

Odd Gunnar Skagestad:¹

Global Ocean Issues and the Rôle of Regional Fisheries Management Organizations (RFMOs): The South East Atlantic Fisheries Organization (SEAFO) as a Case in Point.

General Introduction

Initiatives to establish regional organizations for cooperation among fishing nations have a venerable history. Thus, an early post-WW2 example was the now defunct International Commission for the Northwest Atlantic Fisheries (ICNAF), which was in operation from 1949 to 1978, and which may be considered to be the predecessor to the contemporary Northwest Atlantic Fisheries Organization (NAFO). As a later, but still existing and quite mature organization, mention should be made of the International Commission for the Conservation of the Atlantic Tuna (ICCAT), which was established in 1966. The rôle of such organizations was considerably enhanced with the development of the Law of the Sea in the 1970's and 1980's, esp. the conclusion of the 1982 U.N. Law of the Sea Convention (UNCLOS).

The conclusion of the 1995 U.N. Fish Stocks Agreement (UNFSA) entailed further expanded responsibilities for the existing RFMO's – ushering in an era of modernization and renewal of their directions, scope and activities. It also gave the impetus to the establishment of new RFMO's in parts of the world oceans where such bodies of regional cooperation had previously not existed. One of the new RFMO's which has come into life during the past decade is the South East Atlantic Fisheries Organization (SEAFO).

The South East Atlantic Fisheries Organizations (SEAFO)

SEAFO is a regional fisheries management organization in the South East Atlantic Ocean established in line with the provisions of the 1982 U.N. Law of the Sea Convention

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(UNCLOS) and the 1995 U.N. Fish Stocks Agreement (UNFSA). The objective of the SEAFO Convention (The Convention on the Conservation and Management of Fisheries Resources in the South East Atlantic Ocean) is to ensure the long-term conservation and sustainable use of the fishery resources in the Convention Area through the effective implementation of the Convention. The Convention Area does not include exclusive economic zones (EEZ's) of the coastal states in the region.

The initiative to establish a regional fisheries management organization in the region came from Namibia in 1995 and was shared with and gained support from coastal states of Angola, South Africa and the United Kingdom (on behalf of St.Helena and its dependencies of Tristan da Cunha and Ascension Islands). Various meetings of coastal states took place between 1995-1997 where the initial ideas to form a basis for negotiations were ironed-out and eventually presented to the first meeting that also included other participants with real interest in the fishery. The negotiations for the Convention took place between 1997-2001 with several meetings held within the region and beyond.

The Convention was signed in April 2001 in Windhoek by Angola, the European Union, Iceland, Namibia, Norway, the Republic of Korea, South Africa, the United Kingdom (on behalf of St.Helena and its dependencies of Tristan da Cunha and Ascension Islands), and the United States of America. It entered into force in April 2003 after the deposit of instruments of ratification by Namibia and Norway and approval by the European Union as required under Article 27 of the Convention. States that have participated in the negotiations but have not signed the Convention are the Russian Federation and Ukraine.

The Convention is the first to create a regional management organization after the adoption of the UNFSA. Although the UNFSA was not in force at the time of the signature of the SEAFO Convention and for that reason did not create a binding obligation for the participants in the SEAFO negotiations, it nonetheless formed an essential backdrop to those negotiations.

From the date of signatures in 2001, the Ministry of Fisheries and Marine Resources in Namibia acted as an Interim Secretariat. In March 2005 and with the appointment of the staff, the permanent secretariat was opened in Walvis Bay, Namibia. In January 2012 the Secretariat moved to Swakopmund (Namibia), into new premises generously sponsored by the Namibian government (thus relieving the organization of the financial burden of paying office rent).

The Contracting Parties assume responsibilities of the SEAFO Chairmanship on a rotation basis, currently (2013) filled by South Africa.²

SEAFO comprises of the Commission, the Scientific Committee, the Compliance Committee and the Standing Committee on Administration and Finance as subsidiary bodies, and the Secretariat. The Commission may establish other subsidiary bodies from time to time to assist in meeting the objective of the Convention. The Commission has an oversight responsibility of the Organization. The Scientific Committee provides scientific advice on the resources status and on harvesting levels taking into consideration, among others, the ecosystem approach (Article 3) and the precautionary approach principles (Article 7). The institutions are designed to function according to the principles of cost-effectiveness and to expand only at the same pace as its workload.

Economic important SEAFO fish species in the Convention Area include sedentary / discrete and straddling species such as alfoncino, orange roughy, oreo dories, armourhead, sharks, deepwater hake and red crab. The inclusion of discrete high seas stocks takes the SEAFO Convention beyond the scope of the UNFSA.

Developments 2003-2012:

Whereas SEAFO at the outset only comprised 4 members - Norway, Namibia, Angola and the EU Commission. Three more countries – South Africa, Japan and the Republic of Korea - have subsequently ratified the Convention. Thus, SEAFO has now 7 contracting parties.

Although SEAFO is less than 10 years old, it has made great strides toward developing into a well-functioning organization, with a modern structure, a comprehensive system of routines, rules and regulations, and well-established links and working relations with other RFMOs and relevant international bodies. From a modest start, SEAFO has embarked on a series of ambitious endeavours and undertakings, facilitated by a professional permanent secretariat with a competent staff, handling an annual budget of 3,2 mill. N \$ (i.e. approximately ½ mill. US \$). Thus, SEAFO today is firmly established as a full-fledged, operational and mature regional management body, with extensive responsibilities covering enormous sea areas containing highly important marine resources.

² The Chairperson for 2013-2014 is Ms Marisa Kashorte, Policy Analyst, Intergovernmental and International Relations, South African Department of Agriculture, Forestry and Fisheries

Developments during these years include the following:

- In 2005 and 2006 agreement on a number of measures related to ecosystem-based management, thus 10 sensitive areas including 15 seamounts were closed for fisheries from 1 January 2007. Agreement on measures to reduce bycatch of seabirds (based on the FAO Plan of action from 1999). Agreement on a number of measures to combat IUU fisheries, including a system of blacklisting of IUU vessels. Adoption of ban on transshipments of catches on the high seas (the first RFMO to do so).
- In 2007 signing of Partnership Agreement between SEAFO and FAO, and a MoU between SEAFO and NEAFC. Adoption of a system of port state control (in line with FAO guidelines). Introduction of TACs for deep-sea crab and Patagonian toothfish (as recommended by the Scientific Committee).
- In 2008 implementation of UN fisheries resolution 61/105 concerning bottom gear fisheries with harmful effect on sensitive marine ecosystems (management regimes based on NAFO and NEAFC). Establishment of a Compliance Committee, addressing questions related to IUU fisheries.
- In 2009 introduction of TACs for alfonsinos and orange roughy (in addition to deep-sea crab and patagonian toothfish). Agreement on establishing a fund to be used by developing states in SEAFO for capacity-building.
- In 2010 implementation of a Performance Review, based on criteria used by CCAMLR and NEAFC.
- In 2011: Further progress reached on issues concerning the protection of vulnerable marine ecosystems (VMEs) and bottom fisheries, and on the implementation of the FAO Port State Agreement.

Back to the future

Among future tasks and challenges mention should be made of the need to continue to address the issues concerning IUU fisheries, including the further implementation of the FAO Port State Agreement. Likewise, further work on VME issues is envisaged. To improve and broaden the scientific knowledge base (through research as well as the collection of catch data) for management decisions will remain a priority task.

SEAFO is proud of the contribution which the organization during its early stages has been able to make in terms of its stated objective in the service of the long-term conservation and sustainable use of fishery resources. In this respect SEAFO appreciates the good working relations that has been established with other members of the wider RFMO family as well as with other relevant international bodies, and the organization remains committed to continued fruitful and mutually beneficial cooperation.

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Additional information, including basic documents such as the SEAFO Convention text, Annual Reports, contact details etc., can be downloaded from the Organisation's website www.seafo.org.

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Abstract

Initiatives to establish regional organizations for cooperation among fishing nations have a venerable history. Thus, an early post-WW2 example was the now defunct International Commission for the Northwest Atlantic Fisheries (ICNAF), which was in operation from 1949 to 1978, and which may be considered to be the predecessor to the contemporary Northwest Atlantic Fisheries Organization (NAFO). The rôle of such organizations was considerably enhanced with the development of the Law of the Sea in the 1970's and 1980's, esp. the conclusion of the 1982 U.N. Law of the Sea Convention (UNCLOS). The conclusion of the 1995 U.N. Fish Stocks Agreement (UNFSA) entailed further expanded responsibilities for the existing RFMO's – ushering in an era of modernization and renewal of their directions, scope and activities. It also gave the impetus to the establishment of new RFMO's in parts of the world oceans where such bodies of regional cooperation had previously not existed. One of the new RFMO's which has come into life during the past decade is the South East Atlantic Fisheries Organization (SEAFO). The objective of the SEAFO Convention (The Convention on the Conservation and Management of Fisheries Resources in the South East Atlantic Ocean) is to ensure the long-term conservation and sustainable use of the fishery resources in the Convention Area through the effective implementation of the Convention. The Convention Area does not include exclusive economic zones (EEZ's) of the coastal states in the region. The Convention is the first to create a regional management organization after the adoption of the UNFSA. Although the UNFSA was not in force at the time of the signature of the SEAFO Convention and for that reason did not create a binding obligation for the participants in the SEAFO negotiations, it nonetheless formed an essential backdrop to those negotiations. Whereas SEAFO at the outset only comprised 4 members - Norway, Namibia, Angola and the EU Commission. Three more countries – South Africa, Japan and the Republic of Korea - have subsequently ratified the Convention. Thus, SEAFO has now 7 contracting parties, and has made great strides toward developing into a well-functioning organization, with a modern structure, a comprehensive system of routines, rules and regulations, and well-established links and working relations with other RFMOs and relevant international bodies. From a modest start, SEAFO has embarked on a series of ambitious endeavours and undertakings. Among future tasks and challenges mention should be made of the need to continue to address the issues concerning IUU fisheries, including the further implementation of the FAO Port State Agreement. Likewise, further work on VME issues is envisaged. To improve and broaden the scientific knowledge base (through research as well as the collection of catch data) for management decisions will remain a priority task. SEAFO is proud of the contribution which the organization during its early stages has been able to make in terms of its stated objective in the service of the long-term conservation and sustainable use of fishery resources. In this respect SEAFO appreciates the good working relations that has been established with other members of the wider RFMO family as well as with other relevant international bodies, and the organization remains committed to continued fruitful and mutually beneficial cooperation.

Biography

Odd Gunnar Skagestad, male, political scientist, graduated from the Oslo University in 1971. He worked for the Fridtjof Nansen Institute 1971-74, since 1974 worked as a career diplomat in the Norwegian Ministry of Foreign Affairs (MFA). Was seconded to the Ministry of Fisheries 1991-92 as Chief International Negotiator, in 1999-2000 seconded to the Organization for Security and Cooperation in Europe (OSCE) as Head (Ambassador) of the Assistance Group to Chechnya. Been posted to Norwegian foreign missions in Moscow, Lagos, Cape Town, Murmansk (Consul General). Assignment as Permanent Representative (Ambassador) to the International Whaling Commission 1999-2003. In 2011-2012 Chairperson of the South East Atlantic Fisheries Organisation (SEAFO). Present position Specialist Director (marine resources portfolio), MFA. He is the author of several books, a number of monographs and scientific reports and hundreds of articles in Norwegian and foreign books, journals and newspapers.