the Philippines. They have almost 98 vessels listed with the IOTC and have very large scope for increasing current fishing effort in the Indian Ocean.

The Executive Secretary wrote to China asking them to nominate large scale vessels, which might fish for southern bluefin tuna but it is not certain if China will respond. Most previous correspondence has not been answered.

An invitation to China to become a cooperating non-member would involve setting a catch limit.

Conclusion

Members should note that the arrangements for implementing the resolution on IUU fishing and the CCSBT list of authorised vessels is proceeding to plan.

Should members wish to enhance the effectiveness of or use the authorised large scale vessel list for a wider management and conservation purpose than envisaged at CCSBT10, the Extended Commission might consider lowering the vessel length threshold from 24 metres and applying the trade restriction measures to fresh as well as frozen product.

The Executive Secretary needs to write to Indonesia, the Philippines and South Africa formally advising them that formal cooperating member status is necessary for listing of vessels on the CCSBT authorised list. The letters would reflect the outcome of discussions at the Special Meeting on the relationship with the three countries.

The Executive Secretary needs to write to the Seychelles indicating that the CCSBT will not be including vessels from the Seychelles on the authorised list because the Seychelles has indicated to the Commission that they will not be fishing for southern bluefin tuna.

The Extended Commission might consider what approach, if any, should be taken in relation to China.

**Prepared by the Secretariat
April 2004**

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

The Extended 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 Extended 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 and the Resolution to establish an Extended Commission and an Extended Scientific Committee (the Resolution), the continuing need for all members of the Extended 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 Extended 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 Extended Commission hereby establishes the status of “co-operating non-member” of the Extended Commission and the Extended Scientific Committee.
2. The Executive Secretary of the Extended 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 Extended Commission or applying to the Extended Commission for the status of a co-operating non-member.

3. Any State or entity that receives such an invitation may apply to the Extended Commission to be admitted in the capacity of a Cooperating Non-Member to the Extended Commission. Any applications for such admission should be received by the Executive Secretary of the Extended Commission at least one hundred and twenty (120) days before the Annual Meeting of the Extended 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 Extended 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 Extended Commission the review of its SBT fisheries and all other data that the members of the Extended Commission are required to submit to the Extended 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 Extended 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 Extended 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 Extended 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 Extended Commission. Upon conclusion of the Exchange of Letters the applicant will be admitted in the capacity of a "Cooperating Non-Member" of the Extended Commission. The Cooperating Non-Member will reaffirm the commitments contained in the Exchange of Letters at the Annual Meetings of the Extended Commission.

7. A State or entity that is admitted to the Extended Commission in the capacity of a co-operating non-member will have the right to participate actively in meetings of the Extended Commission, the Extended 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 Extended Commission may decide to restrict the participation of a cooperating non-member in a particular Agenda item.

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

9. If the Extended Commission determines that a co-operating non-member has not fulfilled its commitments the Extended 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 Extended 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 Extended Commission are amended by inserting the following:

“RULE 3 A bis

CO-OPERATING NON-MEMBERS

A State or entity that is admitted to the Extended Commission in the capacity of a co-operating non-member will have the right to participate actively in meetings of the Extended Commission, the Extended 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 Extended Commission may decide to restrict the participation of a cooperating non-member in a particular Agenda item.”



Attachment B

28 January 2004

Mr Horst Kleinschmidt
Deputy Director-General
Marine and Coastal Management
Department: Environmental Affairs and Tourism
Private Bag X2
Roggebaai, 8012
REPUBLIC OF SOUTH AFRICA

Dear Mr Kleinschmidt

The Commission for the Conservation of Southern Bluefin Tuna (CCSBT) has decided to establish a list of vessels over 24 metres authorised to fish for southern bluefin tuna. I have attached a copy of the Commission's resolution creating the list, which takes effect on 1 July 2004. The list will be published on the CCSBT website.

Vessels not on the list will be deemed not to be authorised to fish for, retain on board, tranship or land southern bluefin tuna.

CCSBT members will only accept southern bluefin tuna product if it is accompanied by a CCSBT statistical document validated for a vessel on the authorised list.

To ensure South Africa's trade in southern bluefin tuna is not disrupted, a list of vessels compiled with the information listed in paragraph 3 of the CCSBT resolution, will need to be submitted to the CCSBT Secretariat by 1 July 2004. Any modifications to the list will also need to be advised to the Secretariat when they occur.

Paragraph 6 of the resolution sets out the management responsibilities of members and cooperating non-members in relation to compilation of the vessel list and its operational management.

To assist South Africa in compiling its list and transmitting the information to the Secretariat, I have attached a template for the vessel list; instructions for providing the information; and the codes that are to be used when providing the information. An electronic version of this material has also been sent to you by e-mail.

If possible, could you submit your data well before the due date of 1 July to assist the Secretariat in loading the data?

I suggest we might discuss any clarification or questions you might have at our meeting on 2 February.

Yours sincerely

Brian Macdonald
Executive Secretary



Attachment C

6 November 2003

Mr Husni Manggabarani
Director General of Capture Fisheries
Department of Marine and Fisheries
Jalan Merdeka Timur no.16
Jakarta Pusat 10110
INDONESIA

Dear Mr Manggabarani

Indonesia is a country whose fishing vessels harvest southern bluefin tuna. The purpose of this letter is to invite Indonesia to accede to the Convention for the Conservation of Southern Bluefin Tuna or to apply for the status of cooperating non-member.

The Extended Commission for the Conservation of Southern Bluefin Tuna has established provisions for countries involved in the southern bluefin tuna fishery to become cooperating non-members. I have attached a copy of the Extended Commission's resolution, which sets out the status and responsibilities of a cooperating non-member for your information.

Should Indonesia decide to become a cooperating non-member, I would like to draw your attention to some of the logistics of making an application.

First, Indonesia will need to have lodged an application with me at least 120 days before the annual meeting of the Extended Commission. The next annual meeting will be held on 19-22 October 2004, which sets the last day for submission of applications at 21 June 2004.

Secondly, Indonesia's application will need to include a statement outlining its commitment to the matters outlined in paragraph 4 of the attached resolution.

Thirdly, Indonesia will need to abide by any catch limit that is negotiated with the Extended Commission. At the annual meeting in October 2003, observers from Indonesia were advised that the Extended Commission considered an annual catch limit of 800 tonnes per annum was appropriate for Indonesia. In deciding on this catch limit, the Extended Commission took into account the current estimates of catch for Indonesia and the reductions in catch that have been made by existing members to achieve the management and conservation objectives of the Extended Commission.

The Extended Commission is prepared to assist Indonesia's consideration of the invitation and suggests that this might be best facilitated in the first instance by a meeting between Indonesian officials and representatives from the Commission before the Special Meeting of the Extended Commission, which is scheduled for April 2004.

I look forward to your early response.

Yours sincerely

Brian Macdonald
Executive Secretary