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Global ocean issues and the role of regional fisheries management organizations: The South East Atlantic Fisheries Organization (SEAFO)

Odd Gunnar Skagestad

Kirkeveien 1 B, 0266 OSLO, Norway.

E-mail: oguns@broadpark.no. Tel: +47-95754211.

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Abstract

Although initiatives to establish regional organizations for cooperation among fishing nations go back to the late 1940's, the role of such organizations was considerably enhanced with the development of the Law of the Sea in the 1970's and 1980's, especially the conclusion of the 1982 United Nations Law of the Sea Convention (UNCLOS). The conclusion of the 1995 United Nations Fish Stocks Agreement (UNFSA) entailed further expanded responsibilities for the existing Regional Fisheries Management Organization (RFMO); 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 was 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 four members, which are Norway, Namibia, Angola and the European Union (EU) commission, three more countries; South Africa, Japan and the Republic of Korea have subsequently ratified the convention. Thus, SEAFO has now seven 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 mentioned should be made of the need to continue to address the issues concerning illegal, unregulated and unreported (IUU) fisheries, including the further implementation of the FAO Port State Agreement. Likewise, further work on vulnerable marine ecosystem (VME) issues is envisaged. To improve and broaden the scientific knowledge base for management decisions will remain a priority task. Above all, however, the continued success of the organization will be measured in terms of its ability to address the need to reconcile the objectives of conservation and rational resource exploitation in a way that entails adopting practical management measures and the need to broaden the membership base to include all major distant-fishing nations which operate in the convention area, as well as other nations which could provide strengthened support for the organization's objectives.

Key words: Global ocean issues, RFMO's, SEAFO, marine management, international cooperation.

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 1949-1978, and which may be considered to be the predecessor to the contemporary Northwest Atlantic Fisheries Organization (NAFO, 1978). 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, 1966), which was established in 1966. The role of such organizations was considerably enhanced with the development of the Law of the Sea in the 1970's and 1980's, especially the conclusion of the 1982 United Nations Law of the Sea Convention, abbr. UNCLOS (UN, 1982).

The conclusion of the 1995 United Nations Fish Stocks Agreement, abbr. UNFSA (UN, 1995) entailed further expanded responsibilities for the existing regional fishery management organizations, popularly known as RFMOs (Løbach, 2002; Hoel and Kvalvik, 2006; Løbach, 2008); ushering in an era of modernization and renewal of their directions, scope and activities, at the same time encouraged by new guidelines and action plans developed under the auspices of the United Nations Food and Agriculture Organization (FAO, 1993; FAO, 1995; FAO, 2001; FAO, 2009; Reykjavik, 2001). UNFSA 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, commonly known as SEAFO (SEAFO, 2001).

The objective of this study is to highlight, using the SEAFO experience as a case study, the various tasks and challenges which an RFMO will, typically, have to address as it emerges and evolves from its embryonic stage into a more mature instrument for regional cooperation, in accordance with rules and guidelines established under the auspices of the United Nations and its subsidiary bodies. In the process, this approach would also help identify the main obstacles which an RFMO must overcome in order to maintain its relevance and long-term viability (Payne, 2004; Damanaki, 2012; Lubchenco, 2012).

Abbreviations: **CCAMLR**, Commission for the Conservation of Antarctic Marine Living Resources; **CBD**, convention on biological diversity; **EBSA**, ecologically or biologically significant marine area; **EEZs**, exclusive economic zones; **EU**, European Union; **FAO**, Food and Agriculture Organization; **ICCAT**, International Commission on the Conservation of the Atlantic Tuna; **ICNAF**, International Commission for the Northwest Atlantic Fisheries; **IUU**, illegal, unregulated and unreported; **NAFO**, Northwest Atlantic Fisheries Organization; **NEAFC**, North East Atlantic Fisheries Commission; **RFMO**, Regional Fisheries Management Organization; **SEAFO**, South East Atlantic Fisheries Organization; **TAC**, total allowable catch; **UNCED**, United Nations Conference on Environment and Development; **UNCLOS**, United Nations Convention on the Law of the Sea; **UNFSA**, United Nations Fish Stocks Agreement; **VME**, vulnerable marine ecosystem; **WSSD**, world summit on sustainable development; **U.N.**, United Nations; **USA**, United States of America; **WW2**, second world war.

THE SOUTH EAST ATLANTIC FISHERIES ORGANIZATIONS

The South East Atlantic Fisheries Organizations (SEAFO) is a regional fisheries management organization in the south east Atlantic Ocean established in line with the provisions of the 1982 United Nations Law of the Sea Convention (UNCLOS) and the 1995 United Nations 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 (EEZs) 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 (Sydnes, 2001). 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 (SEAFO, 2001).

States that have participated in the negotiations but have not signed the convention include the Russian Federation and Ukraine. The convention was 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).

SEAFO commission meetings take place on an annual basis. Up until 2012 all annual meetings were held in Namibia (Windhoek, except in 2009, when the commission met in Swakopmund). In 2012 the commission meeting took place in Busan (Korea), whereas Lobito (Angola) will be the next venue, in December 2013 (SEAFO, 2012).

The contracting parties assume responsibilities of the SEAFO chairmanship on a rotation basis, currently (2013) filled by South Africa (SEAFO, 2013).

SEAFO's organizational structure 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 and the precautionary approach principles. The institutions are designed to function according to the principles of cost-effectiveness and to expand only at the same pace as its workload (SEAFO, 2013).

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

Developments 2003-2013

Whereas SEAFO at the outset only comprised four members namely, Norway, Namibia, Angola and the EU Commission, three more countries; South Africa, Japan and the Republic of Korea, have subsequently ratified the convention. It has become a standing policy of SEAFO to actively invite additional countries to join the organization as contracting parties. In this context, a special case in point is the United States of America (USA), which, as one of the original signatories to the SEAFO convention made substantial contributions towards the negotiations which led to the establishment of the organization. However, in spite of repeated attempts to encourage the USA to ratify the convention, the Americans have so far refrained from becoming a full-fledged contracting party. Thus, SEAFO at the time of writing (2013) has seven contracting parties.

Although SEAFO has been in operation for less than ten years, 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 million N \$ (that is, approximately half a million US dollar). 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.

Developments during these years are therefore, in 2005 and 2006 agreement on a number of measures related to ecosystem-based management, thus ten sensitive areas including fifteen seamounts were closed for fisheries from 1st January 2007. Agreement on measures to reduce by-catches of seabirds (based on the FAO Plan of action from 1999).

Agreement on a number of measures to combat illegal, unregulated and unreported (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). 2007 signing of partnership agreement between SEAFO and FAO, and a memorandum of understanding (MoU) between SEAFO and the North-East Atlantic Fisheries Commission (NEAFC). Adoption of a system of port state control (in line with FAO guidelines). Introduction of total allowable catches (TACs) for deep-sea crab and Patagonian tooth fish (as recommended by the scientific committee).

The 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 TACs for alfonso and orange roughy (in addition to deep-sea crab and Patagonian tooth fish) were introduced. 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 the

commission for the conservation of Antarctic marine living resources (CCAMLR) and NEAFC (CCAMLR, 1982; NEAFC, 1982; SEAFO, 2010; Hoel, 2011).

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 (FAO, 2009; IISD, 2011). It was decided that all by-catches should be counted against the respective catch quotas in 2012. Detailed rules to avoid by-catches of seabirds were adopted, basically patterned on corresponding regulations introduced by CCAMLR for fisheries in the Antarctic.

The sustainability agenda: Rational use versus conservation

As noted above, SEAFO's objective 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". This is an objective which reflects the principles of "Sustainable Development", a term which was introduced in the 1987 report from the World Commission on Environment and Development, and which was defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (Brundtland, 1987; UN, 1987). Almost instantly, the term "Sustainable development" became a mantra in world politics. As such, it was the central theme and the guiding doctrine of such seminal and high-profile events as the 1992 Rio United Nations Conference on Environment and Development, popularly known as "the Earth Summit" (UNCED, 1992) and the 2002 Johannesburg world summit on sustainable development (WSSD, 2002), and also the so-called Rio plus 20 summit meeting in June 2012. More specifically, the expression gained almost universal acceptance as the guiding principle for the management of natural resources, including marine living resources. Thus, it may be noted that even those (countries or other actors) who may act contrary to this principle tend to pay lip-service to the concept and the very expression "Sustainable Development".

The core of the sustainable development agenda includes the twin concepts of environment conservation and resource management, which, ideally understood, constitute two aspects of the same issue. In simple terms, this means that nature's resources (and renewable resources in particular) should be used, but not be over-exploited to the point of depletion or extinction. The surplus yield of nature's production should be harvested prudently and responsibly (note the moral element). Thus, the sustainability agenda forms the ideological underpinning and rationale for the RFMO's including SEAFO.

In spite of the ideal perception of conservation and use as complementary or twin concepts, in practical politics they may frequently seem to be at loggerheads. To reconcile or strike the optimal balance between, the respective commercial interests of harvesting the fish resources and, on the other hand, the conservation agenda of environmentalist groups constitute a challenge to the cooperative endeavour of all RFMO's. Specifically in the case of SEAFO, this has entailed difficulties with reaching agreements on agreeing on concrete management measures, such as establishing precautionary catch quotas for certain perceived vulnerable fish stocks.

To address questions of this character will presumably continue to be a central issue, the handling of which may be crucial for the further successful operations of SEAFO. At the same time, lack of progress with regard to one set of questions may not necessarily be a stumbling-block with regard to the overall cooperative efforts.

Back to the future: A sustainable success story

Among other future tasks and challenges mentioned 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.

In the long-term perspective, however, two main areas will need to be addressed satisfactorily for the organization to be considered an unqualified success story: The need to reconcile the complementary objectives of conservation and rational resource exploitation in a way that entails adopting science-based, practical and enforceable management measures, and the need to broaden SEAFO's membership base to include all major distant-fishing nations whose vessels operate in the convention area, as well as other nations which can provide strengthened support (politically or otherwise) for the organization's objectives.

Collectively and individually, SEAFO contracting parties have expressed pride in 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 (notably, this was a topic on the occasion of the recent (13th April, 2013) observation of the ten-year anniversary of the SEAFO Convention's entering into force). In this respect SEAFO is

also (through the mutual exchange of observers) actively pursuing a policy of establishing direct and indirect working relations with other members of the wider RFMO family as well as with other relevant international bodies which are engaged in addressing global ocean issues. Thus, particular mention should be made of the contribution of SEAFO to the regional workshop on ecologically or biologically significant marine areas (EBSA) which took place in Swakopmund between 12-18 April, 2013, a workshop which was co-hosted by SEAFO and convened by the secretariat for the convention on biological diversity (CBD). As befits a mature RFMO, which during a short decade has derived great benefits from the longer experience of other regional and international organizations, SEAFO has consistently confirmed its commitment to continued fruitful and mutually beneficial cooperation. Considering the nature of the challenges ahead, such cooperation would appear to be a necessary prerequisite for SEAFO to maintain its future relevance and remain a viable RFMO and a sustainable success story.

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