



SOUTH EAST ATLANTIC FISHERIES ORGANISATION

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REF: COMM/UN/2015/

DATE: 20 January 2015

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 DRAFT RESOLUTION A/69/L.29, "OCEANS AND THE LAW OF THE SEA"

Dear Sir

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

Executive Summary

The South East Atlantic Fisheries Organization (SEAFO) is actively implementing measures to ensuring the long-term conservation and sustainable use of all living marine resources in the South East Atlantic Ocean, and to safeguarding the environment and marine ecosystems in which the resources occur. SEAFO MCS System was adopted in 2012, to strengthen compliance and port State control. The Commission has a joint IUU Vessel listing agreement with several other RFMO's. A new Conservation Measure on Bottom Fishing Activities and Vulnerable Marine Ecosystems in the SEAFO Convention Area was adopted in 2014.

and Highly Migratory Fish Stocks, 1995; and taking into account the FAO Agreement on Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993 and the FAO Code of Conduct for Responsible Fisheries, 1995

SEAFO recognising the duties of States to cooperate with each other in the management of living resources in the South East Atlantic Ocean and is dedicated to implementing the precautionary and eco-system approach in the management of living resources. The Scientific Committee's recommendations on resources conservation and

Commission are based on the best available scientific information. Eleven areas has been closed to fishing in order to protect vulnerable marine ecosystems

Furthermore, the Commission has established a special requirements fund to assist developing States with the implementation of the Convention .

(i) Information regarding relevant activities of SEAFO

Capacity -building

Para 25. Acknowledges the importance of capacity-building for developing States, in particular the

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

## 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.

### Marine biodiversity

Para 222. Calls upon States and international organizations to urgently take further action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

### Response :

The Commission has adopted in 2014 a Conservation Measure on Bottom Fishing Activities and Vulnerable Marine Ecosystems in the SEAFO Convention Area

Conservation Measure 29/14 on Bottom Fishing Activities and Vulnerable Marine Ecosystems in the SEAFO Convention Area

The Commission hereby adopts the following conservation measure pursuant to articles 6 and 7 of the Convention:

#### Article 1. Objective

1. The objective of this Conservation Measure is to ensure the implementation by SEAFO of effective measures to prevent significant adverse impacts of bottom fishing activities on vulnerable marine ecosystems that, based on the best available scientific information known or likely to occur in the Convention Area.

2. This Conservation Measure takes into account SEAFO's responsibility as a regional fisheries

- (a) 'bottom fishing activities' means fishing activities where the fishing gear is likely to contact the seafloor during the normal course of fishing operations;
- (b) "encounter" means any encounter with a VME indicator species above threshold levels as set out in Annex 6. Any encounter with a VME indicator species or merely detecting its presence is not sufficient to identify a VME. That identification should be made on a case-by-case basis through assessment by the Scientific Committee;
- (c) "existing bottom fishing areas" means the portion of the Convention Area where bottom fishing has historically occurred since 1987 as set out in Article 4;
- (d) "exploratory bottom fishing" means all commercial bottom fishing activities outside area closures and existing bottom fishing areas, or fisheries within existing bottom fishing areas when a new fishing method and/or strategies are attempted to be used;
- (e) "significant adverse impact" has the same meaning and characteristics as those described in paragraphs 17-20 of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas;
- (f) "VME indicators" are those species and indicator units included in Annex 6; and
- (g) "vulnerable marine ecosystems", hereafter VMEs, has the same meaning and characteristics as those contained in paragraph 42 with its Annex and paragraph 43 of the FAO Guidelines for the Management of Deep-Sea Fisheries in the High Seas.

### Article 3. Regulation of bottom fishing activities

The Commission shall, taking account of the advice provided by the Scientific Committee, as well as data and information arising from reports pursuant to Article 8 adopts conservation and management measures to prevent significant adverse impacts on VMEs. Such measures may include:

- (a) allowing, prohibiting or restricting bottom fishing activities;
- (b) requiring specific mitigation measures for bottom fishing activities;
- (c) allowing, prohibiting or restricting bottom fishing activities with certain gear types, or changes in gear design and/or deployment; and/or
- (d) any other relevant requirements or restrictions to prevent significant adverse impacts on VMEs.

### Article 4. Existing bottom fishing areas

Based on information concerning bottom fishing activities in the period of 1987 to July 2011, there are hereby established existing bottom fishing areas as set out in Annex 1. The Executive Secretary shall update Annex 1 following decisions by the Commission pursuant to Articles 6, paragraph 8.

### Article 5. Area closures for the protection of VMEs

1. Fishing activities shall be prohibited in the areas set out and within the coordinates as defined in Annex 2.
2. Within the areas referred to in paragraph 1 Contracting Parties intending to conduct fisheries research and basic marine science activity, which shall exclude exploratory bottom fishing pursuant to Article 6 shall notify the Executive Secretary of their intended research programmes, taking account

of Article 206 of the UN Convention on the Law of the Sea, The Executive Secretary shall forward such notifications to all Contracting Parties as well as to the Scientific Committee.

3. In the case where an existing bottom fishing area square overlaps with a closed area, the existing bottom fishing area square is deemed to be closed.

#### Article 6. E xploratory bottom fishing

1. Prior to undertake exploratory bottom fishing, Contracting Parties shall gather relevant data to facilitate assessments of exploratory bottom fishing by the Scientific Committee. Such data should preferably include data from sea-bed mapping programmes, i.e. data from echo-sounders, if practicable multi-beam sounders, and/or other data re( m)-aat.5(e( h)3.8(e)-4.2( b2.6(e a)-1.1(nnd3.8 0 Td ( 1d(t)-3.3

6. The relevant Contracting Party shall ensure that vessels flying their flag conducting exploratory fishing have a scientific observer on board. Observers shall collect data in accordance with a VME Data Collection Protocol set out in Annex 4.

7. The relevant Contracting Party shall provide promptly a report of the results of such activities to the Executive Secretary for circulation to all Contracting Parties. It shall ensure that the data, which derives from exploratory bottom fishing, will be made available to the Scientific Committee.

8. The Commission shall review the assessments undertaken in accordance with Article 7 and the results of the fishing protocols implemented by the participating fleets. The Commission may decide to authorise new bottom fishing activities based upon the results orcsensux(e)-4. 4.7( ) (g)-1.2n .8.8(u)

(ii)



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1      -9      -6P

3	-21	10
4	-21	8

1	-27	5
2	-25	5
3	-25	6
4	-24	6
5	-24	8
6	-23	8
7	-23	9
8	-24	9
9	-24	8
10	-25	8
11	-25	7
12	-27	7

Division C0

2	-31	2
3	-31	3
4	-30	3
5	-30	4
6	-31	4
7	-31	3
8	-33	3

1	-31	8
2	-31	9
3	-32	9
4	-32	8

Division D0

Coordinate	Lat	Long
1	-48	-14
2	-47	-14
3	-47	-12
4	-48	-12

8	-48	-7
9	-48	-9

1	-45	-2
2	-44	-2
3	-44	-3
4	-43	-3
5	-43	-2
6	-42	-2
7	-42	-1
8	-45	-1

1	-44	1
2	-42	1
3	-42	3
4	-44	3

Division D1

Coordinate	Lat	Long
1	-50	5
2	-49	5
3	-49	6
4	-48	6
5	-48	7
6	-46	7
7	-46	11

8	-47	11
9	-47	12
10	-48	12
11	-48	10
12	-49	10
13	-49	9
14	-50	9

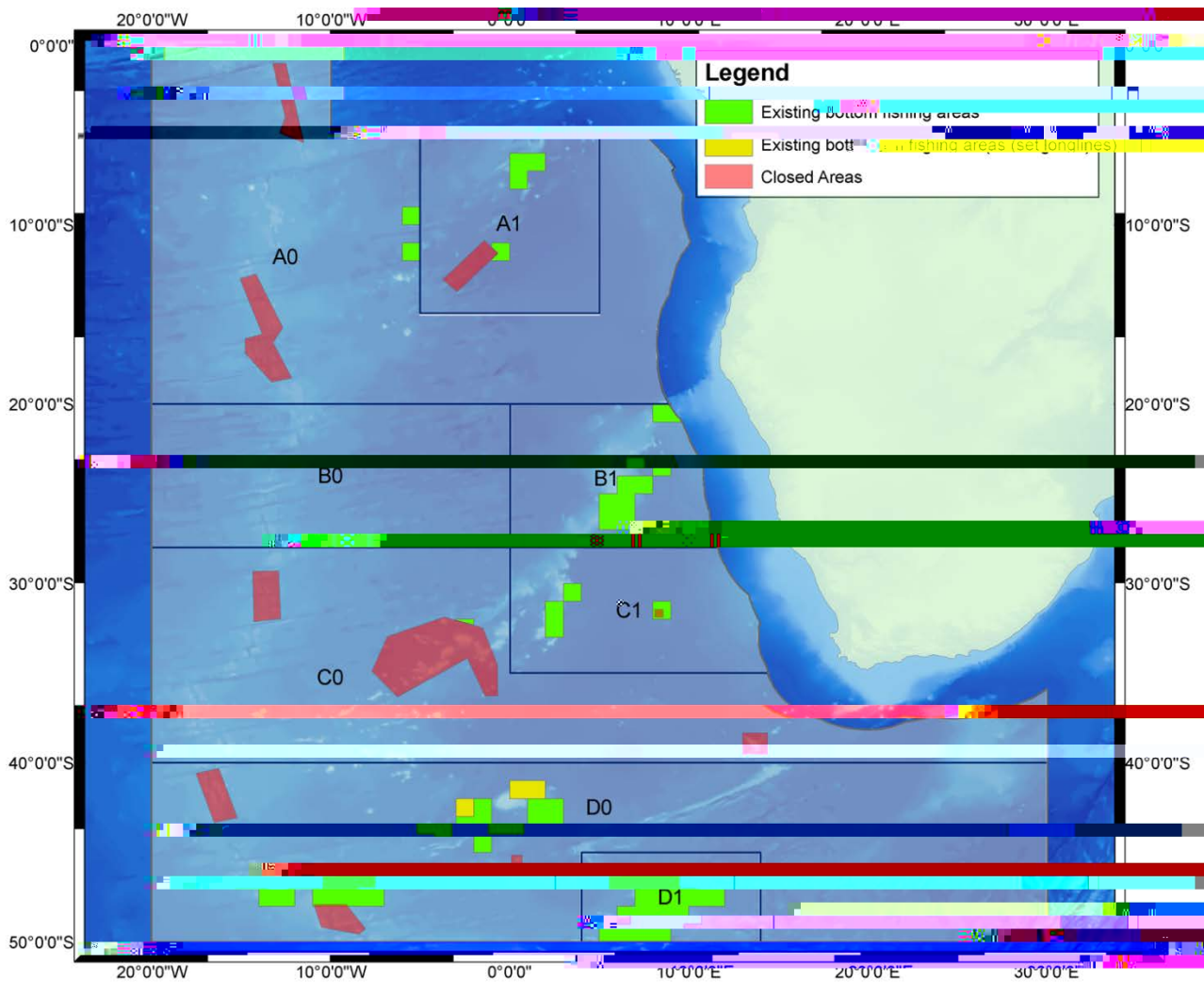
### B. Set longlines

Latitude and longitude of the existing bottom fishing areas for set longlines:

Division D0

Coordinate	Lat	Long
1	-42	-3
2	-42	-2
3	-43	-2
4	-43	-3

Figure 1 – Composite map of existing bottom fishing areas



SUB-AREA A

Area: (Kreps seamount), Number 16 on the attached map – considered to be unexploited.

- Coordinates: 13°00'S 15°05'W  
 12°44'S 14°10'W  
 15°43'S 12°40'W  
 16°34'S 13°13'W  
 18°32'S 12°10'W

18°46'S 13°18'W

17°10'S 14°46'W

16°20'S 14°46'W

16°05'S 13°50'W

Area: (Unnamed seamount), Number 17 on the attached map – considered to be unexploited.

Coordinates: 01°00'S 13°15'W

01°00'S 12°





32°08'S 14°18'W

#### DIVISION C1

Area: (Vema Seamount), Number 6 on the attached map – considered to be slightly exploited.

Coordinates: 31°27'S 08°06'E

31°27'S 08°35'E

31°53'S 08°35'E

31°53'S 08°06'E

#### SUB-AREA D

Area: (Herdman Seamounts), Number 12 on the attached map – considered to be unexploited.

Coordinates: 45°10'S 00°05'E

45°10'S 00°42'E

45°50'S 00°42'E

45°50'S 00°05'E

Area: (Unnamed Seamounts), Number 14 on the attached map – considered to be unexploited.

Coordinates: 47°54'S 10°57'W

47°54'S 09°07'W

49°15'S 08°03'W

49°34'S 08°24'W

49°10'S 10°31'W

Area: (Unnamed Seamounts), Number 18 on the attached map – considered to be slightly exploited.



### Annex 3

#### Assessment of Exploratory Bottom Fishing Activities

Assessments should address, *inter alia*:

- (a) type(s) of fishing conducted or contemplated, including vessels and gear types, fishing areas, target and potential by catch species, fishing effort levels and duration of fishing (harvesting plan);
- (b) best available scientific and technical information on the current state of fishery resources and baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared;
- (c) identification, description and mapping (geographical location and extent) of VMEs known or likely to occur in the fishing area;
- (d) identification, description and evaluation of the occurrence, character, scale and duration of likely impacts, including cumulative impacts of the proposed fishery on VMEs in the fishing area;
- (e) data and methods used to identify, describe and assess the impacts of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;
- (f) risk assessment of likely impacts by the fishing operations to determine which impacts on VMEs are likely to be significant adverse impacts; and
- (g) mitigation and management measures to be used to prevent significant adverse impacts on VMEs and the measures to be used to monitor effects of the fishing operations.

### Annex 4

#### VME Data Collection Protocol

Observers on fishing vessels in the SEAFO Convention Area who are deployed pursuant to Article 6, paragraph 7 of this Conservation Measure shall:

1. Monitor any set for evidence of presence of VMEs and the identify coral, sponges and other organisms to the lowest level possible.
2. Record the following information for identification of VMEs: vessel name, gear type, date, position (latitude/longitude), depth, species code, trip -number, set-number, and name of the observer on datasheets.
3. Collect representative biological samples from the entire VME catch. (Biological samples shall be collected and frozen when requested by the scientific authority in a Contracting Party). For some coral species that are under the CITES list this will not be possible and for these species photographs should be taken.
4. Provide samples to the scientific authority of a Contracting Party at the end of the fishing trip.

## Annex 5

