

SOUTH EAST ATLANTIC FISHERIES ORGANIZATION (SEAFO)



REPORT OF THE 4th ANNUAL MEETING OF THE COMMISSION, 2007

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1. Opening of the Meeting

- 1.1 The 4th Annual Meeting of SEAFO Commission was convened in Windhoek, Namibia from 8-11 October and attended by the representatives from four Contracting Parties, three Signatory States, an Observer States and an NGO representative. The list of participants is provided in **Annex 1**.
- 1.2 In his opening remarks, the Chairperson of the Commission, Mr. Frans Tsheehama (Namibia), warmly welcomed the delegates and expressed his wishes for a successful Meeting.
- 1.3 Delivering a keynote address at the official opening ceremony, the Deputy Minister of Fisheries of Angola, Hon. Dr. Victoria de Barros Neto reiterated Angola's commitment to conservation and sustainable utilisation of living marine resources in the high seas. She stressed the importance of precautionary approach in fisheries management, in view of the limited knowledge about the resources and ecosystem dynamics in SEAFO Area. Further, she called for the strengthening of cooperation among port States in the region to tighten the grip against IUU fishing activities (**Annex 2**).
- 1.4 In his remarks at the opening ceremony, the Namibian Deputy Minister of Fisheries and Marine Resources, Hon. Kilus Karaerua Nguvauva, emphasised the importance of science-based decisions in respect of conservation and management of deep-sea fisheries within the Convention Area. He strongly urged Signatories and States fishing in SEAFO Area to ratify the Convention so as to play a meaningful role within the Organisation (**Annex 3**).

2. Adoption of Agenda and Meeting Arrangements

Following discussions, the revised agenda was adopted (**Annex 4**).

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 Signatory States were delegations from Iceland, South Africa and United States of America.
- 3.2 EC, Namibia, Norway, Iceland and South Africa presented opening statements (**Annex 5**). USA also presented an opening statement.

4. Introduction and Admission of Observers

Observers present were Japan and WWF and both made opening statements (**Annex 6**).

5. Status of the Convention in Respect of Membership

- 5.1 The Executive Secretary informed the Meeting that the Depositary (Director-General of the Food and Agriculture Organisation of the United Nations) has not notified the Secretariat of any new ratification.
- 5.2 The Executive Secretary reported on the outcomes of contacts made intersessionally, at diplomatic levels, with Signatory States in respect of the ratification of the Convention. Contact was also made with Japan whose vessels are actively fishing fish resources that are under the competence of SEAFO.
- 5.3 South Africa informed the Commission that it experienced delays due to constitutional requirements but is now at advanced stage in the ratification process.
- 5.4 The United Kingdom had communicated to SEAFO that its overseas territories are not in position to implement the Convention and UK can not join the Organisation on their behalf.
- 5.5 In its opening statement Iceland stated that it had no vessels fishing in the area but that the issue of joining SEAFO is being considered.
- 5.6 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 soon.
- 5.7 No response was received from the Republic of Korea.
- 5.8 A Japanese delegate to the Meeting stated that internal financial and political circumstances are preventing it from ratifying the Convention but it will continue to cooperate.
- 5.9 In noting the lack of progress on the ratification, the Commission expressed concerns of the slow progress by the coastal State, South Africa, and urged it to conclude the process that starts several years ago. It also encouraged other Signatory States to ratify the Convention.
- 5.10 The Commission also noted that Japan and the Rep. of Korea through their experience in other multilateral fisheries arrangements can contribute positively to the implementation of the Convention. However, taking into account that Japan and the Rep. of Korea are actively fishing in the SEAFO Area, the Commission expressed concern that the conservation and management measures of SEAFO may not be fully respected. Accordingly, the Commission decided to send a strong signal to the two flag States through the Chairperson requesting Japan and the Republic of Korea to fully co-operate in the provision of fisheries data, to fully comply with the adopted SEAFO measures and to join SEAFO no later than 2009. The Commission agreed that if the two flag States do not take concrete steps

towards ratification and notify SEAFO of this intention before 2009, their vessels will be included in the SEAFO IUU list.

- 5.11 The Commission underlined that those who benefit from the resources in the region should, in conformity with international obligations, fully participate in the work of the Organisation as Contracting Parties.

6. Report of the Scientific Committee (SC)

The Vice-Chairperson of the SC, Dr Ben van Zyl (Namibia), outlined the recommendations and advice of the Scientific Committee. He emphasised that catch statistics have not sufficiently improved since last year to undertake stock assessments. Thus, the recommendations and advice presented are largely based on limited knowledge and taking into account, among others, the ecosystem approach to fisheries management and precautionary approach principle. The complete recommendations and advice by the SC are contained in Section 8 of the SC Annual Report, 2007. Some key recommendations are:

- Banning of all forms of trawling and gillnetting.
- For any fishing activities to reassume in the closed areas, they must be preceded by mapping
- Catch limits for Patagonian toothfish and deep sea red crab
- Closure of Meter seamounts (D1 Area 13), Valdivia Bank (B1 Area 3), Ewing Bank (B1 Area 4)
- Hire a consultant to develop SEAFO database

7. Consideration of the Scientific Committee Report

- 7.1 Considerable discussions ensued on the scientific basis for banning all forms of trawling and gillnetting. Parties felt that all types of the fishing gears have impacts on vulnerable habitats and there was no ground for selecting one from the others. Regarding the banning of gillnetting, Parties took cognisance that there was no gillnetting in the area and therefore it was a non-issue.
- 7.2 Noting the need to ensure a precautionary approach in re-opening any areas currently subject to closure, and in the absence of advice from the SC on the representative areas that may be fished on each seamount, the Commission endorsed that mapping be a condition for the resumption of fishing activities in those areas.
- 7.3 Applying the precautionary approach principle, the Commission agreed the necessity for setting a Total Allowable Catches for Patagonian toothfish and deep sea red crab.
- 7.4 The recommended closure of Meter seamounts, Valdivia and Ewing banks was discussed at length. Parties raised concerns that if all areas are closed, there is no other way that data will be obtained.

- 7.5 The Commission did not approve the hiring of a consultant to develop SEAFO database.
- 7.6 As recommended by the SC, the Commission adopted the new SEAFO list of species (**Annex 7**). Concern was raised for the exclusion of mackerel.
- 7.7 Parties agreed to provide the names of their designate scientific co-ordinators not later than 31 December 2007 to be responsible for the establishment of sampling protocols, training of scientific observers, data quality control, and data provision to SEAFO.

8. Consideration of Conservation Measures

- 8.1 In considering compliance issues, in particular, the IUU fishing activities, the Commission decided to extend cooperation with CCAMLR, NAFO and NEAFC such that if a vessel is listed on IUU list of one of these RFMOs, it will automatically be listed in SEAFO IUU list. Thus two new paragraphs (18 and 19) were added to Conservation Measure 08/06 and the title has changed to *Conservation Measure 08/06 establishing a list of vessels presumed to have carried out illegal, unreported and unregulated (IUU) fishing activities* (**Annex 8**).
- 8.2 Realising the need to consolidate port State measure, an amendment to Conservation Measure 02/05 was adopted. The new *Conservation Measure 09/07 to Amend and Consolidate Conservation Measure 02/05 Relating to Interim Port State Measures* is contained in **Annex 9**.
- 8.3 In considering conservation and sustainable fisheries including ecosystem approach and the precautionary approach principles, and also taking into account the advice and recommendations of the SC, the Commission formulated and adopted the following conservation measures:
- Conservation Measure 10/07 fixing catch limits and related conditions for the Patagonian Toothfish and Red Crab fisheries in the SEAFO Convention Area in 2008 and 2009 (**Annex 10**)
 - Conservation Measure 11/07 laying down conditions for the resumption of fishing activities in areas subject to closure through Conservation Measure 06/06 (**Annex 11**)
- 8.4 The delegate of Japan stated that Japan opposed the adopted measures (in 8.3 above) claiming that they could lead to its vessels withdrawal from SEAFO Area and would lose the incentive to ratify the Convention. Japan further expressed that its scientists would contribute to SEAFO by analysing confidential data obtained by the Japanese fishing vessels as long as its vessels are operating in the Convention Area. Industry representative from Japan announced that Japan Deep Sea Trawlers

Association was willing to contribute N\$ 100,000.00 (Namibian Dollars) to the SEAFO annually for the next three years.

- 8.5 It was recalled by the Commission, however, that Japan was an Observer to the Organisation and noted that it was being encouraged to ratify the Convention so that it could thereby take full part in the adopting of SEAFO measures.

9. Monitoring and Compliance

- 9.1 In discussing whether to institute a full-fledged MCS system, the Commission decided that the time is not yet ripe to implement all components of the system such as at-sea boarding and inspection and regional observer program. Meanwhile, Parties agreed that it is crucially important to implement port State inspection scheme.
- 9.2 The Commission agreed that there are no needs for additional measures (at this time) on IUU as the current conservation measures are adequate as they also include non members.
- 9.3 The Rep. of Korean flagged vessels, *In Sung I* and *In Sung II* were sighted in SEAFO Area July/August 2007, targeting Patagonian toothfish. When contacted by SEAFO, the Rep. of Korea admitted that the vessels were undermining measures adopted by SEAFO and that it was an oversight. The Rep. of Korea has requested SEAFO to list the said vessels as well as additional three longliners. In discussing the matter, Commission declined the request (see Section 5.5 above).
- 9.4 In reviewing information in the SEAFO Register of Authorised Fishing Vessels, the Commission decided that only the vessels flagged by Parties should appear on the Register.
- 9.5 Regarding the submission of VMS data, Parties raised concerns about the technical functionality of the system as data was being provided in the appropriate manner, but was not being received by the Secretariat and requested the Executive Secretary to investigate this problem. At the same time, the Commission urged Parties to facilitate linkages between their Fisheries Management Centres (FMC) and the Secretariat.

10. Marine Environment Protection

The Commission agreed to the principle of the protection of marine environment during fishing activities in the Convention Area, and that this should be encompassed in the conservation measures adopted by SEAFO.

11. Report on Administration and Finance

11.1 The Executive Secretary presented a report of the activities of the Organisation during the past year. While appreciating the thorough nature of the report, Parties recommend that, in future, the report should focus solely on finance and administration issues.

Administration:

11.2 After assessing the report on the *Comparative Study of the Suitable Location of the Secretariat* from the Executive Secretary, the Commission commended the comprehensiveness of the report. However, Namibia provided a concrete commitment regarding the provision of headquarters premises of SEAFO at the National Marine Information and Research Centre (NatMIRC), Swakopmund. The offer provides free rental, plus the provision of utilities and maintenance by the host Government, with the premises to be provided three year after the beginning of the work in 2008. The Commission expressed its appreciation for this offer from Namibia and agreed that this would be the most practical solution to this issue.

11.3 In view of this decision, the Commission directed the Executive Secretary to renew the current office lease contract.

11.4 After considerable discussions, and taking into account the costs, the Commission concluded that as from 2008, the production and printing of hard copies of annual reports will cease. The Executive Secretary will provide each Party with two copies of the report. Annual reports will still be posted at SEAFO website.

11.5 Parties urged all coastal developing States parties to SEAFO to ratify UNFSA to benefit from the Special Assistance Fund under the Agreement. The Fund has provided financial support to representatives from South African and Namibia to attend annual SEAFO meetings. In addition, the Fund can provide technical support to build capacity (e.g., training of scientific observers). Developing Coastal States were also reminded of the existence of the GEF funded Fisheries Investment Fund in Sub-Sahara Africa.

Finance:

11.6 The Commission reviewed and endorsed the Auditors' Report for the financial year ended December 2006. The Commission further endorsed the current auditors to perform an audit of the 2007 financial statements.

11.7 As a standard practice in similar RFMOs for changing or retaining auditors, the Commission directed the Executive Secretary to request proposals from different reputable auditors, for consideration at the next Annual Meeting.

- 11.8 After scrutiny and adjustments, the 2008 budget was approved (**Annex 12**). Parties requested that in future, the documentary presentation be adapted to facilitate the examination of the budget.
- 11.9 The Commission did not decide, at this Meeting, on the use of the Special Fund that was established in January 2007.

12. Headquarters Agreement

- 12.1 The Headquarters Agreement was again discussed at length, but however, it was not possible to conclude at this Meeting. Namibia continued to insist the exclusion of income tax exemption of professional Namibians at the Secretariat. The other SEAFO Parties maintained their positions that the tax exemption of professional staff irrespective of their nationalities should be included in common with other Regional Fisheries Management Organisations (RFMOs).
- 12.2 Having reached no conclusion, Parties wrote to the Namibian authorities 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.

13. Structures and Tools to Further the Objectives of the Convention

- 13.1 Considering that numerous compliance-related conservation and management measures have been adopted during the last two years, the Commission decided to establish a Compliance Committee in line with Article 9 of the Convention. The TOR for the Compliance Committee is attached (**Annex 12**). The Compliance Committee will meet annually during the Commission meetings.
- 13.2 The Commission decided that there is no need at the moment to establish as Standing Committee on Administration and Finance.
- 13.3 The Commission noted that performance reviews of RFMOs and RFBs has been high on the global fisheries agenda in the recent past. The Commission also noted that some RFMOs have already taken steps to review their mandates and their performances. The Parties, in principle, support the undertaking of a performance review. However, considering that the SEAFO Convention is still developing, the Commission decided that a performance review should be undertaken by the Organisation to be completed no later than 2010, and that the financial implications should also be considered.

14 Cooperation with Other International Organisations

- 14.1 In discussing which Party to represent SEAFO at the annual meetings of RFMOs, the Commission decided to maintain the status quo. That is:

- Angola to ICCAT 2007
- EU to NEAFC 2007 and to NAFO 2008
- Norway to CCAMLR 2007

14.2 The Meeting was briefed by Parties who represented SEAFO at various meetings of RFMOs.

- EU reported from NAFO Annual Meeting, 2007, held in Portugal. Among pertinent issues reported include the approved of new Convention for NAFO and the closure of vulnerable marine habitats with high concentration of corals.
- EU also reported from NEAFC Annual Meeting 2006, held in London where NEAFC agreed on port State inspections of major European ports, joint IUU listing with NAFO and that it has undergone performance review.
- Norway reported from CCAMLR Annual meeting in 2006 held in Hobart where key issues included enforcement of catch documentation, responsibilities of nationals regarding their fishing activities, listing of Members vessels engaged in IUU fishing and challenges related to the growing interest in participation in krill fisheries.
- Angola reported from ICCAT 2006 Annual Meeting held in Croatia. Among key issues discussed include the conservation and management of tuna and tuna-like species, sharks and seabirds and IUU fishing activities.
- South Africa reported from the Annual Meeting, 2006 for the Agreement for the Conservation of Albatrosses and Petrels (ACAP) Christchurch NZ where major issues discussed / adopted included the program of action for species assessments and the formula for contribution to the Secretariat annual budget.

14.3 Recognising the value and benefits of closer cooperation in particular on vessel monitoring system (VMS), the Commission directed the Chair to write, not later than 15 November 2007, to the President of NEAFC, expressing appreciation for the cordial relationship that exists between the two organisations.

14.4 In reviewing the progress made in the establishment of the Benguela Current Commission (BCC), the Commission expressed the need for a Memorandum of Understanding (MoU) to be entered into as soon as the Commission become a legal entity.

14.5 Noting the valuable role played by the Coordinating Working Party on Fishery Statistics (CWP), the Commission directed the Executive Secretary to complete membership modalities on behalf of SEAFO.

14.6 The Commission endorsed a joint draft proposal between FAO and SEAFO, to analyse if it is feasible, to rearrange the statistical divisions of Area 47 in a way that

would both reduce to a minimum the disruption of historical data series and allow the reporting and compilation of data for the SEAFO Convention area in future.

14.7 The Commission took note with keen interests the draft proposal for the South Atlantic Mar-Eco and endorsed the project. The Commission encouraged individual members to take part in the project and that the results be shared with SEAFO.

15 Contract of Executive Secretary

The Commission decided that the post of Executive Secretary be advertised, at appropriate time, as the current term will come to an end at the end of February 2009.

16. Election of Vice Chairperson

Angola was nominated as a vice-chair for the next two years and accepted the nomination.

17. Date and Place of 2008 Annual Meeting

The next Annual Commission Meeting will be held on 6-9 October 2008 in Windhoek, at the venue to be confirmed by the Executive Secretary.

18. Any Other Matters

No other matters were raised by the delegations.

19. Closure of the Meeting

The Chairperson closed the Meeting and commended the Parties for the efficient and effective conduct of the Meeting. He thanked delegates for their positive input, which contributed in no small measure to the success of the Meeting. He also thanked the Secretariat for preparing and organising the Meeting.

ANNEX 1

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ANNEX 2

ADDRESS BY HON. DR. VICTORIA DE BARROS NETO, DEPUTY MINISTER OF FISHERIES, REPUBLIC OF ANGOLA

Master of Ceremonies
Hon. Members of Parliament
Your Excellencies Members of Diplomatic Corps
Distinguished Delegates
Ladies and Gentlemen

It is with great pleasure and honour that I attend this ceremony in representation of H. E. the Minister for Fisheries of Angola, Mr. Salomao Xirimimbi. First of all, I would like to express my thanks for the invitation and to express my great pleasure for the opportunity that I have been given to address a few words to this Major event.

In particular, I want to greet our hosts, the Republic of Namibia, and congratulate them for their nomination to the SEAFO's Chairmanship. In the same vein, I would like to express our appreciation for the excellent leadership provided by Mr. John Spencer of EU during his tenure as the Chairperson of the Commission.

Five years ago peace came to Angola and, since then, the country has engaged itself in a process of national reconstruction. The Angolan government has put in place several programmes aiming at, on one hand, the fight against hunger and poverty and, on the other, the creation of bases for the economic, social and cultural development of the country.

The Fisheries Sector plays an important role in this process since Angola is a producer and consumer of fish. Besides being an important economical and social activity, fishing is a life skill in Angola, especially for coastal communities from whom fishing is their *modus vivendi*.

Therefore, we could not ignore the world initiatives and those of our region in particular, concerning the conservation and long-term sustainable exploration of living marine resources and relevant ecosystems. The United Nations Convention on Sea Law, the Code of Conduct for Responsible Fisheries, the Convention on Biological Diversity, the SADC Fisheries Protocol are, among others, important reference instruments on this theme.

The Johannesburg Sustainable Development World Summit was, without a doubt, a milestone in the approach to and quest for solutions for the World main concerns in this regard. As for the fishing sector, particular emphasis was placed on over-exploitation and depletion of the main fishing resources and the need for the countries to adopt measures for its rehabilitation through the adoption of new methodologies mainly the ecosystem approach for fisheries management. Illegal, unreported and unregulated (IUU) fisheries, also received special attention and contention measures must be adopted in the fight against it. The summit reiterated the need for a deeper scientific knowledge of the resources and relevant ecosystems as a basis for a responsible and sustainable management of living marine resources.

Taking these aspects into consideration, the Angolan government has inserted in the new fishing legislation the principles defended by the international community, namely: the principle of sustainable development, responsible fishing, conservation and optimum usage of aquatic

biological resources, precautionary approach principle, protection of genetic resources and cooperation in the management of shared resources.

I am pleased to acknowledge that the coastal countries of our region have made a remarkable effort to deal with these questions not only at the respective Exclusive Economic Zones level but also at across the border ecosystems and species level. With the cooperation of the international community, several programmes have been developed. Of these, I would like to mention BENEFIT and the BCLME Programmes that have complemented the efforts of the coastal countries Research Institutes and contributed to increase the scientific research capacity of the region enabling deeper understanding of the resources and ecosystem dynamics. The creation of the Benguela Current Commission calls upon the coastal countries to pursue the sustainability of the results already achieved.

With regards to deep-sea fishing, beyond 200 nautical miles, it was necessary and urgent to create a Regional Fisheries Management Organization (RFMO) to regulate the activity and avoid harmful effects to non-targeted ecosystems and species. The negotiations for SEAFO's creation started in 1995 and only in 2003 it become operative. Despite the fact that Angola is not currently fishing in SEAFO Area, Angola has ratified the Convention in 2006 due to its unwavering commitment to conservation and sustainable use of living marine resources in the high seas. I would like to take this opportunity to urge the signatories and flag States that have not yet done so to bear in mind the need to do it since it will demonstrate their total commitment and interest in the organization that we, of our own free will, have decided to create. Knowing that there is fishing activities in SEAFO Area, even though relatively small, we would like to see Contracting Parties agreeing in sharing the fishing quotas among themselves beneficial to all.

We have been following closely SEAFO's activities and, although there are still some difficulties, we are pleased to note that some of the aspects with which we are more concerned have been dealt with adequately. I would like to particularly mention the work done by the Scientific Committee that, in spite of the difficulties in obtaining the necessary data, managed to provide information about the characteristics of the Convention Area, namely its topography, oceanographic limits, main species biology, statistics on fleets and catches and the impact that the fishing has on the ecosystem. Regarding the impact that the fishing activity has on the ecosystem, special attention must be paid to substantially reduce the negative impacts that trawling and ghost-fishing have on the environment and the resources. In my opinion, the Scientific Committee recommendations must be adopted, in particular the application of precautionary approach in fisheries management, in view of the limited knowledge about the resources and ecosystem dynamics. We must also encourage the exploratory fishery of new resources and recommend directed scientific surveys to enhance our knowledge of the seamounts ecology so as to better understand its functionality and avoid potential risks.

Another aspect that I must not ignore is the vigorous and unrelenting fight against the illegal, unreported and unregulated fishing that has been the subject of several controversies in the fishing world. We are aware that the implementation of a monitoring, control and surveillance (MCS) system of the Convention area demands considerable effort. The cooperation of the coastal countries of the region and others is fundamental since the illegal fishing vessels transit from high seas into our ports and vice-versa. I am of the opinion that no effort should be spared to stop and eliminate this type of activity that, besides the economical losses to the interested parties, jeopardises the effort of rehabilitation of stocks in critical situation.

In closing, I would like to thank you for your kind attention and in particular the SEAFO's Chairmanship and Secretariat for the work done in the preparation of the meeting. I should

further add here that Angola is very satisfied with the performance of the Secretariat considering its small staff. I also wish to reiterate the engagement of the Angolan government and its commitment to contribute to achieve the goals that govern the SEAFO Convention. With these few words, I wish you all a very successful Meeting.

I THANK YOU.

ANNEX 3

WELCOMING ADDRESS BY THE DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES, HON. KILUS KARAERUA NGUVAUVA, MP, AT THE OFFICIAL OPENING OF THE 4TH ANNUAL SEAFO COMMISSION MEETING, SAFARI HOTEL, WINDHOEK, 8 OCTOBER 2007

Director of Ceremonies

Honourable Dr. Victoria de Barros Neto, Deputy Minister of Fisheries of the Republic of Angola

Honourable Members of Parliament

Your Excellencies Members of Diplomatic Corps

Distinguished Delegates

Esteemed Invited Guests

Members of the Media

Ladies and Gentlemen

It is my distinct honour and privilege to extend a warm welcome to you all at this official opening ceremony of the 4th Annual Meeting of the SEAFO Commission. A special welcome to all delegates many of you who travelled from afar. Those of you who have been here before, welcome back home! And to all of you, enjoy your stay. At your leisure time be adventurous and explore the city and its surroundings. There is so much that the City can offer.

At the onset, allow me on behalf of the Government of the Republic of Namibia pay special tribute to Mr. John Spencer of European Union, the first Chairperson of the SEAFO Commission, for his leadership, vision and dedication to the Organisation. I have followed the development of SEAFO with keen interest since the first Commission Meeting in Swakopmund in 2004. During his tenure, our Organisation has undergone phenomenal growth with tangible results achieved in furthering the objectives of the Organisation. Milestones include the strengthening of fisheries management regime through the adoption of numerous conservation and management measures. I am quite sure you all will agree with me that Mr. John Spencer has steered the work of our Organisation most effectively since March 2004.

This Meeting has a full agenda. You will discuss and consider advice and recommendations from the SEAFO Scientific Committee to ensure that our decisions are science-based and precautionary. You will deliberate on compliance issues to ensuring that the SEAFO fisheries are managed in a sustainable manner. In addition, you will assess the performance of our Organisation to ensure that key tenets of the Convention are implemented.

One notable issue that deserve mentioning is the lack of progress in the ratification of the SEAFO Convention by signatories and by States with *real interest* in the fisheries in the area. Nine SEAFO signatories have laboured so diligently and determinedly during the negotiation process between 1995 to 2001 and produced one of the modern fisheries instruments. Today six years has passed since the Convention was signed but only four signatories have ratified the Convention. Five ratifications are still outstanding, two of which are of coastal states. Implementing the Convention would require participation of all signatories and other states with *real interest* in the fisheries in the same letter and spirit as they participated in the negotiation process. I therefore urge signatories and all States with *real interests* in the fisheries managed by SEAFO to accede to the Convention.

In closing, conscious of the noble tasks before us during the course of the week, I wish and encourage each and every delegate to endeavour making this 4th Annual Commission Meeting a

resounding success. I remind you to remain focus to ensure that SEAFO builds on its strengths of providing services that are relevant, efficient and effective. I am looking forward with a sense of optimism to a successful 4th Annual Commission Meeting.

Thank you all for your attention.

ANNEX 4

REVISED AGENDA OF THE 4TH ANNUAL MEETING OF THE COMMISSION

Windhoek, Namibia – 8 to 11 October 2007

Venue: Safari Hotel, Windhoek

1. Opening of the Meeting
2. Adoption of Agenda and Meeting Arrangements
3. Introduction and Opening Statements by Parties and Signatories
4. Introduction and 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. Consideration of conservation measures
9. Monitoring and Compliance
 - a. Development of and Integrated MCS System
 - b. Combating IUU Fishing by the Flag Vessels on Non-Contacting Party in the Convention Area
 - c. Adopting a Format for Port State Reporting
 - d. Promote Compliance by Contracting Party Nationals with SEAFO Conservation and Management Measures
 - e. Norwegian proposal to amend conservation measure 08/06
10. Marine Environment Protection
11. Report on Administration and Finance
 - a. Decisions of the Commission, 2006
 - b. Report on the Location of Office Accommodation for SEAFO Secretariat
 - c. Examination of Audited Financial Statements (Jan – Dec 2006)
 - d. Members Contribution to 2007 FY Budget
 - e. Review of the Draft 2008 Budget
 - f. Review of the Draft 2009 Budget Forecast
 - g. Other Issues Status
13. Headquarters Agreement
- 13 Structures and Tools to Further the Objectives of the Convention
 - a. Compliance Committee
 - b. Standing Committee on Administration and Finance
 - c. Performance Review of the Organisation
- 14 Cooperation with Other International Organisations
 - a. Reports of SEAFO Representatives at 2006/2007 Meetings of Others International Organisations
 - b. Nominations of Parties to represent SEAFO at 2007/8 Meetings of International Organisations
 - c. Report Back From the Meetings Attended by the Executive Secretary
- 15 Contract of Executive Secretary
- 16 Election of Vice Chairperson
- 17 Date and Place of 2008 Annual Meeting
- 18 Any Other Matters
- 19 Closure of the Meeting

ANNEX 5

OPENING STATEMENTS BY PARTIES AND SIGNATORIES

5.1 Statement by European Community

Mr Chairman,
Distinguished Delegates,
Ladies and Gentlemen.

The EC Delegation is very pleased to be here again in Windhoek for the 4th Annual Meeting of SEAFO. Once again, Namibia has done itself proud through the warm welcome it has afforded our Delegation.

I would like to welcome you, Mr Tsheehama, to the position of Chairman. It is a challenging task for your first experience of SEAFO, but I am sure that you will give us the leadership and counsel in the very busy days ahead of us. You will of, course be ably aided by our Executive Secretary.

For the European Community, the focus of our discussions should be on the continued strengthening of the organisation and its conservation and management mechanism. The Convention that was agreed in 2001 foresaw several important steps that had to be undertaken to enable the organisation to become fully operational. Following the past advances that we have made, more bones should be added to the structure of SEAFO, notably through the establishment of the Compliance Committee to review the respect of our conservation measures by both Contracting Parties and non-Contracting Parties alike.

Another important aspect for us is the further strengthening of measures to combat IUU activities. We will be considering the treatment of some non-Contracting Party vessels who have been identified as operating in the SEAFO, but who have not been respecting SEAFO rules. Therefore, we should not exclude that these vessels and others in a similar situation, may be subject to the appropriate actions of SEAFO. These actions can also be given additional force through the requirement of strict port inspection. We already have such an interim measure in place, but we are of the view that this needs to be re-inforced to give SEAFO the necessary teeth to clamp down on activities that undermine the objectives of SEAFO. We would also welcome closer co-operation with other regional fisheries management organisations in this regard.

At our last meeting in October 2006, we showed international leadership and innovation in the measures that we took by adopting measures to protect vulnerable marine environment, which was recognised in the UN General Assembly of November last year. Since then there have been further advances in this subject, notably two weeks ago in NAFO, with the closure of an area of significant coral concentrations. We should take this opportunity to examine the appropriateness of taking additional measures ourselves in light of these and other international advances in this area that have occurred in the last year.

Finally, and of utmost importance for the Organisation itself is the issue of the Headquarters Agreement with Namibia. We sincerely hope that this can be concluded rapidly and successfully during this meeting.

With that said, I would like, on behalf of the EC, to again welcome you, Mr Chairman, to SEAFO and underline our willingness to work co-operatively with you and the other Parties around the table to arrive at a successful and fruitful outcome at the end of the Meeting.

Thank you.

5.2 Statement by Namibia

Namibia recognizes strides made by the South East Atlantic Fisheries Organization since its inception in April 2001 with an Interim Secretariat. A permanent Secretariat was established in less than one year of Interim Secretariat establishment with the recruitment of the Executive Secretary and administrative staff. The Secretariat worked tirelessly to bring about proper documentation related to the organization as well as arrangement and management of Commission meetings. Establishment of the subsidiary bodies such as the Scientific Committee and the pending compliance Committee is highly applauded as well.

Ladies and Gentlemen, Namibia is aware of current limitations towards establishment of an organ responsible for compliance. However, it should be remembered that an Intergovernmental Fisheries Management Organization with a good Scientific Committee but deficient in a Compliance Committee is deemed to operate sub-optimally.

The thread of IUU fishing is a thunderous cloud hanging over the convention area. The Organisation should now be geared toward implementation of measures that combat IUU. Collaboration among member states should take on new importance as SEAFO nations strive to combat illegal, unreported and unregulated (IUU) fishing. Member states should know that IUU fishing threatens the sustainability of fisheries in the southeast Atlantic Ocean, where profitable fisheries operate in a vast geographic area and where surrounding nations lack sufficient and efficient monitoring. Fighting IUU fishing requires strong political will. "Most of the illegal fishing in our high seas are done by flags-of convenience vessels. If the states permitting these vessels to bear their flags carried out their responsibilities, IUU fishing would be reduced.

The Scientific Committee has progressed fairly well in its endeavours to establish base line information within the SEAFO area. Valuable data and information has been availed and continue to be captured by the Secretariat. More data and information is needed by the Secretariat for the Commission to be able to execute proper assessment of the state of the stocks and environment in the Convention area.

We've relatively made great advances in marine living resource management. This has been a long trajectory that depicts management of single stocks as if they were agricultural crops. We should consider progressing toward recognition of the dynamics of marine ecosystems and attempts at thinking at ever-larger scales and acting in ways that are not merely replicas of the way we manage lands. Having said that, Namibia thinks we in the marine management /conservation community must progress to holistic management of the Convention area. Holistic management or Ecosystem based management will relate to recognition of connections- quite obviously the connectivity between different components in the Convention area, but also the connections between the Convention area and the adjacent Benguela Current Ecosystem, and the very real but often ignored connections between human well-being and marine-ecosystem conditions.

The establishment of the Benguela Current Commission with its area of jurisdiction sharing its offshore borders with the SEAFO area is a milestone and vehicle toward joint management of stocks straddling and migrating across these borders. Namibia encourages close cooperation between SEAFO and BCC for the benefit of the resources and the users.

Namibia, also believes zoned MPAs can move us toward holistic management if the scales are appropriate and management measures are tailored to address the real threats to ecosystem productivity and health. But I think we'll make a significant leap toward EBM if and when we are able to manage strategically at the regional scale using complementary Benguela Current Ecosystem and SEAFO Convention area ocean zoning.

Thus, the greatest challenges will be to highlight those broader connections, scale up management to scales appropriate to these vast interconnected ecosystems, and bring communities of fisheries managers, and other stake holders, together to articulate common goals and work toward them—ignoring uncertainties and bravely experimenting with new ways of managing ourselves and our impacts.

Finally, Namibia calls on states participating in exploitation of SEAFO resources to ratify the Convention and become Parties.

Ladies and Gentlemen we are all wished successful deliberations over the course of the next upcoming days of the Commission meeting.

5.3 Statement by Norway

Mr. Chairman. Distinguished representatives, ladies and gentlemen.

It's a pleasure for the Norwegian delegation to once again visit beautiful Namibia and to participate at an annual SEAFO meeting.

SEAFO took some important steps last year in advancing to be an operational RFMO, in particular by the closures of 10 marine areas with prominent seamounts. These actions by SEAFO have been welcomed in several international forums. At this annual meeting we have to agree on a due process for addressing additional issues agreed by the UN General Assembly last year, in particular regarding other sensitive marine areas and bottom fisheries.

SEAFO also established adequate measures for addressing IUU fishing, such as banning transshipments at sea and blacklisting of IUU vessels. We know that vessels engaged in IUU fishing move in and out of areas under jurisdiction of multiple States and operate within areas of competence of several regional fisheries management organisations (RFMOs). Vessels engaged in IUU fishing can often disregard applicable conservation and management measures by landing catches outside the region.

One way of targeting the global phenomenon IUU fishing, is that an RFMO formally recognise IUU vessel lists established by other RFMOs. Such a joint effort has been taken by the Northwest Atlantic Fisheries Organisation (NAFO) and the North East Atlantic Fisheries Commission (NEAFC) as vessel listed by NAFO also formally will be listed by NEAFC, and vice versa. Similar initiatives are under way in the RFMOs managing tuna and tuna like species as a joint meeting among those organisations in Kobe in January this year in principle agreed to establish a common list for all tuna RFMOs. Norway would like to propose that SEAFO takes up this idea and formally recognise IUU vessel lists established by other RFMOs managing non-tuna species,

i.e. the Commission for the Conservation of Antarctic Marine Resources (CCAMLR), NAFO and NEAFC.

To become an effective RFMO, with the required credibility it is crucial that more states ratify the SEAFO Convention, in particular the coastal States South Africa and UK. It is also clear that other States participate in fisheries in the area, but have not yet become parties to SEAFO. Benefits should of course be accompanied by obligations. It is fundamental that all coastal states and fishing states as soon as possible becomes parties, and Norway strongly calls upon those states to do so without further delays.

Although SEAFO has been operational since 2004, there is as yet no finalised Headquarters Agreement between Namibia and the Organisation. In the absence of a Headquarters Agreement, the status of the Organisation and its staff is put in question. SEAFO has no legal status in Namibia and it cannot legally benefit from immunities in the conduct of its activities or as regards its properties. Norway considers that the current situation is untenable and would urge Namibia to take immediate action to put relations between Namibia and SEAFO on a proper international standing. We hope, of course, that this most unfortunate situation will find its solution this week.

All in all, the Norwegian delegation is prepared to work hard for the next days to achieve a favourable outcome also from this year's annual meeting.

5.4 Statement by Iceland

Iceland has always recognised, and in fact emphasised, the importance of regional fisheries management organisations. We feel that such organisations play a key role in ensuring the sustainable utilisation of living marine resources on the high seas. Iceland is an active participant of several RFMOs, and understand very well the importance these organisations have for both coastal states and distant water fishing nations.

In light of this we sincerely wish for SEAFO to continue to grow and prosper and become a strong organisation.

Iceland takes its role as an observer at SEAFO seriously. We took part in establishing the organisation and Iceland's interests in SEAFO continues. We wish to use our experience from other RFMOs to assist in the work of SEAFO to the extent appropriate for an observer.

At the present time, Iceland vessels are not fishing in the SEAFO Convention Area, and have not done so for some time. Because of this, Iceland has not yet joined SEAFO as a contracting party. However, the issue of joining is under consideration.

Finally, Iceland wishes delegations a fruitful meeting on sustainable fisheries in the SEAFO area.

5.5 Statement by South Africa

Mr Chairman,

On behalf of South Africa, we would like to thank the Secretariat for affording us the opportunity to be part of the 4th Annual Meeting of the SEAFO Commission. We sincerely extend a word of thanks to the Namibian Government for the continued warm hospitality and the effort they have put into organizing this meeting.

Mr Chairman, the SEAFO Convention remains an important Convention to South Africa as has been previously echoed in various conservation forums.

Let me once again assure you that South Africa remains committed to the objectives of the SEAFO convention. Over the past few months we have been working very closely in particular with the Secretariat regarding the exchange of information and being proactive in implementing some of the SEAFO measures.

The South African Fisheries Management Regime comprises of Monitoring, Control & Surveillance (MCS), Research and Development (R&D) and Resource and Coastal Management that contribute to an all rounded Fisheries Management System of our resources in the EEZ. Because our straddling and highly migratory fish stocks do not know any political boundaries, the SEAFO Convention represents an opportunity for South Africa to participate in the management of those resources beyond our EEZ and we shall remain committed to the convention.

Thank you.

ANNEX 6

STATEMENTS BY OBSERVERS

6.1 Statement by Japan

Mr. Chairman, on behalf of Japanese Delegation, I would like to express my gratitude for inviting Japan to the 4th Annual Meeting of the SEAFO Commission.

I am rejoiced to see the establishment of the SEAFO by the initiative of the Republic of Namibia, the Republic of Angola, the Republic of South Africa as well as the United Kingdom though the latter two countries are yet to join the organization. I would like to hail the promotion of successful conservation and management of living marine resources, through the framework enshrined in the SEAFO Convention.

Although Japan had participated in the meetings of coastal states and interested parties for setting up the SEAFO Convention, which were convened from 1997 through 2001, and Japan had made a certain contribution to the process, Japan has not yet joined the organization because of various reasons.

However, Japan, as a responsible fishing country, has controlled its fishing vessels operating in the SEAFO Convention area, reported the secretariat information on these two vessels, and provided the secretariat with catch and effort data of these vessels. Furthermore, these fishing vessels have been sending entry report into the SEAFO convention area to the secretariat, and in addition, these vessels have implemented VMS and transmitted VMS data to the secretariat all the time while they are in the SEAFO Convention area thereby observing Conservation Measures adopted by the commission.

Japan is committed to conservation, management and sustainable utilization of living marine resources in the SEAFO Convention area through cooperation and partnership with the concerned parties. Japan kindly asks for SEAFO Contracting Parties' understanding on this matter.

I hope that this SEAFO meeting will have fruitful results.

Thank you.

6.2 Statement by WWF

WWF would like to express gratitude for the opportunity to participate in the 4th Annual Commission Meeting and congratulates SEAFO for progressive steps taken towards furthering the objectives of an Ecosystem Approach to Fisheries Management in the region.

WWF is encouraged by the Convention's commitment to the precautionary approach and to adopting, where necessary, conservation and management measures for non-target species. Given the importance of the area for albatrosses, we are particularly encouraged by the adoption of Conservation Measure 05/06 on Reducing Incidental By-catch Of Seabirds, which calls for members to record and exchange data on seabird interactions and seeks to reduce seabird by-catch through the use of effective mitigation measures. Furthermore, the proactive adoption of conservation measures concerning sea turtles and sharks is also commended. In this regard,

WWF would like to take this opportunity to suggest the establishment of a Bycatch or Ecosystem Working Group or Sub-committee. WWF has developed significant experience in these areas over the past 5 years, through its work with the Benguela Current Large Marine Ecosystem Programme and the governments of Angola, Namibia and South Africa. WWF commits itself to supporting SEAFO in the establishment of a more structured way of assessing and mitigating impacts on these vulnerable species in the region.

Moreover, the move to protect vulnerable habitats, such as sea mounts, is also highly commended and places SEAFO as a leader in the implementation of an ecosystem approach and in the global move towards offshore marine protected areas.

WWF further commends SEAFO on the development of an interim in port inspection scheme and the prohibition of at-sea transshipments, as well as the establishment of a list of vessels presumed to have undertaken illegal, unreported and unregulated fishing activities. Plans for a regional observer programme with independent observers, and for a regional enforcement system that will include both port and at-sea inspection are fully supported by WWF.

Furthermore, given the regional and dynamic nature of Large Marine Ecosystem processes, WWF would like to encourage a close working relationship between SEAFO and the developing Benguela Current Commission on ecosystem management.

WWF is concerned that South Africa is not as yet a member of SEAFO and we would strongly encourage the South African government to ratify this convention as soon as is practically possible.

WWF once again thanks the Commission for its geniality and wishes the delegates all the best for their deliberations over this week. WWF will be following these discussions closely and remains committed to assisting in any way we can.

Thank you

ANNEX 7

NEW SEAFO LIST OF SPECIES

FAO 3 Alfa Code	Common Name	Scientific Name	Transboundary
TOP	Patagonian toothfish	<i>Dissostichus eleginoides</i>	Yes
ORY	Orange Roughy	<i>Hoplostethus atlanticus</i>	Unknown
ALF	Alfonsinos	<i>Beryx spp</i>	Unknown
CGE	Deep-sea Red Crabs	<i>Chaceon spp</i>	Unknown
EDR	Armourhead / Boarfish	<i>Pseudopentaceros richardsoni</i>	Unknown
ORD	Oreo dories	Family Oreosomatidae	Unknown
CDL	Cardinal Fish	Epigonus spp.	Unknown
OCZ	Octopus	Family Octopodidae	Unknown
SQC	Squid	Family Loliginidae	Unknown
WRF	Wreckfish	<i>Polyprion americanus</i>	Unknown
SKA	Skates	Family Rajidae	Unknown
SKH	Sharks (deep-sea)	Order Selachomorpha	Unknown

ANNEX 8

CONSERVATION MEASURE 08/06 ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING ACTIVITIES

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. operator 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 transmit the IUU Vessel List and any relevant information regarding the list to the secretariats of the Commission for the Conservation of Antarctic Marine Resources (CCAMLR), the Northwest Atlantic Fisheries Organization (NAFO) and the North East Atlantic Fisheries Commission (NEAFC).
19. Upon receipt of the Final IUU Vessel Lists established by CCAMLR, the IUU list established by NAFO and the IUU B-list established by NEAFC and any information regarding the lists, the Executive Secretary shall circulate this information to the Contracting Parties. Vessels that have been added to or deleted from the respective lists that are flagged to non-Contracting Parties shall be incorporated into or deleted from the SEAFO IUU Vessel List as appropriate, unless any Contracting Party objects within 30 days of the date of transmittal by the Executive Secretary on the grounds that:

- i there is satisfactory information to establish that any of the requirements in paragraph 13 a) or b) have been met with regard to the CCAMLR Final IUU Vessel List, the NAFO IUU list or the NEAFC IUU B-list, or
- ii there are satisfactory information to establish that none of the requirements in paragraph 13 a) or b) have been met with regard to a vessel taken of the respective lists.

In the event of an objection to a vessel listed by CCAMLR, NAFO and NEAFC being incorporated into or deleted from the SEAFO IUU Vessel List, such vessel shall be placed on the Provisional IUU Vessel List. Paragraphs 5-8 shall not apply to vessels placed on the Provisional IUU Vessel List pursuant to this paragraph.

- 20. 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.
- 21. 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

- 22. 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 9

CONSERVATION MEASURE 09/07 TO AMEND AND CONSOLIDATE CONSERVATION MEASURE 02/05 RELATING TO INTERIM PORT STATE MEASURES

The Contracting Parties to the SEAFO Convention

Recalling that in Conservation Measure 02/05 the SEAFO Commission adopted Interim Port State Measures to maintain an effective system of Port State control and established procedures for the conduct of port State inspections and the reporting of these inspections;

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

Determined to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels.

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

Convinced that an effective means of address IUU fishing activities is through the application of stringent Port State measures;

Recalling further that the United Nations General Assembly, in its 2005 Sustainable Fisheries resolution (60/31) urged States to cooperate, in particular at the regional level and through regional and subregional fisheries management organizations and arrangements to apply the FAO Model Scheme at the national and regional levels and to promote its application through regional fisheries management organizations and arrangements and bodies;

Noting that the Twenty-seventh Session of the FAO Committee on Fisheries held in March 2007 agreed to develop a legally binding instrument on port State measures;

Recalling that SEAFO has adopted in Conservation Measure 03/06 a prohibition on transshipments at sea and has consequently regulated transshipments in port;

Have agreed as follows:

Conservation Measure 02/05 is replaced by the following.

Scope of Application

1. Contracting Parties shall, in accordance with their duties under Article 15 of the SEAFO Convention, maintain an effective system of port State control for all fishing vessels calling at their ports and who have been engaged in fishing activities in the SEAFO Convention Area.

Designation of Ports

2. Contracting Parties shall designate and publicize ports to which foreign fishing vessels may be permitted access to land catch, conduct transshipment operations or undertake any activities in support of their fishing operations.

3. Contracting Parties shall, to the greatest extent possible, ensure that ports designated in accordance with paragraph 2 of this measure, have sufficient capacity to conduct inspections and take other measures in accordance with SEAFO Conservation and Management measures.

SEAFO Register of Ports

4. The Secretariat shall establish a register of all ports submitted to it by Contracting Parties and the accompanying information, including associated conditions of entry and the period of notice required. This register shall be published, and updated as required, on the Commission's website.

Prior notice of entry into port

5. Contracting Parties shall, before granting access to its ports, require masters of vessels to notify the competent authorities of the port they wish to use at least 3 working days before the estimated time of arrival. However, a Contracting Party may make provision for another notification period, taking into account, *inter alia*, distance between the fishing grounds and its ports. In such a case the Contracting Party concerned shall without delay inform the Executive Secretary, who shall put this information on the SEAFO website.

Notification of Designated Ports and Conditions of Access

6. Contracting Parties shall notify the Secretariat of all ports in their jurisdiction designated in accordance with paragraph 2 of this Measure and the associated conditions of entry, including the period of advance notice and information required from the vessel prior to it entering a Contracting Party's port, EEZ or both. The minimum standard of information Contracting Parties may require foreign fishing vessels to provide prior to entry into their ports shall be as set out in **Appendix A**. Any subsequent changes to the requirements shall be notified to the Secretariat at least **[30 days]** before the change becomes effective.

Prohibition of landings and transshipment

7. Contracting Parties shall prohibit landings, transshipment, processing and commercial transactions of species covered by the Convention that are positively identified as originating from fishing activities that contravene any element of the SEAFO conservation and management measures.

8. Contracting Parties shall, in appropriate situations, deny access to port services, including *inter alia*, refueling and re-supplying, but not including services essential to safety, health and welfare of the crew.

9. Nothing in paragraphs 5 and 6 of these Measures shall derogate from the rights of a Contracting Party, in accordance with international law and national law, to permit vessels to enter its ports or offshore installations under *force majeure* or for other humanitarian and emergency reasons.

Port Inspections

10. Contracting Parties shall ensure that inspections of fishing vessels in their ports are carried out at least in accordance with the procedures set out in **Appendix B**.

11. Contracting Parties shall ensure that inspections of fishing vessels in their ports are carried out by authorized inspectors trained and familiar with the Convention and relevant conservation and management measures adopted by the Commission and that their inspector training programmes at least include the minimum standards set out in **Appendix C**.

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

Port State Inspection Reports

13. Contracting Parties shall complete, on completion of the inspection, a report in the format provided for in **Appendix D**.

14. Contracting Parties shall cooperate and exchange information on port State measures and inspections with other Contracting Parties in order to give greatest effect to this measure.

15. To this effect, and to assist the SEAFO Compliance Committee, inspection reports shall be forwarded to the SEAFO Secretariat and the flag State of the vessel concerned without delay following the completion of the inspection.

Appendix A

Information to be provided in advance by fishing vessels

1. Vessel identification

- i) Name of the vessel;
- ii) External Identification Number;
- iii) International Radio Call Sign;
- iv) Flag State;
- v) Vessel owner (name and address of the vessel owner);
- vi) Type of VMS required by the Flag State; and
- vii) Previous Names (s) and Flag State(s), if any.

2. Purpose of access to port

3. Fishing authorization (licenses/permits)

- i) The vessel's authorization(s) to fish;
- ii) State(s) issuing the authorization(s);
- iii) Areas, scope and duration of the authorization(s);
- iv) Species and quota authorized; and
- v) Fishing gear authorized.

4. Trip information

- i) Date trip commenced (date when the current trip started);
- ii) Areas visited (entry and exit from different areas);
- iii) Ports visited (entry into and exit from different ports); and
- iv) Date trip ended (date when the current trip ended).

5. Species information

- i) Fish species and fishery products onboard, particularly those to be landed;
- ii) Areas of capture;
- iii) Presentation (product form);
- iv) Processed weight; and
- v) Equivalent live weight.

Appendix B

Port State Inspection Procedures of Fishing Vessels

1. Vessel identification

The port inspector(s) should:

- a) verify that the official documentation onboard is valid, if necessary, through appropriate contacts with the flag State or international records of fishing vessels;
- b) be assured that the flag, the external identification number (and IMO ship identification number when available) and the international radio call sign are correct;
- c) examine whether the vessel has changed flag and, if so, note the previous name(s) and flag(s);

- d) note the port of registration, name and address of the owner (and operator if different from the owner) and the name of the master of the vessel, including the unique ID for company and registered owner if available; and
- e) note name(s) and address(es) of previous owner(s), if any.

2. Authorization(s)

The port inspector(s) should verify that the authorization(s) to fish or transport fish and fishery products are compatible with the information obtained under paragraph 1 and examine the duration of the authorization(s) and their application to areas, species and fishing gear.

3. Other documentation

The port inspector(s) should review all relevant documentation¹ which may include various logbooks, in particular the fishing logbook, as well as stowage plans and drawings or descriptions of fish holds if available. Such holds or areas may be inspected in order to verify whether their size and composition correspond to these drawings or descriptions and whether the stowage is in accordance with the stowage plans. Where available, this documentation should also include catch documents issued by any regional fisheries management organization, trade documents or, if applicable, CITES documents.

4. Fishing gear

- a) The port inspector(s) should verify that the fishing gear on board is in conformity with the conditions of the authorization(s). The gear may also be checked to ensure that the mesh size(s) (and possible devices), length of nets, hook sizes etc. are in conformity with applicable regulations and that identification marks of the gear correspond to those authorized for the vessel.
- b) The port inspector(s) may also search the vessel for any fishing gear stowed out of sight.

5. Fish and fishery products

- a) The port inspector(s) should, to the greatest extent possible, examine whether the fish and fishery products on board are harvested in accordance with the conditions set out in the

¹ It is understood that documentation includes documents in electronic format.

authorization. In doing so, the port inspector(s) should examine the fishing logbook, reports submitted, including those resulting from a vessel monitoring system (VMS), as appropriate.

b) In order to determine the quantities and species which are fresh on ice, frozen but not packed, processed, packed or in bulk, the port inspector(s) may examine the fish in the hold or during the landing. In doing so, the port inspector(s) may open cartons where the fish has been pre-packed and move the fish or cartons to ascertain the integrity of fish holds.

c) If the vessel is unloading, the port inspector(s) may, to the greatest extent possible, verify the species and quantities landed. Such verification may include presentation (product form), live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight. The port inspector(s) may also examine any possible quantities retained onboard.

d) If the port inspector(s) has reasonable grounds to believe that a vessel has engaged in, or supported IUU fishing, the port inspector(s) should as soon as possible contact the flag State authorities to verify whether the fish and fishery products have been harvested or collected in the areas as recorded in the relevant documents. To this effect, the port inspector(s) may also review the quantity and composition of all catch onboard, including by sampling.

6. Report

The result of the port State inspection should be presented to the master of the vessel and a report should be completed, signed by the inspector and the master. The master should be permitted the opportunity to add any comments to the report.

Appendix C

TRAINING OF PORT STATE INSPECTORS

Elements of a training programme of port State inspectors should at least include the following:

- 1) Training in inspection procedures
- 2) Provision of information on relevant conservation and management measures, as well as relevant laws and regulations and applicable rules of international laws;
- 3) Information sources, such as log books and other electronic information that may be useful for the validation of information given by the master of the vessel;
- 4) Fish species identification and measurement calculation;
- 5) Catch landing monitoring, including determining conversion factors for the various species and products;
- 6) Vessel boarding/inspection, hold inspections and calculation of vessel hold volumes; gear measurements and inspections;
- 7) Collection, evaluation and preservation of evidence;
- 8) Range of measures available following the inspection; and
- 9) Training in relevant languages, particularly English.

Appendix D

SEAFO Port State Control Inspection Report

A. INSPECTION REFERENCE	
Port State	Port of landing or transshipment

B. VESSEL IDENTIFICATION			
Name of fishing vessel	Identification Number and IMO Number (if available)	Radio call sign	Flag State

Type of Fishing Vessel	Port of Registration	Name and Address of Vessel Owner	Vessel Operator, if different from owner
Flag State Party to a Regional fisheries Management Organisation, if so which	Previous Name(s) and Flag(s) of Vessel if any.	Name(s) and Address(es) of Previous Vessel Owner(s), if any	Name and Certificate of Master
C. FISHING AUTHORISATION			
AUTHORISATION NUMBER		ISSUING STATE	
AREA, SCOPE AND DURATION OF AUTHORISATION		SPECIES AND FISHING GEAR COVERED BY AUTHORISATION	

D. TRIP INFORMATION	
DATE WHEN CURRENT TRIP STARTED	ENTRY TO AND EXIT FROM DIFFERENT AREAS
AREAS WHERE FISH AND FISH PRODUCTS WERE HARVESTED	OTHER PORTS VISITED DURING THIS TRIP
E. RESULTS OF THE LANDING INSPECTION	

H. RESULTS OF INSPECTION		
Inspection started		
Inspection ended		
OBSERVATIONS:		

I. INFRINGEMENTS NOTED		
Article	Cite SEAFO provision(s) violated and summarise pertinent facts	
Inspectors name	Inspectors signature	Date and place

J. OBSERVATIONS BY THE MASTER
<p>I, the undersigned, Master of the vessel hereby confirm that a copy of this report have been delivered to me on this date. My signature does not constitute</p>

acceptance of any part of the contents of this report, except my own observations, if any.

Signature: _____ Date : _____

K DISTRIBUTION

Copy to flag State	Copy to SEAFO Secretary

ANNEX 10

CONSERVATION MEASURE 10/07 FIXING CATCH LIMITS AND RELATED CONDITIONS FOR THE PATAGONIAN TOOTHFISH AND RED CRAB FISHERIES IN THE SEAFO CONVENTION AREA IN 2008 AND 2009

The Commission

In accordance with the recommendations of the Scientific Committee contained in their 2007 report (paragraphs 8 f and g);

Hereby adopts the following measures

1 1 PATAGONIAN TOOTHFISH

- 1.1 An annual catch limit of 260 tonnes is fixed for 2008 and 2009 in the SEAFO Convention area.
- 1.2 Each vessel shall report their catch including nil returns by electronic means to the SEAFO secretariat every 5 days of the fishing trip.

2. Deep sea red crab spp.

- 2.1 An annual catch limit of 200 tonnes is fixed for Sub Division B1 and 200 tonnes for the remainder of the SEAFO Convention area for 2008 and 2009.
- 2.2 Each vessel shall report their catch, including nil returns, by electronic means, to the SEAFO secretariat every 5 days of the fishing trip.

3. Closure of Fisheries

The Executive Secretary is mandated to close the fisheries when the catch limits referred to in paragraphs 1.1 or 2.1 are deemed to be exhausted.

4. CPUE Data

Flag States of vessels involved in these fisheries shall provide detailed catch and effort data no later than three months before the Scientific Committee Annual Meeting in 2008 and 2009, respectively.

5. Compliance

Vessels identified as not complying with these provisions, as well as other relevant SEAFO Conservation and Management measures 02/05, 03/06, 04/06, 05/06 and 07/06, shall be considered to be conducting IUU fishing and be subject to listing in accordance with Conservation Measure 08/06.

ANNEX 11

CONSERVATION MEASURE 11/07 LAYING DOWN CONDITIONS FOR THE RESUMPTION OF FISHING ACTIVITIES IN AREAS SUBJECT TO CLOSURE THROUGH CONSERVATION MEASURE 06/06

The Commission

Taking into account the recommendation from the Scientific Committee contained in their 2007 Report, Section 8 (e) on measures to be taken for areas subject to closure by Conservation Measure 06-06 before fishing is resumed;

Noting the need to ensure a precautionary approach in re-opening any areas currently subject to closure;

Adopts the following conditions;

1. In the absence of advice from the Scientific Committee on the representative areas that may be fished on each seamount, as defined in Annex 1 of Conservation Measures 06/06, these areas shall remain closed.
2. No fishing shall resume in a closed area until the following processes have been respected;
 - a) Vulnerable marine ecosystems (including seamounts, hydrothermal vents and cold water corals) have been identified and mapped in the area and an assessment has been made on the impact of any resumption of fishing on such vulnerable marine ecosystems. This information shall be submitted to the Scientific Committee for its evaluation and recommendation to the Commission.
 - b) Subject to the decision of the Commission, Contracting Parties may submit Research Fishing Plans for evaluation by the Scientific Committee on its impact both on the sustainability of the fisheries resources and on their possible impact on vulnerable marine habitats. The Scientific Committee shall submit its recommendation to the Commission for decision on any re-opening of the area to fishing.

ANNEX 12

APPROVED BUDGET AND CONTRIBUTIONS FOR 2008 (NAMIBIAN DOLLARS)

	BUDGET LINE	ACTIVITY DESCRIPTION	ALLOCATION (N\$)
EXPENDITURES	3000/000	Accounting Fees	27000.00
	3050/000	Advertising & Promotions	10000.00
	3200/000	Bank Charges	12000.00
	3300/000	Computer Expenses	4000.00
	3301/000	Software Upgrade	5000.00
	3302/000	Rent Internet - Internet lease Line	62000.00
	3303/000	Rent - Internet	5000.00
	3304/000	VMS - Related Costs	78000.00
	3310/000	Security/Alarm	1200.00
	3355/000	Contingency	8000.00
	3400/000	Courier & Postage	6500.00
	3700/000	Miscellaneous	2400.00
	3850/000	Insurance	15900.00
	4051/000	Reports and Translation	50000.00
	4070/000	Meetings & Conferences	130000.00
	4200/000	Printing & Stationery	6000.00
	4300/000	Rent Paid	96200.00
		Rental & Maintenance	
	4310/000	Switchboard	7000.00
	4315/000	Rental & Maintenance Copier/Fax	2550.00
	4400/000	Salaries - PAYE included	833175.00
	4500/000	Office expenses	1800.00
	4600/000	Telephone and Fax	21000.00
	4650/000	Travel - Flights	100000.00
	4700/000	Wages - Casual	15000.00
	4710/000	Car Allowance	18900.00
	6250/010	Computer Equipment	3000.00
	6300/000	Office Equipment	3000.00
8300/000	Petty cash	5000.00	
	TOTAL EXPENDITURE		1529625.00
INCOME	9510/000	SEAFO Staff PAYE	108684.00
	1200/000	Contributions by Parties	1420941.00
		TOTAL INCOME	
	Contribution to 2008	Overage from 2007	Actual contribution
Angola	355235.25	130932	224303.25
EU	355235.25	0	355235.25
Namibia	355235.25	2,309	352926.25
Norway	355235.25	1,983	353252.25
Grand Total	1420941.00		1285717.00

ANNEX 13

TERMS OF REFERENCE ESTABLISHING A COMPLIANCE COMMITTEE OF THE SOUTH EAST ATLANTIC FISHERIES ORGANISATION (SEAFO)

Establishes, in accordance with Article 9 of the Convention, a Compliance Committee.

The functions of the SEAFO Compliance Committee shall be to:

1. Review compliance with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;
2. Review the implementation of measures for monitoring, control, surveillance and enforcement adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;
3. Define, develop and make recommendations to the Commission concerning the phased development and implementation of the SEAFO Control and Inspection Scheme;
4. Monitor, review and analyze information pertaining to the activities of Non-Contracting Parties and their vessels which undermine the objectives of the Convention including, in particular, IUU fishing, and recommend actions to be taken by the Commission to discourage such activities;
5. Perform such other tasks as directed by the Commission;

The Compliance Committee shall meet during the Annual Meeting of the Commission.