

**SOUTH EAST ATLANTIC FISHERIES ORGANISATION**

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**NAMIBIA**

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TO: OvBvhJzhzlcyl Dx3/yB/xm@bfgzyBJhzx3/yB/xm@fgvBz/yD3zx3/yB/xm@fgvBvhJzhzn fgvBvhJzhzfgvBzh/McylhffvBy//3/3StfvBzv



**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

**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.

stocks, to adopt the necessary measures to ensure the long-t

- (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

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

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



**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

**ii.**

**(f) type of vessel;**

**(g) length;**

**(h)**

6.

**Article 5 – Prohibition of transshipments in the Convention Area**

**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



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



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



**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

(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

marine ecosystems,

**Have agreed as follows:**

1. All fishing activities for fisheries resources covered by the SEAFO Convention shall be prohibited from

## **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,

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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;<sup>32</sup>

**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

**Response:** See response for para 154.