

9 October 2020

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Dear Hollie

I refer to your email of 16 September 2020 in which you request the following under the Official Information Act 1982 (OIA):

"Why did MFAT decide not to try and search or continue to support the search for the New Zealanders on board of Gulf Livestock 1.

Please explain the process that was followed in making this decision.

Please provide correspondence and reasoning around the making of this decision.

I expect this will be between NZ and Japanese officials."

I also refer to your email of 16 September 2020 to the Minister of Foreign Affairs in which you request the following under the OIA:

"Please provide all advice you received from your officials to support making the decision to not support continuing the search for New Zealanders lost off of the Gulf livestock 1 ship."

This response covers both of these requests.

With respect to the first part of your request, neither the Minister of Foreign Affairs nor the Ministry of Foreign Affairs and Trade (MFAT) have any role in, or ability to make decisions about, search and rescue operations in New Zealand or overseas. The designated agency with responsibility for search and rescue in New Zealand's geographic area of responsibility is Maritime New Zealand. MFAT has worked closely with Maritime New Zealand on this matter, in the context of providing consular support to the families of the New Zealanders involved in this incident and explanations of how the international search and rescue system works. This response includes Maritime New Zealand's advice.

In accordance with the International Convention on Maritime Search and Rescue, to which New Zealand and Japan are both parties, the Japanese Government has responsibility for undertaking the search and rescue operation for survivors from the vessel because the Gulf Livestock 1 incident occurred in Japan's search and rescue region. Decision-making about the search operation is therefore the responsibility of the relevant Japanese authorities – the Japan Coast Guard. The Japan Coast Guard has undertaken a thorough, extensive and professional

search operation by air and sea. It has confirmed that, while searching by the dedicated task force has concluded, regular patrol operations are continuing.

The International Convention on Maritime Search and Rescue specifies that a search should only be terminated when there is no longer any reasonable hope of rescuing survivors, and that the rescue coordination centre coordinating the search should normally be responsible for terminating a search.

While respecting Japan's extensive and ongoing search efforts, and its responsibility under the International Search and Rescue Convention, it is internationally agreed best practice for search and rescue authorities to cooperate with each other to support search and rescue efforts. The New Zealand Embassy in Tokyo remains in regular contact with the Japan Coast Guard. Maritime New Zealand has offered the Japan Coast Guard information and support during the search operation.

MFAT is continuing to provide all assistance possible to the families concerned.

Please note that we may publish this letter (with your personal details redacted) on the Ministry's website.

You have the right under section 28(3) of the OIA to seek a review of this response by the Ombudsman.

Yours sincerely



Julie-Anne Lee
for Secretary of Foreign Affairs and Trade