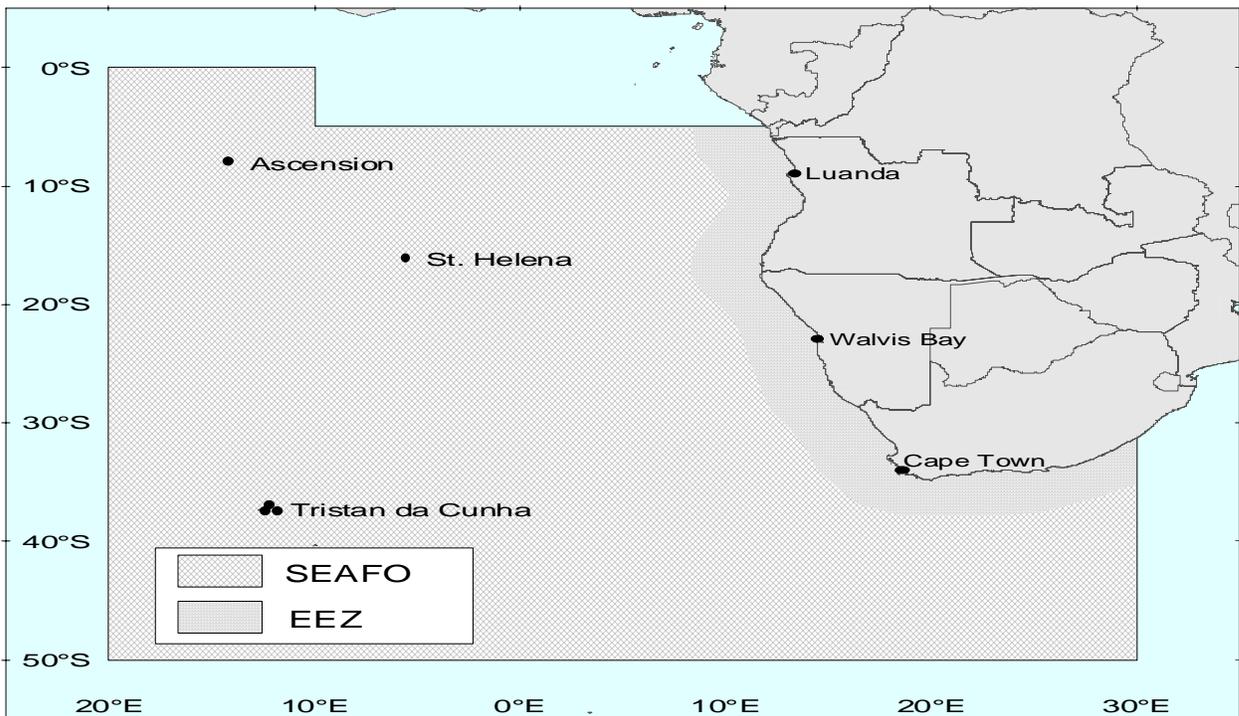




## REPORT OF THE 1<sup>st</sup> ANNUAL MEETING OF THE COMMISSION



## SOUTH EAST ATLANTIC FISHERIES ORGANIZATION (SEAFO)



**SOUTH EAST ATLANTIC FISHERIES ORGANIZATION  
(SEAFO)**

**REPORT OF THE 1<sup>st</sup> ANNUAL MEETING OF THE  
COMMISSION, 2004**

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This document is produced in the official languages (English and Portuguese). Copies are available from the Secretariat and in the website.

## **1 OPENING PROCEDURE**

Contracting Parties - European Community (EC) and Namibia, and Signatories – Angola, South Africa and United States of America attended the First Commission Meeting of SEAFO from 9 –13 March 2004 in Swakopmund, Namibia. FAO attended as an observer. Participants are listed in **Annex 1**.

The meeting was opened by Dr. Abraham Iyambo, Minister for Fisheries and Marine Resources, Republic of Namibia. His statement is given as **Annex 2**.

## **2 STATUS OF THE CONVENTION**

The Head of the Namibian Delegation, Ms. Nangula Mbako, presented a statement on the current status of the Convention (**Annex 3**). This was prepared by FAO as Depository of the Convention.

## **3 ELECTION OF OFFICERS**

Namibia proposed the European Community (Mr. John Spencer) as Chair. This was seconded by the USA. The EC nominated Namibia as Vice-Chair, seconded by Angola.

## **4 ADOPTION OF AGENDA**

1. The draft agenda was accepted with the addition of a point on “ report of the meeting”. The agenda is appended as **Annex 4**. A list of working papers is listed in **Annex 5**.

## **5 OPENING STATEMENTS**

The Chairman invited opening statements by Delegations and those are attached in **Annex 6 (A - D)**.

## **6 REPORT OF THE ACTIVITIES OF THE INTERIM SECRETARIAT**

The Interim Secretariat presented a detailed report on the activities of the Interim Secretariat since the signing of the Convention (**Annex 7**). The report covered catch and activity reporting, financial matters and the information routines as established by the Interim Secretariat. The Chairman considered the report as very useful background for the discussion about the magnitude and the workings of a permanent SEAFO Secretariat. The Interim Secretariat also presented a report (**Annex 8**) on the status of catch reporting which should form the basis for time series on data over catches in the regulatory area.

## **7 CONSIDERATION OF RULES OF PROCEDURES**

Based on the draft texts prepared by the Interim Secretariat the Commission reached agreement on Rules of Procedures for SEAFO **Annex 9**. It was agreed that these rules will also be applicable to the Compliance Committee and the Scientific Committee. Agreed staff rules and regulation given in **Annex 10**.

## **8 ESTABLISHMENT OF THE SEAFO SECRETARIAT**

The Chairman suggested that the meeting focus attention on the selection of the Executive Secretary; Staffing of the Secretariat; the financial rules and the draft budget for SEAFO.

The meeting agreed that the SEAFO Secretariat will be located in Walvis Bay in the offices that have already been secured by the Government of the Republic of Namibia. In the first phase the Secretariat will consist of an Executive Secretary, and one Administrative Officer employed on local terms and conditions. The meeting agreed that the Executive Secretary shall be recruited as soon as possible. The meeting agreed to definition of tasks and, agreed on a selection procedure and a timetable for the selection process. (**Annex 11**)

The Commission agreed to a Secretariat comprising two officers: an Executive Secretary and an Administrative Officer. This decision is based on the Commission's assessment of the needs of the Organisation in its set-up phase and on the understanding that the system should be flexible and adaptable to the changing requirements of the tasks entrusted to SEAFO.

The level of remuneration, other benefits and allowances of the Secretariat Staff have been agreed on the basis of an initial ceiling expenditure within the SEAFO 2005 budget. The salary and benefit conditions will thereafter be subject to review on a timely basis by the Commission

At the request of the Commission, Namibia agreed to provide the transitional Secretariat until the Executive Secretary is in place, and to utilise the Reserve Funds available under the Interim Arrangement in accordance with the decision on the Budget adopted for 2004.

Discussion of the Head Quarter Agreement with the Namibian Government was deferred.

## **9 FINANCIAL REGULATIONS**

9.1 The Commission approved the Financial Regulations (**Annex 12**)

9.2 The Commission approved expenditures to be incurred in 2004 in relation to the setting up of the offices, equipment, etc. Namibia kindly agreed to undertake this work on behalf of the Commission. The Budget for 2005 was also adopted (**Annex 13**). The contribution by Contracting Parties for 2005 was also approved on the numbers, which have Contracting Parties Status by 31 December 2004.

## **10 COOPERATION WITH STATES**

The Commission called on Signatories who had not completed their internal process, to expedite those arrangements in order to ensure an effective SEAFO. It was also considered that other States who participated in the negotiation for the SEAFO Convention will be encouraged to join the Organisation or if not, to cooperate fully with it. These States will be written to by the Chairman underlying those points, and in particular, their obligation to cooperate with SEAFO.

## **11 SCIENTIFIC COMMITTEE**

The Meeting agreed that the Scientific Committee will hold its first Meeting in 2005, back-to-back with the second Meeting of the Commission. This timing was considered appropriate on account of the specific tasks and priorities the Committee should be undertaking during this initial period of the operation of SEAFO.

In respect of such tasks, the Meeting agreed on requesting the Scientific Committee to focus at its 2005 Meeting on the following priorities:

- The identification of the stocks that the Commission must deal with;
- Drawing up a state of play of the fisheries in the Convention Area;
- Assess the information available from all possible sources and identify areas where improved data collection is necessary;
- Propose, accordingly, appropriate data collection and processing standards to be adopted by the Commission;
- Decide the major physical oceanic processes of influence in the SEAFO Region;
- Finally, the Meeting agreed to implement in respect of the Scientific Committee the same openness approach to participation applied for the meetings of the Commission. In particular, the Meeting agreed that the participation of Scientific Experts from organisation whose work is relevant for SEAFO should be encouraged. In this respect, invitations to attend the Scientific Committee Meeting as observers should be issued to BENEFIT, BCLME and CCAMLR. This list being in no way limitative, but open to proposals from participants in the intercessional period.

## **12 OTHER BUSINESS**

The Commission considered a fax received from the British High Commission in Namibia dated 10 March. This highlighted the problem of IUU fishing that is occurring in the territorial waters of St Helena, Tristan da Cunha and Ascension Island.

## **13 ADOPTION OF PRESS STATEMENT**

The press statement given as **Annex 14** was adopted.

## **14 ADOPTION OF REPORT**

This Report was adopted.

## **15 NEXT MEETING**

The Committee agreed to arrange the second meeting of SEAFO in the first half of 2005 and in a location to be decided by the Contracting Parties not later than the end of 2004.

## **16 CLOSE OF MEETING**

The Chair thanked all delegates, observers and guests for their valuable contributions to the meeting of the Committee. He also thanked, on behalf of the Committee, the Secretariat who had assisted with preparations for the meeting.

Prior to the close of the meeting, on behalf of all participants, the Chairman thanked the Government of Namibia for the hospitality and arrangements provided during the meeting.

**ANNEX 1**  
**LIST OF PARTICIPANTS.**

| Name                | Country | Function                          | Organization   | Contact Details   | Tel/Fax/E-mail  |
|---------------------|---------|-----------------------------------|--|---|---|
| <b>Namibia</b>      |         |                                   |  |   |   |
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| <b>European Community</b>       |                 |  |   |   |  |
| Mr J Spencer                    | EC              | Head of<br>Delegation                                  | European Community                                    | JII - 99 EC<br>Commission,1049<br>Brussels, Belgium                 | +3222956858<br>+3222955700<br><a href="mailto:edward-john.spencer@cec.eu.int">edward-john.spencer@cec.eu.int</a>       |
| Ms F Candela<br>Castillo        | EC              | DG Fisheries Int.<br>Organisations and<br>Arrangements | European Community                                    | European<br>Community B - 1040<br>Bruxelles                         | +3222957753<br>+3222955700<br><a href="mailto:maria.candela-castillo@cec.ec.int">maria.candela-castillo@cec.ec.int</a> |
| Ms C-P Marti                    | EC              | Counsellor in Int.<br>Fisheries                        | Ministry of Agriculture, Food<br>and Fisheries        | c/ontega y Gasset<br>41-28006 Madrid,<br>Spain                      | +34913476169<br>+34913476049<br><a href="mailto:cmartido@mapya.es">cmartido@mapya.es</a>                               |
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| <b>United States of America</b> |                 |  |   |   |  |
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| <b>Observers</b>                |                 |  |   |   |  |
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**ANNEX 2****OPENING ADDRESS BY DR. ABRAHAM IYAMBO.**

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This is a truly momentous and joyous occasion for the SEAFO family. We planned together for the birth of SEAFO. This noble event marks the first session of the SEAFO signatories. We opened the Convention for signature on that historic day the 20 April 2001, exactly 3 years ago. It thus gives me immense delight in welcoming all the esteemed delegates to the first session of SEAFO! Feel at home and enjoy the breeze from the mighty Atlantic Ocean. Take time to look around, and enjoy some of the seafood that is available here – cultured oysters and linefish.

This inaugural session is a memorable milestone in the development of SEAFO. This gathering affords us an opportunity to review what we have achieved to date. We will prudently identify where we go from here. We must secure the efficiency and effectiveness of SEAFO in order to guarantee its destiny. Allow me to reflect for a moment on the rationale for establishing SEAFO. During the 80s and 90s, a global surge in fishing activities on the ‘high seas’ caused concern for many Coastal States and the international community in general. This spurred the conclusion of a number of Conventions and International instruments.

The management of the world fisheries has been a sad story. Much of the infamy on natural resources has been perpetrated at sea. Fish stocks, being in the EEZs or high seas were recklessly exploited. Human beings reckoned that these resources were not exhaustible neither finite. They were mistaken! With hindsight, Namibia together with other Coastal States, were concerned over increased fishing activities on the high seas adjacent to our EEZs. We wanted to ensure adequate management and conservation of the valuable straddling and shared fish stocks between the EEZs and the high seas. Thus, in 1997, those Coastal States whose national waters border the South East Atlantic commenced work on a process of negotiation to enhance conservation and management of fisheries resources in the high seas. We were later joined by other parties with fishing interests in the South East Atlantic. I convey my gratitude to all the Parties who participated in the process. The process bore fruit in the form of the Convention to establish SEAFO. SEAFO is a newborn baby! But, it has to emulate or supersede the highest management fisheries standards any-where in the world. SEAFO should be committed to implementing the highest international standards related to responsible fisheries management. SEAFO is created to be a serious organisation!

SEAFO has a mission and laudable goals to be accomplished. SEAFO’s unfailing duty is to manage fishery resources within its Convention Area. Its mandate covers fish, molluscs, crustaceans and other sedentary species within the Convention Area that are not covered by other regional fisheries organisations. The Convention is open for ratification, signature, acceptance, approval and 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 the Convention.

At the moment, there are 9 SEAFO signatories; namely Angola, EU, Namibia, Norway, South Africa, the United Kingdom, Iceland, Republic of Korea and the United States of America. Three Parties have so far ratified the Convention; namely EU, Namibia and Norway. With these three ratifications, the Convention has entered

into force on 13 April 2003. Thus it is almost exactly three years since we agreed to the structure and function of SEAFO, and one year since the Convention came into force. I seize this opportunity to encourage more SEAFO signatories to ratify the Convention. These are still early days! We are just getting started. Our child, SEAFO, is nearly ready to start walking!

Immediately after the signing of the Convention, signatories agreed to implement a set of well-thought interim arrangements. For its part, Namibia has discharged its duties under these interim measures. It will be interesting to hear your views in regard to fishing and research activity and catches in the Convention Area. I lament that data reporting from Contracting Parties and Signatories has not been exemplary. We need to ascertain the intensity of the activity in the Convention Area. Surely, we can improve on this score. In addition, FAO figures do not provide an adequate indication of catches in the Convention Area.

### **The Way Forward**

Your task this week will include a review of activities in the Convention Area. It will be good to reflect on SEAFO's aims and objectives. Has there been any IUU fishing in the Convention Area? What measures should be taken? We should fight IUU. I am keen to get the outcome on this meeting on institutional arrangements to ensure compliance, scientific endeavours and solid management. You will consider the size of the Secretariat that is needed. Should it be Full-time or Part-time? What costs are justified? We need a professionally sound Secretariat but lean. You will consider the budget and charter the way forward.

At the end of the meeting we will be in a position that will allow the full Secretariat to function in a manner appropriate to its mandate.

With these few words, **it is now my pleasure to encourage the continuation of the deliberations of this first session SEAFO!**

### ANNEX 3

#### STATEMENT ON THE STATUS OF THE CONVENTION (PREPARED BY FAO)

The SEAFO Convention was signed in Windhoek, Namibia, on 20 April 2001 on behalf of eight States and one regional economic integration organisation, as shown below. Pursuant to Article 27, “*the Convention shall enter into force 60 days after the date of deposit with the Depositary of the third instrument of ratification, accession, acceptance or approval at least one of which has been deposited by a coastal State...*” In accordance with this provision, the Convention entered into force on 13 April 2003, i.e. sixty days after the deposit of the third instrument of ratification, acceptance or approval. Instruments of ratification were deposited by Namibia and Norway, respectively on 26 February 2002 and 12 February 2003, and an instrument of approval was deposited by the European Community on 8 August 2002. All signatories and Contracting Parties to the Convention were notified of the entry into force by a circular state letter dated 28 April 2003. Subsequently, on 23 July 2003, a copy of the Convention was sent to the Secretariat of the United Nations for registration.

| Participant        | Signature     | Ratification            | Acceptance | Approval      | Accession |
|--------------------|---------------|-------------------------|------------|---------------|-----------|
| Angola             | 20 April 2001 |                         |            |               |           |
| European Community | 20 April 2001 |                         |            | 8 August 2002 |           |
| Iceland            | 20 April 2001 |                         |            |               |           |
| Korea, Rep.of      | 20 April 2001 |                         |            |               |           |
| Namibia            | 20 April 2001 | 26 February 2002        |            |               |           |
| Norway             | 20 April 2001 | <b>12 February 2003</b> |            |               |           |
| South Africa       | 20 April 2001 |                         |            |               |           |
| UK*                | 20 April 2001 |                         |            |               |           |
| USA                | 20 April 2001 |                         |            |               |           |

\* United Kingdom of Great Britain and Northern Ireland in respect of St. Helena and its dependencies.

**ANNEX 4**

**AGENDA**

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1. OPENING PROCEDURE
2. STATUS OF THE CONVENTION
3. ELECTION OF OFFICERS
4. ADOPTION OF AGENDA
5. STATEMENT BY CONTRACTING PARTIES, SIGNATORIES TO THE CONVENTION AND THE DEPOSITORY BODY
6. REPORT ON THE ACTIVITIES OF THE INTERIM SECRETARIAT
7. CONSIDERATION OF RULES AND PROCEDURES
8. ESTABLISHMENT OF THE SECRETARIAT
9. FINANCIAL REGULATIONS
10. COOPERATION WITH STATES
11. ESTABLISHMENT OF THE SCIENTIFIC COMMITTEE
12. ANY OTHER BUSINESS
13. ADOPTION OF PRESS STATEMENT
14. ADOPTION OF THE REPORT
15. NEXT MEETING
16. CLOSE OF MEETING

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**ANNEX 5****LIST OF WORKING PAPERS**

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|      |   |
|------|---|
| WP1  | AGENDA  |
| WP2  | REPORT ON THE ACTIVITIES OF THE INTERIM SECRETARIAT |
| WP3  | DRAFT TOR FOR EXECUTIVE OFFICER                     |
| WP4  | COMMISSION RULE AND REGULATIONS                     |
| WP5  | STAFF REGULATIONS                                   |
| WP6  | HEADQUARTERS AGREEMENT                              |
| WP7  | FINANCIAL REGULATIONS                               |
| WP8  | RULE AND PROCEDURES OF THE COMPLIANCE COMMITTEE     |
| WP9  | RULE AND PROCEDURES OF THE SCIENTIFIC COMMITTEE     |
| WP10 | DRAFT BUDGET  |
| WP11 | STATUS OF THE CONVENTION-AGENDA ITEM                |
| WP12 | NOTE ON CATCH STATISTICS IN THE SEAFO AREA          |
| WP13 | LIST OF DOCUMENTS                                   |
| WP14 | DRAFT VACANCY ANNOUNCEMENT FOR EXECUTIVE SECRETARY  |
| WP15 | SET UP OF THE SEAFO SECRETARIAT                     |

**ANNEX 6****STATEMENTS****A. STATEMENT BY ANGOLA**

Mr. Chairperson

Distinguished Representatives of the Member States

Distinguished Guests

Ladies and Gentlemen

First of all, on behalf of the Angolan delegation, I would like to thank the brotherly people and the Government of the Republic of Namibia for the warm welcome and for the best working conditions put in place to host the First Meeting of the Commission of the South East Atlantic Fisheries Organization in this beautiful town of Swakopmund.

Equally, I would like to commend the Honourable Chairperson and the members of the Bureau for their election.

Mr. Chairperson,

My intervention will focus on some items on the working agenda that we have just adopted.

Until the present date, Angola considers SEAFO as an appropriate and capable organization to apply the dispositions of the Conventions of the United Nations on the Law of the Sea of 1982 related to the conservation and management of cross borders fisheries stocks and the fisheries stocks of highly migratory species, taking into consideration the Agreement of the United Nations of 1995, Agenda 21 of the Conference of the United Nations on Environment and Development of 1992, the FAO Agreement for the promotion and application of the International Conservation Measures and Management of fishing vessels in the deep sea of 1993, and the Code of Conduct for responsible Fisheries of 1995.

The signature of the text of the SEAFO Convention by the Government of Angola during the Conference of Plenipotentiaries on the creation of SEAFO, held in the city of Windhoek, on the 20<sup>th</sup> April 2001, constitutes a clear indication of this.

Considering that the conservation and management of resources constitutes the basis for the development of fisheries activities, Angola would like to request the entire cooperation from the organization so that the Resolution related to Area of the SEAFO Convention be materialized to include in the area of the Convention, the areas of deep sea adjacent to all waters under its jurisdiction, including those in the province of Cabinda.

On the other hand, for a better interpretation and implementation of the provisions of the Convention, we would like to request the Secretariat of the Organization to order the translation into Portuguese language of the texts of the Convention within a short period of time, since Portuguese is one of the work languages.

In terms of the exploration of resources, although the Angolan route has not yet marked its presence in the area of the Convention, we would like to ensure that in a near future this will become a reality, because Angola in its capacity as signatory of the convention and member of the organization would like to be contemplated in the future, sharing the quotas for the capture of species managed by the Organization.

The delay observed in the ratification of the Convention by the Government of Angola is merely due to the situation that Angola experienced before and after the signature of the Memorandum of Understanding, of Luena, Moxico, concerning peace, as a complement to the Lusaka protocol.

Within the referred period, the attention of the competent authorities of the Government of Angola were still turned to the resolution of issues towards the achievement of peace and currently to the national reconciliation, resettlement of displaced people and other of priority character.

However, it is worthy to mention that the process of ratification of the SEAFO Convention by the Government of Angola has already been prepared and at the moment it is following the recommended procedures for due effects.

We are reminded that with regard to the contribution of the members towards the Commission, in the period after the signature of the convention, Angola has made a voluntary contribution to ensure the operation of the Interim Secretariat of the Organization.

With regard to the proposal for the contribution to be paid by each Member State raised by the Permanent Secretariat of the Ministry of Fisheries and Marine Resources of Namibia, it is under analyses and, within this context, we reiterate that Angola is aware of the matter and will strive to honour its commitment so that our organization can reach its objectives.

I thank you very much for your special attention.

## **B. STATEMENT BY THE EUROPEAN COMMUNITY**

Mr Chairperson

Distinguished Delegates

Ladies and Gentlemen

The European Community is pleased and indeed honoured to participate, alongside other Contracting Parties and Signatories, in this Inaugural meeting of SEAFO. Today, the collective effort that led to the adoption in 2001 of the Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean has come to fruition. We consider this to be an event of the highest importance in the advancement of international co-operation in our field of activity.

Our delegation wishes to express its gratitude for the warm welcome the Government and People of the Republic of Namibia are giving us here in Swakopmund. We would also wish to convey our appreciation of the excellent job done by the Interim Secretariat, since its establishment and in the preparation of this Inaugural Meeting. They have provided us with a package of working documents that constitute a solid

basis for our discussions. We are therefore confident that this Meeting will achieve its objective of producing the first set of instruments necessary to ensure the efficient set-up and operation of the Organisation and its constituent bodies.

Our delegation is ready to make every effort in this regard, thereby confirming its commitment to the SEAFO process and to the principles embodied in the Convention, which we see as one of the most advanced and progressive texts in the framework of the International Law of the Sea.

However, it is evident that the Commission, as the regulatory body of the high seas fisheries placed under its competence, is confronted with considerable challenges among which figures prominently the need to obtain reliable data in order to assess the state of play of these fisheries and evaluate the status the relevant stocks. Another major challenge will be to develop efficient instruments to combat illegal, unreported and unregulated fishing in the Area. SEAFO will only succeed in carrying out its tasks and responsibilities if sustained by a strong, committed membership.

The European Community would therefore invite Signatories to ratify the Convention as a matter of urgency. We would also encourage other States and fishing entities whose vessels operate or intend to operate in the Area, to fully co-operate with SEAFO by becoming members or by agreeing to implement the provisions of the Convention.

### **C. STATEMENT BY SOUTH AFRICA**

Thank you Mr Chair. Good morning Honourable Minister, Heads of Delegations and distinguished members of delegations.

As the South African representative, I would like to first commend the Government of the Republic of Namibia for the leading role that they are championing in the development of the South East Atlantic Fisheries Organisation, SEAFO. Their support for the interim processes in establishing the Commission and Secretariat provides a strong foundation on which to establish this, the newest of Regional Fisheries Management Organisations.

In aiming to fully participate in the regional management of fisheries, as prescribed by the United Nations Law of Sea and subsequent instruments that guide our use of high seas and straddling stocks, South Africa continues to support the development of SEAFO. SEAFO is in a unique situation of having the experiences of other regional management organisations to learn from. However, SEAFO has not dwelt unduly on past experiences, but has done well to build on these in innovative ways. Further it is hoped that SEAFO will continue to include the sentiments of the Final Plan of Implementation of the World Summit on Sustainable Development, hosted in Johannesburg, South Africa in 2002. Already in the Convention there exists an emphasis on conservation of biodiversity and an ecological and precautionary approach to the management of fisheries. South Africa is currently formalising the inclusion of ecosystem considerations in the management of our National fisheries and views SEAFO as an opportunity to extend the management of ecosystems to the SEAFO area. SEAFO also presents an opportunity to further develop regional expertise in the research, management and compliance aspects of managing

ecosystems. In doing this SEAFO is encouraged to work together with other national and regional initiatives already established in the region.

South Africa has supported the establishment of this regional fisheries management organisation since the negotiation of the SEAFO Convention. South Africa hopes to continue its support of the Convention by initiating the political processes to debate, ratify and accede to the SEAFO Convention. Such processes can only be planned once our National elections are complete. The National elections will take place in April this year.

South Africa acknowledges all the parties present at this meeting and commends both the coastal and distant water states on their commitment to managing this sea area. We encourage all States whose nationals currently exploit or have previously exploited marine resources in the SEAFO region to participate in the SEAFO processes.

Thank you.

#### **D. STATEMENT BY FOOD AND AGRICULTURE ORGANISATION OF THE UNITED NATIONS (FAO)**

Mr. Chairman, distinguished delegates, and observers:

FAO is very grateful for the invitation extended by the Government of Namibia, an Interim Secretariat of the South-east Atlantic Fisheries Organization (SEAFO), to observe the First Session of the Commission.

FAO is very happy and honored to be here particularly because of its involvement in the process of developing this organization from the beginning as the depository. FAO would also like to express heartfelt gratitude particularly to the Government of Namibia for the leading role in the process and its hosting this memorable first session of the Commission in this beautiful seaside town, Swakopmund.

SEAFO is the first international fisheries organization established in the world to manage and conserve straddling fish stocks since the UN Fish Stocks Agreement entered into force on 11 December 2001. FAO is highly expecting the organization to manage the fisheries in an area of the South-east Atlantic, currently not covered by any regional fishery body, where the fishery industries are facing very hard times toward sustainable fishing practices. FAO is also strongly expecting orderly and timely data collection and submission coordinated and enhanced within the framework of SEAFO.

FAO has been establishing and enhancing close and effective working relationships with most regional fishery bodies in the world, particularly for combating IUU fishing activities and promoting data collection and exchange, and would like to establish the same kind of collaborative relationship with SEAFO.

Mr. Chairman,

I will carefully and conscientiously observe the proceedings of this meeting and report appropriately to the management of the FAO Fisheries Department.

Taking this opportunity, FAO wishes to express again the appreciation for the efforts and contribution made by the Contracting Parties, particularly the Government of Namibia.

Finally I hope that the meeting will be marked with success and that the outcome will serve to promote sustainable and responsible fisheries in the South-east Atlantic Ocean.

Thank you very much, Mr. Chairman, for the opportunity to make this statement on behalf of FAO.

**ANNEX 7**

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**REPORT ON THE ACTIVITIES OF THE INTERIM SECRETARIAT**

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**1 BACKGROUND**

The Coastal States of the South East Atlantic region and other interested parties convened meetings from 1997 and negotiated the text of a Convention to create a regional fisheries management organisation for the South East Atlantic Ocean. The Convention was finalised at the seventh meeting on 11 November 2000, in Windhoek. The participants agreed that the Government of Namibia would host an Interim Secretariat and the full Secretariat, once established.

On 20 April 2001, Windhoek, Namibia, Coastal States and other interested parties signed the Convention establishing the South East Atlantic Fisheries Organisation (SEAFO).

The SEAFO Convention entered into force on 13 April 2003, sixty days after the third instrument of ratification was deposited by Norway with the Depository (FAO). Namibia and the European Community are the other two signatories that have ratified the Convention.

A requirement of the Convention is that the first meeting of the Commission should be held within six months of entry into force of the Convention. However, although several attempts were made to comply with this requirement, the first meeting has had to be postponed a number of times due to the non-availability of some Contracting and Signatories Parties. In November 2003, new dates for holding the first meeting from 9-13 March 2004 were communicated to all parties and formal invitations issued at the end of January 2004.

**2 IMPLEMENTATION OF THE INTERIM ARRANGEMENTS**

The SEAFO Convention entered into force 60 days after the date of deposit with the Depository of the third instrument of ratification, accession, acceptance or approval. At least one instrument was required to be deposited by a coastal state.

After the signing of the Convention, and in accordance with Article 16.5 of the Convention's Interim Arrangement, the Government of Namibia was tasked to carry out the functions of the Secretariat until the assumption of duties by the Executive Secretary, whose appointment will be made in accordance with the Article 11 of the Convention.

**2.1 SETTING UP THE INTERIM SECRETARIAT**

A Norwegian consultant, Mr. Sigmund Engesaeter of the Directorate of Fisheries in Bergen, assisted the Namibian Ministry of Fisheries and Marine Resources (MFMR) in setting up the SEAFO Interim Secretariat from 24-28 August 2001. NORAD, the Norwegian Development Agency, sponsored Mr. Engesaeter's work. During this period a detailed document outlining the tasks, and timing and elaboration of activities both for the Signatories and the Interim Secretariat was produced for the Interim Secretariat to follow and implement.

A step by step procure was followed to establish the Interim Secretariat, which served to guide the work of the Interim Secretariat. This procedure included consideration on the appropriate size of the staff component, and the responsibilities and tasks that it would carry out for smooth functioning of the Interim Secretariat.

## **2.2 ESTABLISHMENT OF THE SEAFO DESK**

The Interim Arrangements allowed collection of data to be gathered and the formation of baseline data in the Convention area. As stipulated in the Interim Arrangements, the Government of Namibia established the SEAFO Desk and assigned a Desk Officer whose responsibilities included management of financial contributions and management of the trust account.

An office space dedicated to SEAFO was created in MFMR, Windhoek. MFMR allocated the task of running the SEAFO Desk to an official within the Directorate of Policy, Planning and Economics, Mr Mathias Kashindi. In a letter dated 25 September 2001(SEAFO\INT\01\01) addressed to all Signatories, the Government of Namibia announced the appointment of the Mr. Kashindi as the SEAFO Desk Officer.

Mr Kashindi departed from MFMR in February 2003 and was replaced by Ms. Hilda Khoeses as SEAFO Desk Officer.

In Walvis Bay, office space comprising more than 100 square metres was allocated in December 2001, for the use of the Executive Officer and his/her staff. The office has not been furnished, pending the establishment of the permanent Secretariat.

## **3 IMPLEMENTATION OF ADMINISTRATIVE MEASURES**

Having assumed his duties, the SEAFO Desk Officer sent a letter dated 25 September 2001, to the Signatories outlining their obligations, according to SEAFO Interim Arrangements, to furnish the following information when vessels flying its flag operates in the SEAFO convention Area:

- Notification of Authorisation
- Monthly aggregated catch statistics
- Entry and exit reports on vessel basis
- Transshipment reports on vessels basis
- Monthly catch report on vessel basis
- Reports containing scientific information
- Providing time series of catches in the Convention Area for building up a database on the catches

On 7th November 2001, a reminder was sent to the CPs and Signatories about their obligations according to the SEAFO Interim Arrangement.

Responses to the letter dated 25 September and the reminder dated 7 November 2001 are summarised below:

### **3.1 ANGOLA**

Letter dated 5 March 2002, confirming that no Angolan vessels fishing were operating in the SEAFO Area.

### **3.2 EUROPEAN UNION**

Letter dated 8/1/2002, assures the SEAFO Desk that the issues raised in the letters will be given the fullest attention.

Letter dated 4 March 2004 contained catch statistics for 2001, 2002 and 2003 specified on vessels, species and fishing gear. Table 7 in WP 12 contains the statistics received from the EU.

### **3.3 ICELAND**

Letter dated 8 October 2001 states no Icelandic vessels conducting fishing activities in the SEAFO area at that time, and that there are no immediate plans to do so.

Assurance given that as soon as any Icelandic vessel commences fishing in the Convention area, the required information would be forwarded to the SEAFO Desk Officer.

### **3.4 NAMIBIA**

Letter dated 2 September 2002 summarises catches made up to that time, as depicted in the following table:

**TABLE 1: NAMIBIAN CATCHES OF ORANGE ROUGHY IN THE CONVENTION AREA IN 2002**

|                 |          |
|-----------------|----------|
| May             | 6 984 kg |
| May- June       | 316 kg   |
| 19 July- 19 Aug | 4 287 kg |

This information was circulated to all Signatories under cover of a letter dated 24 September 2002.

At the end of February 2004 Namibia has provided catch figures for 2003, and records of landings by Russian vessels in Namibian ports in 2003 and 2004. These figures are presented in Table 2 of WP 12.

### **3.5 NORWAY**

Letter dated 15 November 2001 confirms that no Norwegian vessels fishing in the SEAFO area.

The letter also stated that prior to any Norwegian vessel commencing to fish in the area, the required information would be forwarded to the SEAFO Desk Officer.

In letter dated 25 February 2004 Norway reports that Norwegian vessels did not perform fishing activities in the Convention Area in the period 2001 – 2003. However, a Norwegian Research vessel, “Dr. Fritjof Nansen”, was operating in South African, Namibian and Angolan waters during this period. Reports containing scientific information from the scientific operations have to be released by the governments in these countries.

### **3.6 REPUBLIC OF KOREA**

Letter dated 5 April 2002, confirms that no Korean fishing vessels in the Convention Area targeting species that are referred to in Article 1 of the Convention.

### **3.7 SOUTH AFRICA**

No responses received.

### **3.8 UNITED KINGDOM**

E-mail dated 22 March 2002 refers to an earlier response, indicating that no vessels are authorised by St Helena to fish in the SEAFO Area.

### **3.9 UNITED STATES OF AMERICA**

Letter dated 1 March 2002, confirms that there is no US vessels fishing in the SEAFO Convention Area. The letter further indicated that there was no reason to believe that US vessels will begin fishing in the area in the near future. An indication was given that should the situation change, the US would forward the relevant information to the Interim Secretariat.

Further, a letter 17 February 2004 reports that the US did not have any vessels fishing in the SEAFO Convention area in 2002 and 2003 and therefore has no catch or activity to report.

On 17 December 2003 and 24 February 2004, letters further requesting the submission of reports were sent to CPs and Signatories requesting available reports be brought to the meeting.

The Interim Secretariat collected the received reports in WP 12. This document also contains catch statistics for area 47 from FAO for the period 1991-2001.

## **4 IMPLEMENTATION OF THE FINANCIAL OBLIGATIONS**

Attachment 1 of the Annex of the Interim Arrangement places responsibility on Namibia to reasonably manage the activities of the Interim Secretariat within its financial limitation. The Attachment states that each Signatory will, subject to Namibian Government approval, contribute a minimum of 8,000 US annually on a voluntary basis until the Commission establishes the Secretariat and decides otherwise. Contributions made to date are reflected in Section 4.1 below.

These contributions were intended to cover, *inter alia*, the expenses of the establishment and operation of the Interim Secretariat; establishment of the reporting system; administration of the Interim Observer Programme; and facilitation of the first meeting of SEAFO Commission. A revision of the Interim Secretariat's functions, as called for under the Interim Arrangement, after the first year of operation has not been made since no interim meeting took place.

The activity on the establishment of the Interim Secretariat has been funded entirely by the Namibian Government. The Government of Norway has funded the commissioning of the Consultant to the Interim Secretariat, through NORAD. No SEAFO funds have been discharged to date for the purposes of establishment or operation of the Interim Secretariat.

### **4.1 ESTABLISHMENT OF THE TRUST BANK ACCOUNT**

The SEAFO Desk opened the SEAFO Trust Account with a local bank in Windhoek in January 2002. Details were subsequently communicated to all CPs and Signatories. The contribution to date to the Trust Account amounts to N\$582,078.50 (with interest), as summarised below.

| Party  | Date of transaction | Amount       |
|--|---------------------|--------------|
| Namibia  | 28 January 2002     | N\$94 000.00 |
| Norway   | 29 January 2002     | N\$95 916.83 |
| South Africa                                     | 15 February 2002    | N\$88 965.77 |
| United Kingdom on behalf of St. Helena           | 19 February 2002    | N\$90 121.62 |
| European Commission                              | 15 March 2002       | N\$91 502.11 |
| Angola   | 17 May 2002         | N\$48 208.90 |
| European Commission 2 <sup>nd</sup> contribution | 24 February 2003    | N\$63 600.00 |
|  |                     |              |

#### **4.2 ADMINISTRATION OF THE TRUST ACCOUNT**

It is a requirement under the Attachment 1 of the Annex to the Convention that another Signatory is required to execute a financial audit on this Account. This has not been done because the Interim Secretariat has not been able to discharge funds as originally envisaged. Future financial audits will be carried out in line with Financial Rules to be established by the SEAFO Commission under Agenda Item 8. A statement indicating the inflow and outflow of funds received in the SEAFO account is shown in **Attachment 1**. Furthermore, this statement has been certified by Bank Windhoek Ltd as true reflection of monies recorded in respect of this account.

#### **4.3 ESTABLISHMENT OF THE REPORTING SYSTEM**

No funds have been used to seek necessary assistance in establishing a viable reporting system from the SEAFO account. This is because it was not considered prudent for the Secretariat to contract consultants, acquire expensive equipment and establish databases, all of which would not have been put to full use considering the low apparent level of fishing activity. However, a procedure has been developed to receive and disseminate catch reports.

Point 7 of the Interim Arrangement details rules for communication of vessel movements and catches, that is: Entry, Catch, Exit and Transhipment reports. To date, the Secretariat has received no such reports.

#### **4.4 ADMINISTRATION OF OBSERVER PROGRAMME**

The implementation of the Observer Programme as an obligation under the Interim Arrangement was only established within the context of the national observer programme operated by MFMR. Until very recently the Interim Secretariat was not informed about any fishing activity in the Convention Area except for the small activity reported by Namibia, and the Secretariat has therefore not been in a position to established country Observer Programmes.

#### **4.5 FACILITATION OF THE FIRST SEAFO COMMISSION MEETING**

To date expenses relating to the production of documentation, invitations, communications with the CPs and Signatories in the discharged of the secretariat duties have all been provided by the Government of Namibia. Considerable correspondence attempted to facilitate Interim meetings before this Commission meeting was agreed, as summarised below:

- 1st Interim Meeting planned for November 2002 was cancelled at the request of Contracting Parties and Signatories because it coincided with the ICCAT and CCAMLR meetings.
- The Meeting was then re-scheduled for 11-13 December 2002 but was again cancelled because the Agenda items did not warrant a meeting at that time.

- The Meeting was again rescheduled for 30 June to 1 July 2003 but was also cancelled.
- The Meeting was again rescheduled for 29-30 September 2003, but was again cancelled because the SEAFO Desk was not able to obtain timely confirmation from Contracting Parties.
- Finally agreement was reached to conduct the meeting during 9-13 March 2004.

Details about communication regarding the SEAFO meetings are given in Attachment 2 of this report.

The Secretariat has spent a total of N\$23 914 on arrangements for this meeting. The breakdown of expenses is as follows:

| Item  | Cost (N\$)    |
|---|---------------|
| Meeting venue (5-days room hire).                               | 5 000         |
| Transportation for delegates (fuel charges)                     | 780           |
| Tea/coffee (5-days morning: and afternoon for about 25 people). | 3 0050        |
| Reception (for about 35 people).                                | 5 912         |
| Folders/ Badges   | 6 800         |
| Charges for telephone, faxes and photocopies                    | 1 602         |
| <b>Total</b>  | <b>23 914</b> |

## 5 ESTABLISHMENT OF LINKS WITH SISTER ORGANISATIONS

In accordance with the SEAFO Convention and in consultation with the Contracting Parties who supported this move, the Interim Secretariat sent out letters of introduction on 3<sup>rd</sup> July 2002 to international fisheries organisations and scientific bodies. These organisations were: ICCAT, CCAMLR, IOC, NAFO, NEAFC, FAO, CITES, EASTFISH, INFOPECHE and SADC.

The Desk officer subsequently received a letter of acknowledgment from ICCAT and was invited to visit NEAFC and attend their Annual Meeting during 10 - 14 November 2003, in London. NORAD sponsored this visit of the Desk Officer. Her participation in the NEAFC meeting was a significant gesture extended to SEAFO as these two sister organisations share similar aims and objectives i.e. to ensure the long-term conservation of biodiversity in the marine environment.

The purpose of the visit of the SEAFO Desk Officer was to learn from hands-on experience how NEAFC conducts its meetings, with a view to applying the experiences to SEAFO.

## 6 ESTABLISHMENT OF SEAFO WEBSITE

- A link to SEAFO was established on the MFMR Web site ([www.mfmr.gov.na](http://www.mfmr.gov.na)) during February 2002. The web page information has been regularly updated. The web information includes the text of the

Convention, status of the Convention, the Convention Area, and a list of official Contact Persons for the Contracting Parties and Signatories.

- Working papers for the 1<sup>st</sup> SEAFO meeting were also posted on the web page for ease of access by the Contracting Parties and the Signatories.

**ATTACHMENT 1: SEAFO ACCOUNT**

| <b>DATE</b> | <b>EU</b> | <b>Angola</b> | <b>Norway</b> | <b>UK</b> | <b>South Africa</b> | <b>Namibia</b> | <b>Interest accrued</b> | <b>Bank service fee</b> | <b>Statement fee</b> | <b>Monthly statement fee</b> | <b>Cheque book</b> |
|-------------|-----------|---------------|---------------|-----------|---------------------|----------------|-------------------------|-------------------------|----------------------|------------------------------|--------------------|
| 23/01/2002  |           |               |               |           |                     |                |                         |                         |                      |                              | 8.00               |
| 01/02/2002  |           |               |               |           |                     | 94,000.00      |                         |                         |                      |                              |                    |
| 18/02/2002  |           |               |               |           | 88,965.77           |                |                         |                         |                      |                              |                    |
| 20/02/2002  |           |               |               | 90,121.62 |                     |                |                         |                         |                      |                              |                    |
| 28/02/2002  |           |               |               |           |                     |                | 121.13                  |                         |                      |                              |                    |
| 15/03/2002  | 91,502.11 |               |               |           |                     |                |                         |                         |                      |                              |                    |
| 28/03/2002  |           |               | 95,916.83     |           |                     |                |                         |                         |                      |                              |                    |
| 31/03/2002  |           |               |               |           |                     |                | 285.16                  |                         |                      |                              |                    |
| 02/04/2002  |           |               |               |           |                     |                |                         |                         |                      |                              | 12.00              |
| 30/04/2002  |           |               |               |           |                     |                | 378.82                  |                         |                      |                              |                    |
| 17/05/2002  |           | 48,203.90     |               |           |                     |                |                         |                         |                      |                              |                    |
| 31/05/2002  |           |               |               |           |                     |                | 411.57                  |                         |                      |                              |                    |
| 30/06/2002  |           |               |               |           |                     |                | 419.09                  |                         |                      |                              |                    |
| 09/07/2002  |           |               |               |           |                     |                |                         | 35.50                   |                      |                              |                    |
| 25/07/2002  |           |               |               |           |                     |                |                         |                         |                      |                              |                    |
| 31/07/2002  |           |               |               |           |                     |                | 503.29                  |                         |                      |                              |                    |
| 07/08/2002  |           |               |               |           |                     |                |                         | 17.25                   |                      |                              |                    |
| 31/08/2002  |           |               |               |           |                     |                | 650.69                  |                         |                      |                              |                    |
| 30/09/2002  |           |               |               |           |                     |                | 630.50                  |                         |                      |                              |                    |
| 31/10/2002  |           |               |               |           |                     |                | 645.60                  |                         |                      |                              |                    |
| 30/11/2002  |           |               |               |           |                     |                | 613.99                  |                         |                      |                              |                    |
| 16/12/2002  |           |               |               |           |                     |                |                         | 17.25                   |                      |                              |                    |
| 31/12/2002  |           |               |               |           |                     |                | 626.18                  |                         |                      |                              |                    |
| 08/01/2003  |           |               |               |           |                     |                |                         | 17.25                   |                      |                              |                    |
| 31/01/2003  |           |               |               |           |                     |                | 626.95                  |                         |                      |                              |                    |
| 24/02/2003  | 63,390.12 |               |               |           |                     |                |                         |                         |                      |                              |                    |
| 25/02/2003  |           |               |               |           |                     |                |                         | 17.25                   |                      |                              |                    |
| 28/02/2003  |           |               |               |           |                     |                | 579.88                  |                         |                      |                              |                    |
| 25/03/2003  |           |               |               |           |                     |                |                         | 17.25                   |                      |                              |                    |
| 31/03/2003  |           |               |               |           |                     |                | 709.03                  |                         |                      |                              |                    |

| DATE       | EU                | Angola           | Norway           | UK               | South Africa     | Namibia          | Interest accrued | Bank service fee | Statement fee | Monthly statement fee | Cheque book  |
|------------|-------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---------------|-----------------------|--------------|
| 23/04/2003 |                   |                  |                  |                  |                  |                  |                  | 17.25            |               |                       |              |
| 30/04/2003 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
| 30/04/2003 |                   |                  |                  |                  |                  |                  | 687.02           |                  |               |                       |              |
| 14/05/2003 |                   |                  |                  |                  |                  |                  |                  | 17.25            |               |                       |              |
| 31/05/2003 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
| 31/05/2003 |                   |                  |                  |                  |                  |                  | 710.75           |                  |               |                       |              |
| 12/06/2003 |                   |                  |                  |                  |                  |                  |                  | 17.25            |               |                       |              |
| 30/06/2003 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
| 30/06/2003 |                   |                  |                  |                  |                  |                  | 658.07           |                  |               |                       |              |
| 31/07/2003 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
| 31/07/2003 |                   |                  |                  |                  |                  |                  | 237.49           |                  |               |                       |              |
| 31/08/2003 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
| 31/08/2003 |                   |                  |                  |                  |                  |                  | 237.58           |                  |               |                       |              |
| 30/09/2003 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
| 30/09/2003 |                   |                  |                  |                  |                  |                  | 230.01           |                  |               |                       |              |
| 31/10/2003 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
| 31/10/2003 |                   |                  |                  |                  |                  |                  | 15.35            |                  |               |                       |              |
| 30/11/2003 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
| 31/12/2003 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
| 31/01/2004 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
| 19/02/2004 |                   |                  |                  |                  |                  |                  |                  |                  | 5.75          |                       |              |
| 29/02/2004 |                   |                  |                  |                  |                  |                  |                  |                  |               | 5.00                  |              |
|            | <b>154,892.23</b> | <b>48,203.90</b> | <b>95,916.83</b> | <b>90,121.62</b> | <b>88,965.77</b> | <b>94,000.00</b> | <b>9,978.15</b>  | <b>173.50</b>    | <b>5.75</b>   | <b>55.00</b>          | <b>20.00</b> |

Total Income 582,078.50  
 Total Expenses 254.30  
**Balance 581,824.20**

## **ATTACHMENT 2: Attempts to organise SEAFO Meetings**

- SEAFO ISSUES announcement of Interim Meeting 4-8 November 2002 (IS letter to signatories 27 February 2002)
- EU places reservation on the dates proposed since this collides with meetings of CCAMLR and ICCAT (EU Letter 7 March 2002)
- INVITATION TO THE 1ST SEAFO INTERIM MEETING 11 – 13 DECEMBER 2002 (IS letter 2 April 2002)
- Venue of the 1st Interim Meeting 11-13 December, Swakopmund Hotel and Entertainment Centre ( IS Letter 22 July 2002)
- Postponement of 1st SEAFO Interim Meeting 11-13 December 2002. CPs were asked to Comment on postponement. (IS Letter 5 November 2002).
- Postponement of 1st SEAFO Interim Meeting 11-13 December 2002, based on the only comment (From EU) (IS letter 13 November 2002)
- Date of the 1st SEAFO Meeting set to 30 June 2003, the Interim Secretariat asked for comment until the end of February 2003 (IS Letter 13 January 2003)
- CANCELLATION OF SEAFO MEETING Reference to letter 9 June. Letter from PS suggests 3 alternative meeting dates: Early August, End August/ Beginning September.
- EU DELEGATION is unable to attend the Inaugural Meeting 29 – 30 September 2003.
- EU delegation marks preference for early to mid December or January 2004 as alternative dates. Suggests the postponement as an occasion to aim for a longer duration of the meeting.(EU letter 17 July 2003)
- POSTPONEMENT OF SEAFO COMMISSION MEETING: MFMR regrets that it is possible to hold the SEAFO Commission Meeting in 2003. First Quarter 2004 suggested (IS letter 7 November 2003)
- SEAFO COMMISSION MEETING 9 –13 MARCH 2004 announced (IS letter 18 November 2003)
- Formal Invitation to the 1st SEAFO Commission Meeting (IS letter 26 January 2004)

## ANNEX 8

### NOTE ON CATCH STATISTICS IN THE SEAFO CONVENTION AREA

An updated review of the catch statistics in the SEAFO Area was prepared by D.W. Japp, Fisheries & Oceanographic Support Services cc, Cape Town for consideration at the SEAFO Meeting in Cape Town on 27 September 1999. The table on catches from this paper is reproduced as Table 1.

Only Namibia and EU have provided the Interim Secretariat with catch statistics from the SEAFO Area. Summary of the Namibian catches is produced as Table 2, the EU report that arrived on 4<sup>th</sup> March is found in Table 7

The Interim Secretariat has on the basis of FAO's Catch Statistics for the period 1992 – 2001 illustrated the magnitude and the development of catches over the ten year period. Here the total catches in FAO Area 47 are split in three groups: the coastal states, the other signatories/members of SEAFO and the rest, which is regarded as Non Contracting parties. Table 4 shows that the share of the non-coastal states has decreased considerably over this 10 year period. Catches by the group of Signatories have been small and have remained small. The NCP catch increased in 1993 but has since been reduced gradually, while the total catch by the coastal states have shown an increase.

The FAO figures for Area 47 cover both inside and outside the SEAFO area, and do not provide an adequate indication of the development of catches in the Convention area. In order to come a step closer, a combination of information from the Japp paper and FAO Statistics can be of help. In Table 4 the FAO statistics specified on species for the year 1995 to 2001 overlaps in time with the figures estimated by Japp. Using these estimates as a measure of the share taken outside the EEZs of the coastal states we can estimate the share fished of these species in the Convention area to vary between 8 and 63 % those overlapping four years. These calculations are shown in Table 6.

These are the official statistics, what we do not know is the amount of IUU fishing in the area.

**Table 1: Review of catch data from SEAFO Area (from Japp, 1999).**

|  | 1995        | 1996        | 1997        | 1998        |                               |
|--|-------------|-------------|-------------|-------------|-------------------------------|
|  | Outside EEZ | Outside EEZ | Outside EEZ | Outside EEZ | Comments                      |
| Country                                    |             |             |             |             |                               |
| RSA  | 600         | 312         |             | 400         | Alfonsino/Oroughy/Armhourhead |
| Namibia                                    | 100         | 624         | 970         | 200         | Alfonsino/Oroughy/Armhourhead |
| Russ.Fed.                                  |             |             | 2800        |             | Alfonsino/Oroughy/Armhourhead |
| Spain                                      | 1069        | 372.8       | 280.1       | 682.3       | Alfonsino/Oroughy/Armhourhead |
| Japan                                      |             | 1008        | =2171       | 700         | Crab mostly/some groundfish   |
| Portugal                                   | 62.7        | 38.1        | 137.5       | 154         | Var.Sp., Octopus, wreckfish   |
| Korea                                      | 268         | 6110        | 636         |             | Large pelagics                |
| Norway                                     |             |             | 863.9       | 1085.3      | Alfonsino/Oroughy/Armhourhead |
| Iceland                                    |             |             | 466         | 126         | Alfonsino/Oroughy/Armhourhead |
| <b>Total</b>                               | <b>2100</b> | <b>8519</b> | <b>8502</b> | <b>3348</b> |                               |
| <b>Ave. annual catch 1995 - 1998 5617t</b> |             |             |             |             |                               |

**Table 2: Summary of catches in SEAFO Area provided by Namibia.**

| Namibian Catches (kg) |        |        | Catches landed in Walvis Bay by Russian vessels (kg) |         |         |
|-----------------------|--------|--------|--|---------|---------|
|                       | 2002   | 2003   |  | 2003    | 2004    |
| ORY (ORH?)            | 11 587 | 33 324 | HOM Horse Mackerel                                   | 11 910  | 31 941  |
| BOE Black oreo dory   |        | 911    | MAC Mackerel   | 58 380  |         |
| SOO Smooth oreo dory  |        | 277    | ALF Alfonsino  | 119 374 | 418 339 |
| Oreo Dories           |        | 2 718  | Oil fish   | 24 158  | 4 435   |
| ALF Alfonsinos        |        | 5 015  | Bluenose   | 66 383  | 37 254  |
| Jacopewer             |        | 885    | Rybyfish   | 35 613  | 75 077  |
| Boarfish              |        | 930    | Redbait  | 2 691   |         |
| Mero (Grouper)        |        | 10 439 | Fishmeal   | 17 325  | 13 670  |
| Cabra                 |        | 16 000 | Butterfish   |         | 300     |
| Sum                   | 11 587 | 70 499 | Ruveta   |         | 12 000  |
|                       |        |        | Boarfish   |         | 81      |
|                       |        |        | Tuna   |         | 729     |
|                       |        |        | Amberjack  |         | 500     |
|                       |        |        |  |         |         |
|                       |        |        | Sum  | 335 834 | 594 326 |

Note: Russian vessel catches may or may not have been taken in the Convention Area.

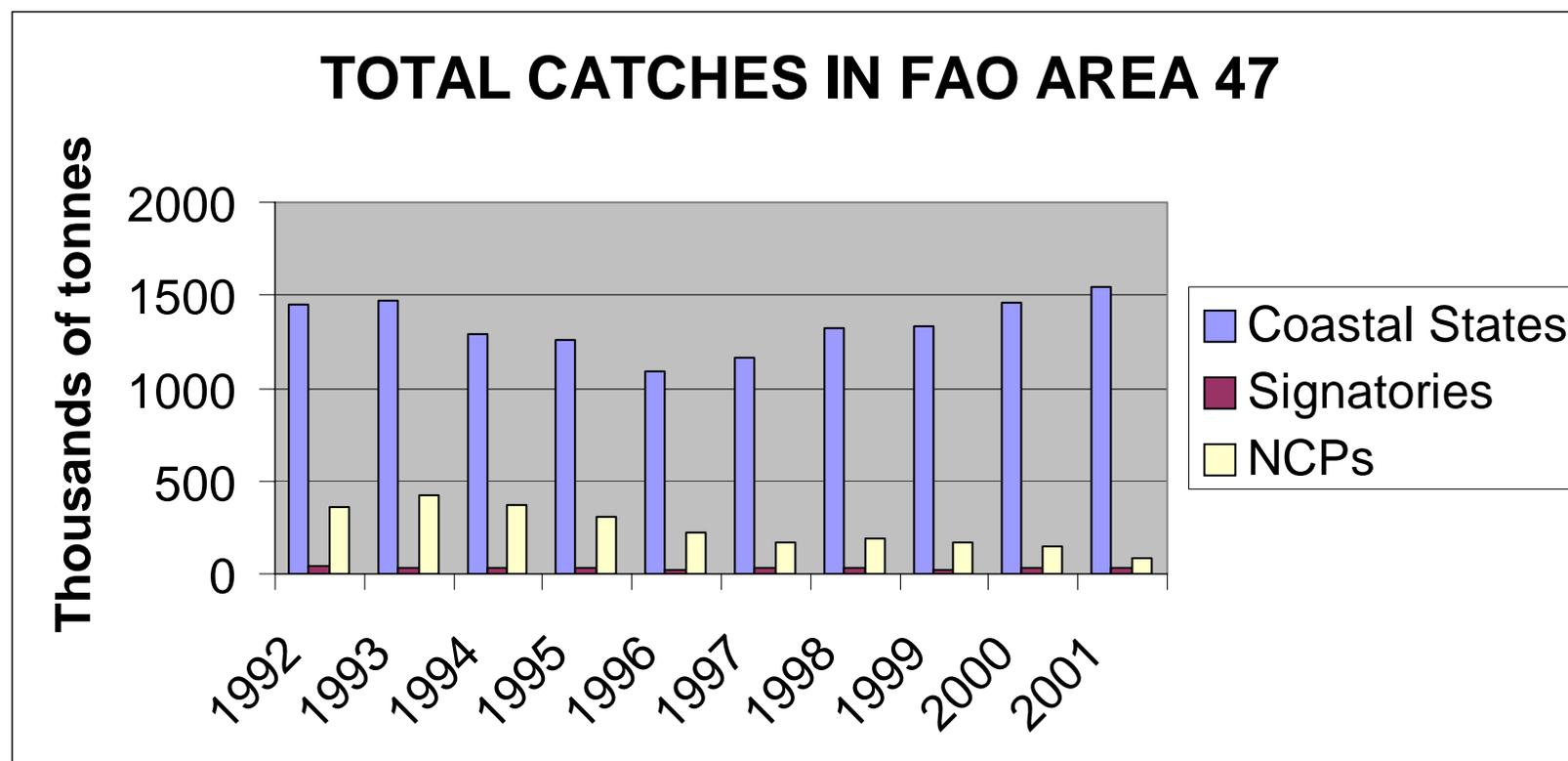
**Table 3: Summary of data available from FAO for catches in FAO Area 47, in tonnes.**

|                | 1992      | 1993      | 1994      | 1995      | 1996      | 1997      | 1998      | 1999      | 2000      | 2001      |
|----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| ANGOLA         | 106 625   | 119 200   | 125 413   | 116 781   | 131 815   | 140 304   | 157 149   | 169 799   | 232 351   | 246 518   |
| NAMIBIA        | 654 008   | 789 132   | 647 999   | 568 633   | 516 628   | 511 412   | 610 166   | 577 838   | 588 405   | 545 992   |
| ST HELENA      | 651       | 726       | 702       | 915       | 819       | 897       | 1 060     | 632       | 718       | 866       |
| SOUTH AFRICA   | 690 240   | 560 716   | 522 129   | 574 374   | 439 229   | 511 249   | 555 852   | 585 240   | 640 000   | 752 208   |
| Coastal States | 1 451 524 | 1 469 774 | 1 296 243 | 1 260 703 | 1 088 491 | 1 163 862 | 1 324 227 | 1 333 509 | 1 461 474 | 1 545 584 |
|                |           |           |           |           |           |           |           |           |           |           |
| FRANCE         | 449       | 564       | 129       | 82        | 190       | 38        | 40        | 13        | 83        | 16        |
| ICELAND        |           |           |           |           |           | 924       | 340       |           |           |           |
| ITALY          |           |           |           | 109       | 46        |           |           |           |           |           |
| KOREA, REP     | 10 551    | 7 711     | 11 242    | 9 216     | 6 414     | 9 548     | 8 020     | 7 822     | 7 225     | 5 026     |
| NORWAY         |           |           |           |           |           | 864       | 1 087     |           | 242       |           |
| PORTUGAL       | 596       | 798       | 1 556     | 1 482     | 1 130     | 996       | 830       | 1 797     | 3 732     | 2 742     |
| SPAIN          | 28 852    | 25 145    | 20 759    | 16 750    | 12 555    | 14 331    | 20 990    | 12 572    | 17 160    | 19 580    |
| Signatories    | 40 448    | 34 218    | 33 686    | 27 639    | 20 335    | 26 701    | 31 307    | 22 204    | 28 442    | 27 364    |
|                |           |           |           |           |           |           |           |           |           |           |
| CHINA          | 445       |           | 24        | 29        | 24        | 121       | 48        | 5 743     | 7 209     | 4 959     |
| CH-TAIWAN      | 9 050     | 14 958    | 18 655    | 19 249    | 11 394    | 8 934     | 18 173    | 18 811    | 18 970    | 16 118    |
| CUBA           | 69        |           |           |           |           |           |           | 2 427     |           |           |
| ESTONIA        | 33 127    | 31 447    | 31 372    | 28 836    |           |           |           |           |           |           |
| GEORGIA        | 5 350     | 2 000     | 1 000     |           |           |           |           |           |           |           |
| HONDURAS       |           | 193       |           | 48        | 10        | 25        | 9         | 20        |           |           |
| JAPAN          | 32 934    | 39 774    | 38 106    | 32 690    | 26 160    | 18 924    | 20 659    | 18 284    | 17 286    | 11 729    |
| LITHUANIA      | 20 167    | 20 784    | 2 823     |           |           |           |           |           |           |           |
| PANAMA         | 8 294     | 28        | 147       |           |           |           |           | 25        | 675       |           |
| POLAND         |           |           | 1         | 3 178     | 1 736     | 1 964     | 797       |           |           | 3 100     |
| RUSSIA         | 189 058   | 220 550   | 226 712   | 178 288   | 138 583   | 129 014   | 128 280   | 123 453   | 82 283    | 39 850    |
| UKRAINE        | 66 356    | 96 420    | 53 356    | 19 759    | 28 405    | 5 701     | 18 345    | 4 675     | 18 096    | 4 283     |
| URUGUAY        |           |           |           |           |           |           |           |           | 320       |           |
| OTHERS         | 122       | 253       | 3 208     | 19 915    | 10 459    | 163       | 218       |           | 723       |           |
| NCPs           | 364 972   | 426 407   | 375 404   | 301 992   | 216 771   | 164 846   | 186 529   | 173 438   | 145 562   | 80 039    |
|                |           |           |           |           |           |           |           |           |           |           |

|             |           |           |           |           |           |           |           |           |           |           |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| SUM         | 1 856 944 | 1 930 399 | 1 705 333 | 1 590 334 | 1 325 597 | 1 355 409 | 1 542 063 | 1 529 151 | 1 635 478 | 1 652 987 |
| Grand Total | 1 856 944 | 1 930 399 | 1 705 333 | 1 590 334 | 1 325 597 | 1 355 409 | 1 542 066 | 1 529 255 | 1 635 484 | 1 652 992 |
| Difference  | 0         | 0         | 0         | 0         | 0         | 0         | 3         | 104       | 6         | 5         |
|             |           |           |           |           |           |           |           |           |           |           |
| Cambodia    |           |           |           |           |           |           |           | 56        |           |           |
| Chile       |           |           |           |           |           |           |           |           |           | 5         |
| Philippines |           |           |           |           |           |           | 3         | 48        |           |           |
| Seychelles  |           |           |           |           |           |           |           |           | 6         |           |
|             |           |           |           |           |           |           |           |           |           |           |

**Table 4: Summary of catches given in Table 3, by category of State (in thousand tonnes).**

|                       | 1992         | 1993         | 1994         | 1995         | 1996         | 1997         | 1998         | 1999         | 2000         | 2001         |
|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>Coastal States</b> | 1 452        | 1 470        | 1 296        | 1 261        | 1 088        | 1 163        | 1 324        | 1 334        | 1 461        | 1 546        |
| <b>Signatories</b>    | 40           | 34           | 34           | 28           | 20           | 27           | 31           | 22           | 28           | 27           |
| <b>NCPs</b>           | 365          | 426          | 375          | 302          | 217          | 165          | 187          | 173          | 146          | 80           |
|                       | <b>1 857</b> | <b>1 930</b> | <b>1 705</b> | <b>1 591</b> | <b>1 325</b> | <b>1 355</b> | <b>1 542</b> | <b>1 529</b> | <b>1 635</b> | <b>1 653</b> |



**Table 5: FAO catch statistics in Area 47, by selected species.**

|                          | 1995    | 1996    | 1997    | 1998    | 1999    | 2000    | 2001    |
|--------------------------|---------|---------|---------|---------|---------|---------|---------|
| Alfonsino                | 909     | 2 552   | 4 261   | 1 810   | 126     | 302     | 318     |
| Orange Roughy            | 6 377   | 13 379  | 18 538  | 10 957  | 3 473   | 1 542   | 857     |
| Armourhead               | 49      | 281     | 18      |         |         |         |         |
| Wreckfish                |         |         | 6       | 42      | 20      | 8       |         |
| Cape hake                | 277 186 | 286 443 | 260 955 | 306 269 | 309 954 | 300 743 | 323 257 |
| Red Crab                 |         |         |         |         |         |         |         |
| Sardinella               | 41 452  | 17 713  | 23 753  | 55 020  | 79 748  | 113 856 | 58 339  |
| SA Pilchard              | 158 002 | 106 381 | 144 680 | 196 581 | 175 969 | 161 448 | 200 100 |
| Whitehead\ round herring | 78 792  | 67 773  | 97 279  | 57 669  | 59 032  | 38 877  | 56 762  |
| SA Anchovy               | 218 331 | 41 792  | 62 640  | 110 296 | 180 954 | 267 986 | 289 323 |
| Cape Horse Mackerel      | 506 180 | 470 372 | 407 482 | 481 500 | 400 279 | 423 607 | 354 046 |
| Cunene Horse Mackerel    | 79 068  | 78 230  | 87 380  | 46 004  | 81 692  | 69 630  | 46 832  |
|                          |         |         |         |         |         |         |         |

**Table 6: Estimate of catches (as a %) of some species in the Convention Area, based on data in Table 1 and Table 5. All figures in tonnes.**

|                                   | 1992 | 1993 | 1994 | 1995         | 1996         | 1997         | 1998         | 1999  | 2000  | 2001 |
|-----------------------------------|------|------|------|--------------|--------------|--------------|--------------|-------|-------|------|
| Alfonsino                         |      |      |      | 909          | 2 552        | 4 261        | 1 810        | 126   | 302   | 318  |
| Orange Roughy                     |      |      |      | 6 377        | 13 379       | 18 538       | 10 957       | 3 473 | 1 542 | 857  |
| Armourhead                        |      |      |      | 49           | 281          | 18           |              |       |       |      |
| Sum                               |      |      |      | 7 335        | 16 212       | 22 817       | 12 767       |       |       |      |
|                                   |      |      |      |              |              |              |              |       |       |      |
| <b>Outside EZZ (Japp figures)</b> |      |      |      | <b>1 832</b> | <b>1 347</b> | <b>5 518</b> | <b>8 011</b> |       |       |      |
| <b>Outside Share (%)</b>          |      |      |      | <b>25.0</b>  | <b>8.3</b>   | <b>24.2</b>  | <b>62.7</b>  |       |       |      |

Table 7: Reported EU catches in the SEAFO Convention Area.

| 2001                      | SPECIES CODE                        | SPECIES CODE | Kgs              |
|---------------------------|-------------------------------------|--------------|------------------|
|                           | <i>Pseudopentaceros richardsoni</i> | EDR          | 315.51           |
|                           | <i>Beryx splendens</i>              | BYS          | 1,965.06         |
|                           | <i>Hyperoglyphe antarctica</i>      | BWA          | 71.62            |
|                           | <i>Hoplosthetus atlanticus</i>      | ORY          | 8.90             |
|                           | <i>Allocyttus verrucosus</i>        | ALL          | 2.20             |
|                           | <i>Allocyttus niger</i>             | BOE          | 2.50             |
|                           | <i>Alepocephalus australis</i>      | ALH          | 14.30            |
|                           | <i>Chaceon erytheiae</i>            |              | 79.00            |
|                           | <i>Conger conger</i>                | COE          | 30.00            |
| <b>Total catches 2001</b> |                                     |              | <b>2,489.09</b>  |
| 2002                      | <i>Dissotichus eleginoides</i>      | TOP          | 18,282.00        |
|                           | <i>Osteichthyes</i>                 | FIN          | 5,670.00         |
| <b>Total catches 2002</b> |                                     |              | <b>23,952.00</b> |
| 2003                      | <i>Dissotichus eleginoides</i>      | TOP          | 100,536.98       |
|                           | <i>Beryx splendens</i>              | BYS          | 1,458.00         |
|                           | <i>Coryphaenoides rupestris</i>     | RNG          | 5,061.00         |
|                           | <i>Gaidropsarus mediterraneus</i>   | GGD          | 21.00            |
|                           | <i>Sebastes capensis</i>            | REC          | 2,446.00         |
|                           | <i>Calappa granulata</i>            | KPG          | 568.00           |
|                           | <i>Brachyura</i>                    | CRA          | 1,892.00         |
|                           | <i>Lithognathus mormyrus</i>        | SSB          | 86.00            |
|                           | <i>Pseudopentaceros richardsoni</i> | EDR          | 1,919.00         |
|                           | <i>Beryx decadactylus</i>           | BXD          | 578.00           |
|                           | <i>Trachinotus spp</i>              | POX          | 1,289.00         |
|                           | <i>Snup</i>                         |              | 120.00           |
|                           | <i>Alepocephalus bairdii</i>        | ALC          | 1,191.00         |
|                           | <i>Epinephelus marginatus</i>       | GPD          | 81.00            |
|                           | <i>Octopus vulgaris</i>             | OCC          | 129.00           |
|                           | <i>Chelidonichthys capensis</i>     | GUC          | 13.00            |
|                           | <i>Helicolenus dactylopterus</i>    | BRF          | 460.00           |

|                           |                     |     |                   |
|---------------------------|---------------------|-----|-------------------|
|                           | <i>Osteichthyes</i> | FIN | 7,032.00          |
| <b>Total catches 2003</b> |                     |     | <b>124,880.98</b> |

**ANNEX 9****RULES OF PROCEDURE FOR THE COMMISSION**

---

**PART I REPRESENTATION**

1. Each Member of the Commission shall be represented by one representative who may be accompanied by alternate representatives and advisers. However, at its discretion, the Commission may restrict its deliberations to representatives/heads of delegation only, and such other persons that the Commission may invite.
2. Each Member of the Commission shall notify the Executive Secretary as far as possible in advance of any meeting of the name of its representative and before or at the beginning of the meeting the names of its alternate representatives and advisers.
3. Each Member of the Commission shall nominate a correspondent who shall have primary responsibility for liaison with the Executive Secretary between meetings.

**PART II TAKING OF DECISIONS**

4. The Chairperson shall put to all Members of the Commission questions and proposals requiring decisions. Decisions shall be taken according to the following provisions:
  - a) Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.
  - b) Decisions on matters other than those referred to in paragraph (a) above shall be taken by a simple majority of the Members of the Commission present and voting.
5. At a meeting of the Commission, votes shall be taken by a show of hands. However, a roll call or a secret ballot vote shall be taken at the request of a Member of the Commission. In the case of conflicting requests as between a roll call or a secret ballot vote, a secret ballot vote shall be used. A roll call vote shall be taken by calling the names of the Members of the Commission entitled to vote in alphabetical order of the language of the country in which the meeting is held, beginning with the Member which has been chosen by lot.
6. At a meeting of the Commission, unless it decides otherwise, the Commission shall not discuss or take a decision on any item that has not been included in the provisional agenda for the meeting in accordance with Part IV of these Rules.
7. When necessary, the taking of decisions and votes on any proposal made during the period between meetings may be carried out by post or by other means of textual communication.
  - a) The Chairperson or a Member which requests the application of the procedure laid down by this Rule shall convey with the proposal a recommendation as to whether the decision should be taken in accordance with Rule 4(a) or Rule 4(b).

Any disagreement on this matter shall be resolved in accordance with the provisions of Rule 4, and the following provisions.

- b) The Executive Secretary shall distribute copies of the proposal to all Members.
- c) If the decision is to be taken in accordance with Rule 4(a):
  - i. Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 60 days of the date of acknowledgment of the proposal, indicating whether they wish to support it, reject it, abstain on it, refrain from participating in the taking of the decision, or whether they require additional time to consider it, or whether they consider that it is not necessary for the decision to be taken during the period between meetings. In the latter case the Chairperson shall direct the Executive Secretary to inform all Members accordingly and the decision shall be remitted to the next meeting.
  - ii. If there are no rejections and if no Member either seeks additional time or objects to the decision being taken between meetings, the Chairperson shall direct the Executive Secretary to inform all Members that the proposal has been adopted.
  - iii. If the responses include a rejection of the proposal, the Chairperson shall direct the Executive Secretary to inform all Members that the proposal has been rejected, and provide them with a brief description of all individual responses.
  - iv. If the initial responses do not include a rejection of the proposal or an objection to the decision being taken between meetings, but a Member requests additional time to consider it, a further 30 days shall be allowed. The Executive Secretary shall inform all Members of the final date by which responses must be lodged. Members who have not responded by that date shall be deemed to be in support of the proposal. After the final date, the Chairperson shall direct the Executive Secretary to proceed in accordance with subparagraphs (ii) or (iii), as the case may be.
  - v. The Executive Secretary shall distribute to each Member copies of all responses as they are received.
- d) If the decision is to be taken in accordance with Rule 4(b):
  - i. Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 60 days of the date of acknowledgment of the proposal, indicating whether they wish to support it, reject it, abstain on it or refrain from participating in the taking of the decision.
  - ii. At the end of the 60-day period, the Chairperson shall count the votes and direct the Executive Secretary to inform all Members of the result.
  - iii. The Executive Secretary shall distribute to each Member copies of all responses as they are received.

- e) A proposal that has been rejected may not be reconsidered by way of postal voting until after the following meeting of the Commission, but may be considered at that meeting.

### **PART III CHAIRPERSON, VICE-CHAIRPERSON AND EXECUTIVE SECRETARY**

8. The Commission shall elect from among its Members a Chairperson and Vice-Chairperson, each of whom shall serve for a term of two years and shall be eligible for re-election for one additional term. The first Chairperson shall, however, be elected for an initial term of three years. The Chairperson and Vice-Chairperson shall not be representatives of the same Contracting Party.

9. A person representing a Member of the Commission as its Representative who is elected as Chairperson shall cease to act as a Representative upon assuming office and, whilst holding this office, shall not act as Representative, Alternate Representative or Adviser at meeting of the Commission. The Member of the Commission concerned shall appoint another person to replace the one who was hitherto its Representative.

10. The Chairperson and Vice-Chairperson shall take office at the conclusion of the meeting at which they have been elected, except for the first Chairperson and Vice-Chairperson who shall take office immediately upon their election.

11. The Chairperson shall have the following powers and responsibilities:

- a) convene the regular and extraordinary meetings of the Commission;
- b) preside at each meeting of the Commission;
- c) open and close each meeting of the Commission;
- d) make rulings on points of order raised at meetings of the Commission, provided that each representative retains the right to request that any such decision be submitted to the Commission for approval;
- e) put questions and notify the Commission of the results of votes;
- f) approve a provisional Agenda for the meeting after consultation with representatives and the Executive Secretary;
- g) sign, on behalf of the Commission, the reports of each meeting for transmission to its Members, representatives and other interested persons as official documents of the proceedings; and
- h) exercise other powers and responsibilities as provided in these Rules and make such decisions and give such directions to the Executive Secretary as will ensure that the business of the Commission is carried out effectively and in accordance with its decisions.

12. Whenever the Chairperson of the Commission is unable to act, the Vice-Chairperson shall assume the powers and responsibilities of the Chairperson. The Vice-Chairperson shall act as Chairperson until the Chairperson resumes his or her duties. Whilst acting as Chairperson, the Vice-Chairperson will not act as Representative.

13. In the event of the office of Chairperson falling vacant due to resignation or permanent inability to act, the Vice-Chairperson shall act as Chairperson until the Commission's next meeting on which occasion a new Chairperson shall be elected. Until the election of a new Chairperson, the Vice-Chairperson will not act as Representative, Alternate Representative or Adviser.

14. The Commission shall appoint an Executive Secretary to serve the Commission, Compliance Committee and Scientific Committee, according to such procedures and on such terms and conditions as the Commission may determine. His or her term of office shall be for four years and he/she may be eligible for re-appointment.

15. The Commission shall authorise such staff establishment for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to such rules, and procedures and on such terms and conditions as the Commission may determine.

16. The Executive Secretary and Secretariat shall perform the functions entrusted to them by the Commission.

#### **PART IV PREPARATION FOR MEETINGS**

17. The Executive Secretary shall prepare, in consultation with the Chairperson, a preliminary agenda for each meeting of the Commission and its subsidiary bodies. He or she shall transmit this preliminary agenda to all Members of the Commission not less than 65 days prior to the beginning of the meeting.

18. Members of the Commission proposing supplementary items for the preliminary agenda shall inform the Executive Secretary thereof no later than 45 days before the beginning of the meeting and accompany their proposal with an explanatory memorandum.

19. The Executive Secretary shall prepare, in consultation with the Chairperson, a provisional agenda for each meeting of the Commission. The provisional agenda shall include:

- a) all items which the Commission has previously decided to include in the provisional agenda;
- b) all items the inclusion of which is requested by any Member of the Commission;
- c) proposed dates for the next regular annual meeting following the one to which the provisional agenda relates.

20. The Executive Secretary shall transmit to all Members of the Commission, not less than one month in advance of the Commission's meeting, the provisional agenda and explanatory memoranda or reports related thereto.

21. The Executive Secretary shall:

- a) make all necessary arrangements for meetings of the Commission and its subsidiary bodies;

- b) issue invitations to all such meetings to Members of the Commission and to such states and organisations as are to be invited in accordance with Rule 33;
- c) take all the necessary steps to carry out the instructions and directions given to him by the Chairperson.

## **PART V CONDUCT OF BUSINESS AT MEETINGS**

22.The Chairperson shall exercise his or her powers of office in accordance with customary practice. He/she shall ensure the observance of the Rules of Procedure and the maintenance of proper order. The Chairperson, in the exercise of his or her functions, shall remain under the authority of the meeting.

23.No representative may address the meeting without having previously obtained the permission of the Chairperson. The Chairperson shall call upon speakers in the order in which they signify their desire to speak. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

24.The Chairperson or Vice-Chairperson of the Compliance Committee and of the Scientific Committee may attend all meetings of the Commission. They shall be entitled to present the report of the Compliance Committee and the Scientific Committee to the Commission and to address the Commission with regard to it. The Commission shall take full account of the reports of the Compliance Committee and the Scientific Committee.

25.Proposals and amendments shall normally be submitted in writing to the Executive Secretary, who shall circulate copies to all delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Commission unless copies have been distributed to all delegations in a reasonable time in advance. The Chairperson may, however, permit the discussion and consideration of proposals even though such proposals have not been circulated.

26.As a general rule proposals which have been rejected may not be reconsidered until the next meeting of the Commission.

27.A representative may at any time make a point of order and the point of order shall be decided immediately by the Chairperson in accordance with the Rules of Procedure. A representative may appeal against the ruling of the Chairperson. The appeal shall be put to a vote immediately and the Chairperson's ruling shall stand if upheld by a majority of the representatives present and voting. A representative making a point of order shall not speak on the substance of the matter under discussion. A point of order made during voting may concern only the conduct of the vote.

28.A representative may at any time move the suspension or the adjournment of the session. Such motions shall not be debated, but shall be put to the vote immediately. The Chairperson may limit the time to be allowed to each speaker putting such a motion.

29.A representative may at any time move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against the motion, after which the motion shall be put to the vote immediately. The Chairperson may limit the time to be allowed to speakers.

30. A representative may at any time move the closure of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak against the motion, after which the motion shall be put to the vote immediately. If the meeting is in favour of the closure, the Chairperson shall declare the closure of the debate and a decision shall be taken immediately on the item under discussion. The Chairperson may limit the time to be allowed to speakers under this rule.

31. Subject to Rule 27 the following motions shall have precedence in the following order over all other proposals or motions before the session:

- a) to suspend the session;
- b) to adjourn the session;
- c) to adjourn the debate on the item under discussion;
- d) for the closure of the debate on the item under discussion.

32. With the exception of recording the devices for use by the Secretariat, the use of film, video, sound and any other media devices to record meeting proceedings shall be prohibited for all participants in Commission or subsidiary body meetings.

## **PART VI OBSERVERS**

33. The Commission may:

- a) extend an invitation to any signatory of the Convention to participate, in accordance with Rules 36, 37 and 38 below, as observers in meetings of the Commission;
- b) invite as appropriate, any non-Contracting Party to attend, in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission;
- c) invite, as appropriate, organisations referred to in Article 18(1) and (2) of the Convention to attend, in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission;
- d) invite, as appropriate, non-governmental organisations referred to in Article 8(8) of the Convention, to attend in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission unless the majority of the Contracting Parties object. Invitations to these organisations shall be issued in accordance with the procedure set forth in Rule 39 below.

34. The Executive Secretary may, when preparing with the Chairperson the preliminary agenda for a meeting of the Commission, draw to the attention of Members of the Commission his or her view that the work of the Commission would be facilitated by the attendance at its next meeting of an observer referred to in Rule 33, an invitation to which was not considered at the previous meeting. The Executive Secretary shall so inform Members of the Commission when transmitting to them the preliminary

agenda under Rule 17. The Chairperson shall request the Commission to take a decision on the Executive Secretary's suggestion in accordance with Rule 7 and the Executive Secretary shall so inform Members of the Commission when transmitting to them the provisional agenda under Rule 19.

35. Observers may be present at public and private sessions of the Commission. If a Member of the Commission so requests, sessions of the Commission at which a particular agenda item is under consideration shall be restricted to its Members and Observers referred to in Rule 33(a) and Rule 33(b). With respect to any session so restricted, the Commission may also agree to invite Observers referred to in Rule 33(c).
36. The Chairperson may invite observers to address the Commission unless a Member of the Commission objects. Observers are not entitled to participate in the taking of decisions.
37. Observers may submit documents to the Secretariat for distribution to Members of the Commission as information documents. Such documents shall be relevant to matters under consideration in the Commission. Unless a Member or Members of the Commission request otherwise such documents shall be available only in the language or languages and in the quantities in which they were submitted. Such documents shall only be considered as Commission documents if so decided by the Commission.
38. Observers shall be granted timely access to documents subject to the terms of the confidentiality rules that the Commission may decide. Invitations to these organisations shall be issued in accordance with the following procedure:
  - a) Any non-governmental organisation concerned with the stocks found in the Convention area, which desires to participate as an observer in meetings of the Commission, shall notify an application for observer status to the Executive Secretary at least 60 days in advance of the meeting. This application must include:
    - b) name, address, telephone, fax number and e-mail address of the organisation and the person(s) proposed to represent the organisation;
    - c) address of all its national/regional offices;
    - d) aims and purposes of the organisation and a statement that the organisation generally supports the objectives of the Convention;
    - e) information on the organisation's total number of members, its decision making process and its funding;
    - f) a brief history of the organisation and a description of its activities;
    - g) representative papers and other similar resources produced by or for the organisation on the conservation, management, or science of fishery resources to which the Convention applies;
    - h) a history of SEAFO observer status granted/revoked, where appropriate;
    - i) information or input that the organisation plans to present at the meeting in question and that it would wish to be circulated by the Executive Secretary for

review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.

- j) The Executive Secretary shall review applications received within the prescribed time and, at least 50 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of non-governmental organisations having fulfilled the requirements stipulated this Rule. Contracting Parties shall reply in writing within 20 days of the date at which the notification was sent, stating whether they approve or object to the application and giving reasons thereon. The application shall be considered accepted unless a simple majority of the Contracting Parties that replied objects. An organisation whose application has been rejected may submit a new complete application prior to any subsequent meeting of the Commission.
- k) Any Contracting Party may propose, giving its reasons in writing, that the observer status granted to a non-governmental organisation be revoked. Decisions to revoke observer status shall be taken by a simple majority of the Contracting Parties present and voting. The Commission may agree that this decision becomes effective at its following meeting.

## **PART VII SUBSIDIARY BODIES**

39. The Commission may determine the composition and terms of reference of any subsidiary body established by it. Insofar as they are applicable these Rules of Procedure shall apply to any subsidiary body of the Commission unless the Commission decides otherwise.

## **PART VIII LANGUAGES**

40. The official and working languages of the Commission shall be English and Portuguese.

## **PART IX REPORTS AND NOTIFICATIONS**

41. Reports of meetings of the Commission shall be prepared by the Executive Secretary as required by the Commission before the end of each meeting. A draft report of such meetings shall be considered by the Commission before it is adopted at the end of the meeting. The Executive Secretary shall transmit reports of meetings of the Commission to all Members of the Commission, and to Observers that have attended the meeting, as soon as possible after the meeting.

42. The Executive Secretary shall:

- a) notify each Member of the Commission immediately after each meeting of all decisions, measures or recommendations made or adopted by the Commission;
- b) notify each Member of the Commission of any notification by a Member of the Commission pursuant to Article 23 (c) of the Convention that it is unable to

accept any conservation measure, in whole or in part, adopted by the Commission or of the withdrawal of any such notification.

**ANNEX 10****STAFF REGULATIONS**

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**PART I: PREAMBLE**

1. These Staff Regulations establish the fundamental principles of employment, regulate the working relationships and establish the rights and responsibilities of formally appointed employees who render their services in and receive remuneration from the Secretariat of the Commission for the Conservation and Management of Fishery Resources in the South East Atlantic (hereinafter called 'the Commission').

**PART II: DUTIES, OBLIGATIONS AND PRIVILEGES**

2. Members of the staff of the Secretariat, and the Executive Secretary (hereinafter called 'staff members') are international civil servants. Upon accepting their appointments they pledge themselves to discharge their duties faithfully and to conduct themselves with the interests of the Commission in mind.
3. For the purposes of these regulations the term 'dependant' shall include only:
  - (a) any unsalaried child, who is born of, or adopted by, a staff member, his/her spouse, or their children, who is below the age of eighteen years and who is dependent on a staff member or his spouse for maintenance and continuing support;
  - (b) any child fulfilling the conditions laid down in paragraph (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training;
  - (c) any handicapped child who is dependent on a staff member or his/her spouse for maintenance and continuing support;
  - (d) any other child who is given a home by and is dependent on a staff member or his/her spouse for main and continuing support;
  - (e) any person related by blood or marriage for whose main and continuing support a staff member or his/her spouse is legally responsible.
4. Staff members shall at all times conduct themselves in a manner in keeping with the international nature of the Commission. They shall always bear in mind the loyalty, discretion and tact imposed on them by their international responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities that might be detrimental to the Commission and its aims.
5. Staff members are not required to renounce either their national feelings or their political or religious convictions.
6. In the performance of their duties, staff members may neither seek nor accept instructions from any government or authority other than the Commission.

7. Staff members shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorisation for the release of information for official purposes shall lie with the Commission or the Executive Secretary, as the case may require.
8. Staff members shall, in general, have no employment other than with the Commission. In special cases, staff members may accept other employment, provided that it does not interfere with their duties in the Commission, and that prior authorisation by the Executive Secretary has been obtained. The Commission's prior authorisation shall be obtained in respect of the Executive Secretary.
9. No staff member may be associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, she may benefit from such association or interest.
10. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest within the meaning of Regulation 9.
11. Staff members shall enjoy the privileges and immunities to which they are entitled under the Headquarters Agreement between the Government of the Republic of Namibia and the Commission, pursuant to Article 5 of the Convention.

### **PART III: HOURS OF WORK**

12. The normal working day shall be eight hours, Monday through Friday, for a total of forty hours per week.
13. The Executive Secretary shall establish the working hours, and may alter them for the benefit of the Commission, as circumstances may require.

### **PART IV: CLASSIFICATION OF STAFF**

14. Staff members shall be classified in either of the two following categories:
  - (a) Professional Category: Positions of high responsibility of a managerial, professional, or scientific nature. These posts will be filled by appropriately qualified professionals, preferably with University qualifications or the equivalent. Staff members in this category will be recruited internationally.
  - (b) General Services Category: Auxilliary administrative and technical positions. Clerical, secretarial and other office personnel. Such staff members shall be recruited in Namibia from among citizens of Members of the Commission.
15. Persons employed under Part XI: Temporary Personnel Under Contract shall not be classified as staff members.

## **PART V: SALARIES AND OTHER REMUNERATION**

16. Staff members in the professional category shall be paid at a competitive salary as determined by the Commission and paid in Namibian Dollars.
17. Staff members in the general services category shall, in principle, be paid at rates equivalent to those paid in the Public Service of the Republic of Namibia for staff of equivalent qualifications and experience.
18. The salaries of staff members shall be reviewed annually by the Commission taking into account the evolution of cost of living in the host country and the performance of each staff member concerned.
19. The Commission shall levy from each staff members' salary an amount for income tax. Income tax rates shall be determined by the Commission.
20. The Executive Secretary shall make arrangements to ensure that any staff member who is subject to national income tax is reimbursed tax paid on his salary. Such arrangements shall be made only on the basis that the direct costs of reimbursement are paid by the staff member's home country.
21. Staff members in the professional category are not entitled to overtime pay or compensatory leave.
22. Staff members in the general services category required to work more than 40 hours during one week will be compensated:
  - (a) with compensatory leave equivalent to hours of overtime performed; or
  - (b) by remuneration per overtime hour, to be estimated at the rate of time and a half, or if the additional time is worked on a Sunday, or on holidays listed in Regulation 37, at the rate of double time.
23. The Commission shall pay duly justified representation expenses incurred by the Executive Secretary in the performance of his or her duties within the limits prescribed annually in the budget.

## **PART VI: RECRUITMENT AND APPOINTMENT**

24. In accordance with Article 11 of the Convention, the Commission shall appoint an Executive Secretary and shall establish the remuneration and such other entitlements as it deems appropriate. The Executive Secretary's term of office shall be for four years and the Executive Secretary may be eligible for reappointment.
25. In accordance with Article 11 of the Convention, the Executive Secretary shall appoint, direct, and supervise staff. The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity.
26. Offers of appointment to the Secretariat are subject to the persons selected undergoing a medical examination and presenting a certificate stating that they have

no medical condition which might prevent them from performing their duties, or which might endanger the health of others.

27. Upon selection, each staff member shall receive an offer of appointment stating:
  - (a) that the appointment is subject to the staff regulations applicable to the category of appointment in question, and to changes which may be duly made in such regulations from time to time;
  - (b) the nature of the appointment;
  - (c) the date on which the staff member is required to commence duty;
  - (d) the period of appointment, the notice required to terminate it and the period of probation;
  - (e) the category and commencing rate of salary;
  - (f) any special terms and conditions that may be applicable.
28. Together with the offer of appointment, staff members shall be provided with a copy of these Regulations. Upon acceptance of the offer staff members shall state in writing that they are familiar with and accept the conditions set out in these Regulations.
29. Staff members in the professional category may be required to undergo further medical examination from time to time as determined by the Executive Secretary or the Commission as the case may require. The medical examinations shall be at the expense of the Commission.

## **PART VII: LEAVE**

30. Staff members shall be entitled to annual leave at the rate of two and half workdays for each full month of service. Annual leave is cumulative, but at the end of each calendar year, not more than 30 workdays may be carried over to the following year.
31. The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Commission. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal circumstances, needs and preferences of staff members.
32. Annual leave may be taken in one or more periods.
33. Any absence not approved within the terms of these Regulations shall be deducted from annual leave.
34. Staff members who, upon termination of their appointment, have accumulated annual leave that has not been taken shall receive the cash equivalent estimated on the basis of the last salary received.
35. After 18 months of service the Commission shall, in accordance with Regulations 49 to 51, pay travel expenses to the staff member's home country on annual leave for internationally recruited staff members and their dependants. Following this, home leave shall be granted at two year intervals provided that:

- (a) dependants who benefit from this Commission grant have resided at Walvis Bay for at least 6 months prior to travel;
- (b) it is expected that staff members will return to the Secretariat to continue rendering their services for a minimum additional period of 6 months.
36. The possibility of combining travel to home country on leave with official travel in Commission service may also be considered, provided the interests of the Commission are duly borne in mind.
37. Staff shall be entitled to the holidays celebrated traditionally in Namibia, i.e.:
- 1 January New Year's Day
  - 21 March Independence Day
  - Good Friday
  - Easter Monday
  - 1<sup>st</sup> May Worker's Day
  - 4 May Cassinga Day
  - 20 May Ascension Day
  - 25 May Africa Day
  - 26 August Heroes' Day
  - 10 December Human Rights Day
  - 25 December Christmas Day
  - 26 December Family Day
38. If under special circumstances members of the staff are required to work on one of the aforementioned days, or if any one of the above holidays falls on a Saturday or Sunday, the holiday shall be observed on another day to be set by the Executive Secretary, who shall take into account the needs of the Commission.

## **PART VIII: SOCIAL SECURITY**

39. It is a condition of employment that each staff member will contribute to a recognized retirement fund and have adequate medical, hospital, life and disability insurance cover. Such insurance cover shall include adequate provision for dependants.
40. Staff members shall not be granted sick leave for a period of more than three consecutive days and more than a total of seven working days in any calendar year without producing a medical certificate.
41. Staff members shall be granted certified sick leave not exceeding twelve months in any four consecutive years. The first six months shall be on full salary and the second six months on half salary, except that no more than four months on full salary shall normally be granted in any period of twelve consecutive months.
42. After six months of employment in the Secretariat staff members shall be entitled to maternity leave. On the basis of medical advice that the confinement will probably take place within six weeks, staff members shall be entitled to be absent from duty

until eight weeks after confinement. During this period staff members shall receive full pay and corresponding allowances.

43. In the event of death of a staff member following illness or surgery not resulting from an accident covered by the appropriate insurance, the right to salary and any applicable benefits shall cease on the day on which death occurs, unless the deceased leaves dependants, in which case these shall be entitled to mortality allowances and return travel and removal expenses to country of origin or former residence at the expense of the Commission.
44. Eligibility of the dependants of a deceased staff member for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within six months of the date of the staff member's death.
45. The above mortality allowance for death shall be calculated in accordance with the following scale:

| Years of service                        | Months of net base pay salary following death |
|---|---|
| Less than 3 years                       | 3 months                                      |
| 3 years and more, but less than 7 years | 4 months                                      |
| 7 years and more, but less than 9 years | 5 months                                      |
| 9 years and more                        | 6 months                                      |

46. The Commission shall pay for transport of the staff member's body from the place of death to the place designated by the next of kin.

## **PART IX: TRAVEL**

47. All official travel shall be authorised by the Executive Secretary in advance within the limits of the budget, and the itinerary and travelling conditions shall be those best suited for maximum effectiveness in the fulfilment of duties assigned
48. With regard to official travel, a travel allowance, generally consistent with United Nations practice, shall be paid in advance for fares, accommodation, and daily living expenses.
49. Economy class shall be utilised, wherever feasible, for air travel.
50. First class may be utilised for land travel, but not for travel by sea or air.
51. Following completion of a duty journey, staff members shall repay any travel allowances to which, in the event, they were not entitled. Where staff members have incurred expenses above and beyond those for which travel allowances have been paid, they shall be reimbursed, against receipts and vouchers, as long as such expenses were necessarily incurred in pursuit of their official duties.
52. On taking up an appointment in the Professional Category staff members shall be eligible for:
  - (a) payment of economy class air fares (or equivalent) and travel allowance for themselves, their spouses and dependants to Walvis Bay;

- (b) an Installation Grant equivalent to one month net salary;
  - (c) payment of removal costs, including the transport of personal effects and household goods from place of residence to Walvis Bay, subject to a maximum volume of 30 cubic metres or one international standard shipping container;
  - (d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges. Such payment shall be subject to prior approval by the Executive Secretary.
53. Staff members who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorisation of the Executive Secretary, be entitled to receive a reimbursement of the costs involved in line with that available to members of the Government Service in Namibia. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

## **PART X: SEPARATION FROM SERVICE**

54. Staff members may resign at any time upon giving three months notice or such lesser period as may be approved by the Executive Secretary or the Commission, as the case may require.
55. In the event of a staff member resigning without giving the required notice, the Commission reserves the right to decide whether repatriation expenses or any other allowance shall be paid.
56. Appointment of staff members may be terminated upon prior written notice at least three months in advance, by the Executive Secretary when he or she deems this to be for the benefit of the Commission due to restructuring of the Secretariat or if she or he considers that the staff member does not give satisfactory service, fails to comply with the duties and obligations set out in these Regulations, or is incapacitated for service.
57. In the event of separation from service with the Secretariat, staff members shall be compensated at a rate of one-month base pay for each year of service, beginning the second year, unless the cause of termination has been gross dereliction of duties.
58. On separation from service, a staff member shall, subject to Regulation 59 below, be entitled to the following:
- (a) payment of economy class air fares (or equivalent) to the staff member's country of origin or former residence, for the staff member and dependent members of his family;
  - (b) payment of removal costs, including the transport of personal effects and household goods from place of residence in Walvis Bay to the country of origin or former residence, subject to a maximum volume of 30 cubic metres or one international shipping container;
  - (c) a repatriation allowance equivalent to one month net salary.
59. At the discretion of the Executive Secretary, the right to the repatriation expenses may be cancelled or reduced appropriately if:

- (a) less than one year has elapsed between the date of taking up the appointment and the date of separation from service;
- (b) the reason for separation from service was termination of employment due to gross dereliction of duty;
- (c) more than six months has elapsed between the staff member's separation from service and his return to his country of origin or former residence;
- (d) less than six months has elapsed since the staff member last visited his country of origin or former residence on home leave at the expense of the Commission; or
- (e) the staff member has applied for or received status as a permanent resident of Namibia.

## **PART XI: TEMPORARY PERSONNEL UNDER CONTRACT**

- 60. The Executive Secretary may contract temporary personnel necessary to discharge special duties in the service of the Commission. Such personnel shall be classified as additional help and may be paid on an hourly basis.
- 61. Persons in this category may include translators, interpreters, typists, and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task. Whenever possible, persons resident in Namibia shall be utilised in such cases.

## **PART XII: APPLICATION AND AMENDMENT REGULATIONS**

- 62. Any doubts arising from application of these Regulations shall be resolved by the Executive Secretary following consultation with the Chairperson of the Commission.
- 63. All matters not foreseen in these Staff Regulations shall be brought to the attention of the Commission by the Executive Secretary.
- 64. Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.

## ANNEX 11

### THE SET-UP OF THE SEAFO SECRETARIAT

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#### GENERAL PRINCIPLES

1. The Commission agreed to a Secretariat comprising two officers: an Executive Secretary and an Administrative Officer. This decision is based on the Commission's assessment of the needs of the Organisation in its set-up phase and on the understanding that the system should be flexible and adaptable to the changing requirements of the tasks entrusted to SEAFO.
2. The level of remuneration, other benefits and allowances of the Secretariat Staff have been agreed on the basis of an initial ceiling expenditure within the SEAFO 2005 budget as indicated below for each post. The salary and benefit conditions will thereafter be subject to review on a timely basis by the Commission.

#### EXECUTIVE SECRETARY

3. The Commission agreed that the Executive Secretary will officiate as an international civil servant in the employment of SEAFO. He/she will be subject to their contractual obligations as well as all basic texts adopted by the Organisation.
4. The Commission agreed to a financial package that foresees a net annual salary between 520.000 to 550.000 Namibian Dollars, after deduction of a 15% income tax levied by the Organisation.
5. The net salary is deemed to cover all allowances such as:
  - Medical Assistance
  - Pension
  - Housing
  - Dependent allowances (includes education)
6. Relocation expenses (to be determined with the candidate at a reasonable level) will be at the charge of SEAFO.
7. Terms of Reference are given below.

## **ADMINISTRATIVE OFFICER**

8. The Commission agreed that the Administrative Officer will be recruited within the General Service Category from applicants already residing in Namibia. He/she will also officiate as an international civil servant in the employment of SEAFO. He/she will be subject to their contractual obligations as well as all basic texts adopted by the Organisation.
9. The Commission agreed to a financial package that foresees a net annual salary between 120.000 to 150.000 Namibian Dollars, after deduction of a 15% income tax levied by the Organisation.
10. The net salary is deemed to cover all allowances such as:
  - Medical Assistance
  - Pension
  - Housing
  - Dependent allowances (includes education)
11. Relocation expenses to Walvis Bay, if required (to be determined with the candidate at a reasonable level) will be at the charge of SEAFO.

### **The Summary description of the position**

The Executive Secretary will be SEAFO's head administrative officer and must be impartial and objective in promoting and coordinating the interests of all Contracting Parties. The Executive Secretary will be responsible for the effective management of Secretariat and administration of SEAFO's appropriations and budget. The Executive Secretary will be appointed by and subject to the general supervision of the SEAFO Commission. He/she is responsible for delivering a professional level of service to the Contracting Parties on behalf of SEAFO.

He/she appoints and exercises full authority over the staff of the Secretariat and performs such other functions as described in the SEAFO Convention, the Rules of Procedure of the Commission and subsidiary bodies and the SEAFO Staff Rules. The Executive Secretary's functions will in particular include the following:

- Undertake all necessary arrangements for annual and other meetings of SEAFO and its constituent bodies and committees, including the preparation and transmission of draft provisional agendas and provisional agendas for the

respective bodies and committees in consultation with their respective Chairpersons.

- Manages and controls the Secretariat's expenses and appropriations according to the Financial Regulations and decisions of SEAFO.
- Prepares annual budget estimates and forecasts, annual financial statements and other documents as required by SEAFO.
- Conducts, on behalf of SEAFO, correspondence on routine and miscellaneous matters involving questions of fact, questions of policy previously determined by SEAFO, and future programs which have been formally adopted by SEAFO.
- Addresses communications to the Depository, FAO.
- Appoints and manages the Secretariat's staff.
- Records the proceedings, resolutions, proposals, decisions and recommendations adopted by all meetings as required.
- Maintains the official files of SEAFO and keeps the record of all meetings of SEAFO and its constituent bodies and committees.
- Oversees the preparation, publication and distribution of reports of SEAFO.
- Exercises leadership and innovation in the application of computer services and information and communications technology.
- Liaises with governments and international fisheries organisations.
- Represents SEAFO at meetings of other international organisations, as required.
- Assists officers of SEAFO generally in the performance of their duties, when requested.
- Performs such other functions as may be assigned to him/her by the Commission or its Chairperson.

Members of the Secretariat shall enjoy the privileges and immunities to which they are deemed to be entitled as a consequence of the SEAFO Convention and any agreement signed between the Organization and the host Contracting Party.

The SEAFO Staff Rules set the conditions and principles of employment and the responsibilities of the staff of the SEAFO Secretariat.

SEAFO is committed to promoting diversity and ensuring employment equity in the Secretariat staff.

It is expected that the final candidates will be interviewed by the Heads of delegation of the SEAFO Contracting Parties at a special meeting to take place in September/October 2004 (precise date and venue to be decided). Travel expenses for finalists invited to interviews will be paid by SEAFO.

The expected starting date for the Executive Secretary will be 1<sup>st</sup> January 2005 at the latest.

## ANNEX 12

### FINANCIAL REGULATIONS

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#### **PART I: APPLICABILITY**

1. These Regulations shall govern the financial administration of the Commission for the Conservation and Management of Fishery Resources in the South East Atlantic Ocean (hereinafter referred to as 'the Commission') and the Compliance and Scientific Committees for the Conservation and Management of Fishery Resources in the South East Atlantic Ocean (hereinafter referred to as 'the Compliance and Scientific Committees') established under Articles 9 and 10 of the Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean (hereinafter referred to as 'the Convention').

#### **PART II: FINANCIAL YEAR**

2. The financial year shall be for 12 months commencing 1 January and ending 31 December, both dates inclusive.

#### **PART III: THE BUDGET**

3. A draft budget comprising estimates of receipts by the Commission and of expenditures by the Commission, the Compliance Committee and the Scientific Committee and any subsidiary bodies established pursuant to Articles 9 (6) and 10 (8) of the Convention shall be prepared by the Executive Secretary for the ensuing financial year.
4. The draft budget shall include a statement of the significant financial implications for subsequent financial years in respect of any proposed work programs presented in terms of administrative, recurrent and capital expenditure.
5. The draft budget shall be divided by functions into items and, where necessary or appropriate, into sub- items.
6. The draft budget shall be accompanied by details both of the appropriations made for the previous year and estimated expenditure against those appropriations, together with such information annexures as may be required by Members of the Commission or deemed necessary or desirable by the Executive Secretary. The precise form in which the draft budget is to be presented shall be prescribed by the Commission.
7. The Executive Secretary shall submit the draft budget to all Members of the Commission at least 60 days prior to the annual meeting of the Commission, as provided for in Article 12 (2) of the Convention. At the same time, and in the same form as the draft budget, he or she shall prepare and submit to all Members of the Commission a forecast budget for the subsequent financial year.

8. The draft budget and the forecast budget shall be presented in Namibian dollars.
9. At each annual meeting, the Commission shall adopt by consensus its budget and the budget of the Compliance Committee and Scientific Committee.

#### **PART IV: APPROPRIATIONS**

10. The appropriations adopted by the Commission shall constitute an authorisation for the Executive Secretary to incur obligations and make payments for the purposes for which the appropriations were adopted.
11. Unless the Commission decides otherwise, the Executive Secretary may also incur obligations against future years before appropriations are adopted when such obligations are necessary for the continued effective functioning of the Commission, provided such obligations are restricted to administrative requirements of a continuing nature not exceeding the scale of such requirements as authorised in the budget of the current financial year. In other circumstances the Executive Secretary may incur obligations against future years only as authorised by the Commission.
12. Appropriations shall be available for the financial year to which they relate. At the end of the financial year all appropriations shall lapse. Commitments remaining undischarged against previous appropriations at the end of a financial year shall be carried over and be included in the budget for the next financial year, unless the Commission otherwise decides.
13. The Chairperson may authorise the Executive Secretary to make transfers of up to 10 per cent of appropriations between items. The Chairperson of the Standing Committee on Administration and Finance may authorise the Executive Secretary to make transfers of up to 10 per cent of appropriations between categories within sub-items and/or indivisible items. The Executive Secretary may authorise the transfer of up to 10 per cent of appropriations between sub-items of an item. All transfers must be reported by the Executive Secretary to the next annual meeting of the Commission.
14. The Commission shall prescribe the conditions under which unforeseen and extraordinary expenses may be incurred.

#### **PART V: PROVISION OF FUNDS**

15. Each Member of the Commission shall contribute to the budget in accordance with Article 12 of the Convention.
16. Staff Assessment Levy paid by an employee of the Commission shall be regarded by the Commission as payment towards the annual budget contribution for the year.
17. On approval of the budget for a financial year, the Executive Secretary shall send a copy thereof to all Members of the Commission notifying them of their contributions and requesting them to remit their contributions due. A Member of the Commission that fails to pay its contributions for two consecutive years shall not, during the period of its default, have the right to participate in the taking of decisions in the Commission.

18. All contributions shall be made in Namibian dollars or the equivalent amount in United States dollars.
19. Except in the first financial year, a new Member of the Commission whose membership becomes effective during the first six months of the financial year shall be liable to pay the full amount of the annual contribution which would have been payable had it been a Member of the Commission when assessments were made under Article 12 of the Convention. A new Member, whose membership becomes effective during the last six months of the financial year, shall be liable to pay half of the amount of the annual contribution referred to above. In the first financial year all Members whose membership becomes effective during the first nine months of the year shall be liable to pay the full amount of the annual contributions. A Member whose membership becomes effective during the last three months of the first financial year shall be liable to pay half the amount of the first annual contribution;
20. Where contributions are received from new Members the contributions of existing Members shall be adjusted in accordance with Regulation 26.
21. Except in the first financial year when contributions shall be paid within 90 days of the end of the first Commission meeting, contributions shall be due for payment on the first day of the financial year (i.e. the due date) and shall be paid not later than 60 days after that date. The Commission has the authority to permit extensions to the due date of up to 90 days for individual Members who are unable to comply with this regulation due to the timing of the financial years of their governments. However, in the case referred to in Regulation 19, contributions by a new Member shall be made within 90 days following the date on which its membership becomes effective. If payment is made after the due date in United States dollars, the net payment received by the Commission shall be equivalent to the amount of Namibian dollars payable on the due date.
22. The Executive Secretary shall report to each meeting of the Commission on the receipt of the contributions and the position of arrears.

## **PART VI: FUNDS**

23. There shall be established a General Fund for the purpose of accounting for the income and expenditure of the Commission and Compliance and Scientific Committees and any subsidiary bodies established pursuant to the Convention;
24. Contributions paid by Members under Regulation 15 and miscellaneous income to finance general expenditure shall be credited to the General Fund;
25. Any cash surplus in the General Fund at the close of a financial year that is not required to meet undischarged commitments in terms of Regulation 12 shall be divided in proportion to the contributions made by existing Members under Regulation 15 in the current financial year and used to offset such Members' contributions for the ensuing financial year. This provision shall not apply at the end of the first financial year when surplus funds other than those resulting from contributions by new Members may be carried over into the following financial year;

26. Where contributions are received from new Members after the commencement of the financial year and such funds have not been taken into account in formulating the budget, appropriate adjustment shall be made to the level of the assessed contributions of existing Members and such adjustments recorded as advances made by such Members;
27. Advances made by Members shall be carried to the credit of the Members that have made such advances.
28. Trust and Special Funds may be established by the Commission for the purpose of receiving funds and making payments for purposes not covered by the regular budget of the Commission.

## **PART VII: OTHER INCOME**

29. All income other than contributions to the budget under Regulation 15 and that referred to in Regulation 31 below, shall be classified as Miscellaneous Income and credited to the General Fund. The use of Miscellaneous Income shall be subject to the same financial controls as activities financed from regular budget appropriations.
30. Voluntary contributions above and beyond Members' budget contributions may be accepted by the Executive Secretary provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Commission. Voluntary contributions offered by non-Members may be accepted, subject to agreement by the Commission that the purposes of the contribution are consistent with the policies, aims and activities of the Commission.
31. Voluntary contributions shall be treated as Trust or Special Funds under Regulation 28.

## **PART VIII: CUSTODY OF FUNDS**

32. The Executive Secretary shall designate a bank or banks in Namibia in which the funds of the Commission shall be kept and shall report the identity of the bank or banks so designated to the Commission.
33. The Executive Secretary may make short-term investments of moneys not needed for the immediate requirements of the Commission. Such investments shall be restricted to securities and other investments issued by Namibian institutions or Government bodies with current ratings, provided by a rating body approved by the Commission's auditor, indicating a strong capacity to pay. The details of investment transactions and income derived shall be reported in the documents supporting the budget.
34. With regard to moneys held in Trust or Special Funds for which use is not required for at least 12 months, longer-term investments may be authorised by the Commission provided such action is consistent with the terms under which the moneys were lodged with the Commission. Such investments shall be restricted to securities and other investments issued by Namibian institutions or Government bodies with current

ratings, provided by a rating body approved by the Commission's auditor, indicating a strong capacity to pay.

35. Income derived from investments shall be credited to the Fund from which the investment was made.

## **PART IX: INTERNAL CONTROL**

36. The Executive Secretary shall:

- a) establish detailed financial rules and procedures after consultation with the external auditor to ensure effective financial administration and the exercise of economy in the use of funds;
- b) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the goods or services have been received and that payment has not previously been made;
- c) designate officers who may receive moneys, incur obligations and make payments on behalf of the Commission; and
- d) maintain and be responsible for internal financial control to ensure:
  - (i) the regularity of the receipt, custody and disposal of all funds and other financial resources of the Commission;
  - (ii) the conformity of obligations and expenditures with the appropriations adopted by the annual meeting; and
  - (iii) the economic use of the resources of the Commission.

37. No obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Executive Secretary.

38. The Executive Secretary may propose to the Commission, after full investigation by him or her, the writing off of losses of assets, provided that the external auditor so recommends. Such losses shall be included in the annual accounts.

39. Tenders in writing for equipment, supplies and other requirements shall be invited by advertisement, or by direct requests for quotation from at least three persons or firms able to supply the equipment, supplies, or other requirements, if such exist, in connection with all purchases or contracts, the amounts of which exceed N\$10,000 (Namibian dollars). For amounts less than \$10,000, competition shall be obtained either by the above means or by telephone or personal enquiry. The foregoing rules, shall, however, not apply in the following cases:

- a) where it has been ascertained that only a single supplier exists and that fact is so certified by the Executive Secretary;
- b) in case of emergency, or where, for any other reason, these rules would not be in the best financial interests of the Commission, and that fact is so certified by the Executive Secretary.

## **PART X: THE ACCOUNTS**

40. The Executive Secretary shall ensure that appropriate records and accounts are kept of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of the Commission's moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.
41. The Executive Secretary shall submit to the Members of the Commission, not later than **31 March** immediately following the end of the financial year, annual financial statements showing, for the financial year to which they relate:
- a) the income and expenditure relating to all funds and accounts;
  - b) the situation with regard to budget provisions, including:
    - i. the original budget provisions;
    - ii. the approved expenditure in excess of the original budget provisions;
    - iii. any other income;
    - iv. the amounts charged against these provisions and other income;
  - c) the financial assets and liabilities of the Commission;
  - d) details of investments;
  - e) losses of assets proposed in accordance with Regulation 38.
42. The Executive Secretary shall also give such other information as may be appropriate to indicate the financial position of the Commission. These financial statements shall be prepared in a form approved by the Commission after consultation with the external auditor.
43. The accounting transactions of the Commission shall be recorded in the currency in which they took place but the annual financial statements shall record all transactions in Namibian dollars.
44. Appropriate separate accounts shall be kept for all Special and Trust Funds.
45. The annual financial statements shall be submitted by the Executive Secretary to the external auditor in accordance with Article 12 of the Convention at the same time as they are submitted to Members of the Commission under Regulation 41.

## **PART XI: EXTERNAL AUDIT**

46. The Commission shall appoint an external auditor who shall be the Auditor-General or equivalent statutory authority from a Member of the Commission and shall serve for a term of two years with the possibility of re-appointment. The Commission will ensure respect for the external auditor's independence of the Commission, the Compliance Committee and the Scientific Committee, their subsidiary bodies and the Commission's staff, fix the terms of office, appropriate funds to the external auditor and may consult him or her on the introduction or amendment of any financial

regulations or detailed accounting methods as well as on all matters affecting auditing procedures and methodology.

47. The external auditor or a person or persons authorised by him or her shall be entitled at all reasonable times to full and free access to all accounts and records of the Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission. The external auditor or a person or persons authorised by him or her may make copies of or take extracts from any such accounts or records.
48. If required by the Commission to perform a full audit, the external auditor shall conduct his or her examination of the statements in conformity with generally accepted auditing standards and shall report to the Commission on all relevant matters, including:
  - a) whether, in his or her opinion, the statements are based on proper accounts and records;
  - b) whether the statements are in agreement with the accounts and records;
  - c) whether, in his or her opinion, the income, expenditure and investment of moneys and the acquisition and disposal of assets by the Commission during the year have been in accordance with these Regulations; and
  - d) observations with respect to the efficiency and economy of the financial procedures and the conduct of business, the accounting system, internal financial controls and the administration and management of the Commission.
49. If required by the Commission to perform a review audit, the external auditor shall review the statements and accounting controls in operation. He or she shall report to the Commission whether anything has come to his or her attention which would cause him or her to doubt whether:
  - a) the statements are based on proper accounts and records;
  - b) the statements are in agreement with the accounts and records; or
  - c) the income, expenditure and investment of moneys and the acquisition and disposal of assets by the Commission during the year have been in accordance with these Regulations.
50. The Executive Secretary shall provide the external auditor with the facilities he or she may require in the performance of the audit.
51. The Executive Secretary shall provide to the Members of the Commission a copy of the audit report and the audited financial statements within 30 days of their receipt.
52. The Commission shall, if necessary, invite the external auditor to attend discussions on any item under scrutiny and consider recommendations arising out of his or her findings.

## **PART XII: ACCEPTANCE OF ANNUAL FINANCIAL STATEMENTS**

53. The Commission shall, following consideration of the audited annual financial statements and audit report submitted to its Members under the Regulations relating to External Audit, signify its acceptance of the audited annual financial statements or take such other action as it may consider appropriate.

## **PART XIII: INSURANCE**

54. The Commission may take out suitable insurances with a reputable financial institution against normal risks to its assets.

## **PART XIV: GENERAL PROVISION**

55. Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.

56. Where the Commission, the Compliance Committee or the Scientific Committee are considering matters that may lead to a decision which has financial or administrative implications, it shall have before it an evaluation of those implications from the Executive Secretary.

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**ANNEX 13**

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**APPROVED BUDGET FOR 2005**

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**EXPLANATORY NOTES ON THE SEAFO BUDGET**

The SEAFO budget foresees 2004 as a start up period. During this period the offices that are already secured in Walvis Bay will be furnished and equipped for the Executive Secretary to start operation from 1st January 2005. 2005 will therefore be the first full year of operation for the Secretariat.

Details regarding the major line items are given below:

**2004**

Line 1 Office Space: Monthly rent of N\$15,600 for months = N\$140,400. Building insurance is the responsibility of the Landlord.

Line 2c, Removal: This covers costs of travel and subsistence for three interviewees.

Line 6, Office equipment and Line 9, Office Consumables: The office equipment is a major one-off item that, together with Consumables, will allow the Secretariat to function.

Line 11. Meeting arrangements: The expected cost of this 1<sup>st</sup> meeting of SEAFO is included here.

**2005**

Line 1, office rental: Expected rental increase by 10% times 12 months and electricity of N\$20,000 is included.

Line 2a, Net Salary: of Executive Secretary at N\$550,000 + 15 % tax, Administrative Officer N\$150,000 + 15 % tax.

Line 2b Installation Grant: equivalent to one month net payment for each of the employees.

Line 2c Removal expenses: This is an extraordinary expense the first year as part of recruitment costs.

Line 6g: Miscellaneous equipment should cover insurance of the equipment.

Line 9, Office consumables: This figure reflects the relatively high expenditure that will be required during the Secretariat's first year of operation.

Line 11 Meeting arrangements: to cover second meeting of SEAFO and the first meeting of the Scientific Committee.

Tax: This amount reflects the tax that shall be deducted from the salaries of the staff members and will be credited to the SEAFO budget. It should therefore be subtracted from the Gross Total in order to arrive at the total Contribution needed from the Contracting Parties.

### Budget for SEAFO (Nam\$)

|    | Item  | Start-up 2004  | Start-up 2004  | 2005             | 2005             |
|----|---|----------------|----------------|------------------|------------------|
|    |   | Expenditures   | Income         | Expenditures     | Income           |
| 1  | Office space                                  | 140,000        |                | 225,920          |                  |
|    | 1a Office rental                              |                |                |                  |                  |
|    | 1b Electricity charges                        |                |                | 20,000           |                  |
| 2  | Staff costs                                   |                |                | 1,013,333        |                  |
|    | 2a Salary                                     |                |                | 805,000          |                  |
|    | 2b Installation Grant                         |                |                | 58,333           |                  |
|    | 2c Removal expenses                           | 36,000         |                | 150,000          |                  |
| 3  | Audit and accountancy fees                    |                |                | 13,000           |                  |
| 4  | Bank charges                                  | 3,250          |                | 6,500            |                  |
| 5  | Furniture                                     | 50,000         |                | 31,200           |                  |
| 6  | Office equipment                              | 173,850        |                | 45,500           |                  |
|    | 6a Computer system                            | 90,000         |                | 32,500           |                  |
|    | 6b Network setup inc comm                     | 65,000         |                |                  |                  |
|    | 6c scanner                                    | 13,000         |                |                  |                  |
|    | 6d binder                                     | 1,300          |                |                  |                  |
|    | 6e Photo copier rental                        |                |                | 6,500            |                  |
|    | 6f Answering machine                          | 1,300          |                |                  |                  |
|    | 6g Miscellaneous equipment                    | 3,250          |                | 6,500            |                  |
|    | System maintenance<br>(Software)              |                |                | 13,000           |                  |
| 7  | Communication costs=e-mail<br>and data line   |                |                | 19,500           |                  |
| 8  | Office<br>consumables=Recurrent               | 50,000         |                | 138,450          |                  |
| 9  | Entertainment                                 |                |                | 6,500            |                  |
| 10 | Consultants                                   | 30,000         |                |                  |                  |
| 11 | Meeting arrangements                          | 30,000         |                | 60,000           |                  |
| 12 | Voluntary Contribution as of<br>10 March 2004 |                | 581,824        |                  |                  |
| 13 | Income tax Refunded                           |                |                |                  | 105,000          |
| 14 | Contribution by Contracting<br>Parties 1)     |                |                |                  | 1,467,903        |
| 15 | Surplus for the General Fund                  | 68,724         |                |                  |                  |
| 16 | <b>Gross total</b>                            | <b>581,824</b> | <b>581,824</b> | <b>1,572,903</b> | <b>1,572,903</b> |

Note: The contribution by Contracting Parties for 2005 shall, in accordance with Article 12.4 of the Convention be paid in equal shares.

**ANNEX 14****PRESS STATEMENT**

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Contracting Parties of the South-East Atlantic Fisheries Organisation - European Community (EC) and Namibia, and Signatories – Angola, South Africa and United States of America attended the First Commission Meeting of SEAFO from 9 –13 March 2004 in Swakopmund, Namibia. FAO attended as an observer.

The meeting was opened by Dr. Abraham Iyambo, Minister for Fisheries and Marine Resources, Republic of Namibia, who underlined the need for international cooperation towards the effective conservation and management of fishery resources in the Region. The European Community and Namibia were elected Chair and Vice-Chair, respectively, of the SEAFO Commission.

SEAFO is a Regional Fisheries Organisation established on the basis of a Convention signed on 9 parties on April 20<sup>th</sup> 2001. It has competence to regulate high seas fisheries in the South Eastern Atlantic Ocean and operates through a Commission of which all Contracting Parties are members, assisted by a Scientific Committee and a Compliance Committee.

This Inaugural Meeting was devoted to the adoption of the basic rules for the functioning of the Organisation and its subsidiary bodies. The Meeting succeeded in agreeing on regulations regarding the financing of the Organisation, its rules of procedure and staffing arrangements. In particular, it was decided that a permanent secretariat would be in place by the end of 2004, based in Walvis Bay, at the kind invitation of the Namibian Government. It also adopted guidelines and priorities for the work of the Scientific Committee, which will be holding its first meeting in 2005.

The Commission re-affirmed the requirement derived from the International Law of the Sea for all those with fishing interests in the Convention Area to fully co-operate with SEAFO towards the conservation and sustainable management of the resources. Such Parties were invited to either join SEAFO as Members or to agree to abide by the provisions of the Convention and all measures adopted by SEAFO.

The results of this first Meeting demonstrated the commitment of all Parties with an interest in the South-East Atlantic fisheries to co-operate constructively in ensuring that SEAFO will fulfil its responsibilities in an effective manner.