

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



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(SEAFO)**

**REPORT OF THE 3rd ANNUAL MEETING OF THE
COMMISSION, 2006**

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1. Opening of the Meeting

- 1.1 The 3rd Annual Meeting of SEAFO Commission was convened in Windhoek, Namibia from 2-5 October and attended by the representatives from four Contracting Parties, three Signatory States and five Observers. The list of participants is provided in **Annex 1**.
- 1.2 The Chairperson of the Commission, John Spencer (European Community), opened the Meeting. In his opening remarks (**Annex 2**), he voiced concern on the slow ratification process of the Convention by the Signatories and once more urged them not to deviate from their initial commitments. The Chairperson further expressed his satisfaction with the achievements made by the Organisation during the past year including the adoption and implementation of conservation measures aimed to curb IUU fishing. He also underlined the heavy workload that faced the Commission noting, in particular, the need to address conservation and compliance issues, such as, the protection of vulnerable habitats and measures to curb IUU fishing.
- 1.3 In his keynote address, the Namibian Prime Minister, Hon. Nahas Angula expressed his satisfaction for progress made by the Organisation so far. He reminded the Commission of the commitments on sustainable fisheries made by the World Summit on Sustainable Development (WSSD) in 2000 in Johannesburg which included the implementation of ecosystem approach by 2010, the restoration of over-fished fish stocks by 2015 and the introduction of effective monitoring systems for illegal fishing by 2004. The Prime Minister noted that some implementation deadlines had passed and he called on the Organisation to urgently devise a fast-tracking strategy to move forward, in particular those related to the development of an eco-system approach to fisheries management (**Annex 3**).

2. Adoption of the Agenda and Arrangements

Following discussions, the agenda was adopted (**Annex 4**). It was agreed that the Press Statement would be prepared by the Executive Secretary in consultation with the Chairperson and that the draft Report of the Meeting would be circulated to Parties for their comments after the Meeting.

3. Introduction and Opening Statements of Parties and Signatories

- 3.1 The Heads of Delegations introduced members of their delegations. All SEAFO Contracting Parties — Angola, European Community, Namibia and Norway were represented. Representing signatories were delegations from Iceland, South Africa and United States of America.
- 3.2 Norway, EC, South Africa and USA presented opening statements and these are attached as **Annex 5**.

3.3 EU informed the meeting that it was representing ICCAT and Namibia informed the meeting that it represents CCAMLR. South Africa was also representing the Agreement for the Conservation of Albatrosses and Petrels (ACAP).

4. Introduction and Admission Observers

A delegation from FAO presented his delegation and made an opening statement (**Annex 5**).

5. Status of the Convention in Respect of Membership

5.1 The Executive Secretary reported on the outcome of his contacts with both Signatories and other States with potential or real involvement in the fisheries in the SEAFO Convention Area. South Africa informed the Commission that it was in the final stages of ratifying the SEAFO Convention and that this would hopefully be completed by the end of 2006. The United Kingdom had informed the Secretariat that it is not intending to ratify the Convention in the foreseeable future. The USA informed the Commission that as it had no vessels operating in the Convention Area it was unlikely that it would ratify the Convention this year. No other responses were received from other Signatories or other States.

5.2 In noting information regarding the non ratification of signatories, particularly in relation to Japan, the Commission decided to intervene at the diplomatic level and delegated the Chair to coordinate such approaches. It was noted that Japan is actively fishing SEAFO managed species and benefits from those resources. It does not however, participate fully as a Party in the work of SEAFO and it should be encouraged to do so.

6. Report of the Scientific Committee (SC)

6.1 The Chairperson of the Scientific Committee, Raider Toresen (Norway), outlined the recommendations and advice of the Scientific Committee. He emphasised that due to the lack of sufficient data for stock assessments, it is not possible to give specific management advice for any of the species harvested in the SEAFO area. As an interim measure, and taking into account the precautionary principle as stated in Article 7 of the Convention, the Scientific Committee therefore recommended that:

6.1.1 For existing fisheries, the fishing pressure should be reduced considerably and should only be allowed to expand again very slowly if and when reliable assessments indicate that increased harvests are sustainable.

6.1.2 When new fisheries develop or existing fisheries expand into new areas, relevant indicators of the status of the stocks and fishing pressure should be established on the basis of small exploratory fisheries. These fisheries should only be allowed to expand very slowly if and when reliable

assessments indicate that increased harvests are sustainable. Precautionary catch limits or effort limitations should be introduced.

- 6.1.3 A permanent Sub Committee for continuing the work of collating data and assessing the fish stocks in the Area be established.
 - 6.1.4 The SEAFO Convention Area be divided into SEAFO management divisions and sub-divisions.
 - 6.1.5 Each Contracting Party appoint 'designated scientist/s' responsible for among others, the establishment of sampling protocols and requirements, including fish identification keys; monitoring the performance of the Observer System, including the quality of data produced; provision of all historical fisheries data and; electronic transmission to the SEAFO Secretariat of all observer data required for stock assessments, consistent with the agreed SEAFO S.C. formats and deadlines.
- 6.2 Regarding the collection of fisheries and biological data, the SC further recommended improvements in the collection of statistics, training of scientific observers, application of the ecosystem approach, the application of the precautionary approach when adopting conservation measures and the implementation of VMS.

7. Consideration of the Scientific Committee Report and its Recommendations

- 7.1 The Commission endorsed the following proposals of the Scientific Committee:
- the establishment of a permanent Sub-Committee to collate and prepare the work of Scientific Committee and that the Sub-Committee would meet for 3-days prior to the SC Meeting in 2007;
 - the division of the Convention Area into four divisions, each with an identified sub-division reflecting the major ecologically sensitive areas such as seamounts within the respective divisions;
 - Contracting Parties designate scientific co-ordinators responsible for the establishment of sampling protocols, training of scientific observers, data quality control, and data provision to SEAFO;
 - introduce closed areas for all fisheries in the sea mount areas identified by the Scientific Committee;
 - the collection of data by the scientific observers on benthic organisms such as sponges and corals in their sampling protocols
 - that fishing captains provide catch and effort reports to the SEAFO Secretariat on a five day basis, independently from the scientific observer on board;
 - that VMS be implemented and data communicated to the SEAFO Secretariat, and for this data to be available for the Scientific Committee for stock assessment purposes;

- the strengthening of co-operation with other regional fisheries and other international or regional organisations.

8. Conservation and Management Measures To Further The Objectives Of The Convention

8.1 In considering conservation and sustainable fisheries including ecosystem approach and the precautionary approach principles, and also taking in to account the advice and recommendations of the SC, the Commission formulated and adopted the following conservation measures:

- **Conservation Measure 04/06:** On the Conservation of Sharks Caught in Association with Fisheries Managed by SEAFO (**Annex 6**)
- **Conservation Measure 05/06:** On Reducing Incidental By-catch Of Seabirds In The SEAFO Convention Area (**Annex 7**)
- **Conservation Measures 06/06:** On the Management Of Vulnerable Deep Water Habitats And Ecosystems In The SEAFO Convention Area (**Annex 8**)

8.2 The Commission also adopted a **Resolution 01/ 06:** To Reduce Sea Turtle Mortality in SEAFO Fishing Operations (**Annex 9**).

9. Compliance Issues

9.1 In considering compliance issues, the Commission adopted the following conservation measures:

- **Conservation Measure 03/06:** On an Interim Prohibition of Transshipments- at - Sea in the SEAFO Convention Area and to Regulate Transshipments in Port (**Annex 10**)
- **Conservation measure 07/06** Relating to Interim Measures to Amend the Interim Arrangements of the SEAFO Convention (**Annex 11**) and when come into force will repeal **Conservation Measure 01/05** To Monitor the Fisheries in the SEAFO Convention Area.
- **Conservation Measure 08/06:** Establishing a List Of Vessels Presumed To Have Carried Out Illegal, Unreported And Unregulated Fishing Activities in the South-East Atlantic Fisheries Organisation (SEAFO) Convention Area (**Annex 12**)

9.2 The Commission urged Parties to establish VMS communication linkage with the Secretariat without delay. It further recommends that Parties submit the list of the vessels, in advance of the fishing year, to the Secretariat. The Commission requested the Chairperson to write to Japan requesting it to comply with the adopted measure regarding mandatory VMS and scientific observer onboard.

- 9.3 The Commission further endorsed the Memorandum of Understanding to enhance the co-operation between the two Secretariats and notably through the use by SEAFO of the NEAFC VMS system pending the introduction by SEAFO of its own VMS system. This will be signed by the two Executive Secretaries once the Memorandum of Understanding has been approved by the NEAFC's Council.
- 9.4 The Commission has also agreed on the protocol for use of the VMS data based on this text "*The Executive Secretary shall make VMS data available in a summary form to the SC following specific requests from the Commission to the SC to determine fishing effort on and around vulnerable habitats and for any other purpose*"
- 9.5 A format for port State reporting consistent with Conservation Measure 02/05 on *Interim Port State Measures* will be developed by the Executive Secretary.

10. Executive Secretary's Report on Finance and Administration

- 10.1 The Executive Secretary presented a report of the activities of the organisation during the past year. The Parties expressed their appreciation for the thorough nature of this report and underlined its usefulness in permitting them to evaluate the current functioning of the Secretariat.
- 10.2 After in-depth discussion, the Commission decided not to approve, at this stage, the recruitment of IT/Statistician as proposed by the Executive Secretary. The Commission felt that the time has not yet come particularly when the amount of fishery statistics submitted to the Secretariat is relatively low.
- 10.3 The Commission welcomed the offer by the Namibian authority to provide a permanent office premises for the Organisation, once the construction on their Swakopmund facility has been completed. The Commission requested Namibia to provide more details (including time-frame for construction, whether it will be rental free, who pays for utilities, un/furnished) of what it offers. In the meantime, the Commission authorised the Executive Secretary to extend the current lease agreement up to 2008. The Executive Secretary was also requested to complete the comparative study on the location of the SEAFO Headquarters that had been requested in 2005.
- 10.4 The Commission noted with regret that the Headquarters Agreement with Namibia had not yet been concluded, two years after the establishment of the Commission. This leaves the Organisation and its staff in a precarious situation. The Parties recommended that the Chair of the Commission write to the Namibian Minister of Fisheries and Marine Resources expressing the Commission's expectations on acceptance of the adopted Headquarters Agreement that include the clause of tax exemption of the staff at the Secretariat, irrespective of their nationality. The Executive Secretary made a strong appeal for the Commission to find the lasting solution during the intersessional period.

- 10.5 The Commission endorsed the audited reports from the External Auditor. The Commission further approved the proposal by the Executive Secretary to create a “Reserve Fund” of N\$ 500,000.00 (Five Hundred Thousand Namibian Dollars). This fund will be kept in secure saving and its use will be decided by the Commission in future.
- 10.6 The Commission approved the budget for 2007 (**Annex 13**)

11. Report of Media Awareness

After presented with activities by the Executive Secretary regarding outreach, the Commission encouraged the Secretariat to continue improving the website.

12. Assistance of Developing Coastal States

- 12.1 The Commission encouraged coastal developing States parties to SEAFO to take advantage (e.g., enhance capacity in fisheries governance) of the Special Assistance Fund under the UNFSA. The Commission commended the Secretariat for its initiative of sourcing support from the Fund for participants from Namibia and South Africa to attend SEAFO Annual Meetings.
- 12.2 The Commission further encouraged coastal developing States parties to SEAFO to take advantage (e.g., enhance capacity in for sustainable fisheries) of the funds available under the Global Environmental Facility - Strategic Partnership for Sustainable Fisheries Investment Fund in Sub-Sahara Africa.
- 12.3 The Commission also endorsed SEAFO’s membership to Regional Advisory Committee (RAC) for the Strategic Partnership for Sustainable Investment Fund in Sub-Sahara Africa on the understanding that the Fund will be responsible for expenses related to such participation.

13. Cooperation With Other International Organisations

- 13.1 The Commission agreed that the following Parties will represent SEAFO at the annual meetings of the following organisations:
- Angola to ICCAT 2006
 - EU to NEAFC 2006 and to NAFO 2007
 - Norway to CCAMLR 2006
 - South Africa to ACAP 2006
- 13.2 The Commission endorsed SEAFO’s membership to Fishery Resources Monitoring System (FIRMS) and authorised the Executive Secretary to complete the required modalities to this effect.

- 13.3 The Commission declined to offer a long-term observer status to non governmental organisations as the current process of granting the observer status (in the Rules of Procedure for the Commission) is considered more appropriate.
- 13.4 The Commission instructed the Executive Secretary to follow the development of the Benguela Current Commission (BCC) and that cooperation is established as soon as the BCC becomes functional.
- 13.5 The Commission instructed the Executive Secretary to investigate if organisations such as SEAFO could become a member of International MCS Network.

14. Election of Chairperson and Vice Chairperson

- 14.1 It was proposed that the current Chairperson of the Commission, Mr. John Spencer be nominated to serve for another term. However, as announced prior to the Annual Meeting, Mr Spencer declined the proposed extension to continue as Chair as he felt it appropriate that the important role of Chair of the Organisation be rotated amongst the Parties.
- 14.2 Namibia was nominated as a chair and accepted the nomination and was elected to the chair the Commission for the next two years. There was no Vice-Chair appointed at this meeting.

15. Date and Place of the Next Meeting

The next annual Commission meeting will be held on 9-12 October 2007 in Windhoek at the venue to be confirmed by the Executive Secretary.

16. Any Other Matters

No other matters were raised by the delegations.

18. Closure of the Meeting

The Chairperson closed the meeting and commended the Commission for the efficient and effective conduct of the meeting. He thanked delegates for their positive input, which contributed in no small measure to the good results. He also thanked all delegations for their cooperation during his tenure in office. The outgoing Chairman was roundly thanked by both Parties and Observers for the positive contribution he had made and hard work that he had undertaken during the establishment of the Commission to arrive at a situation where it is seen as being one of the most contemporary regional fisheries management organisations.

ANNEX 1

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ANNEX 2

OPENING REMARKS BY THE CHAIR OF SEAFO COMMISSION, JOHN SPENCER

Right Honourable Prime Minister, Nahas Angula
Honourable Ministers
Distinguished Members of Parliament
Members of the Diplomatic Corp
Distinguished Delegates
Members of Media
Ladies and Gentlemen,

It is my great honour and privilege to extend a warm welcome to you all to this official opening ceremony of the 3rd Annual Meeting of the SEAFO Commission. Firstly, I would like to express my profound thanks and gratitude, through you Mr Prime Minister, to the Government and the People of Namibia for the warm welcome accorded to participating Delegations.

It is a real pleasure for me once again to find myself in this very welcoming environment, and I refer to more than just the weather! The Namibian people exude such natural and easy warmth and happiness, that's a real pleasure to experience.

SEAFO has travelled a long road since the opening discussions took place here in Windhoek in 1995 to negotiate the formation of a regional fisheries management organisation to manage the fisheries resources of the South East Atlantic Ocean. To my recollection, some 12 Parties participated in those discussions, and this reflected the interests at that time in the establishment of this organisation.

That continuing commitment is reflected today by your presence, Mr Prime Minister. The fact of your opening this 3rd Annual Meeting of SEAFO indicates the political, economic, social and environmental importance that SEAFO plays, not only here in Namibia, but in the region as a whole, for the conservation of the fishery resources in the South East Atlantic Ocean.

The Convention itself was signed in 2001 by nine of the participants and it entered into force in 2003. I am very pleased to note that Namibia was prominent in being one of those who were the first to ratify the Convention, along with European Community and Norway. Last year, I was also pleased to see that Angola joined the SEAFO family, and I hope that South Africa and others, might be in a similar position to do so in the near future.

Notwithstanding this, however, I have to express some concern as regards the membership of the organisation. From a situation where there was great interest in

creating SEAFO by many of the major players in international fisheries, we now find ourselves in a position where we have only recently achieved the minimum number of ratifications to enable the Convention to enter into force.

Why has this interest apparently dissipated?

Is this due to lack of interest of operators in fishing in SEAFO waters ? Is it due to lack of resources which is difficult to imagine ? Is it due to a lack of will to fulfil international obligations? Or, is it due to the wish of some to prosecute fisheries that are uncontrolled and without any need to report the activities that are being undertaken?

I would recall that at the St John's Conference on the Governance of the High Seas held in Canada in May 2005, Ministers called for the strengthening of and increased participation in Regional Fisheries Management Organisations (RFMOs). Many of the nine SEAFO signatories were present in St Johns. I therefore would like to remind those signatories which have yet to ratify the Convention of this Ministerial commitment and the need to take the necessary steps to complete their respective ratifications as quickly as possible.

SEAFO is a modern RFMO since it enshrines in its Convention the elements required in an innovative fisheries conservation organisation, such as, the application of the precautionary approach and the need to take account of the impact of fishing activities on ecologically related species, such as seabirds. The foresight of the Convention was fully reflected in the St John's Declaration which mirrored these considerations.

It is gratifying for me, as Chairman, to see that Parties are taking these approaches on board. I am aware that there are several proposals on the table for discussion in the coming days that will directly address these issues. Should these proposals be developed and approved by the SEAFO Commission this week, it will only highlight the farsighted objectives of the organisation.

A current major pre-occupation regarding international fisheries management is the phenomenon of illegal, unreported and unregulated fishing activities; commonly known as IUU. Last year SEAFO took the first tentative steps in developing a system that should eventually evolve into a comprehensive monitoring, control and enforcement system. The development of such systems cannot be achieved overnight.

As a comparatively new RFMO however, we have one major advantage - we can learn from what other RFMOs have put in place – the strengths and weaknesses of their schemes. Again, we have proposals on the table this year addressing this scourge of IUU and I encourage you all to give a positive consideration to these proposals.

Equally, SEAFO must have a clear policy of managing ecologically sensitive areas. You are all aware of the on-going debate at the UN in relation to bottom trawling and its potential impacts. Clearly, RFMOs must exercise their pre-eminent role in managing the resources within their area of competence in an effective manner. I trust that we will have

clear guidelines from the Scientific Committee on how notably to deal with sea mounts and other ecologically sensitive areas in the SEAFO waters. Let us avoid a repetition of what happened in the South West Indian Ocean when an intensive trawling campaign wiped out the orange roughy resource in a short few years.

I would like to state that in my time as your Chair, we have seen the organisation develop from a paper organisation to one that is well on the way to developing real teeth to act in the sake of conservation of the fish resources in the region. I would take this opportunity to thank you for your cooperation with me and with our Executive Secretary Dr. Hashali Hamukuaya. Without this co-operation and collaboration, the organisation would not have progressed as rapidly as it has. I can only encourage you to continue in this vein. Such co-operation will only bring good results.

With these final words, I would like to wish you all every success in the coming days, and I look forward to being able to announce at the end of our session substantive progress in addressing the key issues facing us.

It is now my great pleasure to ask to the Right Honourable Prime Minister of Namibia, Nahas Angula, to open the 3rd Annual Meeting of SEAFO.

Thank you.

ANNEX 3

KEYNOTE ADDRESS BY HON. NAHAS ANGULA, PRIME MINISTER OF THE REPUBLIC OF NAMIBIA

Director of Ceremonies
Cabinet Ministers
Members of Parliament and other Government Officials
Your Excellencies Members of the Diplomatic Corps
Distinguished Delegates and Invited Guests
Members of the Media
Ladies and Gentlemen:

It is my distinct privilege to be accorded an opportunity to address this distinguished gathering at the 3rd Annual Commission Meeting of SEAFO. Allow me on behalf of the people and the Government of the Republic of Namibia to welcome you to the City of Windhoek.

Fisheries is an important sector in our economy. As a Government, we are firmly guided by the principles of long-term conservation and sustainable use of living marine resources as enshrined in our Constitution. For centuries, people have regarded oceans as bountiful supply of fish, a useful transport route for goods and people and a convenient dumping ground – simply too massive to be affected by anything we do. However, living marine resources although renewable, are not infinite. Thus it is vital that fisheries resources are properly managed if their contribution to nutritional, economic and social well-being of human population is to be maintained. It is in this vein that I would like to reflect on some of the pertinent issues that currently predominate global high seas fisheries agenda. In particular, I would like to draw your attention to a number of commitments made, exactly four years ago today, by the World Summit on Sustainable Development (WSSD) in Johannesburg. These commitments were adopted to be implemented individually at State level, where feasible, and collectively at regional and international levels. As we move on, we need to periodically assess how Organisation such as SEAFO is performing in terms of the implementation of the agreed actions.

In respect of sustainable development of the oceans, in particular, conservation and biodiversity, the Summit called for the restoration of over-fished or depleted stocks to levels that can produce the maximum sustainable yields not later than 2015. Taking into account the dismal performance of a traditional single species management tool, the Summit encouraged the application of diverse approaches including the implementation of ecosystem approach to fisheries by 2010. The Summit also committed to establish effective monitoring, reporting, enforcement, and control of fishing vessels to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) Fishing by 2004 and for the Management of Fishing Capacity by 2005. In addition, the Summit called for the improvement of the scientific understanding and assessment of marine and coastal ecosystems as a fundamental basis for sound decision-making.

You will agree with me that what our leaders have committed us to do is an enormous task but not insurmountable. Some implementation deadlines have passed, and I trust that you have not fall short in delivery. If you are behind schedule, my advice is to urgently devise a fast-tracking strategy to move you upfront. Some deadlines such as ecosystem approach to fisheries management by 2010 and the restoration of over-fished and depleted stocks by 2015 are fast approaching and necessitate the need for urgent step-wise implementation.

Implementing monitoring, control and surveillance (MCS) system is probably the greatest challenge facing SEAFO as of today. In particular, the vastness of the Convention Area – covering 16 million square kilometres would require SEAFO to consider putting in place a workable, cost-effective mechanism. As you aspire to built up the foundation of the system, it is imperative to take due cognizance of the available capacity in MCS the coastal States in the region and also at SADC disposal.

Taking into account that little is known about the marine life inhabiting deep sea within the SEAFO Area, precautionary approach become increasingly an obvious choice. SEAFO is uniquely positioned to explore and discover new fish stocks beneath the ocean. The past explorations such as the discovery of hydrothermal vents and seamounts have provided knowledge critical to our understanding of deep-sea living resources and their dynamics. In this connection, SEAFO can consider conducting exploratory research surveys in areas of scientific interests such as at various seamounts, along the ridges, mountains and troughs within the Convention Area. Ocean discoveries tend to heightened public awareness and inspire generation of marine ocean scientists and explorers. Thus, SEAFO can play a role in ocean literacy education by enlighten the public about the deep seas fisheries and ecosystems.

The performance of regional fisheries management organizations including SEAFO is keenly under scrutiny by the international community, and sooner you will be taken to account. For this very reason, it is advisable to conduct a self-assessment of the progress made to-date and to realign the strategies and timetables towards implementation of core governance elements. I am convinced that the Commission is the appropriate forum to plan how to achieve the WSSD goals. In my view, and with the existing instruments and tools, the time is ripe to implement most of the commitments made by the World Summit. And in so doing you will simultaneously advance the objectives of SEAFO. I therefore urge you to continue with the identification of useful strategies and experiences in implementing commitments made by the WSSD.

With reference to science-based fisheries management, I am pleased to note that SEAFO is making progress particularly in the area of reviewing fisheries statistics and data collection to eventually form the basis for sound management. I note with satisfaction that your agenda for the week is quite robust as it includes the core governance issues

some of which I have just highlighted. I have no doubt that you are squarely qualified to find practical solutions. I am looking forward to the outcome of the proceeding with great anticipation to seeing innovative ways and means to successfully surmounting the challenges before you.

Finally allow me to reiterate the Government of the republic of Namibia's commitment to the principles of good governance in respect of high seas fisheries. We will do our part to further the objectives of this Organisation. I wish you a pleasant stay and productive and meaningful deliberations. With these few words, I declare the 3rd Annual Meeting of SEAFO Commission officially opened.

I thank you.

ANNEX 4

AGENDA OF THE 3RD ANNUAL MEETING OF THE COMMISSION

1. Opening of the Meeting
2. Adoption of Agenda and Meeting Arrangements
3. Opening Statements by Parties
4. Admission of Observers
5. Status of the Convention in Respect of Membership
6. Report of the Scientific Committee (SC)
7. Consideration of the Scientific Committee Report
8. Conservation and Management Measures to further the objectives of the Convention
 - a. Status of the Annex of the Convention
 - b. Development of Frameworks for Institutionalising the Use of Precautionary Approach and Ecosystem Approach Management
 - c. New and Exploratory Fishing
9. Compliance Issues
 - IUU fishing
 - a. Implementation of VMS and MoU with NEAFC
 - b. Report on the Effectiveness of the Monthly Reporting System
10. Report on Finance and Administration
 - a. Decisions of the Commission, 2005
 - b. Staff Matters: IT/Statistics Administrator post
 - c. Report on the Location of the Secretariat
 - d. Status of Headquarters Agreement
 - e. Examination of Audited Financial Statements (Mar – Dec 2005)
 - f. Revised 2006 budget
 - g. Members Contribution to 2006 FY Budget
 - h. Review of the Draft 2007 Budget
 - i. Review of the Draft 2008 Budget Forecast
 - j. Other Issues
11. Report on Media Awareness
12. Assistance of Developing Coastal States
13. Cooperation with Other International Organisations
 - a. Reports of SEAFO Representatives at 2005/2006 Meetings of Others International Organisations
 - b. Nominations of SEAFO Observers to 2006/7 Meetings of International Organisations
14. Election of Chairperson and Vice Chairperson
15. Date and Place of 2007 Annual Meeting
16. Any Other Matters
17. Close of the Meeting

ANNEX 5

STATEMENTS BY PARTIES, SIGNATORIES AND OBERVERS

5.1 Statement by European Community

Mr Chairman,
Distinguished Delegates,
Ladies and Gentlemen.

Firstly, I would like to thank the Government and People of the Republic of Namibia for the very warm welcome that it has extended to our Delegation and that we are very pleased to be here once again in Windhoek. Likewise, I would like to thank the SEAFO Secretariat for once again the excellent preparation and organisation of this meeting.

Last year, we took, in our view, the first, tentative, steps towards the adoption of a comprehensive monitoring, control and surveillance system, through the adoption of the two measures relating to the implementation of a VMS system, and a port state inspection regime. These are but two elements of the structure that we are building, and continuing to build on this year. It was with developing nature of the "system" in mind, that the European Community has produced some proposals which will hopefully, further the development of the SEAFO MCS system. This will, we hope, also begin the process of putting in place concrete measures to address the phenomenon of illegal, unreported and unregulated fishing activities, IUU.

We are aware that there are fishing activities being undertaken in the Convention Area by a non-Party to SEAFO which could play a greater role in the organisation. As this state is benefiting from the resources of the region it should also make the contributions that are required of the Parties. We are of the view that if states wish to take the benefits of operating in the Convention Area, they should fully respect the obligations set out by international instruments regarding international co-operation for the conservation and management of marine resources of the high seas. Therefore, we would request that a strong letter be addressed by the Executive Secretary to this state reminding them of their international obligations and request them to join the organisation.

We have seen through the comprehensive and ambitious agenda that has been set by our Executive Secretary, that there is much to achieve in the short time that we have before us. We would certainly wish to make the best possible use of time by focussing on the issues relating to management and MCS measures. With this in view, we welcome the actions taken by the Executive Secretary as regards his contacts with NEAFC for the development of a VMS system for SEAFO, and we look forward to discussing, and hopefully, reaching a conclusion on this.

Just recently, the Benguela Current Commission was established through the signing of an Interim Agreement between Angola, Namibia and South Africa. This new

Commission would appear to have a direct relationship with our organisation given that its area of jurisdiction is directly adjacent to the Convention Area of SEAFO. Furthermore, the Benguela Commission also appears to share the same objective, but in relation to the EEZs of its Parties, who, not by chance, are members of SEAFO, bar one. Therefore, we are of the view that it is imperative that a very direct working relationship and close co-operation be established between the two organisations. A key area for this should be the implementation of complimentary control measures to ensure effective monitoring, control and enforcement throughout the combined jurisdictions of the organisations.

The organisation is now entering its third year of existence, and yet it is still without a Headquarters Agreement with the host nation. This is a situation that gives us great concern. The Organisation has appointed two staff members under specific contractual conditions, and for whom the Organisation has a responsibility towards, both financially and legally and the lack of a Headquarters Agreement could have serious implications on the Organisation. As we see it, the current situation place the staff in a situation which could leave them open to liabilities that they contractually were not required to meet. This puts the Organisation in an untenable and unique situation which needs to be resolved this week with firm guarantees from the host nation. This was discussed at last years' Annual Meeting and since then there has been no progress. Given that the seat of the Organisation was sought after by Namibia we are surprised that the host nation was not fully aware of the implications or responsibilities that this would place on it. If we do not resolve this issue week, we wonder whether the Organisation should not consider the possibility of looking for another location which would guarantee the conditions that are provided for all other RFMOs, and give the Organisation the immunities commonly accorded elsewhere in RFMOs for its staff members, irrespective of the nationality of the staff.

We look forward to the few days that are ahead of us with anticipation and we hope the busy agenda and work programme before us bears fruit. The EC is ready and willing to work together with all Parties around the table to achieve concrete, positive, results that will carry the Organisation forward into the next year with a more complete conservation and management structure and framework, thereby maintaining SEAFO as example of a modern, contemporary RFMO.

And finally, Mr Chairman, we look forward to working under your wise guidance with you showing your usual great pragmatism, good sense, imagination and humour. This leadership has provided SEAFO with solid foundations on which it can build in the future to attain the objectives of the Convention.

Thank you.

5.2 Statement by Namibia

Mr Chairman and Vice-chairman, the Secretariat Commissioners and your advisers, Observers ladies and gentlemen I wish to welcome you to Namibia the host of this Commission meeting.

Namibia is of the opinion that this meeting will be adopting various measures geared towards strategic conservation and sustained utilization of biotic resources within the SEAFO Convention area. Ladies and gentlemen, not only in the SEAFO Convention area but we shall seek to cooperate with entities adjacent to the SEAFO Convention area where some of the resources might straddle more than one area. This is an important move which has for long been neglected by RFMOs and coastal states. We know of course that resources do not respect anthropogenic and geopolitical maritime boundaries. For us to obtain our goals of sustainability it will be of importance to consider the holistic range of stocks.

Ladies and gentlemen, we have just seen the rigorous work of our technocrats in the form of the Scientific Working Group last week of which their report is an item on our Agenda. Namibia wishes to congratulate the eagerness in work depicted by this body. Namibia urges the Commission in considering implementation of the work of the Compliance Committee. This is an important organ within the Commission and complements the activities of the Scientific Working Group and the Commission's endeavor to manage the resources sustainably.

IN particular, their work in combating IUU on the high seas is imperative. With reduction in EEZ stocks many distant water fishing nations are increasing their effort on these new frontiers - the high seas - with little regard to sustainability. SEAFO will be in an appropriate position to safeguard Convention Area's resources from those trying to illegally utilize these resources.

Ladies and gentlemen, thank you very much for the effort made to come to this Commission meeting and Namibia wishes this forum innumerable success in all its deliberations.

5.3 Statement by Norway

Mr. Chairman,

Norway is still committed to contribute to SEAFO's efforts to establish a comprehensive system for managing marine living resources in the Southeast Atlantic Ocean. Norway strongly believes in regional co-operation for achieving long-term conservation and sustainable use of such resources. There is, however, a need to formally agree on certain mechanisms between regional fisheries management organizations, in particular in our efforts in combating IUU fishing.

Mr. Chairman,

Two weeks ago, NAFO (the Northwest Atlantic Fisheries Organization) agreed in principle to numerous changes to its convention. In fact, NAFO will in the future operate under a totally new framework, building heavily on the SEAFO Convention concerning issues such as flag State responsibilities, Contracting Party obligations, decision making and dispute settlement procedures. It should be recognized that the scope and objective of SEAFO, which put emphasis on conservation of the marine biodiversity, the precautionary approach and ecosystem considerations also inspires other regional fisheries management organizations when they are now evaluating their mandates as parts of reform processes.

Mr. Chairman,

Norway sincerely hoped that the SEAFO family had enlarged at this juncture. But we note with disappointment that this is not the case. In particular, we regret that the coastal States, South Africa and United Kingdom, have not yet become members of SEAFO. We are also concerned that States fishing in the region do not ratify or accede to the Convention. Norway would consequently urge all States with an interest in SEAFO to join the organization as a matter of urgency.

Mr. Chairman,

We have the means available to make SEAFO a strong and leading regional fisheries management organization - to move from words to action. Norway is thus prepared to work with all of you this week for achieving our goals.

5.4 Statement by South Africa

Mr. Chairman, we would like to express our appreciation to the host country, Namibia. We thank Namibia for their warm hospitality and the organization of the meeting.

Mr. Chairman, as a Coastal state in the SEAFO Convention Area, South Africa remains committed to the objectives of the SEAFO Convention. We sincerely regret that South Africa has not yet deposited the instrument of ratification. South Africa has a lengthy ratification process requiring approval by three Parliamentary Committees. The Department of Environmental Affairs and Tourism's Parliamentary Portfolio Committee has already approved the instrument of ratification. The National Council of Provinces and the Cabinet of Ministers still need to approve the instrument, culminating in the Presidential signing of the Convention, thereby legally binding the Republic of South Africa. We are hopeful that South Africa will deposit the instrument of ratification by the end of 2006.

As a Coastal State with straddling fish stocks in our Exclusive Economic Zone as well as the Convention Area, we would like to assure all Parties present that South Africa will fully cooperate and support all the SEAFO measures.

Thank you Mr. Chairman.

5.5 Statement by FAO

Mr. Chairman

Distinguished Delegates and Observers:

FAO is very grateful for the invitation extended by the Secretariat of the South East Atlantic Fisheries Organization (SEAFO), to observe the Third Annual Meeting. I would also like to express my sincere appreciation, on behalf of FAO, for the warm welcome extended by the Government of Namibia. The Right Honourable Prime Minister's keynote address during the Opening Ceremony was quite impressive and encouraging.

FAO has been keeping a close and effective working relationship with SEAFO and desires to continue such collaboration. We are now in the mid of preparation for the next session of COFI and the meeting among Secretariats of RFBs both scheduled to be held in March 2007 and expect active participation of SEAFO in those meetings as it did in the last occasion.

RFMOs were recognized as the primary mechanism for international cooperation in conserving and managing straddling fish stocks and highly migratory fish stocks during the Review Conference on the UN Fish Stock Agreement held in May 2006. The establishment of SEAFO was welcomed as one of the new RFMOs established since the entry into force of the Agreement.

SEAFO is among the latest and most advanced instruments toward more responsible and sustainable fisheries, which all fishery communities in the world are carefully and expectedly watching. For example, the mechanism to assist developing countries (Article 21) was particularly appreciated during the Review Conference. Other provisions of the SEAFO Convention such as application of the precautionary approach (Article 7), the clear definitions of obligations and duties of Contracting Parties, flag States and port States (Article 13-15) and the dispute settlement process (Article 24) inspire other RFMOs seeking modernization as well.

Mr. Chairman,

I will carefully observe the proceedings of this meeting and report back to the management of FAO's Fisheries Department.

Let me conclude, Mr. Chairman, by saying that I bring to the meeting greetings from FAO's Assistant Director-General for Fisheries, Mr. Ichiro Nomura. He wishes the meeting's every success in its deliberations.

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

ANNEX 6

CONSERVATION MEASURE 04/06 ON THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY SEAFO

The Parties to the SEAFO Convention

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

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

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

Have agreed as follows:

1. Each Contracting Party shall annually report data for catches of sharks, in accordance with SEAFO data reporting procedures, including available historical data.
2. Each Contracting Party shall take the necessary measures to require that their fishermen fully utilise their entire catches of sharks. Full utilisation is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
3. Each Contracting Party shall require their vessels to not have onboard fins that total more than 5 % of the weight of sharks onboard, up to the first point of landing. Contracting Parties that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5 % ratio through certification, monitoring by an observer, or other appropriate measures.
4. The ratio of fin-to-body weight of sharks described in paragraph 3 shall be reviewed by the Scientific Committee and report back to the Commission in 2008 for revision, if necessary.

5. Fishing vessels are prohibited from retaining on board, transshipping or landing any fins harvested in contravention of this conservation measure.
6. In fisheries that are not directed at sharks, Contracting Parties shall encourage the release of live sharks, especially juveniles, to the extent possible, that are caught incidentally and are not used for food and/or subsistence.
7. Each Contracting Party shall, where possible, undertake research to identify ways to make fishing gears more selective (such as the implications of avoiding the use of wire traces).
8. Each Contracting Party shall, where possible, conduct research to identify shark nursery areas.
9. The Commission shall consider appropriate assistance to Developing States, Parties to the Convention, for the collection of data on their shark catches.
10. This resolution applies only to sharks caught in association with fisheries for species covered by the SEAFO Convention.

ANNEX 7

CONSERVATION MEASURE 05/06 ON REDUCING INCIDENTAL BY-CATCH OF SEABIRDS IN THE SEAFO CONVENTION AREA

The Parties to the SEAFO Convention :

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

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

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

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

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

Have agreed as follows :

1. The Commission shall, within a year, develop effective mechanisms to enable Contracting Parties to record and exchange data on seabird interactions, including regular reporting to the Commission, and seek agreement to implement all mechanisms as soon as possible thereafter.
2. Contracting Parties shall collect and provide all available information to the Secretariat on interactions with seabirds, including incidental catches by fishing vessels, fishing for species covered by the SEAFO Convention, flagged to these Contracting Parties.
3. Each Contracting Party shall seek to achieve reductions in levels of seabird by-catch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures.
4. All longline vessels fishing south of the parallel of latitude 30 degrees South shall carry and use bird-scaring lines (tori poles):

- Tori poles shall be in accordance with agreed tori pole design and deployment guidelines (provided for in Appendix A);
 - Tori poles shall be deployed prior to longlines entering the water at all times south of the parallel of latitude 30 degrees South;
 - Where practical, vessels shall be encouraged to use a second tori pole and bird-scaring line at times of high bird abundance or activity;
 - Back-up tori lines shall be carried by all vessels and be ready for immediate use.
5. The Commission shall, upon receipt of information from the Scientific Committee, consider, and if necessary, refine, the area of application of the mitigation measures specified in paragraph 4.
 6. Longlines shall be set at night only (i.e. during the hours of darkness between the times of nautical twilight¹). During longline fishing at night, only the minimum ship's lights necessary for safety shall be used.
 7. The dumping of offal is prohibited while gear is being shot or set. The dumping of offal during the hauling of gear shall be avoided. Any such discharge shall take place, where possible, on the opposite side of the vessel to that where the gear is being hauled. For vessels or fisheries where there is not a requirement to retain offal on board the vessel, a system shall be implemented to remove fish hooks from offal and fish heads prior to discharge. Nets shall be cleaned prior to shooting to remove items that might attract seabirds.
 8. Vessels shall adopt shooting and hauling procedures that minimise the time that the net is lying on the surface with the meshes slack. Net maintenance shall, to the extent possible, not be carried out with the net in the water.
 9. Each Contracting Party shall encourage their vessels to develop gear configurations that will minimise the chance of birds encountering the part of the net to which they are most vulnerable. This could include increasing the weighting or decreasing the buoyancy of the net so that it sinks faster, or placing coloured streamer or other devices over particular areas of the net where the mesh sizes create a particular danger to birds.
 10. Contracting Party shall not authorise vessels to fish in the Convention Area which are so configured that they lack on-board processing facilities or adequate capacity to retain offal on-board, or the ability to discharge offal on the opposite side of the vessel to that where gear is being hauled.

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

11. Every effort shall be made to ensure that birds captured alive during fishing operations are released alive and that whenever possible hooks are removed without jeopardising the life of the bird concerned.
12. The Commission shall review this measure at its 2009 Annual Meeting and shall consider adopting additional measures for the mitigation of any incidental catch of seabirds (including those applied and tested by the Commission for the Conservation of Antarctic Marine Living Resources).

Appendix A of Conservation Measure 05/06

Suggested Guidelines for Design and Deployment of Tori Lines

Preamble

These guidelines are designed to assist in the preparation and implementation of tori line regulations for longline fishing vessels. While these guidelines are relatively explicit, improvement in tori line effectiveness through experimentation is encouraged. The guidelines take into account environmental and operational variables such as weather conditions, setting speed and ship size, all of which influence tori line performance and design in protecting baits from birds. Tori line design and use may change to take account of these variables provided that line performance is not compromised. Ongoing improvement in tori line design is envisaged and consequently review of these guidelines should be undertaken in the future.

Tori Line Design

1. It is recommended that a tori line 150 m in length be used. The diameter of the section of the line in the water may be greater than that of the line above water. This increases drag and hence reduces the need for greater line length and takes account of setting speeds and length of time taken for baits to sink. The section above water should be a string fine line (e.g. about 3 mm diameter) of a conspicuous colour such as red or orange.
2. The above water section of the line should be sufficiently light that its movement is unpredictable to avoid habituation by birds and sufficiently heavy to avoid deflection of the line by wind.
3. The line is best attached to the vessel with a robust barrel swivel to reduce tangling of the line.
4. The streamers should be made of material that is conspicuous and produces an unpredictable lively action (e.g. strong fine line sheathed in red polyurethane tubing) suspended from a robust three-way swivel (that again reduces tangles) attached to the tori line, and should hang just clear of the water.
5. There should be a maximum of 5-7 m between each streamer. Ideally each streamer should be paired.
6. Each streamer pair should be detachable by means of a clip so that line stowage is more efficient.
7. The number of streamers should be adjusted for the setting speed of the vessel, with more streamers necessary at slower setting speeds. Three pairs are appropriate for a setting speed of 10 knots.

Deployment of Tori Lines

1. The line should be suspended from a pole affixed to the vessel. The tori pole should be set as high as possible so that the line protects bait a good distance astern of the vessel and will not tangle with the fishing gear. Greater pole height provides greater bait protection. For example, a height of around 6 m above the water line can give about 100 m of bait protection.
2. The tori line should be set so that streamers pass over baited hooks in the water.
3. Deployment of multiple tori lines is encouraged to provide even greater protections of baits from birds.
4. Because there is the potential for line breakage and tangling, spare tori lines should be carried on board to replace damaged lines and to ensure fishing operations can continue uninterrupted.
5. When fishers use a bait casting machine (BCM) they must ensure co-ordination of the tori line and machine by:
 - a) ensuring the BCM throws directly under the tori line protection and
 - b) when using a BCM that allows throwing to port and starboard, ensure that two tori lines are used.
6. Fishers are encouraged to install manual, electric or hydraulic winches to improve ease of deployment and retrieval of tori lines.

ANNEX 8

CONSERVATION MEASURES 06/06 ON THE MANAGEMENT OF VULNERABLE DEEP WATER HABITATS AND ECOSYSTEMS IN THE SEAFO CONVENTION AREA

The Parties to the SEAFO Convention:

RECOGNISING the need to adopt mechanisms to protect vulnerable deep water habitats and ecosystems in the South East Atlantic Ocean;

TAKING INTO ACCOUNT the FAO Code of Conduct for Responsible Fishing and the need to respect the biological resources and their environment as well as the interests of consumers and other users;

CONSISTENT with the 1995 UN Fish Stocks Agreement, in particular the provisions requiring the application of the precautionary approach and the protection of biodiversity in the marine environment;

RECALLING the Ministerial Declaration of the Conference on the Governance of High Seas Fisheries and the UN Fish Agreement of May 2005 and the emphasis laid on the need to address gaps in the conservation and sustainable use of marine biodiversity and sensitive marine ecosystems;

ACKNOWLEDGING that the recovery from damage to vulnerable habitats produced by fishing gear is either impossible or very difficult and slow;

TAKING NOTE of the advice provided by the Scientific Committee as regards the areas of vulnerable habitats and ecosystems;

CONSIDERING that it is important to ensure that seamounts which had not been exploited to date or had been slightly exploited, should be protected from any new fisheries until the necessary scientific information has been collected in order to permit an assessment of the areas concerned

Have agreed as follows:

1. All fishing activities for species covered by the SEAFO Convention shall be prohibited from 1 January 2007 to 31 December 2010 in the areas defined in Annex 1.
2. The Commission shall consider at its 2007 Annual Meeting according access from 1 January 2008 on a small scale and restricted exploratory fishery for an area not exceeding 20% of the fishable area of each seamount.

The Scientific Committee, based on existing survey and commercial data from these seamount areas, will recommend to the Commission the representative areas that may be fished on each seamount.

3. The Scientific Committee is requested to provide recommendations to the 2007 Annual Meeting of the Commission on:
 - a) Areas that could be fished on each seamount, and,
 - b) A protocol for the collection of the data required to assess the stocks situation on these seamounts, with a view to developing future recommendations on management measures for these areas.
4. Contracting Parties shall communicate to the Executive Secretary information relating to fishing activities that have been undertaken in 2004, 2005 and 2006 in areas identified in annex 1, using the following format,

Type of Fishing	Effort Measurement	Total Catch (Mt)
Trawlers	a. Kilowatt / fishing days b. Vessel / fishing days	
Longliners	a. Gross tonnage / fishing days b. Average number of hooks deployed/ Number of deployments	
Others	a. Gross tonnage / fishing days	

5. Vessels may only fish from 1 January 2008 in the defined areas in accordance with the Commission's decision as mentioned in paragraph 2 and with the protocol for data collection adopted by the Commission. Such vessels fishing in the areas defined in Annex 1 shall, in addition, conform with the requirement of having a scientific observer on board and other pertinent measures.
6. If vessels fishing in the areas defined in Annex 1 encounter hard corals, immediate notification of the location of the coral area shall be provided to the Executive Secretary, who shall immediately implement a temporary closure of that area and notify this temporary closure to all Contracting Parties pending a decision of the Commission at the next Annual Meeting.
7. The measures provided in the above paragraphs shall be reviewed in 2010 by the Commission, based on the advice of the Scientific Committee, and a decision shall be taken on future management, which may include the extension of the application of these measures for an additional period or making the closure(s) permanent.

Appendix 1 of Conservation Measure 06/06

Areas (Seamounts), and their coordinates prohibited to fisheries in accordance with paragraph 1

SUB-DIVISION A1

Area: (Dampier Seamount), Number 1 on attached map - already slightly exploited

Coordinates:

10°00'S 02°00'W 10°00'S 00°00'E

12°00'S 02°00'W 12°00'S 00°00'E

Area: (Malahit Guyot Seamount), Number 2 on the attached map - already slightly exploited

Coordinates:

11°00'S 02°00'W 11°00'S 04°00'W

13°00'S 02°00'W 13°00'S 04°00'W

SUB-DIVISION B1

Area: (Molloy Seamount), Number 5 on the attached map - already exploited

Coordinates:

27°00'S 08°00'E 27°00'S 10°00'E

29°00'S 08°00'E 29°00'S 10°00'E

DIVISION C

Area: (Schmidt-Ott Seamount & Erica Seamount), Number 9 on the attached map - considered to be unexploited

Coordinates:

37°00'S 13°00'E 37°00'S 17°00'E

40°00'S 13°00'E 40°00'S 17°00'E

Area: (Africana seamount), Number 8 on the attached map - considered to be unexploited

Coordinates:

37°00'S 28°00'E 37°00'S 30°00'E

38°00'S 28°00'E 38°00'S 30°00'E

Area: (Panzarini Seamount), Number 10 on the attached map - considered to be unexploited

Coordinates:

39°00'S 11°00'E 39°00'S 13°00'E
41°00'S 11°00'E 41°00'S 13°00'E

SUB-DIVISION C1

Area: (Vema Seamount), Number 6 on the attached map - already exploited

Coordinates:

31°00'S 08°00'E 31°00'S 09°00'E
32°00'S 08°00'E 32°00'S 09°00'E

Area : (Wust Seamount), Number 7 on the attached map - considered to be unexploited

Coordinates:

33°00'S 06°00'E 33°00'S 08°00'E
34°00'S 06°00'E 34°00'S 08°00'E

DIVISION D

Area : (Discovery, Junoy, Shannon Seamounts), Number 11 on the attached map - considered to be unexploited

Coordinates:

41°00'S 06°00'W 41°00'S 03°00'E
44°00'S 06°00'W 44°00'S 03°00'E

Area : (Schwabenland & Herdman Seamounts), Number 12 on the attached map - considered to be unexploited

Coordinates:

44°00'S 01°00'W 44°00'S 02°00'E
47°00'S 01°00'W 47°00'S 02°00'E

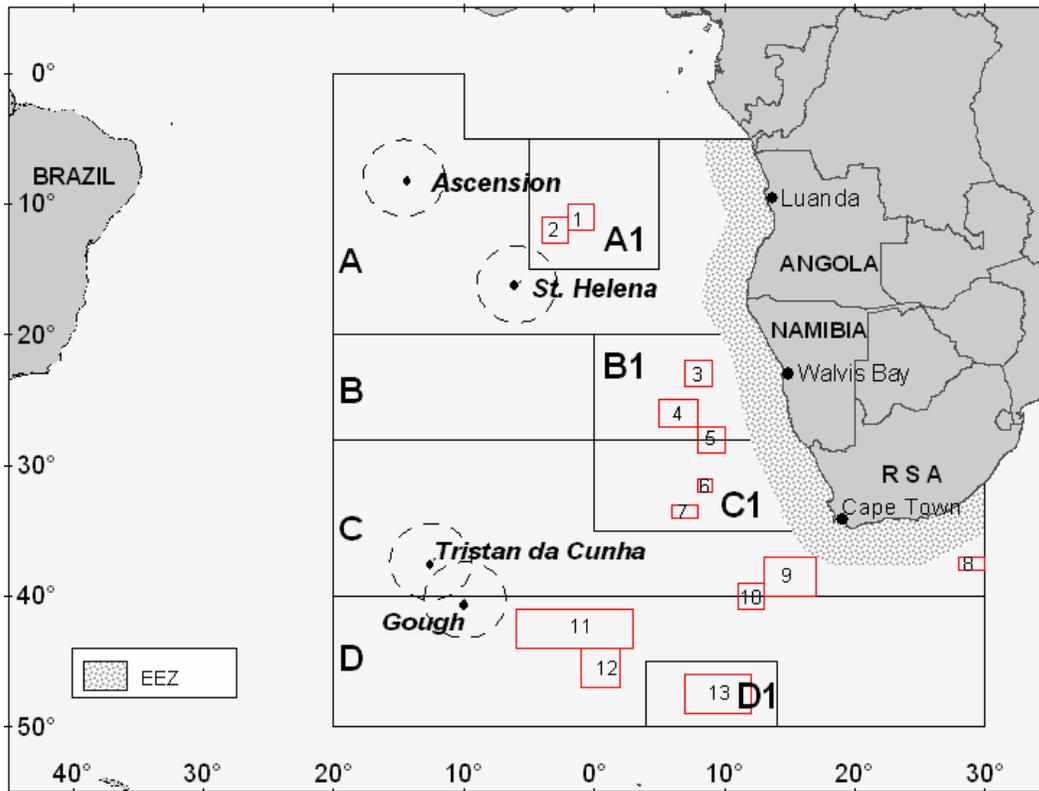


Fig 1. SEAFO Convention Area showing the seamounts that are prohibited to fisheries in accordance with paragraph 1 of the conservation measure.

ANNEX 9

RESOLUTION 01/ 06 TO REDUCE SEA TURTLE MORTALITY IN SEAFO FISHING OPERATIONS

Preamble:

RECOGNIZING the cultural and ecological significance of sea turtles in the Southeast Atlantic Ocean;

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

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

TAKING INTO ACCOUNT the importance placed by the guidelines on research, monitoring, the sharing of information, and public education on sea turtle;

The Contracting Parties of SEAFO resolve as follows:

1. Contracting Parties should, as appropriate, individually and collectively implement the FAO “Guidelines to Reduce Sea Turtle Mortality in Fishing Operations” to reduce the incidental catch of sea turtles and ensure the safe handling of all turtles that are captured.
2. Contracting Parties should continue to enhance the implementation of their existing turtle mitigation measures using best available scientific information on mitigation techniques.
3. Contracting Parties should collect and provide to the Secretariat, all available information on interactions with sea turtles in fisheries managed by SEAFO in the Convention area and foster collaboration with other Contracting Parties in the exchange of information in this area.
4. SEAFO should cooperate with other regional, subregional and global organizations to share data on sea turtle bycatch and to develop and apply compatible bycatch reduction measures as appropriate.

5. Beginning in 2008, Contracting Parties should provide to the Secretariat a detailing of sea turtle fishery interaction data (e.g. species identification, fate and condition at release, relevant biological information and gear configuration), including data collected by their respective national observer programs, in fisheries managed by SEAFO in the Convention Area and any sea turtle-specific training provided to these observers. This information shall be compiled by the Secretariat and reported to the Scientific Committee and to the Commission.
6. The Commission should monitor the progress of Contracting Parties in applying this resolution and develop relevant strategies for the further consideration of the Commission in 2009. Information produced as a result of this resolution will be provided by the SEAFO Secretariat to the FAO.

ANNEX 10

CONSERVATION MEASURE 03/06 ON AN INTERIM PROHIBITION OF TRANSSHIPMENTS- AT - SEA IN THE SEAFO CONVENTION AREA AND TO REGULATE TRANSSHIPMENTS IN PORT

The Parties to the SEAFO Convention :

TAKING ACCOUNT of the need to ensure the control of catches by fishing vessels and to combat IUU activities,

RECOGNISING the lack of a comprehensive monitoring, control and surveillance system, in particular, at sea,

TAKING ACCOUNT of the need to collect catch data of fishing vessels to improve the scientific assessments of stocks within the Convention Area,

Have agreed as follows :

1. Prohibition of Transshipments in the Convention Area

Each Contracting Party shall prohibit transshipments at sea by vessels flying their flag in the Convention Area fishing for species covered by the SEAFO Convention.

2. Port State authorisation

Fishing vessels which catch species covered by the Convention in the Convention Area shall only transship in port of a Contracting Party if they have prior authorisation from the Contracting Party in whose port the operation will take place. The fishing vessels shall be permitted to carry out transshipments only if they have obtained such a prior authorisation to transship from the flag State and port State.

3. Flag State authorisation

Each Contracting Party shall ensure that their duly licensed fishing vessels obtain a prior authorisation from their Flag State to engage in in-port transshipments. They shall also ensure that transshipments are consistent with the reported catch amount of each vessel and require the reporting of transshipment.

4. Notification obligations

Fishing vessel:

The master of a fishing vessel who transships in port to another vessel, hereinafter referred to as “the receiving vessel”, any quantity of catches of species covered by the Convention fished in the Convention Area shall, at the time of the transshipment inform the flag State of the receiving vessel of the species and quantities involved, of the date of the transshipment and the location of catches. He shall submit to his flag State a SEAFO transshipment declaration in accordance with the format set out in annex.

The master of the fishing vessel shall notify, at least 24 hours in advance, the following information to the Contracting Party in whose port the transshipment will take place:

- the names of the transshipping fishing vessels,
- the names of the receiving vessels,
- the tonnage by species to be transshipped,
- the day and port of transshipment.

Receiving vessel:

Not later than 24 hours before the beginning of the transshipment, and at the end of a transshipment, the master of the receiving vessel shall inform the competent authorities of the port state, of the quantities of catches of species covered by the Convention on board his vessel. He shall transmit the SEAFO transshipment declaration to these competent authorities within 24 hours.

The master of the receiving vessel shall, 48 hours before landing, submit a SEAFO transshipment declaration to the competent authorities of the port State where the landing takes place.

5. Follow-up by Contracting Parties

Each Contracting Party referred to in paragraphs 3, 6 and 7 shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag State to ensure that landings are consistent with the reported catches amount of each vessel.

Each Contracting Party shall notify annually to SEAFO the details of transshipments by its flag vessels in accordance with paragraphs 2, 3, 4 and 5.

6. Review

The Commission shall review these measures at its Annual Meeting in 2009.

TRANSSHIPMENT DECLARATION

(1) General rule

In the case of transshipment, the master of the fishing vessel shall enter the quantities on the transshipment declaration. A copy of the transshipment declaration shall be handed to the master of the recipient vessel.

(2) Procedure for completion

- (a) Entries on transshipment declaration shall be legible and indelible.
- (b) No entry on the transshipment declaration may be erased or altered. If a mistake is made, the incorrect entry shall be struck out with a line and followed by a new entry initialled by the master or his agent.
- (c) One transshipment declaration should be completed for each transshipment operations.
- (d) Each page of the transshipment declaration shall be signed by the master.

(3) Responsibilities of the master in respect of the landing declaration and the transshipment declaration

The master of the vessel shall certify with his initials and signature that the estimated quantities entered on the transshipment declaration are reasonable. The copies of the transshipment declaration must be kept for one year.

(4) Information to be provided

The estimates of the quantities trans-shipped are to be indicated as follows, for each species, on one of the declaration forms in respect of a particular voyage:

- **Presentation of fish** (reference n° 1)
“*Presentation*” means the way fish has been processed. Indicate the nature of this processing if any: GUT for gutting, HEAD for heading, FILLET for filleting, etc ... Where no processing has taken place, WHOLE for whole fish.
- **Measurement unit for landed quantities** (reference n° 3)
Give the unit of weight used (e.g. basket, box, etc.) for landing fish and the weight of the unit in kilograms. This unit may be different from that used in the logbook.
- **Total weight species trans-shipped** (reference n° 4)
Give the weight or quantities actually trans-shipped for all species covered by the SEAFO Convention.
The weight should correspond to the weight of fish as landed, i.e. after any processing on board.
Conversion coefficients will be applied subsequently by the appropriate authorities in the CPC to calculate the corresponding live weight.
- **Name of Port** (reference n° 2)
Name of Port, Country refers to the port and country in which the transshipment will take place.

(5) Procedure of transmission

- (a) In the case of transshipment to a vessel flying the flag of a Contracting Party or registered in a Contracting Party, the first copy of the transshipment declaration shall be handed over to the master of the recipient vessel. The original shall be handed over or dispatched, as the case may be, to the authorities of the Contracting Party whose flag the vessel is flying or in which it is registered, within 48 hours of completion of landing or on arrival in port.
- (b) In the case of transshipment to a vessel flying the flag of a non-member country, the original document shall be handed over or sent, as the case may be, as soon as possible to the Contracting Party whose flag the fishing vessel is flying or in which it is registered.
- (c) In cases where it is impossible for the master to dispatch the original of the transshipment declarations to the authorities of the Contracting Party whose flag the vessel is flying or in which it is registered within the time limits specified, the information required in respect of the declaration shall be transmitted by radio or by other means to the authorities concerned.

The information shall be transmitted via the radio stations usually used, preceded by the name, the call sign and external identification of the vessel, and the name of its master.

In cases where it is not possible for the message to be transmitted by the vessel, it may be transmitted on the vessel's behalf by another vessel or by any other method.

The master shall ensure that information transmitted to radio stations is passed on in writing to the relevant authorities.

ANNEX 11

CONSERVATION MEASURE 07/06 RELATING TO INTERIM MEASURES TO AMEND THE INTERIM ARRANGEMENT OF THE SEAFO CONVENTION

The Parties to the SEAFO Convention:

RECALLING that the SEAFO Convention foresees the establishment of a system of observation, inspection, compliance and enforcement to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishing research vessels flying their flags in the Convention Area;

NOTING that until such a SEAFO system is established an interim system as provided for in the Annex to the SEAFO Convention shall apply;

CONSIDERING that SEAFO should have in place the necessary control compliance and enforcement measures to enable Contracting Parties to effectively discharge their obligations;

Have agreed as follows:

1. That the interim arrangement is replaced by the following.

Establishment of a SEAFO record of authorised vessels

2. The Commission shall establish and maintain a SEAFO record of fishing vessels authorised to fish, for species covered the Convention. For the purpose of this measure, fishing vessels not entered into the record are deemed not to be authorised to fish for, retain on board, tranship or land species covered by the Convention, and therefore are considered to be conducting IUU (illegal, inreported and unregulated) fishing.

Authorisation and notification

3. Each Contracting Party shall submit electronically, where possible, to the Executive Secretary by 1 July 2007, and annually by 1 December thereafter, the list of its vessels that are authorised to operate in the Convention Area. This list shall include the following information:
 - i. name of vessel, registration number, previous names (if known), and port of registry;
 - ii. previous flag (if any);

- iii. International Radio Call Sign (if any);
 - iv. name and address of owner or owners;
 - v. where and when built;
 - vi. type of vessel;
 - vii. length;
 - viii. name and address of operator (manager) or operators (managers) (if any);
 - ix. type of fishing method or methods;
 - x. moulded depth;
 - xi. beam;
 - xii. gross register tonnage; and
 - xiii. power of main engine or engines.
4. Each Contracting Party shall promptly notify, after the establishment of the initial SEAFO record, the Executive Secretary of any addition to, any deletion from and/or any modification of the SEAFO record at any time such changes occur.
5. The Executive Secretary shall maintain the SEAFO record, and take any measure to ensure publicity of the record and through electronic means, including placing it on the SEAFO website, in a manner consistent with confidentiality requirements noted by Contracting Parties.
6. Each Contracting Party shall:
- a) authorise their vessels to operate in the Convention Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the Convention and its conservation and management measures;
 - b) take necessary measures to ensure that their vessels comply with all the relevant SEAFO conservation and management measures;
 - c) take necessary measures to ensure that their vessels on the SEAFO record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
 - d) ensure that their vessels on the SEAFO record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their vessels are not engaged in or associated with IUU fishing;
 - e) ensure, to the extent possible under domestic law, that the owners and operators of their vessels on the SEAFO record are not engaged in or associated with fishing activities conducted by vessels not entered into the SEAFO record in the Convention Area;

- f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the vessels on the SEAFO record are citizens or legal entities within the flag Contracting Parties so that any control or punitive actions can be effectively taken against them.
- 7. Each Contracting Party shall review their own internal actions and measures taken pursuant to paragraph 2, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its 2007 meeting and annually thereafter. In consideration of the results of such review, the Commission shall, if appropriate, request the flag Contracting Party of vessels on the SEAFO record to take further action to enhance compliance by those vessels to SEAFO conservation and management measures.
- 8. Each Contracting Party shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of species covered by the SEAFO Convention by the vessels which are not entered into the SEAFO record.
- 9. Each Contracting Party shall notify the Executive Secretary of any factual information showing that there are reasonable grounds for suspecting vessels not on the SEAFO record to be engaged in fishing for and/or transshipment of species covered by the Convention in the Convention Area.

Vessel documentation

- 10. Each Contracting Party shall:
 - a. ensure that each of its fishing and fishing research vessels carry on board documents issued and certified by the competent authority of that Contracting Party, including, as a minimum, the following:
 - i. registration document;
 - ii. license, permit or authorisation to fish or to engage in research fishing activities and terms and conditions attached to the licence, permit or authorisation;
 - iii. vessel name;
 - iv. port in which registered, and the number(s) under which registered;
 - v. International Radio Call Sign (if any);
 - vi. names and addresses of owner(s) and where relevant, the charterer;
 - vii. overall length;
 - viii. power of main engine or engines in KW/horsepower; and;
 - ix. certified drawings or description of all fish holds, including storage capacity in cubic feet or metres;
 - b. check above documents on a regular basis; and
 - c. ensure that any modification to the documents and to the information referred to in subparagraph (a) is certified by the competent authority of that Contracting Party.

Marking of fishing vessels

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

Marking of gear

12. Each Contracting Party shall ensure that gear used by its fishing vessels and fishing research vessels authorised to fish in the Convention Area is marked as follows: the ends of nets, lines and gear anchored in the sea shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent. Such lights should be visible at a distance of at least two nautical miles in good visibility. Marker buoys and similar objects floating on the surface and intended to indicate the location of fixed fishing gear shall be clearly marked at all times with the letter(s) and/or number(s) of the vessel to which they belong.

Information on fishing activities

13. Each Contracting Party shall ensure that all fishing vessels and fishing research vessels flying its flag keep a bound fishing logbook with consecutively numbered pages and, where appropriate, a production logbook, storage plan or a scientific plan. Fishing logbooks shall contain the following:
 - (a) each entry into and exit from the Convention Area;
 - (b) the cumulative catches by species (FAO 3 Alfa Code as defined in Annex 1) by live weight (Kg), the proportion of the catch by live weight (Kg) retained on board; and
 - (c) for each haul:
 - (i) catch by species in live weight (Kg), catch retained on board by species in live weight (Kg) and an estimation of the amount of living marine resources discarded (Kg) by species;
 - (ii) the type of gear (number of hooks, length of gill nets, etc.) ;
 - (iii) the longitude and latitude co-ordinates of shooting and hauling; and
 - (iv) the date and time of shooting and hauling (UTC).
 - (d) After each haul report the following details shall be entered in the logbook immediately:
 - (i) date and time (UTC)of transmission of the report; and
 - (ii) in the case of a radio transmission, the name of the radio station through which the report is transmitted.

- (e) Fishing vessels, and if appropriate, fishing research vessels engaged in fishing activities which process and/or freeze their catch shall either:
 - (i) record their cumulative production by species (FAO 3 Alfa Code), by live weight (Kg), and product form in a production logbook; or
 - (ii) stow in the hold all processed catch in such a way that the location of each species can be identified from a stowage plan maintained by the master of the fishing vessel.

The quantities recorded shall correspond accurately to the quantities kept on board. The original recordings contained in the fishing logbooks shall be kept on board the fishing vessel and if appropriate, fishing research vessel, for a period of at least 12 months.

Reporting of catch and fishing effort

- 14. Each Contracting Party shall report to the Executive Secretary the catch of species listed in Annex 1 and in accordance with the specifications and format set out in Annex 2 attached, in metric tonnes per species, taken in the Convention Area on a quarterly basis. Such reports shall specify the month to which each report refers and shall be submitted within 30 days following the end of the quarter in which the fishing occurred. The Executive Secretary shall, within 15 days following the quarterly deadlines for receipt of the provisional catch statistics, collate the information received and circulate it to the Contracting Parties.

Vessels Monitoring System (VMS)

- 15. Each Contracting Party shall ensure that their vessels fishing for species not subject to the management and conservation regimes of other competent regional fisheries organisations, operating in the SEAFO Convention Area, shall implement a satellite based vessel monitoring system and :
 - (a) Be equipped with an autonomous system able to automatically transmit a message to the land based Fisheries Monitoring Centre (FMC) of its flag State allowing a continuous tracking of the position of the fishing vessel by the flag State.
 - (b) The satellite tracking device fitted on board the fishing vessel shall enable the vessel to continuously collect and transmit, at any time, to the FMC of the flag State the following data :
 - (i) The fishing vessel's identification;

- (ii) The most recent geographical position of the fishing vessel (longitude and latitude) with a margin of error lower than 500 metres, with a confidence interval of 99%;
 - (iii) The date and time that the position of the fishing vessel has been notified.
- 16. Each flag State shall take the necessary measures to ensure that the FMC receives through the VMS the messages required in paragraph 15 b).
- 17. Each flag State shall ensure that the masters of the fishing vessels flying its flag shall ensure that the satellite tracking devices are permanently operational and that the information referred to in paragraph 15 b) is collected and automatically transmitted at least every 2 hours. In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within a month. After this period, the master of a fishing vessel is not authorised to begin a fishing trip with a defective satellite tracking device. Furthermore, when a device stop functioning or has a technical failure during a fishing trip lasting more than one month, the repair or the replacement has to take place as soon as the vessel enters a port; the fishing vessel shall not be authorised to begin a fishing trip without a satellite tracking device having been repaired or replaced.
- 18. Each flag State shall ensure that a fishing vessel with a defective tracking device shall communicate to the FMC, at least daily, reports containing the information in paragraph 15 b) by other means of communication (radio, fax or telex).
- 19. Each flag State shall provide a copy of the reports required in accordance with paragraphs 14 to 17 to the Executive Secretary, as soon as possible after receipt, but not later than 24 hours following the receipt of the reports and messages by the FMC.
- 20. Each flag State shall ensure that the reports and messages transmitted to the Executive Secretary shall be in accordance with the data exchange format in the attached Annex 3.

Communication of vessel movements and catches

- 21. Each Contracting Party shall ensure that its fishing vessels and fishing research vessels authorised to fish in the Convention Area and which are engaged in fishing shall communicate vessel movements and catch reports to its competent authorities by VMS, or other appropriate means, and to the Executive Secretary if the Contracting Party so desires. The timing and content of the reports shall include the following:
 - (a) **Entry report.** This report shall be made no more than 12 hours and at least 6 hours in advance of each entry into the Convention Area and shall include

entering date, time, geographical position of the vessel and the quantity of fish on board by species (FAO 3 Alfa Code) and by live weight (Kg);

- (b) **Catch report.** This report shall be made by species (FAO 3 Alfa Code) and by live weight (Kg) at the end of each calendar month, or more frequently as required by the Contracting Party;
- (c) **Exit report.** This report shall be made no more than 12 hours and at least 6 hours in advance of each exit from the Convention Area. The report shall include exiting date, time, geographical position of the vessel, the number of fishing days and the catch taken by species (FAD 3 Alfa Code) and by live weight (Kg) in the Convention Area since the commencement of fishing in the Convention Area, or since the last catch report.

Scientific observation and collection of information to support stock assessment

- 22. Each Contracting Party shall ensure that all its fishing vessels operating in the Convention Area, and targeting species not subject to the conservation and management regimes of other competent regional fisheries organisations, shall carry qualified scientific observers. Flag States shall ensure that the relevant data is transmitted to Executive Secretary in the format specified by the Scientific Committee.
- 23. Each Contracting Party shall require the submission of this information, in respect of each vessel flying its flag, within 30 days of leaving the Convention Area. The Contracting Party shall provide a copy of the information to the Executive Secretary as soon as possible, taking account of the need to maintain confidentiality of non-aggregated data.
- 24. The information referred to in this section shall, to the greatest extent possible, be collected and verified by appropriately designated observers from the flag State not later than six months after these interim measures enter into force.

Sightings of non-Contracting Party vessels

- 25. Fishing vessels flying the flag of Contracting Parties shall reports to its flag State information on any possible fishing activity by vessels flying the flag of a non-Contracting Party in the Convention Area. This information shall contain, *inter alia* :
 - (a) Name of the vessel,
 - (b) Registration number of the vessel
 - (c) Flag State of the vessel,

- (d) Any other relevant information regarding the sighted vessel.
26. Each Contracting Party shall submit this information to the Executive secretary as rapidly as possible. The Executive Secretary shall forward this information to the Contracting Parties for information and for consideration at the next SEAFO Annual Meeting.

Final consideration

27. SEAFO Conservation Measure 01/05 shall be repealed when this measure enters into force

Appendix 1 of Conservation Measure 07/06

FISH SPECIES CODES

FAO 3 Alfa Code	Species	Latin Name
ALF	Alfonsino	Family Berycidae
HOM	Horse Mackerel	Trachurus spp.
MAC	Mackerel	Scomber spp.
ORY	Orange Roughy	Hoplostethus spp
SKA	Skates	Family Rajidae
SKH	Sharks	Order Selachomorpha
EDR	Armourhead	Pseudopentaceros spp.
CDL	Cardinal Fish	Epigonus spp.
CGE	Deep-sea Red Crab	Chaceon maritae
OCZ	Octopus	Family Octopodidae
SQC	Squid	Family Loliginidae
TOP	Patagonian toothfish	Dissostichus eleginoides
HKC	Hake	Merluccius spp.
WRF	Wreckfish	Polyprion americanus
ORD	Oreo dories	Family Oreosomatidae

Appendix 2 of Conservation Measure 07/06

FORMAT FOR CATCH REPORTING

“REPORT” Concerning Catches Taken In The Convention Area

Data Element	Field Code	Mandatory / Optional	Remarks
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, XSE is SEAFO
From	FR	M	Message detail; Contracting Party sending the report
Record Number	RN	M	Message detail; message serial number in current year
Record Date	RD	M	Message detail; date of transmission
Record time	RT	M	Message detail; time of transmission
Type of message	TM	M	Message detail; message type REP for report of provisional monthly statistics of catches of fisheries resources
Year and month	YM	M	Reporting detail; relevant year and month of reporting
Relevant Area	RA	O	Reporting detail; sub-division where the catch is taken
Catch	CA		Reporting detail; aggregate catch by species taken in the Convention Area by vessels of the Contracting Party, allow for several pairs as needed
species		M	FAO species code
live weight		M	In tonnes, rounded to whole tonnes
Cumulative catch	CC		Reporting detail; total aggregate catch by species since the beginning of the reporting year, allow for several pairs, as needed
Species		M	FAO species code
Live weight		M	In tonnes, rounded to whole tonnes
End of Record	ER	M	System detail, indicates end of the record

Each data transmission shall be structured as follows:

- double slash (//) and the characters “SR” indicate the start of a message,
- a double slash (//) and the field code indicate the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by a space,

the characters “ER” followed by a double slash (//) indicate the end of a record

Appendix 3 of Conservation Measure 07/06

VMS REPORTING FORMAT

The first transmitted position report in the Convention Area detected by the FMC of the Flag State shall be identified as “ENT” . All subsequent position reports shall be identified as “POS” except the first position report identified outside the Convention Area which shall be identified as “EXI”.

If a Flag State so requests, the Secretariat shall confirm receipt of all electronic reports using a return message identified as “RET”.

The sequence of messages shall be as follows:

Report:	Code:	Remarks:
Entry	ENT	The first position report from a vessel detected to be inside the Convention Area
Position	POS	Position report every two hours
Exit	EXI	The first position report from a vessel detected outside the Convention Area

The reports identified above shall contain the following information:

Data Element	Code	Mandatory/ Optional	Remarks
Start Record	SR	M	System detail: indicates start of record
Address	AD	M	Message Detail; Destination SEAFO Secretariat (XSE)
Type of message	TM	M	Message detail; Message type; ENT, POS, EXI relating to entry, position or exit, as appropriate
Radio Call Sign	RC	M	Vessel Registration Detail ; International Radio Call Sign
Trip Number	TN	O	Activity Detail; Fishing trip serial number in current year
Vessel Name	NA	O	Vessel Registration Detail; Vessel name
Internal Reference Number	IR	O	Vessel Registration Detail; Unique Flag State Vessel Number: ISO-3Flag State code followed by number
External Registration Number	XR	O	Vessel Registration Detail; the side number of the vessel
Latitude (decimal)	LT	M	Activity Detail; Vessel position at time of transmission
Longitude (decimal)	LG	M	Activity Detail; Vessel position at time of transmission
Date	DA	M	Message Detail; Date of Transmission
Time	TI	M	Message Detail; Time of Transmission
End of Record	ER	M	System Detail; Indicates the end of the Record

Each data transmission shall be structured as follows:

- double slash (//) and the characters “SR” indicate the start of a message,
- a double slash (//) and the field code indicate the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by a space,
- the characters “ER” followed by a double slash (//) indicate the end of a record.

ANNEX 12

CONSERVATION MEASURE 08/06 ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE SOUTH-EAST ATLANTIC FISHERIES ORGANISATION (SEAFO) CONVENTION AREA

The Parties to the SEAFO Convention:

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) fishing activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way.

CONCERNED that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the SEAFO.

FURTHER CONCERNED that there is a possibility that vessel owners engaged in such fishing activities may have re-flagged their vessels to avoid compliance with SEAFO measures.

DETERMINED to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels, without prejudice to further measures adopted in respect of flag States under the relevant SEAFO instruments.

CONSIDERING the action undertaken in other regional fisheries management organizations to address this issue;

CONSCIOUS of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities; and

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organization (WTO) Agreement;

Have agreed as follows:

Identification of IUU activities

1. At each Annual Meeting, the Commission shall identify those vessels which have engaged in fishing activities for species covered by the SEAFO Convention in a manner which has diminished the effectiveness of SEAFO measures in force, and shall establish a list of such vessels (the IUU vessel list), in accordance with the procedures and criteria set out in this Conservation Measure.
2. This identification shall be documented, *inter alia*, on reports from a Contracting Party relating to SEAFO Conservation Measures in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of

the United Nations (FAO) data, Statistical documents and other national or international verifiable statistics, as well as any other information obtained from port States and/or gathered from the fishing grounds which is suitably documented. Information from Contracting Parties should be provided in the format approved by the Commission.

3. For the purposes of this Conservation Measure, vessels fishing for species covered by the SEAFO Convention are presumed to have carried out IUU fishing activities in the Convention Area when a Contracting Party presents evidence that such vessels, *inter alia*:
 - a. Harvest species covered by the SEAFO Convention in the Convention Area and are not on the SEAFO Record of authorized vessels, or
 - b. Harvest species covered by the SEAFO Convention, when its flag State is without or has exceeded its quotas, catch limit or effort allocation established by SEAFO Conservation Measures, or
 - c. Do not record or report their catches made in the Convention Area, or make false reports, or
 - d. Take or land undersized fish in contravention of SEAFO Conservation Measures, or
 - e. Fish during closures in contravention of SEAFO Conservation Measures, or
 - f. Use prohibited fishing gear in contravention of SEAFO Conservation Measures, or
 - g. Transship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU Vessel List, or
 - h. Are without nationality and harvest species covered by the SEAFO Convention in the Convention Area, or
 - i. Engage in fishing activities contrary to any other SEAFO Conservation Measures, or
 - j. Are under the control of the owner of any vessel on the SEAFO IUU Vessel List.

Information on Alleged IUU fishing activities

4. Contracting Parties shall every year, and at least 120 days before the Annual Meeting of the Commission, transmit to the Executive Secretary a list of vessels presumed to be carrying out IUU activities in the Convention Area during the current and previous year, accompanied by the supporting evidence, as provided in paragraph 2, concerning the presumption of this IUU activity.

Draft IUU Vessel List

5. On the basis of the information received pursuant to paragraph 4 and any other information at his disposal, the Executive Secretary shall draw up a draft SEAFO IUU Vessel List and shall transmit it, together with all the supporting evidence provided, to all Contracting Parties, as well as to non-parties with vessels on the List, at least 90 days before the Annual Meeting of the Commission.
6. Contracting Parties and non-parties shall transmit, at least 30 days before the Annual Meeting of the Commission, their comments to the Executive Secretary, as appropriate, including verifiable evidence and other supporting information, showing that the vessels neither have fished in contravention of SEAFO Conservation Measures nor had the possibility of fishing for species covered by the SEAFO Convention.
7. The Executive Secretary shall request each flag State with vessels on the draft IUU Vessel List to notify the owner of the vessels of their inclusion in that List, and of the consequences of their inclusion being confirmed in the IUU Vessel List.
8. Upon receipt of the draft IUU Vessel List, Contracting Parties shall closely monitor the vessels included in that List in order to determine their activities and possible changes of name, flag or registered owner.

Provisional IUU Vessel List

9. On the basis of the information received pursuant to paragraph 6, the Executive Secretary shall draw up a provisional SEAFO IUU Vessel List, and transmit it, two weeks in advance of the Annual Meeting of the Commission, to the Contracting Parties and the non-parties concerned, together with all the evidence provided.
10. Contracting Parties may at any time submit to the Executive Secretary any additional information which might be relevant for the establishment of the IUU Vessel List. The Executive Secretary shall circulate the information, together with all the evidence provided, to the Contracting Parties and to the non-parties concerned, at least two weeks before the Annual Meeting of the Commission.
11. At each Annual Meeting, the Commission shall:
 - (i) Following consideration of the draft IUU Vessel List and information and evidence circulated under paragraphs 5, 9 and 10, adopt a Provisional IUU Vessel List and submit it to the Commission for approval;
 - (ii) Following consideration of the current IUU Vessel List and the information and evidence circulated under paragraph 9, recommend to the Commission which, if any, vessels should be removed from the current IUU Vessel List.
12. A vessel shall be included in the provisional IUU Vessel List only if one or more of the criteria in paragraph 3 have been satisfied.

13. The Commission shall remove a vessel from the provisional SEAFO IUU Vessel List if the vessel's flag State demonstrates that:
 - a. The vessel did not engage in any of the IUU fishing activities described in paragraph 1, or
 - b. Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity.
14. Following the examination referred to in paragraph 11, the Commission shall approve the provisional IUU Vessel List.
15. The Draft IUU Vessel List, Provisional IUU Vessel List and the IUU Vessel List shall contain the following details for each vessel:
 - i. name and previous names, if any;
 - ii. flag and previous flags, if any;
 - iii. owner and previous owners, including beneficial owners, if any;
 - iv. perator and previous operators, if any;
 - v. call sign and previous call signs, if any;
 - vi. Lloyds/IMO number;
 - vii. photographs, where available;
 - viii. date first included on the IUU Vessel List;
 - ix. summary of activities which justify inclusion of the vessel on the List, together with references to all relevant documents informing of and evidencing those activities.

IUU Vessel List

16. Once the Commission adopts the IUU Vessel List, it shall request non-parties with vessels on the SEAFO IUU Vessel List to:
 - a) notify the owner of the vessels of its inclusion on the IUU Vessel List and the consequences which result from being included in the List, and
 - b) take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
17. Contracting Parties shall take all necessary measures under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:
 - a. ensure that fishing vessels, support vessels, mother ships or cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with, support or re-supply vessels on the IUU Vessel List;
 - b. ensure that vessels on the IUU Vessel List that enter ports voluntarily are not authorized to land, transship, refuel or re-supply therein but are inspected upon entry;

- c. prohibit the chartering of a vessel on the IUU Vessel List;
 - d. refuse to grant their flag to vessels on the IUU Vessel List;
 - e. prohibit commercial transactions, imports, landings and/or transshipment of species covered by the SEAFO Convention from vessels on the IUU Vessel List;
 - f. encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the SEAFO Convention caught by vessels on the IUU Vessel List;
 - g. collect, and exchange with other Contracting Parties, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for species covered by the SEAFO Convention from vessels on the IUU Vessel List.
18. The Executive Secretary shall take any measure necessary to ensure publicity of the IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the SEAFO website. Furthermore, the Executive Secretary shall transmit the IUU Vessel List to the FAO and to other regional fisheries management organizations for the purposes of enhancing co-operation between the SEAFO and these organizations aimed at preventing, deterring and eliminating IUU fishing.
19. Without prejudice to the rights of Contracting Parties and coastal states to take proper action, consistent with international law, the Contracting Parties shall not take any unilateral trade measures or other sanctions against vessels on the draft or provisional IUU Vessel Lists, pursuant to paragraphs 5 or 9, or that have been removed from the IUU Vessel List, pursuant to paragraph 13, on the grounds that such vessels are involved in IUU fishing activities.

Deletion from the IUU Vessel List

20. A Contracting Party or a non-party with a vessel on the IUU Vessel List may request the removal of the vessel from the List during the intersessional period by providing information demonstrating that:
- a) It has adopted measures that will ensure that the vessel complies with all SEAFO measures;
 - b) it will be able to assume effectively its responsibilities as regards the monitoring and control of the vessel's fishing activities in the Convention Area;
 - c) it has taken effective action in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List, including prosecution and imposition of sanctions of adequate severity.
 - d) the vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not participated in IUU fishing activities.

ANNEX 13

**APPROVED BUDGET AND CONTRIBUTIONS FOR 2007
(NAMIBIAN DOLLARS)**

	BUDGET LINE	ACTIVITY DESCRIPTION	APPROVED
<u>EXPENDITURE</u>	3000	Audit and Accounting Charges	25000.00
	3050	Info on SEAFO	10000.00
	3200	Bank Charges	12000.00
	3300	<u>Computer Expenses</u>	
	3300	01 Internet/Email Support	68000.00
	3300	02 Software Upgrade	2000.00
	3310	Security	1300.00
	3350	VMS Related Costs	78000.00
	3355	Contingency	8000.00
	3400	Courier & Postage	6500.00
	3700	Miscellaneous	2400.00
	3850	Insurance of Office Equipment	14400.00
		<u>Publication</u>	
	4050	<u>Printing Translation Subscription</u>	
	4050	01 Printing of Reports	35000.00
	4050	02 Translation of Reports	35000.00
	4070	Meetings	120000.00
	4300	Office Rental	87285.00
	4310	Rental Switchboard / PABX	5000.00
	4400	Gross Salaries	726739.00
		Car	
	4710	Allowance	18900.00
	4500	<u>Office Expenses</u>	
	4500	01 Stationary	4200.00
	4500	02 Cleaning Materials	1800.00
	4600	Telephone and Fax	10600.00
	4650	Travel	120000.00
	4700	Cleaner / Messenger	18000.00
	6300	Office Equipment	6000.00
	8300	Petty Cash	5000.00
	TOTAL EXPENDITURE		1421124.00
<u>INCOME</u>	9510	SEAFO Income Tax On Staff Salaries	108684.00
	9990	Contributions by Parties	1312440.00
	TOTAL INCOME		1421124.00

PARTIES CONTRIBUTION TO 2007 BUDGET			
	Contribution	Overage (2006)	Net Contribution (2007)
Angola	328110.00	35744.00	292366.00
EU	328110.00	25693.00	302417.00
Namibia	328110.00	25694.00	302416.00
Norway	328110.00	27677.00	300433.00
GRAND TOTAL	1312440.00	114808.00	1197632.00

