



SOUTH EAST ATLANTIC FISHERIES ORGANISATION

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TO: Division for Ocean Affairs and Law of the Sea
Office Legal Affairs
United Nations
New York

RE: FEEDBACK ON THE REPORT OF THE SECRETARY-GENERAL REGARDING IMPLEMENTATION OF RESOLUTION 67/79 ON SUSTAINABLE FISHERIES

Dear Sir

I acknowledged receipt of your said request. Below please find SEAFO response regarding developments in the implementation of the said resolution:

I. Achieving sustainable fisheries

Para 8. Calls upon all States, directly or through regional fisheries management organizations and arrangements, to apply widely, in accordance with international law and the Code, 4 the precautionary approach and ecosystem approaches to the conservation, management and exploitation of fish stocks, and also calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

Response: Commission recognizing the importance of the application of the precautionary approach as reflected in the Convention:

ARTICLE 3. GENERAL PRINCIPLES

In giving effect to the objective of this Convention, the Contracting Parties, where appropriate through the Organisation, shall, in particular:

- (a) adopt measures, based on the best scientific evidence available, to ensure the long term conservation and sustainable use of the fishery resources to which this Convention applies;
- (b) apply the precautionary approach in accordance with article 7;

ARTICLE 6. THE COMMISSION

3. (g) manage stocks on the basis of the precautionary approach to be developed in accordance with article 7;

ARTICLE 7. APPLICATION OF THE PRECAUTIONARY APPROACH

1. The Commission shall apply the precautionary approach widely to conservation and management and exploitation of fishery resources in order to protect those resources and preserve the marine environment.
2. The Commission shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.
3. In implementing this article, the Commission shall take cognisance of best international practices regarding the application of the precautionary approach, including Annex II of the 1995 Agreement and the FAO Code of Conduct for Responsible Fisheries, 1995.

Para 10. Calls upon all States, directly or through regional fisheries management organizations and arrangements, to apply stock-specific precautionary reference points, as described in annex II to the Agreement and in the Code, to ensure that populations of harvested stocks and, where necessary, associated or dependent species, are maintained at or restored to sustainable levels, and to use these reference points for triggering conservation and management action;

Response: The Scientific Committee (SC) does apply the precautionary approach, however, SEAFO is experiencing a data poor situation and the SC is not currently in a position to apply stock-specific precautionary reference points. Each stock is assessed separately and a species profile is compiled for each of the TAC species.

Para 12. Also encourages States to enhance or develop observer programmes, individually or through regional fisheries management organizations or arrangements, in order to improve data collection on, inter alia, target and by-catch species, which could also assist monitoring, control and surveillance tools, and to take into account standards, forms of cooperation and other existing structures for such programmes as described in article 25 of the Agreement and article 5 of the Code;

Response:

It is compulsory for fishing vessels that are fishing in the SEAFO Convention Area to carry scientific observers on board as specified in the Convention as well as in the "System":

CONVENTION

ARTICLE 16. OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT

(c) an observer programme based on common standards for the conduct of observation, including, inter alia, arrangements for the placing of observers by a Contracting Party on vessels flying the flag of another Contracting Party with the consent of that Party; an appropriate level of coverage for different sizes and types of fishing vessels and fishery research vessels; and measures for reporting by observers of information regarding apparent violations of conservation and management measures, taking into account the need to ensure the safety of observers; and

SYSTEM OF OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT

Article 16: Scientific observer programme

1. Each Contracting Party shall ensure that all its vessels operating in the Convention Area shall carry scientific observers qualified by the flag State. Flag States shall ensure that the relevant data is transmitted to Executive Secretary in the format specified by the Scientific Committee.
2. Each Contracting Party shall require the submission of this information, in respect of each vessel flying its flag, within 30 days of leaving the Convention Area. The Contracting Party shall provide a copy of a copy of the information to the Executive Secretary as soon as possible, taking into account of the need to maintain confidentiality of non- aggregated data.

Para 13. Calls upon States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to the Food and Agriculture Organization of the United Nations required catch and effort data, and fishery related information, in a complete, accurate and timely way, including for straddling fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas fish stocks, and by-catch and discards; and, where they do not exist, to establish processes to strengthen data collection and reporting by members of regional fisheries management organizations and arrangements, including through regular reviews of member compliance with such obligations, and, when such obligations are not met, require the member concerned to rectify the problem, including through the preparation of plans of action with timelines;

Response: SEAFO is formal member of the Coordinating Working Party on Fisheries Statistics (CWP) as from 1997. SEAFO has an obligation to provide aggregated catch statistics to the FAO the same as other RFMO's and parties to COFI. SEAFO flag States provide FAO with aggregated statistical catch on an annual basis, and FAO make these data available to the public via the "Southeast Atlantic-Area 47 capture production" database. The CWP and relevant RFMOs are jointly responsible for the statistical data captured by the STATLANT questionnaires, and FAO act as the Secretariat for the CWP. SEAFO's SEAFO Data Manager (Mr. George Campanis) is the current co-chair of the CWP. The FAO are responsible for dispatching and collating the electronic catch questionnaires (STATLANT 47A form). The questionnaires are typically sent in June and are completed based on aggregated nominal catch (landed) for the previous year. The reported catch excludes aquaculture and discards, and is reported as live weight expressed in tons by species and division.

Para 15. Reaffirms paragraph 10 of resolution 61/105 of 8 December 2006, and calls upon States, including through regional fisheries management organizations or arrangements, to urgently adopt and implement measures to fully implement the International Plan of Action for the Conservation and Management of Sharks for directed and non-directed shark fisheries, based on the best available scientific information, through, inter alia, limits on catch or fishing effort, by requiring that vessels flying their flag collect and regularly report data on shark catches, including species-specific data, discards and landings, undertaking, including through international cooperation, comprehensive stock assessments of sharks, reducing shark by-catch and by-catch mortality and, where scientific information is uncertain or inadequate, not increasing fishing effort in directed shark fisheries until measures have been established to ensure the long-term conservation, management and sustainable use of shark stocks and to prevent further declines of vulnerable or threatened shark stocks;

Response: Commission recognizing the importance to protect sharks to ensure the long term conservation thereof. The Commission adopted a recommendation and a Conservation Measure in 2006 and 2008, respectively to implement conservation measures to protect sharks.

1. Recommendation 1/2008 Banning of deep-water shark catches

The Commission in accordance with the International Plan of action for sharks recommended to ban deep-water shark directed fisheries in the SEAFO Convention Area until additional information becomes available to identify sustainable harvesting levels

2. Conservation Measure 04/06 on the Conservation of Sharks Caught in Association with Fisheries Managed by SEAFO

The Parties to the SEAFO Convention

RECALLING that the United Nations Food and Agriculture Organisation (FAO) International Plan of Action of Sharks calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organisations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks (defined as elasmobranchs);

CONSIDERING that many sharks are part of ecosystems in the SEAFO area, and that sharks are captured in fisheries targeting species covered by the SEAFO Convention;

RECOGNISING the need to collect data on catch, effort, discards and trade, as well as information on the biological parameters of many species, in order to conserve and manage sharks;

Have agreed as follows:

1. Each Contracting Party shall annually report data for catches of sharks, in accordance with SEAFO data reporting procedures, including available historical data.
2. Each Contracting Party shall take the necessary measures to require that their fishermen fully utilise their entire catches of sharks. Full utilisation is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
3. Each Contracting Party shall require their vessels to not have onboard fins that total more than 5 % of the weight of sharks onboard, up to the first point of landing. Contracting Parties that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5 % ratio through certification, monitoring by an observer, or other appropriate measures.
4. The ratio of fin-to-body weight of sharks described in paragraph 3 shall be reviewed by the Scientific Committee and report back to the Commission in 2008 for revision, if necessary.
5. Fishing vessels are prohibited from retaining on board, transshipping or landing any fins harvested in contravention of this conservation measure.
6. In fisheries that are not directed at sharks, Contracting Parties shall encourage the release of live sharks, especially juveniles, to the extent possible, that are caught incidentally and are not used for food and/or subsistence.
7. Each Contracting Party shall, where possible, undertake research to identify ways to make fishing gears more selective (such as the implications of avoiding the use of wire traces).
8. Each Contracting Party shall, where possible, conduct research to identify shark nursery areas.
9. The Commission shall consider appropriate assistance to Developing States, Parties to the Convention, for the collection of data on their shark catches.
10. This resolution applies only to sharks caught in association with fisheries for species covered by the SEAFO Convention.

Para 18. Calls upon regional fisheries management organizations with the competence to regulate highly migratory species to strengthen or establish precautionary, science-based conservation and management measures, as appropriate, for sharks taken in fisheries within their convention areas consistent with the International Plan of Action for the Conservation and Management of Sharks;

Response: Please see response for para 15 above.

II Implementation of the 1995 Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Para 29. Urges States parties to the Agreement, in accordance with article 21, paragraph 4, thereof to inform, either directly or through the relevant subregional or regional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same subregion or region of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

Para 31. Invites regional fisheries management organizations and arrangements which have not yet done so to adopt procedures for high seas boarding and inspection that are consistent with articles 21 and 22 of the Agreement;

Response to para 29 & 31: The Commission has adopted in 2012 the SYSTEM OF OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT, and Phase 1. The Commission will debate Phase 2 that inter alia deals with inspections at sea during the 2013 Commission meeting.

Para 32. Calls upon States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements with competence over discrete high seas fish

stocks, to adopt the necessary measures to ensure the long-term conservation, management and sustainable use of such stocks in accordance with the Convention and consistent with the Code and the general principles set forth in the Agreement;

Response: Commission recognizing the importance to adopt Conservation Measures to ensure the long-term conservation, management and sustainable utilization of the resources in the SEAFO Convention Area. The Commission has adopted two recommendations and six Conservation Measures that directly deals with the long-term conservation of resources. The SYSTEM OF OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT deals with more compliance related issues but also indirect contribute to the long-term conservation of the resources.

The functions of the Scientific Committee shall be to provide the Commission with scientific advice and recommendations for the formulation of conservation and management measures for fishery resources covered by the Convention, and to encourage and promote cooperation in scientific research in order to improve knowledge of the living marine resources of the Convention Area (Article 10 of the SEAFO Convention).

Para 33. Invites States to assist developing States in enhancing their participation in regional fisheries management organizations or arrangements, including by facilitating access to fisheries for straddling fish stocks and highly migratory fish stocks, in accordance with article 25, paragraph 1 (b), of the Agreement, taking into account the need to ensure that such access benefits the developing States concerned and their nationals;

Response: The Commission recognizing the economic and geographical considerations and the special requirements of developing States, and their coastal communities, for equitable benefit from living marine resources as depicted in Article 21 of the Convention:

The Commission has approved the establishment of a Special Requirements Fund (SRF) during the 2009 annual meeting. The principals, guidelines and operational procedures for the SRF are available on the SEAFO webpage www.seafo.org. Both Norway and the EU have contributed to the SRF.

ARTICLE 21. RECOGNITION OF THE SPECIAL REQUIREMENTS OF DEVELOPING STATES IN THE REGION

1. The Contracting Parties shall give full recognition to the special requirements of developing States in the region in relation to conservation and management of fishery resources and the development of such resources.

2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for stocks covered by this Convention, the Contracting Parties shall take into account the special requirements of such developing States, in particular:

(a) the vulnerability of developing States in the region which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or parts thereof;

(b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fish workers; and

(c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States in the region.

3. The Contracting Parties shall cooperate through the Commission and other subregional or regional organisations involved in the management of fishery resources:

(a) to enhance the ability of developing States in the region to conserve and manage fishery resources and to develop their own fisheries for such resources; and

(b) to assist developing States in the region which may fish for fishery resources, to enable them to participate in fisheries for such resources, including facilitating access in accordance with this Convention.

4. Cooperation with developing States in the region for the purposes set out in this article shall include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, and activities directed specifically towards:

- (a) improved conservation and management of the fishery resources covered by this Convention through collection, reporting, verification, exchange and analysis of fisheries data and related information;
- (b) stock assessment and scientific research; and
- (c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

IV Illegal, unreported and unregulated fishing

Para 56. Urges regional fisheries management organisations and arrangements to further coordinate measures for combating illegal, unreported and unregulated fishing activities, such as through the development of a common list of vessels identified as engaged in illegal, unreported and unregulated fishing or the mutual recognition of the illegal, unreported and unregulated vessel lists established by each organization or arrangement.

Response: SEAFO has a joint listing agreement with NAFO, NEAFC and CCAMLR and a total of 28 vessels are listed on the IUU vessel list.

Para 59. Recognizes the need for enhanced port State measures to combat illegal, unreported and unregulated fishing. and urges States to cooperate, in particular at the regional level and through subregional and regional fisheries management organizations and arrangements, to adopt all necessary port measures, consistent with international law taking into account article 23 of the Agreement, and to further promote the development and application of standards at the regional level.

Response: The Commission has adopted the SYSTEM OF OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT that includes port State measures:

Port State control of foreign vessels

Article 17 – Scope

Each Contracting Party shall, in accordance with duties under article 15 of the SEAFO Convention maintain an effective system of port State control for all foreign vessels that have been engaged in fishing or fishing related activities in the Convention Area, except container vessels that are not carrying fishery resources or, if carrying fishery resources, only fishery resources that have been previously landed, provided that there are no clear grounds for suspecting that such a vessel has engaged in fishing related activities in support of IUU fishing.

Article 18 - Designation of ports

1. Each Contracting Party shall designate, publicize and notify the Executive Secretary about the ports to which foreign vessels may request entry.

Each Contracting Party shall, to the greatest extent possible, ensure that designated ports have sufficient capacity to conduct inspections and take other measures in accordance with obligations set out by SEAFO.

2. The Executive Secretary shall establish a register of all ports designated by Contracting Parties. The register shall include accompanying information, such as associated conditions of entry and the period of notice required, and shall be published, and updated as required, on the SEAFO website.

Article 19 – Advance request for port entry

Each Contracting Party shall, before granting entry to a foreign vessel to its port, as a minimum standard, require the information set out in Annex VIII to be provided at least 3 working days before the estimated time of arrival. A Contracting Party may provide for another notification period, taking into account, *inter alia*, the distance between the fishing grounds and its ports. In such a case the Contracting Party concerned shall without delay inform the Executive Secretary, who shall put this

information on the SEAFO website. Any other subsequent changes to the requirements shall be notified to the Executive Secretary at least 30 days before the changes becomes effective.

Article 20 – Port entry; authorisation or denial

1. After receiving the information required pursuant to Article 19, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing, each Contracting Party shall decide whether to authorise or deny the entry of the vessel into its port and shall communicate this decision to the master of the vessel or to the vessel's representative.

2. In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorisation for entry to the competent authorities of the Contracting Party upon the vessel's arrival at port.

3. In the case of denial of entry, the Contracting Party shall communicate its decision taken pursuant to paragraph 1 of this Article to the flag State of the vessel and to the Executive Secretary, who shall put this information on the SEAFO website.

4. Without prejudice to paragraph 1 of this Article, when a Contracting Party has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by SEAFO or another relevant regional fisheries management organisation, the Contracting Party shall deny that vessel entry into its ports.

5. In addition to paragraphs 3 and 4 of this Article, a Contracting Party may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing.

6. Where a vessel referred to in paragraph 4 or 5 of this Article is in port for any reason, a Contracting Party shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fishery resources and for other port services including, *inter alia*, refuelling and resupplying, maintenance and dry-docking. Paragraphs 2 and 3 of Article 21 apply *mutatis mutandis* in such cases.

Article 21 – Use of ports

1. Where a vessel has entered one of its ports, a Contracting Party shall deny that vessel the use of the port for landing, transshipping, packaging and processing of fishery resources that have not been previously landed and for other port services, including, *inter alia*, refuelling and resupplying, maintenance and dry-docking, if:

(a) the Contracting Party finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;

(b) the flag State does not confirm within a reasonable period of time, on the request of the port State, that the fishery resources on board was taken in accordance with applicable requirements of SEAFO; or

(c) the Contracting Party has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing, including in support of a vessel referred to in paragraph 4 of Article 20, unless the vessel can prove:

that it was acting in a manner consistent with relevant conservation and management measures; or

in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel referred to in paragraph 4 of Article 20.

2. In addition to paragraph 1 of this Article, a Contracting Party shall not deny a vessel referred to in that paragraph the use of port services:

(a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven; or

(b) where appropriate, for the scrapping of the vessel.

3. Where a Contracting Party has denied the use of its port in accordance with this Article, it shall promptly notify the flag State and the Executive Secretary, who shall put this information on the SEAFO website.

Article 22 – Inspections

1. Each Contracting Party shall ensure that inspections of vessels are carried out by authorised inspectors trained and familiar with the Convention and relevant conservation and management measures adopted by the Commission. Inspector training programs shall take into account the elements set out in Annex IX, and Contracting Parties shall seek to cooperate in this regards.

2. Prior to an inspection, the inspector shall present to the master of the vessel an appropriate identity document.

3. Each Contracting Party shall ensure that inspections of vessels in their ports are carried out at least in accordance with the procedures set out in Annex X.

4. The port State may invite inspectors of other Contracting Parties to accompany their own inspectors and observe the inspection of landings or transshipment operations of fishery resources caught by foreign vessels.

5. Each Contracting Party shall ensure that their inspectors make all possible efforts to avoid unduly delaying a vessel and that the vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the fish resources is avoided.

6. Each Contracting Party shall include at least the information set out in Annex XI in the written report of the results of each inspection, which shall be forwarded to the flag State of the vessel and to the Executive Secretary.

Article 23 - Role of flag State

1. Each Contracting Party shall require its vessels to cooperate with the port State in inspections carried out pursuant to this regulation.

2. When a Contracting Party has clear grounds to believe that one of its vessels has engaged in IUU fishing and is seeking entry to or is in the port of another Contracting Party, it shall, as appropriate, request that Contracting Party to inspect the vessel or to take other adequate measures.

3. Where, following port State inspection, a flag State receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.

4. Each Contracting Party shall, in its capacity as a flag State, report to the Executive Secretary on actions it has taken in respect of its vessels that, as a result of port State measures taken pursuant to this Chapter, have been determined to have engaged in IUU fishing.

Article 24 - Application

1. This Chapter shall be applied to all Contracting Party's ports; within the coastal States, which have areas of national jurisdiction adjacent to the Convention Area.
2. Each Contracting Party which does not have areas of national jurisdiction adjacent to the Convention Area shall endeavour to apply this Chapter.

V Monitoring, control and surveillance and compliance and enforcement

Para 71. Urges States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems, in particular to require that vessel monitoring systems be carried by all vessels fishing on the high seas as soon as practical, recalling paragraph 62 of resolution 63/112 of 5 December 2008 urged that large-scale fishing vessels be required to carry vessel monitoring systems not later than December 2008, and to share information on enforcement matters:

Response: Commission recognizing the importance of monitoring, control and surveillance as reflected in the "SYSTEM"

Article 11 – Communication of vessel movements and catches

Each Contracting Party shall ensure that its vessels authorised to operate in the Convention Area shall communicate Vessel Monitoring System (VMS) data and catch reports to its competent authorities by electronic means, or other appropriate means, and to the Executive Secretary if the Contracting Party so desires. The timing and content of the reports shall include the following:

- (a) entry report. This report shall be transmitted no more than 12 hours and at least 6 hours in advance of each entry into the Convention Area and shall include entering date, time, geographical position of the vessel and the quantity of fishery resources on board by species (using the relevant FAO 3 Alfa Code) and by live weight (Kg);
- (b) catch report. The catch shall be recorded by species (using the relevant FAO 3 Alfa Code) and by live weight (Kg), including retained by-catch species and discarded TAC species, every 5 days, or more frequently as required by the Contracting Party; and
- (c) exit report. This report shall be made no more than 12 hours and at least 6 hours in advance of each exit from the Convention Area. The report shall include exiting date, time, geographical position of the vessel, the number of fishing days and the catch taken by species (using the relevant FAO 3 Alfa Code) and by live weight (Kg) since the commencement of fishing in the Convention Area, or since the last catch report.

Article 13 – Vessel Monitoring System (VMS)

1. Each Contracting Party shall ensure that its vessels implement a satellite based vessel monitoring system and:
 - (a) be equipped with a Vessel Locating Device (VLD) able to automatically transmit VMS data to the land based Fisheries Monitoring Centre (FMC) of its flag State allowing a continuous tracking of the position of the vessel by the flag State;
 - (b) the VLD fitted on board the vessel shall be able to continuously collect and transmit, at any time, to the FMC of the flag State the following data:
 - i. the vessel's identification;

ii. the most recent geographical position of the vessel (longitude and latitude) with a margin of error lower than 500 metres, with a confidence interval of 99%;

iii. course of the vessel;

iv. speed of the vessel; and

v. the date and time that the position of the vessel has been transmitted.

(c). the satellite tracking devices on its vessels are permanently operational and that the information referred to in sub-paragraph (b) is collected and automatically transmitted at least every 2 hours;

(d). its vessels do not enter the Convention Area and commence operations with a defective VLD;

(e). in the event of a technical failure or non-operation of the VLD fitted on board a vessel, the device shall be repaired or replaced within a month. After this period, the vessel is not authorised to begin a new trip with a defective VLD. If the trip is lasting more than one month, the repair or the replacement has to take place as soon as the vessel enters a port; the vessel shall not be authorised to begin a new trip without a VLD having been repaired or replaced; and

(f). that a vessel with a VLD shall manually communicate to the flag state FMC, at least daily, reports containing the information in sub-paragraph (b) by other means of communication (email, radio, fax, etc.).

2. Each flag State shall provide a copy of the reports required in accordance with this Article to the Executive Secretary, as soon as possible after receipt, but not later than 24 hours following the receipt of the reports and messages by the FMC.

3. Each flag State shall ensure that the reports and messages transmitted to the Executive Secretary shall be in accordance with the data exchange format in Annex III.

Para 72. Calls upon States, individually and through regional fisheries management organizations or arrangements, to strengthen or establish, consistent with national and international law, positive or negative lists of vessels fishing within areas covered by relevant regional fisheries management organizations and arrangements in order to promote compliance with conservation and management measures and to identify products from illegal, unreported and unregulated catches, and encourages improved coordination among all States and regional fisheries management organization and arrangements in sharing and using this information, taking into account the forms of cooperation with developing States as set out in article 25 of the agreement

Response: Commission recognizing the importance of an authorized vessels list as reflected in the "SYSTEM"

Article 4 – Authorisation and notification to fish

1. Each Contracting Party shall submit electronically and annually to the Executive Secretary, by 1 December, the list of its vessels that are authorised to operate in the Convention Area. This list shall include the following information:

(a) name of vessel, registration number, previous names (if known), and port of registry;

(b) previous flag (if any);

(c) International Radio Call Sign (if any);

(d) name and address of owner or owners;

(e) where and when built;

- (f) type of vessel;
- (g) length;
- (h) name and address of operator (manager) or operators (managers) (if any);
- (i) type of fishing method or methods;
- (j) moulded depth;
- (k) beam;
- (l) gross register tonnage; and
- (m) power of main engine or engines.

2. Each Contracting Party shall promptly notify, after the establishment of the SEAFO record, the Executive Secretary of any addition to, any deletion from and/or any modification of the SEAFO record at any time such changes occur.

3. The Executive Secretary shall maintain the SEAFO record, and take any measure to ensure publicity of the record and through electronic means, including placing it on the SEAFO website, in a manner consistent with confidentiality requirements noted by Contracting Parties.

4. Each Contracting Party shall:

(a) authorise their vessels to operate in the Convention Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the Convention, this System and its conservation and management measures;

(b) take necessary measures to ensure that their vessels comply with this System and all the relevant SEAFO conservation and management measures;

(c) take necessary measures to ensure that their vessels on the SEAFO record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;

(d) ensure that its vessels on the SEAFO record have no history of IUU fishing, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, its vessels are not engaged in or associated with IUU fishing;

(e) ensure, to the extent possible under domestic law, that the owners and operators of its registered vessels on the SEAFO record are not engaged in or associated with fishing activities conducted in the Convention Area by vessels not registered into the SEAFO record; and

(f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the vessels on the SEAFO record are citizens or legal entities within that Contracting Party so that any control or punitive actions can be effectively taken against them.

5. Each Contracting Party shall review their own internal actions and measures taken pursuant to Article 4, including punitive actions and sanctions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its annual meetings. In consideration of the results of such review, the Commission shall, if appropriate, request the Contracting Party with vessels on the SEAFO record to take further action to enhance compliance by those vessels to this System and the SEAFO conservation and management measures.

6. Each Contracting Party shall take measures, under their applicable legislation, to prohibit the fishing and fishing related activities on fishery resources covered by the Convention by the vessels which are not registered into the SEAFO record.

7. Each Contracting Party shall notify the Executive Secretary of any factual information showing that there are reasonable grounds for suspecting vessels not registered on the SEAFO record to be operating in the Convention Area.

Article 6 – Vessel requirements

1. Each Contracting Party shall ensure that:

(a) its vessels carry on board documents issued and certified by the competent authority of that Contracting Party, including, as a minimum, the following:

- i. registration document;
- ii. license, permit or authorisation to fish or to engage in research fishing activities and terms and conditions attached to the licence, permit or authorisation;
- iii. vessel name;
- iv. port in which registered, and the number(s) under which registered;
- v. International Radio Call Sign (if any);
- vi. names and addresses of owner(s) and where relevant, the charterer;
- vii. overall length;
- viii. power of main engine or engines in KW/horsepower; and
- ix. certified drawings or description of all fish holds, including storage capacity in cubic feet or metres.

(b) above documents are checked on a regular basis; and

(c) any modification to the documents referred to in subparagraph (a) is certified by the competent authority of that Contracting Party.

2. Each Contracting Party shall ensure that its vessels authorised to operate in the Convention Area are marked in such a way that they can be readily identified with generally accepted international standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels.

Para 78. Urges Sates, individually and through relevant regional fisheries management organizations and arrangements, to develop and adopt effective monitoring, control and surveillance measure for trans-shipment as appropriate, in particular at-sea trans-shipment, in order to, inter alia, monitor compliance, collect and verify fisheries data, and to prevent and suppress illegal, unreported and unregulated fishing activities, in accordance with international law and, in parallel, to encourage and support the Food and Agriculture Organization of the United Nations in studying the current practices of trans-shipment and produce of guidelines for this purpose

Response: The measure adopted by the Commission to control and monitor trans-shipment is contained in the "System":

Article 5 – Prohibition of transshipments in the Convention Area

Each Contracting Party shall ensure that its vessels are not involved in transshipment in the Convention Area on fishery resources covered by the Convention

Article 14 – Monitoring of transshipments in ports

1. Each Contracting Party shall ensure that its vessels carrying fishery resources caught and covered by the Convention in the Convention Area shall only tranship in port of a Contracting Party if they have prior authorisation from both its flag State and the port. Each Contracting Party shall further ensure that transshipments are consistent with the reported catch of each vessel and require the reporting of transshipment in accordance with the format set out in Annex IV.

2. Each flag State shall ensure its vessels which tranships in port to another vessel, hereinafter referred to as “the receiving vessel”, any quantity of catches of fishery resources covered by the Convention and fished in the Convention Area shall, at the time of the transshipment inform the flag State of the receiving vessel of the fishery resources and quantities involved, of the date of the transshipment and the location of catches. The vessel shall submit to its flag State a SEAFO transshipment declaration in accordance with the format set out in Annex IV. The vessel shall notify, at least 24 hours in advance, the following information to the Port State:

- (a) the date, time and port of transshipment;
- (b) the names of the transshipping vessels;
- (c) the names of the receiving vessels; and
- (d) the tonnage of fishery resources by species to be transhipped.

3. Each flag State shall ensure its vessels, not later than 24 hours before the beginning of the transshipment, and at the end of a trans-shipment, the receiving vessel shall inform the competent authorities of the port state, of the quantities of catches by species of fishery resources covered by the Convention on board the vessel. The vessel shall transmit the SEAFO transshipment declaration to the competent authorities within 24 hours. The receiving vessel shall, 48 hours before landing, submit a SEAFO transshipment declaration to the competent authorities of the port State where the landing takes place.

4. Each Contracting Party involved in the transshipment shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag State referred in paragraph 1 to ensure that landings are consistent with the reported catches of each vessel. Each Contracting Party shall notify annually to SEAFO the details of transshipments by its vessels in accordance with paragraphs 1, 2, and 3.

VII Large-scale pelagic drift-net fishing

Para 90. Also urges States, individually and through fisheries management organization and arrangements, to adopt effective measures or strengthen existing measures, to implement and enforce the present global moratorium on the use of large-scale pelagic drift net on the high seas, and calls upon States to ensure that vessels flying their flag that are duly authorized to use large-scale drifts nets in water under their national jurisdiction do not use such gear for fishing while on the high seas.

Response: The Commission has adopted a recommendation in 2010 on the banning of gill nets:

Recommendation 1/2010 on Banning of gillnets

The Commission in accordance with Article 3 (a & e) and Article 19 of the Convention on General Principles and Compatibility of Conservation Measures and Management Measures at its Annual meeting in October 2009 recommended that gillnets be banned in the SEAFO Convention Area until such time that more information became available.

VIII Fisheries by-catch and discards

Para 91. Urges States, subregional and regional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action, including with consideration of the interests of developing coastal States and, as appropriate, subsistence fishing communities, to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring the confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish, and to ensure that these measures are implemented so as to optimize their effectiveness Urges States, subregional and regional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action, including with consideration of the interests of developing coastal States and, as appropriate, subsistence fishing communities, to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring the confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish, and to ensure that these measures are implemented so as to optimize their effectiveness;

Response: Commission recognizing the importance of retrieving lost and abandoned gear and the impact thereof on ghost fishing and has adopted an article in the "System" to address the said:

Article 8 – Retrieval of lost or abandoned fishing gear Each Contracting Party shall ensure that:

- (a) vessels operating with any gear shall have equipment on board to retrieve lost or abandoned gear;
- (b) a vessel that has lost or abandoned gear shall make every reasonable attempt to retrieve it as soon as possible;
- (c) no vessel shall deliberately abandon fishing gear, except for safety reasons, notably vessels in distress and/or life in danger; and
- (d) if the lost gear cannot be retrieved the vessel shall notify the competent authorities of its flag State within 24 hours of the following:
 - i. the name and call sign of the vessel;
 - ii. the type of lost gear;
 - iii. the quantity of gear lost;
 - iv. the time when the gear was lost;
 - v. the position where the gear was lost; and
 - vi. measures taken by the vessel to retrieve lost gear.
- (e) following retrieval of lost gear, the vessel shall notify the flag State Contracting Party within 24 hours of the following:
 - i. the name and call sign of the vessel that has retrieved the gear;

- ii. the name and call sign of the vessel that lost the gear (if known);
- iii. the type of gear retrieved;
- iv. the quantity of gear retrieved;
- v. the time when the gear was retrieved; and
- vi. the position where the gear was retrieved.

(f) The flag State shall without delay notify the Executive Secretary of the information referred to in paragraphs (d) and (e). The Executive Secretary shall without delay put this information on the SEAFO website.

Para 97. Requests States and regional fisheries management organizations and arrangements, as appropriate, to strengthen or establish data-collection programmes to obtain reliable species-specific estimates of shark, marine turtle, fin-fish, marine mammal and sea bird by-catch, and to promote further research on selective fishing gear and practices and on the use of appropriate by-catch mitigation measures;

Response: It is compulsory of the scientific observers on board of the vessel to record any by-catch of sharks, marine turtles, fish, birds or VME indicator species.

Para 100. Requests States and regional fisheries management organizations and arrangements urgently to implement, as appropriate, the measures recommended in the 2004 Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries of the Food and Agriculture Organization of the United Nations in order to prevent the decline of sea turtles and seabird populations by minimizing by-catch and increasing post-release survival in their fisheries, including through research and development of gear and bait alternatives, promoting the use of available by-catch mitigation technology, and establishing and strengthening data-collection programmes to obtain standardized information to develop reliable estimates of the by-catch of these species;

Response: Commission recognizing the importance to protect turtles and seabirds and adopted two Conservation Measures in order to mitigate the by-catch of turtles and seabirds. A sea turtle guide is also available on the SEAFO website. Furthermore, the Commission has in 2013 sponsored the training of Korean observers by an official of Birdlife International from South Africa on the monitoring of sea-birds in the Korean trawl fishery.

Conservation Measure 14/09: To Reduce Sea Turtle Mortality in SEAFO Fishing Operations.

Preamble:

Recognizing the cultural and ecological significance of sea turtles in the Southeast Atlantic Ocean;
Recognizing that the FAO Committee on Fisheries (COFI) endorsement "Guidelines to Reduce Sea Turtle Mortality in Fishing Operations" at its Twenty-sixth Session, held in March 2005, and that these guidelines are directed towards members and non-members of FAO, fishing entities, subregional, regional and global organizations, whether governmental or non-governmental concerned with fisheries management and sustainable use of aquatic ecosystems;

Further recognizing that implementation of these guidelines should be consistent with the Code of Conduct for Responsible Fisheries as well as with the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem with regard to ecosystem considerations and based on the use of the best available science;

Taking into account the importance placed by the guidelines on research, monitoring, the sharing of information, and public education on sea turtle;

The Contracting Parties of SEAFO resolve as follows:

1. Contracting Parties should, as appropriate, individually and collectively implement the FAO "Guidelines to Reduce Sea Turtle Mortality in Fishing Operations" to reduce the incidental catch of sea turtles and ensure the safe handling of all turtles that are captured.

2. Contracting Parties should continue to enhance the implementation of their existing turtle mitigation measures using best available scientific information on mitigation techniques.
3. Contracting Parties should collect and provide to the Secretariat, all available information on interactions with and by-catch of sea turtles in fisheries managed by SEAFO in the Convention area and foster collaboration with other Contracting Parties in the exchange of information in this area. The new SEAFO catch forms have provision for recording detailed by-catch data on a set-by-set basis, and these should be used at all times
4. SEAFO should cooperate with other regional, sub-regional and global organizations to share data on sea turtle by-catch and to develop and apply compatible by-catch reduction measures as appropriate.
5. Contracting Parties should continue to provide to the Secretariat a detailing of sea turtle fishery interaction/by-catch data (e.g. species identification, fate and condition at release, relevant biological information and gear configuration) collected by observers, in fisheries managed by SEAFO in the Convention Area. Observers should use the pictorial key in Appendix A (derived from the FAO field guide applying to fisheries in Namibian waters). This information shall be compiled by the Secretariat and reported to the Scientific Committee and to the Commission.
6. All information on sea turtles available to the SEAFO Secretariat will be forwarded to the FAO.

Conservation Measure 25/12: On Reducing Incidental By-catch of Seabirds in the SEAFO Convention Area.

The Parties to the SEAFO Convention:

RECOGNISING the need to strengthen mechanisms to protect seabirds in the South-East Atlantic Ocean;

TAKING INTO ACCOUNT the United Nations Food and Agriculture Organisation (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds);

ACKNOWLEDGING that to date some Contracting Parties have identified the need for, and have either completed or are near finalising their National Plan of Action on Seabirds;

RECOGNISING the concern that some species of seabirds, notably albatross and petrels, are threatened with global extinction;

NOTING that the Agreement on the Conservation of Albatrosses and Petrels, done at Canberra on 19 June 2001, has entered into force;

Have agreed as follows:

1. Contracting Parties shall collect and provide all available information to the Secretariat on interactions with seabirds, including incidental catches by fishing vessels, fishing for fisheries resources covered by the SEAFO Convention, flagged to these Contracting Parties.
2. Each Contracting Party shall seek to achieve reductions in levels of seabird by-catch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures.

Longlines

3. All longline vessels fishing south of the parallel of latitude 30 degrees South shall carry and use bird-scaring lines (tori poles):

- Tori poles shall be in accordance with agreed tori pole design and deployment guidelines (provided for in Appendix A);
- Tori poles shall be deployed prior to longlines entering the water at all times south of the parallel of latitude 30 degrees South;
- Where practical, vessels shall be encouraged to use a second tori pole and bird-scaring line at times of high bird abundance or activity;
- Back-up tori lines shall be carried by all vessels and be ready for immediate use.

4. The Commission shall, upon receipt of information from the Scientific Committee, consider, and if necessary, refine, the area of application of the mitigation measures specified in paragraph 3.

5. Longlines shall be set at night only (i.e., during the hours of darkness between the times of nautical twilight (1)). During longline fishing at night, only the minimum ship's lights necessary for safety shall be used. However, this shall not apply only if a vessel can demonstrate its ability to fully comply with one of the 3 protocols described in Appendix C. In case, vessels having caught a total of three (3) seabirds during one fishing trip shall revert to the night setting immediately and resume the

day operations from the next trip or in 3 months period from the date of 3rd capture of seabird, whichever is longer, subject to fully comply with one of the 3 protocols.

6. The dumping of offal is prohibited while gear is being shot or set. The dumping of offal during the hauling of gear shall be avoided. Any such discharge shall take place, where possible, on the opposite side of the vessel to that where the gear is being hauled. For vessels or fisheries where there is not a requirement to retain offal on board the vessel, a system shall be implemented to remove fish hooks from offal and fish heads prior to discharge.

7. Contracting Party shall not authorise vessels to fish in the Convention Area which are so configured that they lack on-board processing facilities or adequate capacity to retain offal onboard, or the ability to discharge offal on the opposite side of the vessel to that where gear is being hauled.

8. Every effort shall be made to ensure that birds captured alive during fishing operations are released alive and that whenever possible hooks are removed without jeopardising the life of the bird concerned.

Trawl gear

9. A streamer (or tori) line shall be deployed outside of both warp cables, the tori lines shall be attached to the stern at the maximum practical height above water line. Back-up tori lines shall be carried by all vessels and be ready for immediate use. Technical specifications for tori lines are given in Appendix B.

10. The dumping of offal is prohibited while gear is being shot or set. The dumping of offal during the hauling of gear shall be avoided.

11. Nets shall be cleaned prior to shooting to remove items that might attract seabirds.

12. Vessels shall adopt shooting and hauling procedures that minimise the time that the net is lying on the surface with the meshes slack. Net maintenance shall, to the extent possible, not be carried out with the net in the water.

13. Each Contracting Party shall encourage their vessels to develop gear configurations that will minimise the chance of birds encountering the part of the net to which they are most vulnerable. This could include increasing the weighting or decreasing the buoyancy of the net so that it sinks faster, or placing coloured streamer or other devices over particular areas of the net where the mesh sizes create a particular danger to birds.

(1) The exact times of nautical twilight are set forth in the Nautical Almanac tables for the relevant latitude, local time and date. All times, whether for ship operations or observer reporting, shall be referenced to GMT

Para 102. Requests States and regional fisheries management organizations and arrangements to continue to take urgent action to reduce the by-catch of seabirds, including albatrosses and petrels, in fisheries by adopting and implementing conservation measures consistent with the 2009 best practices technical guidelines of the Food and Agriculture Organization of the United Nations to support implementation of the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries and taking into account the work of the Agreement on the Conservation of Albatrosses and Petrels²⁴ and of organizations such as the Commission for the Conservation of Antarctic Marine Living Resources;

Response: See response for para 100.

IX Subregional and regional cooperation

Para 105. Invites, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention, the Agreement and the Code;

Response: According to Article 26 of the SEAFO Convention accession shall be open to coastal States, and by all other States and regional economic integration organisations whose vessels fish in the Convention Area for fishery resources covered by this Convention. Several attempts with a different degree of success were made by the Commission to invite States that have interest in the Convention area to accede to the Convention.

ARTICLE 26. ACCESSION

1. This Convention shall be open for accession by coastal States, and by all other States and regional economic integration organisations whose vessels fish in the Convention Area for fishery resources covered by this Convention.

2. This Convention shall be open for accession by regional economic integration organisations, other than that regional economic integration organisation that qualifies as a Contracting Party under article 25, which include among their member States one or more States which have transferred, in whole or in part, competence over matters covered by the is Convention. The accession of such regional economic integration organisations shall be the subject of consultations within the Commission concerning the conditions for participation in the work of the Commission.

3. Instruments of accession shall be deposited with the Depositary. Accessions received by the Depositary prior to the date of entry into force of this Convention shall become effective 30 days after the date on which this Convention enters into force.

Para 121. Invites States and regional fisheries management organizations and arrangements with competence to manage straddling fish stocks to share experiences and good practices, for example by considering organizing joint meetings, where appropriate;

Response: NEAFC, NAFO, CCAMLR and NAMMCO have permanent observer status to SEAFO meetings and vice versa. Furthermore, the SEAFO Scientific Committee takes cognisance of the assessment done by CCAMLR on toothfish when conducting toothfish assessments.

Para 122. Urges regional fisheries management organizations and arrangements to improve transparency and to ensure that their decision-making processes are fair and transparent, rely on the best scientific information available, incorporate the precautionary approach and ecosystem approaches, address participatory rights, including through, inter alia, the development of transparent criteria for allocating fishing opportunities which reflects, where appropriate, the relevant provisions of the Agreement, taking due account, inter alia, of the status of the relevant stocks and the respective interests in the fishery;

Response: The Commission is guided by the Convention and it quite evident that the Commission has to perform its functions within the framework of transparency, fairness and to rely on the best scientific advice in their decision making as reflected below. Furthermore, all Commission documents are publically accessible via the official website (www.seafo.org).

ARTICLE 3. GENERAL PRINCIPLES

In giving effect to the objective of this Convention, the Contracting Parties, where appropriate through the Organisation, shall, in particular:

(a) adopt measures, based on the best scientific evidence available, to ensure the long term conservation and sustainable use of the fishery resources to which this Convention applies;

(b) apply the precautionary approach in accordance with article 7;

(c) apply the provisions of this Convention relating to fishery resources, taking due account of the impact of fishing operations on ecologically related species such as seabirds, cetaceans, seals and marine turtles;

(d) adopt, where necessary, conservation and management measures for species belonging to the same ecosystem as, or associated with or dependent upon, the harvested fishery resources;

(e) ensure that fishery practices and management measures take due account of the need to minimise harmful impacts on living marine resources as a whole; and

(f) protect biodiversity in the marine environment.

ARTICLE 6. THE COMMISSION

1. Each Contracting Party shall be a member of the Commission.
2. Each member shall appoint one representative to the Commission who may be accompanied by alternate representatives and advisers.
3. The functions of the Commission shall be to:
 - (a) identify conservation and management needs;
 - (b) formulate and adopt conservation and management measures;
 - (c) determine total allowable catches and/or levels of fishing effort, taking into account total fishing mortality, including of non-target species;
 - (d) determine the nature and extent of participation in fishing;
 - (e) keep under review the status of stocks and gather, analyse and disseminate relevant information on stocks;
 - (f) encourage, promote and, where appropriate by agreement, coordinate scientific research on fishery resources within the Convention Area and in adjacent waters under national jurisdiction;
 - (g) manage stocks on the basis of the precautionary approach to be developed in accordance with article 7;
 - (h) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement;
 - (i) adopt measures concerning control and enforcement within the Convention Area;
 - (j) develop measures for the conduct of fishing for scientific research purposes;
 - (k) develop rules for the collection, submission, verification of, access to and use of data;
 - (l) compile and disseminate accurate and complete statistical data to ensure that the best scientific advice is available, while maintaining confidentiality, where appropriate;
 - (m) direct the Compliance and Scientific Committees, other subsidiary bodies, and the Secretariat;
 - (n) approve the budget of the Organisation; and
 - (o) carry out such other activities as may be necessary to fulfil its functions.
4. The Commission shall adopt its rules of procedure.
5. The Commission shall adopt measures, in accordance with international law, to promote compliance by vessels flying the flag of non-parties to this Convention with measures agreed by the Commission.
6. The Commission shall take full account of the recommendations and advice from the Scientific and Compliance Committees in formulating its decisions. The Commission shall, in particular, take full account of the biological unity and other biological characteristics of the stocks.
7. The Commission shall publish its conservation and management and control measures which are in force, and, as far as practicable, shall maintain records of other conservation and management measures in force in the Convention Area.
8. The measures referred to in paragraph 3 may include the following:
 - (a) the quantity of any species which may be caught;
 - (b) the areas and periods in which fishing may occur;
 - (c) the size and sex of any species which may be taken;
 - (d) the fishing gear and technology which may be used;
 - (e) the level of fishing effort, including vessel numbers, types and sizes, which may be used;
 - (f) the designation of regions and sub-regions;
 - (g) other measures regulating fisheries with the protecting any species; and
 - (h) other measures the Commission considers meet the objective of this Convention.
9. Conservation and management and control measures adopted by the Commission in accordance with this Convention shall become effective in accordance with article 23.
10. Taking account of articles 116-119 of the 1982 Convention, the Commission may draw the attention of any State or fishing entity which is a non-party to this Convention to any activity which in the opinion of the Commission affects implementation of the objective of this Convention.
11. The Commission shall draw the attention of all Contracting Parties to any activity which in the opinion of the Commission undermines:
 - (a) the implementation by a Contracting Party of the objective of this Convention, or the compliance of that Contracting Party with its obligations under this Convention; or

(b) the compliance of that Contracting Party with its obligations under this Convention.
12. The Commission shall take account of measures established by other organisations which affect living marine resources in the Convention Area, and, without prejudice to the objective of this Convention, shall seek to ensure consistency with such measures.

13. If the Commission determines that a Contracting Party has ceased to participate in the work of the Organisation, the Commission shall consult with the Contracting Party concerned and may take a decision to address the matter, as it deems appropriate.

Para 123. Welcomes the fact that a number of regional fisheries management organizations and arrangements have completed performance reviews, encourages the implementation, as appropriate, of the recommendations of their respective reviews as a matter of priority, and in this regard welcomes the 2012 performance review of the North Atlantic Salmon Conservation Organization and the 2012 performance review of the Western and Central Pacific Fisheries Commission;

Response: The Commission has conducted a performance review in 2010. The Commission is in the process to implement the recommendations as made by the review panel. A total of 37 recommendations emanated from the review of which 29 as been implemented to date. Only 8 recommendations is still pending and in the process of implementation.

X Responsible fisheries in the marine ecosystem

Para 136. Reaffirms the importance of paragraphs 80 to 90 of resolution 61/105, paragraphs 113 to 127 of resolution 64/72 and paragraphs 121 to 136 of resolution 66/68 addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks and the actions called for in those resolutions, and emphasizes the need for full implementation by all States and relevant regional fisheries management organizations and arrangements of their commitments under those paragraphs on an urgent basis;

Response: The Commission has adopted two Conservation Measures to mitigate the impact of bottom gear on vulnerable marine ecosystems:

Conservation Measures 18/10 on the Management of Vulnerable Deep Water Habitats and Ecosystems in the SEAFO Convention Area

The Contracting Parties,

CONSCIOUS of the need to protect vulnerable deep water habitats and marine ecosystems in the South East Atlantic Ocean,

RECOGNISING the calls by the United Nations General Assembly to protect vulnerable marine ecosystems, including the closure of areas where such systems are known to occur or are likely to occur,

FURTHER RECOGNISING the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas,

RECALLING the relevant provisions of the SEAFO Convention, in particular Article 3 on general principles,

TAKING INTO ACCOUNT the FAO Code of Conduct for Responsible Fishing,

ACKNOWLEDGING that the recovery from damage to vulnerable marine ecosystems caused by fishing gear is either impossible or very difficult and slow, and

TAKING NOTE of the advice provided by the Scientific Committee as regards the areas of vulnerable

marine ecosystems,

Have agreed as follows:

1. All fishing activities for fisheries resources covered by the SEAFO Convention shall be prohibited from 1 January 2011 in the areas defined in Annex 1 of this Conservation Measure.

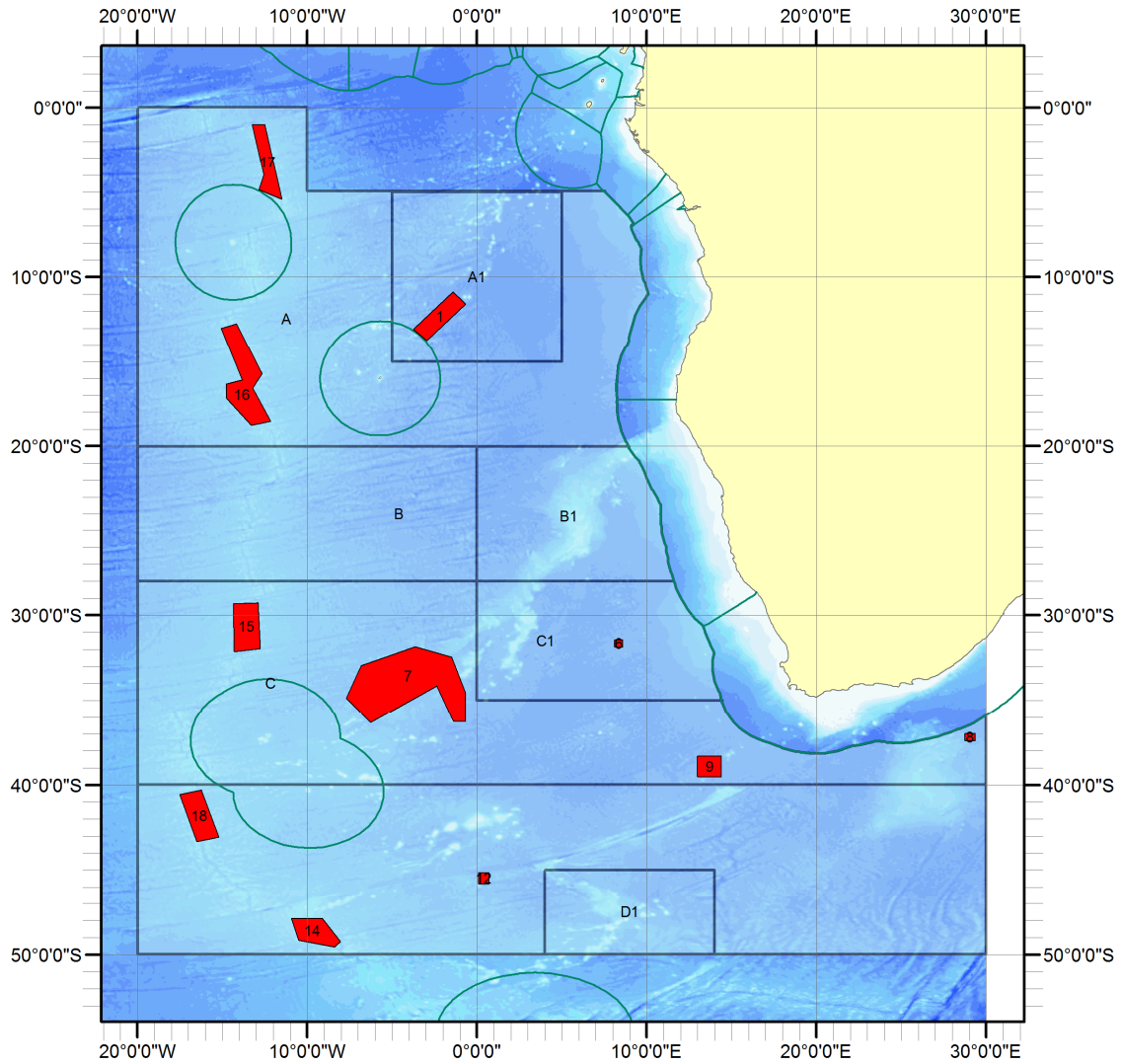


Figure 1. Map of closed areas

Conservation Measure 22/11: on Bottom Fishing Activities in the SEAFO Convention Area

This is an interim measure addressing the 2006 UN General Assembly Resolution on Sustainable Fisheries (A/RES/61/105).

This measure applies in all existing and new bottom fishing areas outside SEAFO closed areas, cf. Conservation Measure 18/10

Article 1. Use of terms

1. The term 'bottom fishing activities' means fishing activities where the fishing gear is likely to contact the seafloor during the normal course of fishing operations.
2. The term "existing bottom fishing areas" initially means areas where VMS data and/or other available geo-reference data indicating bottom fishing activities have been conducted within a reference period of 1987 to Jul 2011 (Annex 1 and Annex 2). This shall be revised regularly in accordance with Article 2.4.
3. The term "new bottom fishing areas" means all other areas within the Regulatory Area that are not defined as existing bottom fishing areas. Fisheries conducted in new bottom fishing areas are regarded as "exploratory fisheries".

Article 2. Identification of existing bottom fishing areas

4. SEAFO shall proceed to map existing bottom fishing areas within the Convention Area for bottom fishing activities. Mapping of bottom trawling activity shall be given priority.
5. Contracting Parties with vessels involved in bottom fishing activities in the period of 1987 to Jul 2011 shall, for the purpose of Paragraph 2, submit comprehensive maps of existing fishing areas to the Executive Secretary. Maps shall be based on VMS data and/or other available geo-reference data and expressed in as precise spatial and temporal resolution as possible. Contracting Parties may, in the future, consider the possibility of refining these maps on the basis of haul-by-haul information, if available.
6. The Executive Secretary, assisted by the Scientific Committee, shall compile maps submitted by Contracting Parties pursuant to Paragraph 2. The Executive Secretary shall on that basis, as well as on any other data available to it, produce a comprehensive map of existing fishing areas. The Executive Secretary shall forward this map to the Scientific Committee for review and comment and thereafter to the Commission.
7. The comprehensive map of existing bottom fishing areas referred to in Paragraph 2 shall be revised regularly to incorporate any new relevant information.

Article 3. Bottom fishing activities in new bottom fishing areas

8. All bottom fishing activities in new bottom fishing areas or with bottom gear not previously used in the area concerned shall be considered as exploratory fisheries and shall be conducted in accordance with an Exploratory Bottom Fisheries Protocol to be adopted by the Commission as soon as possible. Until such a protocol is adopted the interim protocol set out in Annex 3 shall apply.
9. Before exploratory bottom fishing can take place, a detailed proposal and impact assessment shall be submitted by the Contracting Party to the Scientific Committee for scrutiny by correspondence. The Committee will provide a recommendation within 30 days to the Commission who will decide within 30 days if the exploratory fishing may proceed. The exploratory bottom fishing activities shall be subject to the impact assessment procedure set forth in Article 4, with the understanding that particular care shall be taken in the evaluation of risks of the significant adverse impact on vulnerable marine ecosystems, in line with the precautionary approach.
10. Contracting Parties shall provide promptly a report of the results of such activities to the Secretary for circulation to all Contracting Parties.
11. Contracting Parties shall ensure that vessels flying their flag conducting exploratory fisheries have a scientific observer on board. Observers shall collect data in accordance with a Vulnerable Marine Ecosystem Data Collection Protocol to be adopted by the Commission as soon as possible. Until such a protocol is adopted, the interim protocol set out in Annex 4 shall apply.

Article 4. Assessment of bottom fishing activities

12. On the basis of best available scientific information, the Scientific Committee shall identify vulnerable marine ecosystems in the Convention Area and map sites where these vulnerable marine

ecosystem are known to occur or likely to occur and provide such data and information to the Executive Secretary for circulation to all Contracting Parties

13. Proposed bottom fishing activities in the Convention Area shall be subject to assessment by the Scientific Committee, based on the best available scientific information, to determine if such activities, taking account of the history of bottom fishing in the areas proposed, would have significant adverse impacts on vulnerable marine ecosystems.

14. Assessments shall follow the procedures below:

i. Each Contracting Party proposing to participate in bottom fishing shall submit to the Executive Secretary information and an initial impact assessment of the known and anticipated impacts of its bottom fishing activities on vulnerable marine ecosystems, in advance of the next meeting of the Scientific Committee. These submissions shall also include the mitigation measures proposed by the Contracting Party to prevent such impacts. The Executive Secretary shall promptly forward these submissions to the Scientific Committee and the Commission.

ii. The submission of such information shall be carried out in accordance with guidance developed by the Scientific Committee, or, in the absence of such guidance, to the best of the Contracting Party's ability.

iii. The Scientific Committee shall undertake an evaluation of the impact assessment, according to procedures and standards it develops, and provide advice to the Commission as to whether the proposed bottom fishing activity would have significant adverse impacts on vulnerable marine ecosystems and, if so, whether mitigation measures would prevent such impacts. The Scientific Committee may use in its evaluation additional information available to it, including information from other fisheries in the region or similar fisheries elsewhere.

15. The Commission shall, taking account of advice and recommendations provided by the Scientific Committee, concerning bottom fishing activities, including data and information arising from reports pursuant to Article 5 adopt conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems, that may include:

- i. allowing, prohibiting or restricting bottom fishing activities;
- ii. requiring specific mitigation measures for bottom fishing activities;
- iii. allowing, prohibiting or restricting bottom fishing with certain gear types, or changes in gear design and/or deployment; and/or
- iv. any other relevant requirements or restrictions to prevent significant adverse impacts to vulnerable marine ecosystems.

16. The Commission shall annually ask the Scientific Committee to provide advice to Commission on the timing and requirement for an impact assessment of a previously assessed bottom fishery.

Article 5. Encounters with vulnerable marine ecosystems

17. Contracting Parties shall require that vessels flying their flag cease bottom fishing activities in any site in the Convention Area where, in the course of fishing operations, evidence of vulnerable marine ecosystems is encountered, and report the encounter, including the location, and the type of ecosystem in question, to the Executive Secretary so that appropriate measures can be adopted in respect of the relevant site. Such sites will then be treated in accordance with Article 4.

18. The encounter protocol and operational procedures given as Annex 5 shall be followed.

Article 6: Closed Areas

19. In the case where a fishing foot print square would overlap with a closed area, the fishing foot print square would be deemed as closed.

Article 7. Review

20. The Commission shall biannually examine the effectiveness of these provisions in protecting vulnerable marine ecosystems from significant adverse impacts.

Annex 1

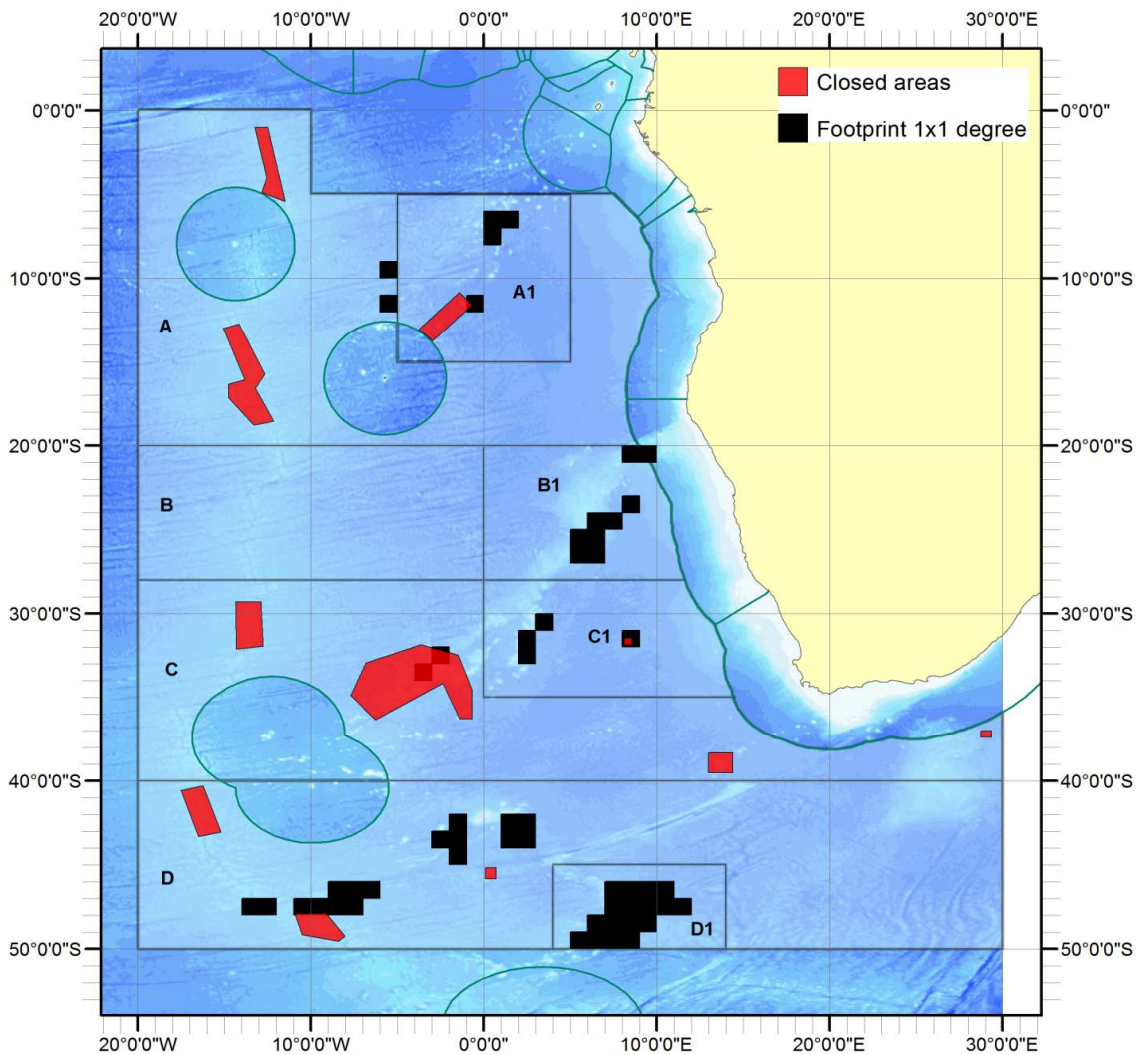


Figure 1. Map of closed areas and fishing areas

Para 145. Acknowledges the serious environmental impacts on the marine environment caused by abandoned, lost or otherwise discarded fishing gear, and encourages States to take action to reduce such gear, noting the recommendations of the 2009 report by the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations;32

Response: See response for para 100.

XI Capacity-building

Para 154. Encourages increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability, in recognition of the fact that food security and livelihoods may depend on fisheries;

Response: The Commission recognizing the economic and geographical considerations and the special requirements of developing States, and their coastal communities, for equitable benefit from living marine resources as depicted in Article 21 of the Convention

ARTICLE 21. RECOGNITION OF THE SPECIAL REQUIREMENTS OF DEVELOPING STATES IN THE REGION

1. The Contracting Parties shall give full recognition to the special requirements of developing States in the region in relation to conservation and management of fishery resources and the development of such resources.

2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for stocks covered by this Convention, the Contracting Parties shall take into account the special requirements of such developing States, in particular:

- (a) the vulnerability of developing States in the region which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or parts thereof;

- (b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers; and

- (c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States in the region.

3. The Contracting Parties shall cooperate through the Commission and other subregional or regional organisations involved in the management of fishery resources:

- (a) to enhance the ability of developing States in the region to conserve and manage fishery resources and to develop their own fisheries for such resources; and

- (b) to assist developing States in the region which may fish for fishery resources, to enable them to participate in fisheries for such resources, including facilitating access in accordance with this Convention.

4. Cooperation with developing States in the region for the purposes set out in this article shall include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, and activities directed specifically towards:

- (a) improved conservation and management of the fishery resources covered by this Convention through collection, reporting, verification, exchange and analysis of fisheries data and related information;

- (b) stock assessment and scientific research; and

- (c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

The Commission has approved the establishment of a Special Requirements Fund (SRF) during the 2009 annual meeting. The principals, guidelines and operational procedures for the SRF are available on the SEAFO webpage www.seafo.org. Both Norway and the EU have contributed to the SRF. Colleagues from one developing State had already been benefited from capacity building using funds from the SRF.

Para 161. Encourages States, regional fisheries management organizations and arrangements and other relevant bodies to assist developing States in the implementation of the actions called for in paragraphs 80 and 83 to 87 of resolution 61/105, paragraphs 113, 117 and 119 to 124 of resolution 64/72 and paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68;

Response: See response for para 154.