



DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

**EXPLANATORY MEMORANDUM : 1 of 2014**  
**DATE : 4 September 2014**  
**FILE NUMBER : 04/09/2014**

**1 SUBJECT**

Accession to, the Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC); The Convention for the Conservation of Southern Bluefin Tuna (CCSBT) and; The FAO's Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing.

**2 PURPOSE**

- 2.1 To provide an explanatory memo to assist Parliament in taking a decision to approve South Africa's accession to the IOTC; The CCSBT and; The FAO's Port State Measures Agreements.

**3 SUMMARY**

- 3.1 The IOTC and CCSBT are intergovernmental, Regional Fisheries Management Organizations (RFMOs) mandated to manage tuna and tuna-like species. Whilst IOTC manages a vast range of tuna and tuna-like species in the Indian Ocean, CCSBT is solely responsible for the management of southern bluefin tuna (SBT). RFMOs objectives are to promote cooperation among its members with a view to ensuring the conservation and optimum utilization of stocks and, encourage the sustainable development of fisheries. These RFMOs conduct stock assessments, determine and adopt conservation and management

measures, determine a Total Allowable Catch (TAC) and issue country quotas for these high seas fisheries resources.

- 3.2 South Africa is a Co-operating, Non-contracting party to IOTC and CCSBT and has not yet acceded to the FAO's Port State Measures. As a Co-operating, Non-Contracting Party, South Africa is obligated to adhere to all management and conservation measures of the IOTC and CCSBT, including data reporting, as required by all Member Parties. Furthermore, South Africa has to apply for this status to be renewed each year. The renewal of South Africa's status is determined by the Member Parties by scrutinizing South Africa's performance with regard to the implementation of the IOTC's management and conservation measures. These factors create large uncertainty in securing long-term access for our vessels to fish for tuna and tuna-like species.
- 3.3 The tuna longline fishery has the potential to become the third most economically important fishery in South Africa after the hake and small pelagic fisheries. Full membership to the tuna RFMOs (IOTC and CCSBT) can make the difference between a R150 million industry and a R1 200 million industry in foreign currency. It also has the greatest potential to provide new jobs in the fishing sector in the short-term.
- 3.4 The Agreement on Port State Measures to Prevent, Deter and Eliminate IUU fishing aims to prevent illegally caught fish from entering international markets through ports. Once this FAO-brokered treaty enters into force it will deny access to fishing ports to ships involved in illegal fishing.

#### **4 STRATEGIC FOCUS OF THE MEMORANDUM**

- 4.1 South Africa's accession to the IOTC and CCSBT Regional Fisheries Management Organisations (RFMO's) is long outstanding. There is urgency for South Africa to accede to these agreements and develop her national fisheries. By acceding to the IOTC and CCSBT Agreements, the government would create a more secure environment for the development of the tuna longline fishery thereby increasing South Africa's revenue. In the case of CCSBT in particular, South Africa

will be granted an increase in her Southern Bluefin Tuna allocation upon accession. This would also promote the creation of new jobs and would contribute to uplifting the quality of existing employment in this sector. Full membership of the IOTC and CCSBT would allow South Africa to table its concerns and to influence the decisions taken at these RFMOs pertaining to the management of the lucrative and valuable tuna and tuna-like resources.

- 4.2 There is a linkage between RFMOs and the global fight against IUU fishing. IUU fishing is a global threat to sustainable fisheries and to the management and conservation of fisheries resources and marine biodiversity. By acceding to the FAO's Port State Measures Agreement, South Africa will be part of an international and joint effort of combating IUU.

## **5 DISCUSSION**

- 5.1 South Africa has a developing commercial longline fishery which has not reached its full potential. This is partially due to South Africa only being a Member Party to International Commission for Conservation of Atlantic Tuna (ICCAT), which only secures access to fishing for tuna in the Atlantic Ocean.
- 5.2 South Africa's longline fishing effort for tuna originally developed in the Atlantic in 1998, but has since 2002 expanded to include the Indian Ocean. Currently, most of the South African longline fishing effort is now focused in the Indian Ocean where catch rates are higher.
- 5.3 South Africa is also the most important port state in the region for many foreign vessels fishing on the high seas for tuna and tuna-like species. These vessels use our port facilities to land/ transship fish product, take on bunkers, water and supplies, and visit the ports for repairs. Given the high frequency of visits, South Africa has an important Monitoring, Control and Surveillance (MCS) role to play within the IOTC and CCSBT to ensure that IUU fish products are not entering the markets through our ports.

- 5.4 As a Co-operating, Non-Contracting Party, South Africa is obligated to adhere to all management and conservation measures of the IOTC and CCSBT RFMOs as required by all Member Parties. Furthermore, South Africa has to apply for this status to be renewed each year. The renewal of South Africa's status is determined by the Member Parties by scrutinizing South Africa's performance with regard to the implementation of the IOTC's management and conservation measures. As a Cooperating, Non-contracting Party Member South Africa is not allowed to table any management and conservation measure proposals for adoption. These factors create large uncertainty in securing long-term access for our vessels to fish for tuna and tuna like species. As a result, industry is reluctant to invest in this capital-intensive fishery when access rights to fishing grounds are uncertain.
- 5.5 By acceding to the IOTC and CCSBT Agreements, Government would create a more secure environment for the development of the tuna longline fishery thereby increasing South Africa's revenue.

## **6 IMPLEMENTATION PLAN**

South Africa has been a Co-operating Non-contracting party to IOTC and CCSBT since 2003 and 2005 respectively and is obligated to implement all relevant IOTC management and conservation measures. South Africa's data and reporting to IOTC and CCSBT has largely been taken care of through a joint effort of the DAFF Fisheries Branch's components (Fisheries Research and Development, and Marine Resource Management and Monitoring, Control and Surveillance) and coordinated by the International Relations section. In addition, the Minister of DAFF has been annually sending a delegation to attend the annual meetings of IOTC and CCSBT.

To a large extent South Africa is quite advanced in implementing the National Port State Measures which are in line with the FAO's Port State Measures.

## **7 ORGANISATIONAL AND PERSONNEL IMPLICATIONS**

- 7.1 The Department of Agriculture, Forestry and Fisheries would be the lead agency in engaging with the IOTC, CCSBT and the FAO's Port State Measures and in implementing the relevant conservation and management measures.
- 7.2 The IOTC and CCSBT structure consists of a Commission, a Scientific Committee, and a number of working groups, which meet annually. Once South Africa has acceded to the IOTC Agreement, relevant officials should be appointed from DAFF to represent South Africa at the abovementioned meetings. The delegation for the Commission meeting should at least consist of a Commissioner, Fisheries Officer, Compliance Officer and International Relations Officer. A Fisheries Researcher should attend the Scientific Committee meeting(s) of the Commission.
- 7.3 South Africa is already implementing the Port State Measures. South Africa should use the opportunity of assistance offered to developing states by the FAO in improving the current Port State Measures.

## **8 FINANCIAL IMPLICATIONS**

- 8.1 Accession to IOTC and CCSBT would oblige South Africa to pay annual membership fees:
- 8.1.1 IOTC: The South African membership contribution is estimated to be US\$30-35 thousand (in terms of the IOTC, the countries contributions are based on a formula using the following criteria: World Bank Classification of the country, the OECD member status of the country, and; Country's average annual tuna catch).
- 8.1.2 CCSBT: The formula for calculating CCSBT membership contributions is specified in Article 11 of the Commission. 30% of the annual budget of the CCSBT is split equally between the Members and the remaining 70% of the budget is divided in proportion to the nominal catches allocated to the Members. The CCSBT Secretariat provided some estimated calculations for South Africa based on the anticipated quota allocations of 80 t for 2013 and this amounted to AU\$72 235.00 (ZAR

573 526.00).

8.1.3 In addition to paying annual subscription fees to the IOTC and CCSBT Commissions, South Africa would be required to participate and attend the Scientific, Inter-sessional and Commission annual meetings of these RFMOs.

8.2 South Africa is a long standing member of the FAO and therefore there are no financial implications to acceding to the FAO's Port State Measures Agreement.

## **9 COMMUNICATION IMPLICATIONS**

9.1 Outcomes of the process of accession of the IOTC and CCSBT shall be communicated to the FAO, the IOTC and CCSBT secretariat respectively, Fisheries and stakeholders.

9.2 A central coordination point will have to be established within the DAFF to communicate and report to the FAO on the implementation of Port State Measures. The Focal Point will be responsible for ensuring communication with all the relevant stakeholders and have regular meetings and disseminate the relevant information.

## **10 CONSTITUTIONAL IMPLICATIONS**

There are no anticipated constitutional implications. The Chief State Law Advisors of the DoJ & CD and DIRCO has reviewed the IOTC, CCSBT and FAOs Port State Measures Agreements and have confirmed that its contents are not in conflict with the domestic law of South Africa (**Annexure A1, A2, and A3**).

## **11 IMPLICATIONS FOR VULNERABLE GROUPS**

By acceding to the IOTC and CCSBT Agreements, government would create a more secure environment for the development of the tuna longline fishery thereby increasing South Africa's revenue. This would promote the creation of new jobs and would contribute to uplifting the quality of existing employment in this sector. By acceding to the FAO's Port State Measures Agreement to Prevent, Deter and Eliminate IUU Fishing, South Africa will be part of an international and joint effort of



combating IUU. In so doing, we will protect our resources and our markets by not allowing accessibility of illegal fish products often threatening the livelihood of our national fishing industry.

## **12 SECURITY IMPLICATIONS**

No anticipated security implications.

## **13 DEPARTMENTS AND PARTIES CONSULTED, RESPONSES AND COMMENTS**

- 13.1 DoJ & CD and DIRCO have legally reviewed the contents of IOTC, CCSBT and FAO Port State Measures and found it not to be in conflict with the domestic law of South Africa ([Annexure A1, A2, and A3](#))

## **14 RECOMMENDATIONS**

- 14.1 It is recommended that Parliament approve South Africa's accession to the Agreement for, the establishment of the Indian Ocean Tuna Commission; The Convention for the Conservation of Southern Bluefin Tuna and; The FAO's Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

## **15 OFFICIAL RESPONSIBLE FOR THE MEMORANDUM**

I declare that the Explanatory Memorandum bears a true account of the accession implications of the Agreement for, the establishment of the Indian Ocean Tuna Commission; The Convention for the Conservation of Southern Bluefin Tuna and; The FAO's Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing for the Republic of South Africa.

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**HEAD OF DEPARTMENT**

Prof E. Vries: Director-General, Department of Agriculture, Forestry and Fisheries.

A handwritten signature in black ink, appearing to read 'Senzeni Zokwana', is written over a horizontal line.

**HONOURABLE SENZENI ZOKWANA, MP**

**MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES**

**DATE:** 16 - 09 - 2014