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International and Regional Fisheries Agreements and Organisation in the SADC Region Legal Assessment and Review

Working Paper N.º 49
April 2006

Lux-Development SA
Landell Mills Ltd
Altair Asesores SA
Alpha Marine



SADC Monitoring Control and Surveillance of Fisheries Activities Programme



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Teresa Amador
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**The contents of this report do not necessarily reflect the policy or official position of the
Southern African Development Community or the European Commission.**

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ABBREVIATIONS

CCAMLR	Convention on the Conservation of Antarctic Marine Living Resources
CBD	Convention on Biological Diversity, 1992
CCRF	FAO Code of Conduct for Responsible Fisheries
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLC	International Convention on Civil Liability for Oil Pollution Damage
COMHAFAT	Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean
CECAF	Eastern Central Atlantic Fisheries Committee
COREP	Regional Fisheries Committee for the Gulf of Guinea
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organisation of the United Nations
FUND 72	International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage
ICCAT	International Convention for the Conservation of Atlantic Tuna
IFB's	International Fisheries Bodies
IFO	International Fisheries Organisations
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal Unregulated Fishing
IMO	International Maritime Organization
INFOPECHE	Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa
IOC	Inter-governmental Oceanographic Commission
IOMAC	Organisation for Indian Ocean Marine Affairs Cooperation
IOTC	Indian Ocean Tuna Commission
IWC	International Whaling Commission
LRBA	Aquatic Biological Resources Law 2004 (<i>Lei dos Recursos Biológicos Aquáticos</i>) (Angola)
LRLA	Local Residents Legal Advisers
MARPOL 73-78	1973 International Convention for the Prevention of Pollution from Ships and 1978 Protocol
MCS	Monitoring, Control and Surveillance
MLRA	Marine Living Resources Act 1998 (South Africa)
MLRR	Marine Living Resources Regulations 1998 (South Africa)
MRA	Marine Resources Act 2000 (Namibia)
MRR	Marine Resources Regulations 2001 (Namibia)
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
REPMAR	Marine Fisheries Regulations (Mozambique)
RLC	Regional Legal Coordinator
SADC	Southern African Development Community
SEAFO	South East Atlantic Fisheries Organisation
SOLAS	International Convention for the Safety of Life at Sea
STCW	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
SWIOFC	Southwest Indian Ocean Fisheries Commission
UNCLOS	United Nations Convention on the Law of the Sea of 10 December 1982
UNFSA	United Nations Fish Stocks Agreement
VMS	Vessel Monitoring System
WIOTO	Western Indian Ocean Tuna Organisation

EXECUTIVE SUMMARY

The present legal review:

- Provides an overview of the main international and regional agreements in force in each of the five countries;
- Identifies the main international fisheries bodies that each country is a member;
- Highlights the main multilateral agreements that countries have declared intention to ratify or adhere to;
- Describes the national process of ratification/adherence to multilateral agreements;
- Assesses the level of conformity of the national legislation and policy with international commitments;
- Presents the main international legal instruments applicable to the various countries;
- Presents the main international fisheries bodies that are common to the various countries;
- Identifies non-binding legal instruments in each of the five countries;
- Assesses the level of participation of each country in international fora;
- Identifies common elements and presents recommendations for facilitating co-ordinated and complementary actions within the SADC region.

Principal findings of the present legal assessment and review:

- The SADC Fisheries Protocol binds all Member States to adopt common positions and undertake co-ordinate and complementary actions with regard to international fora and international bodies;
- The SADC Fisheries Protocol identified in Appendix 1 the relevant international fora, conventions and agreements and in Appendix 2 the international fisheries bodies;
- All five countries have ratified UNCLOS but Angola has not yet adhered to the Agreement relating to the implementation of Part XI of UNCLOS and only Namibia and South Africa are Parties to UNFSA;
- The process of ratification or adherence to international agreements is different in each of the five countries. In common law countries national implementation legislation must be passed to give effect to multilateral agreements. On the contrary in civil law tradition countries the deposit of the instrument of ratification/adherence implies automatic application of such agreements at the national level;
- All five countries have accepted the CCRF, the Rome Declaration and the IPOA-IUU which are non-binding but reflect areas of consensus in the international community;
- The level of conformity between the national legislation and the international commitments is generally good but can be improved in some areas;
- The performance of each country in international fora varies depending on the priorities of the national policy, human capacity and financial support;
- Consultation and adoption of common positions between the five countries prior to negotiations at international fora was identified in all the countries as a useful way of improving performance and ensuring harmonisation within the SADC region in line with the requirements of the Fisheries Protocol.

SUMÁRIO EXECUTIVO

No âmbito do presente trabalho procede-se à:

- Identificação e caracterização dos principais acordos internacionais e regionais em vigor em cada um dos cinco países;
- Indicação das principais organizações internacionais de pesca de que estes países são membros;
- Investigação dos principais acordos multilaterais em relação aos quais a intenção de ratificação ou adesão foi declarada;
- Descrição dos processos nacionais de ratificação/adesão a acordos multilaterais;
- Avaliação da conformidade da legislação e política nacional com os compromissos internacionais assumidos;
- Caracterização dos principais instrumentos jurídicos internacionais aplicáveis aos vários países;
- Apresentação das principais organizações de pescas comuns aos cinco países;
- Identificação dos instrumentos jurídicos não vinculativos aceites por cada país;
- Avaliação da participação de cada país nos *fora* internacionais;
- Identificação dos elementos comuns e apresentação de recomendações que visam facilitar a coordenação e o desenvolvimento de acções complementares no seio da SADC.

Do presente estudo destacam-se as seguintes conclusões:

- O Protocolo de Pescas da SADC prevê que os Estados Membros adoptem posições comuns e desenvolvam acções coordenadas e de carácter complementar no que se refere à participação em *fora* e organizações internacionais;
- O Apêndice 1 do Protocolo de Pescas da SADC lista os *fora*, convenções e acordos internacionais mais relevantes, enquanto no Apêndice 2 são identificados os principais organismos internacionais de pesca;
- Todos os 5 países são Parte Contratante da Convenção das Nações Unidas para o Direito do Mar (UNCLOS). No entanto Angola ainda não aderiu ao Acordo relativo à implementação da Parte XI da UNCLOS e apenas a Namíbia e a África do Sul são Partes do Acordo relativo a implementação das disposições da UNCLOS, respeitantes à conservação e gestão das populações de peixes transzonais e das populações de peixes altamente migratórias;
- O processo de ratificação ou adesão a acordos internacionais difere de país para país. Nos países com sistemas de direito comum é necessária a aprovação de legislação de implementação para integração dos acordos multilaterais no ordenamento jurídico interno. Pelo contrário, nos países com tradição de direito civil, o depósito do instrumento de ratificação/adesão implica a automática aplicação desses mesmos acordos no ordenamento jurídico nacional;
- Todos os cinco países aceitaram o Código de Conduta para uma Pesca Responsável, a Declaração de Roma e o Plano de Acção de Combate à Pesca Ilegal, Não Reportada e Não Regulamentada (IPOA IUU). Estes instrumentos, embora de natureza voluntária, reflectem áreas de consenso a nível internacional;
- Verifica-se, de uma forma geral, um bom nível de conformidade entre a legislação nacional e os compromissos internacionais assumidos, o qual poderá ser melhorado em determinadas matérias;
- O desempenho de cada país nos *fora* internacionais varia consoante as prioridades estabelecidas pelas políticas nacionais, a capacidade em matéria de recursos humanos e o apoio financeiro;

- A consulta e a adopção de posições concertadas entre os cinco países, numa fase prévia às negociações em *fora* internacionais, são uma forma eficaz de melhorar a participação destes países e de assegurar uma harmonização no seio da SADC, em linha com o previsto pelo Protocolo de Pescas.

1 INTRODUCTION

The present report is based in the legal assessment and review of the international and regional agreements and organisations relating to each of the five countries that was undertaken under the supervision of the Regional Legal Coordinator (RLC) by Local Resident Legal Advisers (LRLA) in Angola, Mozambique, Namibia, South Africa and Tanzania.

The present report was guided by Art. 6° of the SADC Fisheries Protocol, which requires: *all State Parties to establish common positions and undertake co-ordinate and complementary action with regard to international fora and international bodies.*

The report also provides a description of the national process of ratification and adherence to multilateral agreements in each of the five countries and the effects of expressing consent to be bound by international agreements in common law systems and codified civil law systems.

The report provides an overview of the main multilateral agreements in force in each of the five countries, in line with Appendix 1 of the SADC Fisheries Protocol, which are compiled in a Table of Relevant Multilateral Agreements. Based in the findings of the comparative analysis it was possible to identify multilateral agreements that are in force in each of the five countries and those that have only been ratified or adhered to by some countries.

Also the report identifies the relevant international fisheries bodies in accordance with Appendix 2 of the SADC Fisheries Protocol. The main findings are compiled under Table of Main International Fisheries Bodies which allows an overview of the status of each country with regard to those international bodies.

With the purpose of identifying elements of harmonisation with regard to international fora and bodies a regional legal workshop was scheduled to take place in March 2006. Due to delays from national consultants in submitting their findings with regard to the international legal instruments and organisations relevant to each of their countries the workshop was cancelled. The lack of regional discussion affected the conclusions and recommendations regarding elements of harmonisation.

Chapter 2 identifies the objectives and chapter 3 describes the methods followed in drafting the present Report.

Under Chapters 4 to 8 an overview is provided of the national fisheries legislation and policy in place in each of the five countries and an assessment is made of the level of conformity of the national framework with international commitments in Angola, Mozambique, Namibia, South Africa and Tanzania. Also a description is provided of the process of ratification/adherence to multilateral agreements in each country.

Chapter 9 contains the main multilateral agreements relevant within the SADC region and the status of each of the five countries with regard to them and Chapter 10 highlights the main fisheries bodies.

The report concludes with the identification of some elements of harmonisations and makes recommendations.

2 OBJECTIVES

The general objective of the present assignment is to contribute to the proper implementation of the SADC Fisheries Protocol namely with regard to International Relations within the SADC region.

Based in the work provided by the LRLA and research undertaken at the regional level the present report aims at:

- Describing the process of ratification/adherence in place in each of the five countries;
- Identifying the national legislation and policy in force in each of the five countries;
- Assessing the level of conformity of the national legal and political framework with international commitments;
- Identifying elements to facilitate the establishment of common positions and undertaking of co-ordinated and complementary actions with regard to international fora and bodies.

3 METHOD

In order to conduct the national studies, the LRLA were provided with a template of the outputs to be produced and the following information:

- Background of most relevant multilateral fisheries agreements, which is provided in Annex I;
- Background of most relevant non-binding instruments, which is provided in Annex II;
- Background of most relevant fisheries bodies which is provided in Annex III.

National research was also based in contacts with the national authorities regarding the process of ratification/adherence to multilateral agreements, identification of the intentions of the government with regard to multilateral agreements not yet signed, ratified or adhered to and assessment of the level of performance.

The fact that the national studies were delivered to the RLC very late and in some cases with insufficient findings affected the regional findings and the identification of elements of harmonisation. Also the scope of the information collected nationally varies immensely which affected the uniformity of the findings provided under the present overview of the national legal and political systems.

The national research was completed by the RLC through the secretariats of the international and regional conventions and relevant sources with regard to international bodies.

4 ANGOLA

4.1 National process of ratification/adherence to multilateral agreements

The Angolan Constitution¹ establishes that constitutional and legal rules shall be interpreted in accordance with the international agreements binding upon Angola.

A specific law was adopted in 1990 (Law 6/90 from 05.05) which sets up the procedures for conclusion of multilateral agreements. In accordance with this law all fisheries agreements are classified as *formal treaties* as opposed to those that the law designates as governmental treaties or simplified treaties. Treaties are negotiated by the line function Ministry, in this case the Ministry of Fisheries, and always with the intervention of the Ministry of Foreign Affairs. The proposal to ratify/adhere to a international legal instruments is submitted to the Council of Ministers for deliberation and later approved by the Parliament who used to be the competent body to express consent to be bound by international treaties and to denounce them. However this powers is now vested with the President.

The deposit of an instrument of ratification by the Angolan State is done though the Ministry of Foreign Affairs after which the agreement becomes automatically effective at the national level.

4.2 Main fisheries policy and legislation

The Angolan Constitution prescribes that all natural resources existent in the soil, subsoil, interior waters, territorial sea, contiguous zone and EEZ belong to the State which is responsible for promoting their conservation and exploitation for the benefit of the community at large.

The recent fisheries policy in Angola foresees the elaboration of the General Plan and Development Strategy of the Fisheries sector, the regulation of the LRBA, the strengthening of the MCS capacity, and development of research capacity. Simultaneously there is an ongoing programme of upgrading the fishing fleet, including incentives for the private sector to invest on new semi-industrial fishing vessels, and efforts to structure the sector and to develop the market of production and distribution of fisheries products with the introduction of new technology for smoking and drying fish. The policy identifies capacity building as a priority which includes training of observers and inspectors and strengthening the capacity of the private sector, aiming at the preservation of biological aquatic resources, safe aquaculture procedures, and safeguarding of the consumer by means of improving landing and processing conditions and increasing the sanitary control and certification of products.

The relevant national fisheries legislation includes:

- Law 21/92: setting inland waters, adjacent sea, territorial sea and the EEZ;
- LRBA (Law 6-A/04): establishes the principles and objectives for the use of marine biological resources and regulates fishing activities. It sets the conditions for granting fishing rights as well as the rules on the protection of marine species and ecosystems. The LRBA provides specific rules on enforcement procedures and sets up offences and the respective sanction scheme;

¹ Diário da Republica n.º 38, Série I from 16.09.1992, amended in 1996.

- General Fishing Regulations (Decree 41/05): prescribes general rules for fishing activities and establishes guidelines for the preparation, implementation and evaluation of Fisheries Management Plans. It also provides for conservation measures, obligations and prohibitions pursuant to the objectives of the Aquatic Biological Resources Law. These regulations also include several provisions regarding fishing vessels and crews;
- Surveillance of Fishing Activities Regulation (Decree n.º 43/05): contains the legal framework for the efficient use of the surveillance means;
- Granting of fishing rights and licences Regulation (Decree n.º 14/05): establishes the requirements and conditions for granting fishing rights and sets up the procedure for licensing of fishing activities.

4.3 National legislation and policy in relation to international/regional commitments

From the research undertaken at the national level it was found that in general the national legal framework is consistent with international and regional commitments undertaken by Angola.

More specifically it was found that Law 21/92 clearly incorporates the UNCLOS provisions concerning the definition of territorial sea and EEZ, the right of inoffensive passage and maritime boundary marking.

Moreover the Aquatic Biological Resources Law, *Lei dos Recursos Biológicos Aquáticos*, (LRBA) was drafted in 2003 with the support of the MCS Programme and in accordance with international best practice. It has undoubtedly created a well developed legal framework in conformity with the international rules and specifically with the following UNCLOS provisions:

- Art. 63 to 153 of LRBA concerning measures for the protection of marine resources correspond to Art. 55 to 75 and Art. 192 to 215 of UNCLOS;
- Art. 64/b, 64/b), 64/d), 65/a, 65/e-f, 66/b-e, 66/g, 67/1/a-b, 67/1/e, 69-75, 95-116 regarding the protection and sustainable management of marine resources and ecosystems corresponds to Art. 61, 63, 64, 65, 66, 67 of UNCLOS;
- Art. 91 to 94 on pollution prevention and control correspond to Art. 192, 193 and 194 of UNCLOS;
- Art. 65/c, 79-86, 89-90 on the preservation of resources and ecosystems including protected areas corresponds to Art. 192 to 194 and Art. 208 of UNCLOS;
- Art. 65/e, 67/1/e, 95 and following provisions, establishing fishing methods and gear in order to avoid unsustainable use of fishing resources and their ecosystems corresponds to Art. 62 of UNCLOS;
- Art. 76, 128, 130/a, 131/2, 134, 138, 142-144 e 151 on activities for gathering the necessary information for the adoption of protection measures correspond to Art. 61/5 and Art. 62 of UNCLOS and to several provisions of the MARPOL 73-78.

The enforcement and surveillance regime established is also in accordance with UNCLOS and the national legislation specifically excludes imprisonment in case of transgression by foreign fishing vessels in line with Art. 73 of UNCLOS and fully integrates the rules on hot pursuit as prescribed under Art. 111 of UNCLOS.

Some of the national provisions (e.g. Art. 66/g, 67/1c and 82/1 of the LRBA) are also consistent with multilateral environmental agreements such as measures regarding the regeneration of species threatened with extinction in line with Art. 7 to Art. 9 of CBD.

The LRBA also integrates some principles of the CCRF, namely the precautionary principle, sustainable development and responsible fisheries. The provisions regarding fishing operations, including rules on vessels and gear are also in line with CCRF.

In what concerns scientific research, although the methodology adopted is not exactly the one provided in the CCRF, its guidelines are in accordance with the Code and UNCLOS.

Finally it should be noted that in accordance with the evaluation of the flag state performance undertaken in February 2006 by the High Sea Task Force², Angola has performed well with regard to: UNCLOS, membership of regional fisheries management organisations, marking of fishing vessels and high seas fisheries regulation. Negative performance indicators were observed for: UNFSA, Compliance Agreement, maritime safety agreements, regional fisheries agreements, IPOA – IUU and at the domestic level with regard to recording of fishing vessels.

² Evaluating Flag State Performance, February 2006, prepared for the High Seas Task Force by OceanLaw Information and Consultancy Services.
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5 MOZAMBIQUE

5.1 National process of ratification/adherence to multilateral agreements

In accordance with the Fundamental Law³, the approved and ratified treaties and international agreements constitute national law after their official publication and have the same power as the legal acts of the parliament and the government (Art. 18).

No specific law was found in Mozambique to regulate the national process of ratification/adherence to multilateral agreements. The practice however is that the line function Ministry (in this case the Ministry of Fisheries) prepares in coordination with the Ministry of Foreign Affairs, a legal rationale containing a general description of the treaty's objectives, its main obligations, the financial implications and the advantages of becoming a contracting Party to such treaty. Once concluded the proposal for ratification is submitted to the Council of Ministers for approval after which the deposit of the instrument expressing consent to be bound by the treaty is promoted through the Ministry of Foreign Affairs.

The deposit of the instrument of ratification/adherence to a multilateral agreement implies automatic application of such agreement at the national level.

5.2 Main fisheries policy and legislation

The Fundamental Law from Mozambique establishes that all natural resources existent in the soil, subsoil, interior waters, territorial sea, contiguous zone and EEZ belong to the State who determines the conditions for their use and exploitation in order to safeguard national interests.

The National Fisheries Policy and Implementation Strategies were adopted by Resolution n.º 11/96. This Policy establishes the framework for fishing activities setting up the main national economic objectives for this sector. It underlines the sovereignty of the State over the fishing resources and the State responsibility to ensure sustainable management of the fishing activities:

The following national legal instruments provide the rules for fisheries management and regulate the procedures for enforcing the law:

- Fisheries Act (Act No. 3/90): establishes the legal framework for fishing activities setting provisions on the management of fisheries and licensing regime. It also provides for conservation measures and quality conditions for fishing products establishing fisheries offences and sanctions;
- Order from 29.02.1992: establishes the sanctions scheme by setting fine amounts for the different types of offences;
- Order from 29.02.1992: defines the competence to determine the fisheries sanctions;
- REPMAR (Decree No. 43/2003): regulates fishing activities and the management of marine resources. It also contains provisions on licensing procedures, total allowable catches, quotas and fishing gear. These Regulations establish a system for classification of the fishing vessels and fishing activities setting monitoring and inspection procedures as well.

³ Boletim da Republica from 30.11.1990, amended in 1992, 1996, 1998 and 2004.

5.3 National legislation and policy in relation to international/regional commitments

From the legal assessment undertaken in Mozambique it was found that the National Fisheries Policy is consistent with the country's main international obligations namely in what concerns the adoption of measures for the responsible management of natural resources and its sustainable use.

The National Fisheries Policy underlines the Constitutional principle of State sovereignty over fishing resources and declares the State responsibility to ensure that fishing activities are developed in a way that does not threaten the sustainability of the resources.

Concerning fisheries management and enforcement the National Policy establishes the following strategies:

- Restriction measures for fishing activities, based on conservation interests and economic efficiency;
- Fishing regulation based on biologic evidence;
- Promotion of coastal community participation in the management and exploitation of marine resources in order to facilitate the implementation of sustainable and economically viable standards;
- Fishing efforts limited by fishing quotas and total allowable catch (TAC);
- Development of aquaculture in marine and inland waters;
- Control and surveillance of fishing activities through the use of patrol vessels, self-control among ship-owners, fisheries inspectors and officers, establishment of systems to control recreational fishing, etc.;
- Quality control of fishing products

In addition, REPMAR incorporate the international and regional commitments especially regarding surveillance and enforcement measures (inspection activities on board fishing vessels, detention and judicial measures to be undertaken in order to ensure compliance with the fisheries legislation in accordance with the UNCLOS provisions).

The main areas of inconsistency between the national legislation and the international commitments relate with the sanctions scheme and evidentiary rules. The obligation to ensure that sanctions are effective in securing compliance and the suspension of authorisation to fish in the event of non-compliance with conservation and management measures is not reflected in the present legislation. Also except for the admissibility of VMS information in court the existing legislation does not contain other presumptions that an offence was committed and the destruction of evidence does not constitute an offence.

It was also found that the national fisheries policy does not properly reflect the SADC Protocol on Fisheries namely in what concerns the legal harmonization and cooperation (exchange of information, MCS activities and integrated management of shared resources) with the other Member States. Despite this political gap measures have been implemented on this regard, for example the SADC-MCS Programme for legal harmonization and the exchange of information provided by the VMS Memorandum of Understanding and Exchange Protocol.

In a final note reference should be made to the evaluation of the flag state performance undertaken in February 2006 by the High Sea Task Force⁴, according to which Mozambique has performed well with regard to UNCLOS, regional fisheries agreements, membership of regional fisheries management organisations and national record of fishing vessels. Negative performance was however found concerning UNFSA, Compliance Agreement, maritime safety agreements, IPOA – IUU, marking of fishing vessels and high seas fisheries regulation.

⁴ Evaluating Flag State Performance, February 2006, prepared for the High Seas Task Force by OceanLaw Information and Consultancy Services.
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6 NAMIBIA

6.1 National process of ratification/adherence to multilateral agreements

The Namibia Constitution⁵ establishes the general principle that unless otherwise provided by the Namibian Constitution or an Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under the Constitution form part of the law of Namibia.

No formal written procedures were found in Namibia for ratification/adherence to international agreements but from information collected in the field it was possible to identify the following steps:

- The responsible line function Ministry (in this case the Ministry of Fisheries and Marine Resources) initiates the process and submits it to Cabinet recommending accession/ratification;
- If Cabinet approves the accession/ratification, the matter is referred to the National Assembly for approval;
- If the National Assembly approves, the accession/ratification is referred to the Ministry of Foreign Affairs who is responsible for ensuring the administrative procedures involved in such accession/ratification and the Minister of Foreign Affairs signs the instrument;
- Once Namibia has acceded/ratified, the line function Ministry must publish a copy of the international instrument in the *Government Gazette*.⁶

For the international agreement to become legally binding in Namibia implementing legislation must be adopted by the National Assembly.

6.2 Main fisheries policy and legislation

Namibia has various well developed policies and laws on the protection of fisheries resources (marine as well as inland fisheries). Since 1990, Namibia has put in place a completely new, modern legal and regulatory framework for fisheries management.

The development of the Namibian policy on fisheries resources since 1990 includes:

- The adoption in 1991 by the National Assembly of a White Paper on Fisheries Policy entitled “Towards Responsible Development of the Fisheries Sector” which policy was revised in 2004;
- The publication of a Policy Statement on Fishing Rights and Quotas in 1993, setting out details of the implementation of the fisheries management regime including the criteria for terms of rights;
- The adoption in 1996 by the National Assembly of a White Paper on Inland Fisheries Policy which emphasises the importance of the involvement of communities in inland fisheries management;

⁵ Government Gazette from 21.03.1990.

⁶ Note that in terms of Article 32 of the Constitution the President has the right to independently negotiate and sign international agreements. This right has been delegated by the President to Cabinet, the National Assembly and the Minister of Foreign Affairs.

- The completion of a study on Aquaculture Development, and the subsequent preparation of a Draft White Paper on Aquaculture Policy and a Draft Aquaculture Bill.

The main policy document in Namibia Fisheries Industry is the above-mentioned policy document entitled “Towards Responsible Development of the Fisheries Sector” which was adopted in December 1991 and revised on June 2004. The 1991 policy document was reflected in the 1992 Fisheries Act (which was repealed by the MRA). The above mentioned policy documents and legislation form the basis of the Namibian marine fisheries regulatory and management system.

The following national laws regulate fish resources and the international instruments and Namibia’s obligations hereunder:

- The Marine Resources Act 27 of 2000 (MRA): provides for the conservation of the marine ecosystem and the responsible utilisation, conservation, protection and promotion of marine resources on a sustainable basis. It also regulates the exercise of control over marine resources and other matters connected therewith;
- The Marine Resources Regulations Act 241 of 2001 (MRR): establishes forms and procedures for granting rights or exploratory rights, allocating quotas and issuing licences. It also provides for conservation measures and protection of the marine environment setting the offences and sanctions scheme as well;
- The Inland Fisheries Act 1 of 2003;
- The Inland Fisheries Regulations 118 of 2003;
- The Territorial Sea and EEZ Act 3 of 1990;
- The National Fishing Corporation of Namibia Act 28 of 1991;
- The Aquaculture Act 18 of 2002.

6.3 National legislation and policy in relation to international/regional commitments

Namibia has successfully put in place a policy, legal and management framework for its marine fisheries that has worked well and that is in conformity with international law and the organisations to which Namibia is a member. Namibia has actively pursued compliance with its international obligations, concerning namely:

Management measures:

- Fishing rights, or rights of exploitation are the central element of the fisheries management regime;
- All vessels are required to obtain a licence in order to fish commercially within Namibia's EEZ and Namibian flag vessels must also have a specific licence to fish any marine resources in waters outside Namibian jurisdiction;
- A TAC is set for each of the major species;
- Fees have been established on allocated quota, by-catch and a Marine Resources Fund levy is imposed per ton of landed catch to finance fisheries research and training initiatives;
- In line with UNCLOS Namibia has banned drift-net fishing in its waters and tight controls had been placed on discarding unwanted catch and wasteful fishing practices.

MCS:

- Namibia has an MCS system and an integrated program of inspection and patrols at sea, on land, and in the air ensures continuing compliance with Namibia's fisheries laws;
- A Fisheries Observer Agency was established under the MRA;

- All vessels are required to supply EEZ exit and entry reports as well as daily catch and effort reports;
- A national VMS has been established and is now being implemented.

Protected species and managements system for other species:

- Prohibition to fish any species of marine mammal other than those prescribed and any species of marine turtle;
- Management systems are in place for some species and activities.

Implementation of obligations under international/regional instruments:

- Section 37 of the MRA is directly relevant to the implementation of these instruments but it is only generic in nature;
- Namibia is able to designate international conservation and management measures as applicable in Namibia or Namibian waters.

Reporting requirements under fishing instruments:

The reporting obligations required by several multilateral agreements to which Namibia is a Party (e.g. UNFSA) are outside the scope of legislation and is a duty on the State itself in terms of its international commitments.

IUU fishing:

- Namibia has in place measures to ensure that IUU fishing does not occur either inside or outside its EEZ, by Namibian-flag fishing vessels or foreign vessels. On this subject Namibia's approach is in line with the obligations of the Compliance Agreement and Fish Stocks Agreement;
- Namibia's VMS is another measure that reduces the chances of IUU fishing together with the National Plan of Action in support of the FAO International Plan of Action to tackle IUU fishing.

Specific mention is made in the Policy document to the UNCLOS, the UNFSA and the Compliance Agreement. Namibia's compliance with these international conventions, agreements and arrangements is further enforced and secured by the entrenchment of the principles thereof in sections 5, 35, 36 and 37 of the MRA.

However Namibian fisheries policy and legislation do not specifically reflect the SADC Protocol on fisheries nor the CCAMLR, ICCAT and SEAFO Conventions. It is significant to note that the Namibian government confirmed its commitment to compliance and participation in inter-governmental organizations and arrangements in its revised policy document of June 2004

It should be highlighted that in February 2006 the High Sea Task Force, which evaluates flag state performance⁷, concluded that Namibia has performed well with regard to: UNCLOS, UNFSA, Compliance Agreement, membership of regional fisheries management organisations, IPOA-IUU, national record of fishing vessels and high seas fisheries regulation. Possible negative performance indicators were however noted regarding maritime safety agreements, regional fisheries agreements and marking of fishing vessels.

⁷ Evaluating Flag State Performance, February 2006, prepared for the High Seas Task Force by OceanLaw Information and Consultancy Services.

7 SOUTH AFRICA

7.1 National process of ratification/adherence to multilateral agreements

The South African Constitution⁸ sets up the respective rights and obligations of the executive and legislative arms of government regarding the adoption of international agreements.

The South African Department of Foreign Affairs has issued a very useful and informative guide on the procedures to be followed for the conclusion of international agreements. It was compiled by the Office of the Chief State Law Adviser in the Department and sets out in detail the procedures for the conclusion of agreements. It also contains guidelines for drafting agreements.

The procedure for concluding agreements firstly requires that an opinion on the agreement's consistency with domestic law be obtained from the State Law Advisers at the Department of Justice and Constitutional Development. This is followed by a legal opinion on the agreement's consistency with international law and South Africa's international obligations by the State Law Advisers from the Department of Foreign Affairs. A President's Minute is then prepared by the responsible government department for signature by both the responsible line function Cabinet Minister and the President. In the case of fisheries agreements, the Cabinet Minister will be the Minister of Environmental Affairs and Tourism. The President's Minute, a short explanatory memorandum and two copies of the agreement are then forwarded to the Office of the Chief State Law Adviser (International Law) at the Department of Foreign Affairs for certification before it is presented to the Presidency for approval.

The further procedure is then determined by the nature of the agreement in accordance with section 231 of the Constitution. An agreement falling within the scope of section 231(3), being of a technical, administrative or executive nature, is signed by the President and enters into force on signature or another date determined by it. This agreement is then deposited with the Treaty Section at the Department of Foreign Affairs and need only be tabled in Parliament within a reasonable time.

An interesting provision was found under the National Environmental Management Act requiring the Minister to annually report to Parliament on the participation and fulfilling by South Africa of obligations established under such instruments. This report forms part of the annual review by the Department of Environmental Affairs and Tourism. The 2005 report is unfortunately not yet available, but is due to be delivered soon.

7.2 Main fisheries policy and legislation

No policy document specifically dealing with international or regional fisheries agreements could be provided by the Marine and Coastal Management nor could a search of their web site produce any. The position seems to be that no policy documents or White Papers on the subject has been produced, at least not after the enactment of the 1998 MLRA.

The following national laws regulate fish resources and the international instruments and South Africa's obligations hereunder:

⁸ Act 108 of 1996.

- Sea-shore Act 21 of 1935;
- Maritime Zones Act 15 of 1994;
- Marine Living Resources Act, 18 of 1998 (MLRA): provides for the conservation of the marine ecosystem and the long-term sustainable utilisation of marine living resources. It also establishes the conditions for exploitation, utilisation and protection of certain marine living resources as well as the exercise of control over marine living resources and other matters connected therewith.
- Regulations in terms of the MLRA (R 1111 of Government Notice 19205 of 2 September 1998, as amended): establish rights of access and other rights as well as permits and licences. It also regulates closed seasons and closed areas, the use of gear, species restrictions, mariculture, landing, transportation, delivery, receipt, processing and marketing of fish and fish products. Furthermore it provides for compliance control and penalties.
- Antarctic Treaties Act, Act 60 of 1996.

7.3 National legislation and policy in relation to international/regional commitments

From the research undertaken at national level it was found that the agreements to which South Africa is a contracting Party have been adequately incorporated into domestic legislation and South Africa meets its international and regional commitments in this regard.

Specific incorporations of international and regional fishery agreements into domestic legislation were found with regard to the following multilateral agreements:

UNCLOS:

- The Sea-shore Act 21 of 1935 determines the boundaries of the sea and defines the low water mark;
- The Maritime Zones Act 15 of 1994 incorporates the determination of baselines, internal waters, territorial waters, the contiguous zone, the maritime cultural zone, the EEZ and the continental shelf as is provided for in UNCLOS into South African domestic legislation;
- The Marine Living Resources Act 18 of 1998 allows for hot pursuit in accordance with article 111 of UNCLOS in section 52. It also excludes imprisonment as a sentencing option in case of contraventions of international conservation and management measures and certain other transgressions (see section 58(2) above). This is in accordance with article 73 of UNCLOS.

IWC:

- The Marine Living Resources Act 18 of 1998 does not contain any provisions directly applicable to whaling, but the subject is extensively covered by the Regulations (R. 1111 of 2 September 1998) under the Act.

CCAMLR:

- Antarctic Treaties Act 60 of 1996.

South Africa has not yet accepted the Compliance Agreement, but adheres to its principles and the various obligations imposed are largely incorporated in the provisions of the domestic legislation. Although the Compliance Agreement was the predecessor to the CCRF, a non binding instrument, it was incorporated into the Code and therefore also forms part of it. Many of the principles underpinning the MLRA reflect the goals of the CCRF, and various obligations imposed by it are incorporated in provisions of the MLRA and its regulations.

However South Africa might need to implement legislation to enable the implementation of Port State and Flag State responsibilities with respect to the SEAFO system of observation, inspection, compliance and enforcement. A review of the obligations contained under Articles 14, 15 and 16 of SEAFO, does not seem to require any implementation via further domestic legislation.

Finally in accordance with the evaluation of the flag state performance undertaken in February 2006 by the High Sea Task Force⁹, South Africa has performed well with regard to: UNCLOS, UNFSA, membership of regional fisheries management organisations, high seas fisheries regulation. Negative performance indicators include: Compliance Agreement, maritime safety agreements, regional fisheries agreements, IPOA – IUU, national record of fishing vessels and marking of fishing vessels.

⁹ Evaluating Flag State Performance, February 2006, prepared for the High Seas Task Force by OceanLaw Information and Consultancy Services.
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8 TANZANIA

8.1 National process of ratification/adherence to multilateral agreements

International conventions are not self-executing in Tanzania as is the case in many Commonwealth countries. It is the prerogative of the executive to sign international agreements or treaties. The powers of entering into a treaty or convention in Tanzania are vested in the Union Government.

The Constitution of the United Republic of Tanzania, from 1997, vests the Union Parliament with the capacity to ratify international agreements. It is also the mandate of the executive to prepare ratification instruments and submit these for deliberation and ratification to Parliament. It is at the Government level that it takes time to scrutinise an agreement through different committees before recommendations are submitted to the Cabinet for decision that it should be forwarded to Parliament for ratification. Once the agreement is submitted to the Parliament it is first discussed by a Parliamentary standing committee under whose mandate it falls. In the case of marine fisheries it is the Parliamentary Standing for Natural Resources and Environment as well as the Parliamentary Standing Committee for Foreign Affairs and International Co-operation.

After ratification, the treaty becomes legally binding in Tanzania and the principle of *pacta sunt servanda*¹⁰. However internally it has no force of law and therefore cannot be enforced by courts unless it is incorporated. In Tanzanian practice, incorporation is done by Parliament enacting legislation to that effect. Some of these laws are given the title “Implementation Act” and some are given general titles.

8.2 Main fisheries policy and legislation

Tanzania has a comprehensive set of legislation dealing with fisheries. It has also adopted the National Fisheries Sector Policy and Strategy Statement in 1997, which plays an important role in drafting laws and guiding the Government with regard to the sustainable management of marine fishery resources. This Policy emphasized the need for integration of coastal area management and improved knowledge of the fisheries resources. It seeks to promote the conservation, development and sustainable management of fisheries resources for the benefit of present and future generations.

The following national laws regulate fish resources and the international instruments and Tanzania’s obligations hereunder:

- Fisheries Act (Act No. 22 of 2003): provides for the protection, conservation, development, regulation and control of fish, fish products, aquatic flora and products thereof. It also establishes several provisions on MCS;
- Fisheries Act (Act No. 8 of 1988) of Zanzibar: regulates the management and development of fisheries in territorial waters of Zanzibar and its EEZ;
- Marine Parks and Reserves Act (Act No. 29 of 1994): provides the procedures for the establishment, management and monitoring of marine parks and reserves and establishes the Marine Parks and Reserves Unit;

¹⁰ The international principle of law that agreements must be honoured.

- Territorial Sea and EEZ Act (Act No. 3 of 1989): establishes the territorial sea, contiguous zone and EEZ and provides a broad framework for regulating the use of the resources therein;
- Deep Sea Fishing Authority Act (Act No. 1 of 1989): regulates the deep sea in the EEZ in addition to the Territorial Sea and EEZ Act. It also establishes the Deep Sea Fishing Authority responsible for promoting, regulating and controlling fishing in the EEZ and for MCS activities in the marine zone between the territorial sea and outer limit of the EEZ;
- Fisheries Regulations 2005 (GN No. 314 of 14/10/2005): sets a framework for responsible fisheries in the territorial waters and EEZ and establishes procedures for registration of vessels and licensing of fishing vessels, fishers and fish dealers.

8.3 National legislation and policy in relation to international/regional commitments

The national research concluded that UNCLOS has been properly implemented by the enactment of the Territorial Sea and EEZ Act which has attached as a schedule to it Art. 2 to 74 of UNCLOS making these provisions part of Tanzania national legislation. This Act establishes the territorial sea of Tanzania and declares its EEZ and consists of five parts:

- Part one: deals with preliminary provisions;
- Part two: defines the territorial sea in conformity with the requirements of Art. 3 of UNCLOS;
- Part three: in line with Art. 56 and Art. 57 of UNCLOS establishes the EEZ and declares that the Government has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources whether living or non-living, of the water superjacent to the seabed and its subsoil;
- Part four: sets the powers of authorized officers;
- Part five: deals with offences and miscellaneous provisions.

The fact that the Act has as its schedule Art. 2 to 74 of UNCLOS means that they are part of the Tanzanian law and the courts of law in Tanzania will enforce them. Therefore it can be safely concluded that all the important provisions of UNCLOS relevant to marine fishery are properly reflected in the Territorial Sea and EEZ Act.

The Deep Sea Fishing Authority Act regulates fishing activities in the EEZ. This Act essentially establishes an institution which will be charged with the responsibility of overseeing fishing in the deep sea of the United Republic of Tanzania which coincides with the EEZ, but is not yet in force. Although the Deep Sea Fishing Authority Act covers mainly the EEZ, does not comprehensively include aspects envisaged in Art. 61 and Art. 62 on the conservation and utilisation of marine living resources. This Act does not include any provision on the application of the precautionary principle as required in the SADC Protocol on Fisheries and the CCRF. Also missing are provisions on the high sea fishing as prescribed in Art. 5 of the SADC Protocol on Fisheries and the Compliance Agreement.

The Fisheries Act, 2003 and the Fisheries Act, 1988 which apply to Mainland Tanzania and Tanzania Zanzibar regulate the territorial waters and inland waters of the United Republic. Although the two pieces of legislation are applicable to inland waters and territorial waters they are also relevant for licensing fishing vessels in the EEZ pending the operationalisation of the Deep Sea Fishing Authority Act, 1998. The Fisheries Act, 2003 and the Fisheries Regulations 2005 represent the pieces of Tanzanian legislation more in conformity with the SADC Protocol on Fisheries.

The overall level of performance of Tanzania is positive with regard to UNCLOS, Compliance Agreement, regional fisheries agreements and membership of regional fisheries management organisations in accordance with the evaluation of the flag state performance undertaken in February 2006 by the High Sea Task Force¹¹. Possible negative performance indicators were however found regarding UNFSA, maritime safety agreements, IPOA – IUU, national record of fishing vessels, marking of fishing vessels and high seas fisheries regulation.

¹¹ Evaluating Flag State Performance, February 2006, prepared for the High Seas Task Force by OceanLaw Information and Consultancy Services.
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9 OVERVIEW OF MAIN MULTILATERAL AGREEMENTS

The comparative analysis of the main multilateral agreements in force in the five beneficiary countries was based on the list of instruments published under Appendix 1 of the SADC Fisheries Protocol which comprises:

- Marine and Shipping Law;
- Pollution and Oil Spillage;
- Environment.

Other relevant instruments have also been identified and will be assessed according to the following areas:

- Agreements establishing International and Regional Fisheries Bodies;
- Non binding legal instruments;
- Other relevant legal instruments.

9.1 Marine and Shipping Law

All the five countries are a contracting Party to UNCLOS. This Convention sets out rights and duties of States concerning the oceans and, for purposes of fisheries management it distinguishes between the areas under jurisdiction of coastal states and the high seas.

As for the Agreement relating to the implementation of Part XI of UNCLOS, which establishes the International Seabed Authority through which States Parties shall organise and control activities of exploration and exploitation of the resources of the Area, only Angola is not a contracting Party. However from the information collected in the country it seems that the Angolan Government has already declared its intention to ratify this Agreement.

UNFSA aims at strengthen cooperation in the conservation and management of certain fish stocks and encourages States to adopt compatible measures in relation to stocks within areas under the jurisdiction of coastal States and in the high seas. With regard to this Agreement only Namibia and South Africa are Parties but, in accordance with information obtained from the Ministry of Fisheries in March 2006, Mozambique is in the process of adhering to the agreement and Angola has also expressed its will to become a Contracting Party.

The Convention establishing the IMO was adopted in 6 March 1948, in Geneva¹². IMO was created with the main purpose of providing machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade, and to encourage the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships. All the five countries are contracting Parties of this Convention.

The Torremolinos International Convention for the Safety of Fishing Vessels, adopted in 1977 under the IMO auspices, was the first multilateral treaty concerned specifically with the safety of fishing vessels. It aims to promote the safety of fishing vessels by the establishment of common minimum standards and rules for the design, construction and equipment of fishing vessels. During

¹² The organisation was initially known as the Inter-Governmental Maritime Consultative Organization but the name was changed in May 1982.

the 1980s it became clear that the Convention was unlikely to enter into force, largely for technical reasons, and it was therefore replaced by a Protocol adopted in April 1993 which updates and amends the parent Convention. This Convention is not yet in force and none of the five countries is a contracting Party¹³.

The SOLAS Convention, adopted in November 1974 and in force since May 1980, is generally regarded as the most important of all international treaties concerning the safety of merchant ships. The main objective of this Convention is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety. Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done. All the five countries have ratified the SOLAS Convention.

The STCW Convention was adopted in July 1978 and entered into force on April 1984 being the first instrument to establish basic requirements on training, certification and watchkeeping for seafarers on an international level. It has been amended several times but the main revision occurred in 1995. It was then included a general provision establishing that Parties were required to provide detailed information to IMO concerning administrative measures taken to ensure compliance with the Convention. The original text of the Convention was ratified by all the five countries but none has yet ratified the 1995 amendments.

The International Convention on Salvage was adopted in April 1989 and entered into force on July 1996. It establishes a salvage compensation to be granted to salvors taking into account their skill and efforts in preventing or minimizing damage to the environment. The compensation consists of the salvor's expenses, plus up to 30% of these expenses if, thanks to the efforts of the salvor, environmental damage has been minimized or prevented. None of the five countries is a Party to this Convention.

9.2 Pollution and Oil Spillage

The MARPOL Convention, adopted on November 1973, is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. It covers pollution by oil, chemicals, and harmful substances in packaged form, sewage and garbage. The Convention had not yet entered into force, when it was absorbed by the 1978 MARPOL Protocol. The combined instrument (MARPOL 73/78) entered into force on October 1983 and includes regulations aimed at preventing and minimizing pollution from ships - both accidental pollution and that from routine operations. Currently only Tanzania is not a Party to this Convention.

The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention) was adopted on November 1972 and came into force on August 1975. It has a global character, and contributes to the international control and prevention of marine pollution. It prohibits the dumping of certain hazardous materials, requires a prior special permit for the dumping of a number of other identified materials and a prior general permit for other wastes or matter. Only Angola and South Africa have ratified this Convention.

CLC Convention was adopted in November 1969 to ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-

¹³ Information available at <http://www.intfish.net/000/members/treaties/3905.htm>. The national reports did not contain any information concerning this Convention.

carrying ships. It entered into force in June 1975 and is being replaced by its 1992 Protocol as amended in 2000. The Convention places the liability for such oil pollution damage on the owner of the ship from which the polluting oil escaped or was discharged. The 1992 Protocol widened the scope of the Convention to cover pollution damage caused in the EEZ or equivalent area of a State Party. The Protocol covers pollution damage as before but environmental damage compensation is limited to costs incurred for reasonable measures to reinstate the contaminated environment. All the five countries are contracting Parties to the CLC Protocol.

The OPRC, adopted on November 1990 and in force since May 1995, aims to strengthen the legal framework for the control of environmental pollution by oil, in general, and marine pollution by oil in particular, by providing a basis for preparedness, and for a response-capability, to deal with incidents of oil pollution in the marine environment. Parties to the OPRC Convention are required to establish measures for preventing and responding to such incidents, either nationally or in co-operation with other countries. Only Angola and Mozambique have ratified this Convention.

The FUND Convention was adopted in December 1971 and entered into force on October 1978. It created a special fund to provide compensation for pollution damage under the CLC Convention. The Fund is under an obligation to pay compensation to States and persons who suffer pollution damage, if such persons are unable to obtain compensation from the owner of the ship from which the oil escaped or if the compensation due from such owner is not sufficient to cover the damage suffered. In November 1992 a Protocol to the CLC Convention was approved with the main purpose of modifying the entry into force requirements and increase compensation amounts. The scope of coverage was extended in line with the 1992 CLC Protocol and a 1992 FUND was established replacing the one created in 1971. All the five countries are already Parties to the 1992 FUND.

9.3 Environment

CBD was adopted to conserve biological diversity, promote the sustainable use of its components, and encourage equitable sharing of the benefits arising out of the utilization of genetic resources. Such equitable sharing includes appropriate access to genetic resources, as well as appropriate transfer of technology, taking into account existing rights over such resources and such technology. All the five countries are Contracting Parties of this Convention.

The Nairobi Convention was established to protect and manage the marine environment and coastal areas of the Eastern African region. South Africa and Mozambique are already Contracting Parties and Tanzania is a signatory but has not ratified the Convention yet. According to information obtained from Tanzania it required time to analyse the benefits and disadvantages of this instrument before preparing the ratification and submitting it to the parliament.

CITES aims at protecting certain endangered species from over-exploitation by means of a system of import/export permits. Only Angola is not a Party to this Convention.

The Ramsar Convention was adopted in February 1971 and provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. It entered into force on December 1975. Only Angola is not a contracting Party to this Convention.

The Abidjan Convention aims to protect the marine environment, coastal zones and related internal waters falling within the jurisdiction of the States of the West and Central African region. This Convention is only applicable to South Africa which is already a Contracting Party.

9.4 Agreements establishing International and Regional Fisheries Bodies

9.4.1 International

The ICCAT Convention establishes an inter-governmental fishery organization responsible for the conservation of tunas and tuna-like species in the Convention area. Angola, Namibia and South Africa are already Members of this Commission. Tanzania is now considering adhering to the Convention.

9.4.2 Regional

The CCAMLR Convention seeks to guarantee the conservation of the Antarctic marine living resources by establishing a Commission empowered to undertake any activities that are necessary to fulfil the objectives of the Convention. This Convention also foresees that the Contracting Parties shall not engage in any activities in the Antarctic Treaty area contrary to the principles and purposes of such Treaty. Only Namibia and South Africa are Parties to this Convention.

The Convention establishing COMHAFAT aims to promote an active and organised cooperation in the area of fisheries management and development in the Region. This Convention only applies to Angola and Namibia and both States have already ratified it.

The Agreement for the establishment of CEEFAC seeks to facilitate the coordination of research and to encourage education and training as well as to assist its members in an advisory management capacity in establishing policies to promote the rational management of resources. This agreement only applies to Angola which has already ratified it.

The Agreement for the establishment of INFOPECHE was adopted to promote cooperation in the development of fisheries through the establishment of international market information and cooperation organisation for fishery products. Only Angola and Namibia are Parties to this Agreement.

The Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean establishes the SEAFO with the general objective of ensuring the long-term conservation and sustainable use of the fishery resources in the Convention Area. Angola and Namibia are already Members of this Organization and South Africa, although a signatory has not yet deposited its instrument of ratification. South African Cabinet approved the urgent ratification of the Convention on 20 February 2002 but it must still be ratified by Parliament. South Africa has expressed the intention to become a full member at the next meeting (2-5 October 2006) and it has been confirmed that the agreement is in the process to be tabled, probably by June 2006 at the earliest.

The Convention establishing COREP aims to determine a concerted attitude towards the activities of foreign fishing vessels and to give priority to the needs of the fishing vessels originating from member countries. This Convention applies to the Gulf of Guinea and membership is only open to Angola which has declared its intention to adhere to this legal instrument.

9.5 Non binding instruments

The CCRF is a voluntary instrument based on relevant rules of international law and contains provisions that have a binding effect by means of other obligatory legal instruments amongst the Parties. It establishes a comprehensive set of guidelines and principles, in accordance with the relevant rules of international law, which aim to promote *inter alia*, responsible fishing and fisheries activities, with a view to ensuring the effective conservation, management and development of living aquatic resources. All the five countries have accepted the FAO Code of Conduct.

The Rome Declaration on the Implementation of the CCRF, which highlights a number of key issues for the future of fisheries management, has also been accepted by all the five countries.

The IPOA - IUU was developed within the framework of the Code of Conduct for Responsible Fisheries. Its main objective is the implementation of measures to prevent, deter and eliminate IUU fishing focusing on all States and flag State responsibilities, coastal and port States measures internationally agreed market-related measures, research and regional fisheries management organizations. Once again all the five countries have accepted this non binding instrument.

The Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Washington Declaration were adopted in 1995 and states the commitment to protect and preserve the marine environment from the adverse environmental impacts of land-based activities. UNEP was tasked to lead the coordination effort and to establish a GPA Coordination Office. The comprehensive, multi-sectoral approach of the GPA also reflects the desire of Governments to strengthen the collaboration and coordination of all agencies with mandates relevant to the impact of land-based activities on the marine environment, through their participation in a global programme.

The Benguela Current Large Marine Ecosystem (BCLME) is a multinational cross-sectoral initiative by Angola, Namibia and South Africa to manage the common living marine resources of the BCLME in an integrated and sustainable manner and to protect the marine environment. It focuses on a number of key areas, including fisheries, environmental variability, seabed mining, oil and gas exploration and production, coastal zone management, ecosystem health, socio-economics and governance.

One of the main goals of the BCLME Programme is the creation of an Interim Benguela Current Commission (IBCC). This transitional management entity will be the precursor of the Benguela Current Commission (BCC) whose functions and responsibilities will include the production of annual stock assessments, annual ecosystem reports, the provision of advice on harvesting resource levels and other matters related to sustainable resource use, particularly fisheries and the management of the Benguela Current Large Marine Ecosystem as a whole.

9.6 Other relevant legal instruments

The FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas requires flag States to take the necessary measures to ensure that vessels flying their flags do not engage in any activity that undermines the effectiveness of international conservation and management measures. At the moment only Namibia and Tanzania are Parties. South Africa has not yet accepted this Agreement, and the position in this regard seems vague. As for Mozambique, the Government recognises the relevance of this legal instrument but there is no information on its intention to ratify it.

The SADC Fisheries Protocol was adopted with the main objective of promoting responsible and sustainable use of the living aquatic resources and aquatic ecosystems of interest to State Parties. All the five countries are Parties to this Protocol.

10 OVERVIEW OF MAIN INTERNATIONAL FISHERIES BODIES

The SADC Fisheries Protocol identifies under Appendix 2 the main International Fisheries Bodies with regard to which States Parties are required to establish common positions and undertake co-ordinated actions.

Under Annex V a list of the main international fisheries bodies to which Angola, Mozambique, Namibia, Tanzania and South Africa are members is provided.

ICCAT is an inter-governmental fishery organization responsible for the conservation of tunas and tuna-like species in all waters of the Atlantic Ocean and adjacent seas. ICCAT is the only fisheries organization that can undertake the range of work required for the study and management of tunas and tuna-like fishes in the Atlantic. The Commission is empowered, on the basis of scientific evidence, to recommend management measures and Resolutions aimed to carrying out its objective of maintaining the populations of tuna and tuna-like fishes at levels which will permit maximum sustainable catch. Angola, Namibia and South Africa are already members of this Commission and Tanzania is now considering joining it.

IWC is the principal organization for the conservation and management of whaling and aims at promoting effective conservation and development of whale stocks. Membership of the IWC is open to any State, regardless of whether they engage in whaling or otherwise have an interest in ensuring the "proper and effective conservation and development of whale stocks" or making "possible the orderly development of the whaling industry". At the present moment only South Africa is a Member to IWC but Angola has expressed its intention in becoming a member soon.

CCAMLR is empowered to undertake any activities that are necessary to fulfil the objectives of the Convention, including research, compilation and analysis of data, implementation of a system of observation and inspection and the formulation of conservation measures on the basis of the best scientific evidence available. Membership of the Commission is restricted to those States which participated in the 1980 Conference and other States, or regional economic integration organisations, which are engaged in research or fishing activities in relation to the living resources to which the Convention applies. Only Namibia and South Africa are members of this Commission.

COMHAFAT aims to promote an active and organised cooperation in the area of fisheries management and development in the Region and to take up the challenge of food self-sufficiency through the rational utilization of fishery resources. It promotes coordinated and harmonised regional efforts and capabilities for the purpose of conserving, exploiting, upgrading and marketing fishery resources. Membership is open to Angola and Namibia and both countries are already members.

SEAFO promotes the establishment of a system of observation, inspection, compliance and enforcement, to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishing research vessels flying their flags in the Convention Area. This System aims to verify compliance with conservation and management measure and to prompt action on reports of infringements in contravention of measures. This IFB may also, *inter alia*, designate annual quota allocations or effort limitations for Contracting Parties and set aside fishing opportunities for non-parties if necessary. Angola and Namibia have already become members but South Africa as signatory is an active participant in the annual commission meetings of SEAFO. Good cooperation with other SADC countries on data collection and on scientific matters was reported. The scope of this organisation does not apply to Mozambique or Tanzania.

The functions of CECAF, which has no regulatory powers, are principally to translate and adopt scientifically based conservation recommendations into management measures for adoption, including harmonized rules such as minimum mesh sizes. Recommendations are not binding on Commission members. Membership is only open to Angola which already belongs to this Committee.

INFOPECHE was established in order to contribute to the development and modernization of the fisheries sector and more balanced supplies of fishery products to the Contracting Parties. It also seeks to promote the best use of export opportunities within and outside Africa as well as technical and economic cooperation among Contracting Parties. INFOPECHE shall provide marketing information on fishery products, advice on technological developments, product specifications, processing methods and quality standards in accordance with market requirements. Only Angola and Namibia are members of this international body.

SWIOFC aims to promote the sustainable utilization of the living marine resources of the Commission area by the proper management and development of the living marine resources, and to address common problems of fisheries management and development faced by members. The Commission is open to Members and Associate Members of FAO that are coastal States whose territories are situated wholly or partly within the Commission area (Mozambique, South Africa and Tanzania). At present only Mozambique is a member of this body.

IOMAC seeks the integration of the marine sector into national development strategies and promotes the dissemination of information, the harmonization and strengthening of management arrangements and cooperation within international organizations. IOMAC applies to Mozambique, South Africa and Tanzania and only the latter is a member of this organization.

COREP promotes the harmonization of Members national regulations, with a view to having a unified regulation fixing the conditions of fishing and the control of fishing operations in the area covered by the Convention, and any action to collect the maximum scientific, technical and economic data on fishing operations. Membership is only open to Angola which is already considering becoming a member of this organization.

WIOTO, which has no regulatory powers, aims at strengthening cooperation and coordination in fisheries relations by coastal States in the region, especially in regard to harmonization of policies with respect to fisheries, fisheries development and surveillance and enforcement activities. Membership is opened to Mozambique, South Africa and Tanzania but none of these countries have joined the organisation yet.

The IOTC is an intergovernmental organization established under Article XIV of the FAO constitution. It is mandated to manage tuna and tuna-like species in the Indian Ocean and adjacent seas. The objective of the Commission is to promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilisation of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks. Membership is opened to Mozambique and Tanzania but both countries have not yet become members.

The CCSBT exists since May 1994 and aims to ensure, through appropriate management, the conservation and optimum utilization of southern bluefin tuna. Currently none of the five countries is a member of this commission.

11 CONCLUSIONS AND RECOMMENDATIONS

From the information collected in the field and assessed at national and regional levels it is possible to conclude that all the five countries are Parties to UNCLOS. Angola has not yet adhered to the Agreement relating to the implementation of Part XI of UNCLOS and only Namibia and South Africa are Parties to UNFSA.

It was also found that the process of ratification or adherence to international agreements is different in each of the five countries. In Angola a specific piece of law was enacted with regard to the process of ratification/adherence to multilateral agreements whereas in South Africa guidelines have been adopted to facilitate the procedures. In the other countries no specific legislation or guidelines were found on this regard.

It is also concluded that in the common law countries of Namibia, South Africa and Tanzania “implementation legislation” must be passed to give effect to multilateral agreements. On the contrary in Angola and Mozambique the deposit of the instrument of ratification/adherence implies automatic application of such agreements at the national level.

The assessment of conformity of the national legislation and policy with international obligations and best practice demonstrated that all the five countries are in compliance with most of their international obligations.

The research undertaken in the field further concluded that the regional cooperation among the five SADC Member-States could be improved to allow effective “co-ordinated and complementary actions” as required by the SADC Fisheries Protocol.

Finally the main areas that could benefit from harmonisation on international negotiations were identified as being management and conservation of shared stocks; surveillance and scientific research.

From the comparative analysis undertaken and assessed under chapters 9 and 10 the following specific recommendations are made with regard to each country:

- Angola should conclude the process of ratification/adherence with regard to CITES, RAMSAR, Convention establishing COREP and Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean.
- In Mozambique the international and regional commitments should be properly reflected in the national policy and laws namely with regard to exchange of information, management of shared resources and cooperation on surveillance operations. Mozambique should also become a member of IOTC and INFOPECHE.
- Namibia should assess in more detail its level of conformity with international legal instruments and bodies dealing with pollution of the sea and oil spillage. This matter falls within the jurisdiction of the Ministry of Works, Transport and Communication which is responsible also for the regulation and enforcement of the Pollution at Sea Act.

- South Africa should conclude the ratification process of SEAFO Convention before next meeting in October 2006. The acceptance of the Compliance Agreement should be formalised, and legislation should be promulgated regarding the requirement that parties shall not allow vessels previously registered in the territory of another party that has been used to undermine international conservation and management measures to be used for fishing in the high seas under an authorisation by South Africa.
- Tanzania should ratify the Nairobi and MARPOL Conventions together with those instruments that will enable it to become a member of ICCAT. Tanzania should also consider becoming a member of IOTC and WIOTO.

At the regional level the following recommendations should be added:

With regard to marine international agreements it is recommended that Angola concludes the process of ratification of the agreement relating to Implementation of part XI of UNCLOS and that Angola, Mozambique and Tanzania become contracting Parties of UNFSA.

On pollution prevention it is recommended that Mozambique, Namibia and Tanzania adhere to the London Convention, and that Namibia, South Africa and Tanzania become a Party of the OPRC.

It is further recommended that Angola, Mozambique and South Africa accept the FAO Compliance Agreement.

With regard to international fisheries bodies it is recommended that Angola, Mozambique, Namibia and Tanzania become a member of IWC.

Some countries have identified the lack of qualified human resources and the costs associated with attendance of international events as a main cause for their lack of active participation. At the regional level it is recommended that proper coordination and exchange of views among the five countries takes place prior to international negotiations allowing common action to be taken at international fora even if not all the SADC Member States attend.

In some countries it was also found that the lack of proper guidance with regard to the process of negotiation and adherence/ratification of international agreements could make the national process more costly and lengthy. It is suggested that a Guide, similar to that in place in South Africa, setting out with sufficient detail the procedures for the conclusion of international agreements be drafted in those countries.

Some countries did not seem to have a proper system of compilation of the information regarding their international commitments. For other countries information was available in the internet, but it was often outdated and in many cases incomplete. It is recommended that a database of fisheries international agreements and bodies be set up by each country or at the regional level and regularly updated.

Finally it is proposed that the obligation provided by the National Environment Management Act of South Africa according to which the Minister is required to report annually to Parliament on the level of performance of the country at the international fora and bodies be reproduced to other countries.

ANNEX I BACKGROUND OF MOST RELEVANT MULTILATERAL FISHERIES AGREEMENTS

BACKGROUND OF THE MOST RELEVANT MULTILATERAL FISHERIES AGREEMENTS			
Fisheries Agreements	SADC Countries	General Description	Main Relevant Issues
<p>United Nations Convention on the Law of the Sea (UNCLOS Convention) Entry into force: 16.11.1994 Total n.° of Parties: 149 Website: http://www.un.org/Depts/los/index.htm</p>	<p>Angola (R) 05.12.1990 Mozambique (R) 13.03.1997 Namibia (R) 18.04.1983 South Africa (R) 23.12.1997 Tanzania (R) 30.09.1985</p> <p>Art. 308: for the States ratifying or acceding after 16.11.1994, it shall enter into force on the thirtieth day following the deposit</p>	<ul style="list-style-type: none"> The United Nations Convention on the Law of the Sea was adopted in 10 December 1982 and entered into force on 16 November 1994 - almost twelve years after; The territorial scope of UNCLOS is global and it establishes a comprehensive framework for the use of the world's oceans; Since it entered into force, UNCLOS has served as an umbrella for the adoption of other specific international instruments as for example the FAO Compliance Agreement, the UN Fish Stocks Agreement and the FAO Code of Conduct for Responsible Fisheries. 	<ul style="list-style-type: none"> This Convention sets out rights and duties of States concerning the oceans and, for purposes of fisheries management it distinguishes between two basic areas: areas under jurisdiction of coastal states and the high seas; However, in exercising its rights and duties within the EEZ, the coastal States shall have due regard to the rights and duties of other States and act in a manner compatible with the Convention. Within its EEZ, the coastal State is to determine the allowable catch of the living resources and is to ensure, through proper conservation and management measures, that the maintenance of these living resources is not endangered by over-exploitation; The coastal State may take measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention. Coastal State penalties for violations of fisheries laws and regulations in the EEZ may not include imprisonment, in the absence of agreements to the contrary by the States concerned, or any other form of corporal punishment. In cases of arrest or detention of foreign vessels the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed. The high seas are open to all States, whether coastal or land-locked and freedom of the high seas is exercised comprising, inter alia, freedom of navigation; freedom of overflight; freedom to lay submarine cables and pipelines, freedom to construct artificial islands and other installations permitted under international law, freedom of fishing and freedom of scientific research; This Convention foresees that any dispute concerning the interpretation or application of its text shall, where no settlement has been reached, be submitted at the request of any party to the dispute to the court or tribunal having jurisdiction (the International Tribunal for the Law of the Sea, the International Court of Justice, an arbitral tribunal, and a special arbitral).
<p>Agreement relating to the implementation of Part XI of the UNCLOS Convention Entry into force: 28.07.1996 Total n.° of Parties: 122 Website: http://www.un.org/Depts/los/index.htm</p>	<p>Mozambique (A) 13.03.1997 Namibia (Simplified Procedure- Art. 5° UNCLOS) 28.07.1995 South Africa (R) 23.12.1997 Tanzania (R) 25.06.1998</p>	<ul style="list-style-type: none"> The Agreement was adopted in 28 July 1994 and entered into force in 28 July 1994; After the adoption of this Agreement the ratification or formal confirmation of or accession to the Convention also represent the consent to be bound by this Agreement. 	<ul style="list-style-type: none"> The Agreement establishes an International Seabed Authority, foreseen in Part XI, through which States Parties to UNCLOS shall organize and control activities of exploration and exploitation of the resources of the Area, particularly with a view to administering such resources The Agreement also establishes an Enterprise to inter alia: monitor and review trends and developments relating to deep seabed mining activities; assess the results of marine scientific research with respect to activities in the Area; assess the data available relating to prospecting and exploration, including the criteria for such activities; assess technological developments relevant to activities in the Area; evaluate the information and data relating to areas reserved for the Authority; assessment of approaches to joint-venture operations; collect information on the availability of trained manpower; study of managerial policy options for the administration of the Enterprise at different stages of its operations.
<p>Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and</p>	<p>Namibia (R) 08.04.1998 South Africa (A) 14.08.2003</p>	<ul style="list-style-type: none"> The Agreement was adopted on 4 December 1995 and entered in force in 11 December 2001; This Agreement aims to ensure the 	<ul style="list-style-type: none"> The Parts shall ensure compliance by vessels flying its flag with subregional and regional conservation and management measures for straddling fish stocks and highly migratory fish stocks. To this end, that State shall: enforce such measures irrespective of where violations occur; investigate immediately and fully any alleged violation of subregional or regional conservation and management measures, which may include the

BACKGROUND OF THE MOST RELEVANT MULTILATERAL FISHERIES AGREEMENTS			
Fisheries Agreements	SADC Countries	General Description	Main Relevant Issues
<p>Management of Straddling Fish Stocks and Highly Migratory Fish Stocks</p> <p>Entry into force: 11.12.2001 Total n.º of Parties: 56 Website: http://www.un.org/Depts/los/index.htm</p>	<p>According to Art. 40, for each State or entity which ratifies the Agreement after 11.12.2001 it shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.</p>	<p>long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks;</p> <ul style="list-style-type: none"> • The Agreement as a global scope of action as applies both on the high seas and (certain provisions) within the EEZs of coastal States; • This treaty makes an effort to strengthen cooperation in the conservation and management of certain fish stocks; • The Agreement requires a precautionary approach to fisheries management and encourages States to adopt compatible measures in relation to stocks within areas under the jurisdiction of coastal States and in the high seas. It specifies mechanisms to achieve cooperation between States, requires strict fisheries enforcement and collection and exchange of fisheries data, and requires parties to settle disputes using the procedures established in UNCLOS; • Recognizing their special requirements, the Agreement foresees cooperation with the developing countries in the region. 	<p>physical inspection of the vessels concerned, and report promptly to the State alleging the violation and the relevant subregional or regional organization or arrangement on the progress and outcome of the investigation; require any vessel flying its flag to give information to the investigating authority regarding vessel position, catches, fishing gear, fishing operations and related activities in the area of an alleged violation; if satisfied that sufficient evidence is available in respect of an alleged violation, refer the case to its authorities with a view to instituting proceedings without delay in accordance with its laws and, where appropriate, detain the vessel concerned; and ensure that, where it has been established, in accordance with its laws, that a vessel has been involved in the commission of a serious violation of such measures, the vessel does not engage in fishing operations on the high seas until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with.</p> <ul style="list-style-type: none"> • All investigations and judicial proceedings shall be carried out expeditiously. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities. Measures applicable in respect of masters and other officers of fishing vessels shall include provisions which may permit, <i>inter alia</i>, refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels; • Part VII of this Agreement refers to the developing countries and recognizes their special requirements in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks. To this end, the Agreement foresees that the States shall, either directly or through appropriate international and regional organizations and bodies, provide assistance to developing States. When giving effect to the duty to cooperate in the establishment of conservation and management measures for straddling fish stocks and highly migratory fish stocks, States shall take into account the special requirements of developing States, in particular the vulnerability of developing States which are dependent on the exploitation of living marine resources (including for meeting the nutritional requirements of their populations or parts thereof), the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous people in developing States, and the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States; • The Agreement also establishes forms of cooperation with developing States to enhance their ability to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks, to assist developing States to enable them to participate in high seas fisheries for such stocks, including facilitating access to such fisheries and to facilitate the participation of developing States in subregional and regional fisheries management organizations and arrangements. This cooperation includes the provision of financial and technical assistance, assistance to human resources development, transfer of technology, and advisory and consultative services. • Another relevant aspect is the establishment of a special fund to assist developing States in the implementation of this Agreement, including in establishing new subregional or regional fisheries management organizations or arrangements, or in strengthening existing organizations or arrangements, for the conservation and management of straddling fish stocks and highly migratory fish stocks.

BACKGROUND OF THE MOST RELEVANT MULTILATERAL FISHERIES AGREEMENTS			
Fisheries Agreements	SADC Countries	General Description	Main Relevant Issues
<p>Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas</p> <p>Entry into force: 24.04.2003 Total n.º of Parties: 29 Website: http://www.fao.org/DOCREP/MEETING/003/X3130m/x3130m00.HTM</p>	<p>Namibia (R) 07.08.1998 Tanzania (R) 17.02.1999</p> <p>Art. XI: 1. this Agreement shall enter into force as from the date of receipt by the Director--General of the twenty-fifth instrument of acceptance.</p>	<ul style="list-style-type: none"> The Agreement was adopted in 24 November 1993 and entered into force since 24 April 2003; The territorial scope of this agreement is global (high seas) and it applies to all fishing vessels over 24 metres in length used or intended for use in the commercial exploitation of living marine resources, including mother ships and any other vessels directly engaged in such fishing operations. 	<ul style="list-style-type: none"> In broad terms, the Agreement has two primary objectives. The first is to require the flag States to take such measures as may be necessary to ensure that vessels flying their flags do not engage in any activity that undermines the effectiveness of international conservation and management measures and seeks to limit the freedom of vessels that have a bad compliance record to "shop around" for new flags. The second objective is to increase transparency of all high seas fishing operations through the collection and dissemination of data; As established in Article III, the most significant provisions for purposes of MCS include three fundamental responsibilities of flag States: to ensure that their vessels do not undermine the effectiveness of international conservation and management measures that apply in any high seas area; to only allow authorized vessels to fish in high seas and only grant this authorization to vessels that will not undermine fishery conservation and management measures that apply in a high seas area in which the vessels will operate; Article III also establishes that each Party shall take enforcement measures in respect of fishing vessels entitled to fly its flag which act in contravention of the provisions of this Agreement, including, where appropriate, making the contravention of such provisions an offence under national legislation. Sanctions applicable in respect of such contraventions shall be sufficient severe as to be effective in securing compliance with the requirements of this Agreement and to deprive offenders of the benefits accruing from their illegal activities. Such sanctions shall, for serious offences, include refusal, suspension or withdrawal of the authorization to fish on the high seas; Under Article IV each Party shall maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing on the high seas; International cooperation is foreseen in Article V, which includes the exchange of information, namely evidentiary material, relating to activities of fishing vessels. Parties shall also enter into cooperative agreements or arrangements of mutual assistance on a global, regional, subregional or bilateral basis; The exchange of information also includes the obligation to report relevant data to FAO, as provided by Article VI; Article VII foresees the cooperation, at a global, regional, subregional or bilateral level, to provide assistance, including technical assistance, to Parties that are developing countries in order to assist them in fulfilling their obligations under the Agreement.
<p>International Convention for the Conservation of Atlantic Tunas (ICCAT)</p> <p>Entry into force: 21.03.1969 Total n.º of Parties: 41 (some of the Parties have withdrawn from the Commission) Website: http://www.iccat.es</p>	<p>Angola (Ad) 29.07.1976 Namibia (R) 10.11.1999 South Africa (Ad) 17.10.1967</p> <p>Art. XIV: the Convention shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval, or adherence on the</p>	<ul style="list-style-type: none"> The International Convention for the Conservation of Atlantic Tunas was prepared and adopted at a Conference of Plenipotentiaries in Rio de Janeiro in 1966 and entered into force in 21 March 1969; The main objective of this Convention is to co-operate in maintaining the population of tunas and tuna-like species found in the Atlantic Ocean and the adjacent seas at levels that will permit the maximum sustainable catch for food and other purposes; The Convention relates only to tuna and other fishes exploited in the course of tuna fishing and which are not subject to control by other fishing organisations. 	<ul style="list-style-type: none"> The Convention establishes the International Commission for the Conservation of Atlantic Tunas (ICCAT), an inter-governmental fishery organization responsible for the conservation of tunas and tuna-like species in the Convention area, namely through the study of the populations of these species, including research on the abundance, biometry and ecology of the fishes; the oceanography of their environment; and the effects of natural and human factors upon their abundance; The Commission undertakes actions of collecting and analysing statistical information relating to the current conditions and trends of the tuna, studying measures and methods to ensure maintenance of the populations of tuna and tuna-like fishes at levels which will permit the maximum sustainable catch and publishing reports of its findings and other scientific information relative to tuna fisheries in the Convention area; The Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch. These recommendations shall be applicable to the Contracting Parties under the conditions laid down in Article VIII; Under the Convention, the Contracting Parties agree to furnish, on the request of the Commission, any available statistical, biological and other scientific information needed for the purposes of the Convention. When the official agencies are unable to obtain

BACKGROUND OF THE MOST RELEVANT MULTILATERAL FISHERIES AGREEMENTS			
Fisheries Agreements	SADC Countries	General Description	Main Relevant Issues
	date of such deposit.		<p>and furnish this information, the Commission shall be allowed, through the Contracting Parties, to obtain it on a voluntary basis direct from companies and individual fishermen.;</p> <ul style="list-style-type: none"> • The Contracting Parties undertake co-operative actions with each other with a view to the adoption of suitable effective measures to ensure the application of the Convention and in particular to set up a system of international enforcement to be applied to the Convention area except in the territorial sea and other waters, if any, in which a state is entitled under international law to exercise jurisdiction over fisheries; • On the request of the Commission, the Contracting Parties shall furnish any available statistical, biological and other scientific information needed for the purposes of the Convention.

TABLE OF THE MOST RELEVANT REGIONAL FISHERIES AGREEMENTS			
Fisheries Agreements	SADC Countries	General Description	Main Relevant Issues
<p>Convention on the Conservation of Antarctic Marine Living Resources Entry into force: 07.04.1982 Total n.º of Parties: 32 Website: http://www.ccamlr.org/</p>	<p>Namibia (R) 29.06.2000 South Africa (R) 23.07.1981</p> <p>Art. XXVIII: the Convention shall enter into force with respect to each State or regional economic integration organization on the thirtieth day following deposit of the instrument of ratification, acceptance, approval or accession.</p>	<ul style="list-style-type: none"> The Convention for the Conservation of Antarctic Marine Living Resources was sign in 20 May 1980 and entered into force in 7 April 1982. It applies to Antarctic marine living resources of the area south of 60 degrees latitude and of the area between that latitude and the Antarctic Convergence (a line joining the following points along parallels of latitude and meridians of longitude: 50°S, 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E; 55°S, 80°E; 55°S, 150°E; 60°S, 150°E; 60°S, 50°W; 50°S, 50°W; 50°S, 0°); The objective of this Convention is the conservation of Antarctic marine living resources (populations of fin fish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence). 	<ul style="list-style-type: none"> Article III foresees that the Contracting Parties shall not engage in any activities in The Antarctic Treaty area contrary to the principles and purposes of the Treaty; Article VII establishes a Commission for the Conservation of Antarctic Marine Living Resources empowered to undertake any activities that are necessary to fulfil the objectives of the Convention, including research, compilation and analysis of data, implementation of a system of observation and inspection and the formulation of conservation measures on the basis of the best scientific evidence available (designation of catch limits for harvested species, protected species, open and closed seasons, protected areas and regulation of the effort employed and fishing methods); Under Article XXIV, the Contracting Parties agreed to establish a system of observation and inspection. The enforcement of CCAMLR measures is undertaken through such System, which was adopted in 1988. It is a nationally operated scheme whereby inspectors are appointed by and report to their own governments which, in turn, report to the Commission. The Commission adopted at CCAMLR-VII (paragraph 124) the Text of the CCAMLR System of Inspection which establishes that if, as a result of inspection activities carried out, there is evidence of violation of measures adopted under the Convention, the Flag State shall take steps to prosecute and, if necessary, impose sanctions. In addition, the Flag State shall at least once a year report to the Commission, in writing, about the results of such prosecutions and sanctions imposed. The sanctions applied by Flag States in respect to infringements of CCAMLR provisions shall be sufficiently severe as to effectively ensure compliance with CCAMLR conservation measures and to discourage infringements and shall seek to deprive offenders of any economic benefit accruing from their illegal activities. The Flag State shall also ensure that any of its vessels which have been found in contravention of a CCAMLR conservation measure do not carry out fishing operations within the Convention Area until they have complied with the sanctions imposed; CCAMLR is developing an integrated policy of conservation measures to increase the gathering of essential data and improve compliance with catch limits. The Commission is also developing a unified regulatory framework of management of fisheries in the Convention Area.
<p>Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (SEAFO) Entry into force: 13.04.2003 Total n.º of Parties: 3 Website: http://www.seafo.org/</p>	<p>Angola (R) 01.09.2005 Namibia (R) 26.02.2002</p> <p>Angola and South Africa have also signed the Convention in 20.04.2001 but have not yet deposited their instrument of ratification Art. 27: this Convention shall enter into force 60 days after the date of deposit with the Depositary of the</p>	<ul style="list-style-type: none"> The Conference on the South East Atlantic Fisheries Organisation, which was held in Windhoek, Namibia on 20 April 2001, adopted the Convention on the Conservation and Management of Fisheries Resources in the South East Atlantic Ocean (SEAFO). This Convention entered into force in 13 April 2003; This Convention applies within the Southeast Atlantic Ocean in waters beyond areas under national jurisdiction and its general objective is to ensure the long-term conservation and sustainable use of the fishery resources in the Convention Area and applies to all fishery resources, including fish, molluscs, crustaceans and other 	<ul style="list-style-type: none"> The Convention establishes the South-East Atlantic Fisheries Organization (SEAFO) which comprises a Commission, Compliance and Scientific Committees and a Secretariat, as established in Article 5. Among its functions the Commission shall establish appropriate cooperative mechanisms and measures on MCS and enforcement within the Convention Area (Article 6). The Compliance Committee shall: conduct activities as the Commission may direct and shall coordinate compliance activities undertaken by or on behalf of the Organization; coordinate with the Scientific Committee on matters of common concern; and perform such other tasks as directed by the Commission (Article 9). As foreseen in Article 13 (5), each Contracting Party shall submit to the Commission an annual statement of implementing and compliance measures, including imposition of sanctions for any violations of the legal provisions foreseen in the Convention; Article 16 establishes that the Contracting Parties, through the Commission, shall establish a System of observation, inspection, compliance and enforcement aiming to verify the compliance with conservation and management measures and to prompt action on reports of infringements in contravention of measures agreed by the Commission. The System shall, inter alia, comprise control measures, (authorisation of vessels to fish, marking of vessels and fishing gear, recording of fishing activities, and near-to-real time reporting of vessel movements and activities by means such as satellite surveillance), an inspection programme, both at sea and in port, including procedures for boarding and

TABLE OF THE MOST RELEVANT REGIONAL FISHERIES AGREEMENTS

Fisheries Agreements	SADC Countries	General Description	Main Relevant Issues
	<p>third instrument of ratification, accession, acceptance or approval at least one of which has been deposited by a coastal State. For each State or regional economic integration organisation which, subsequent to the date of entry into force of this Convention, deposits an instrument of ratification or accession, this Convention shall enter into force on the thirtieth day following such deposit.</p>	<p>sedentary species, except for the sedentary species subject to the fishery jurisdiction of coastal States pursuant to Article 77(4) of UNCLOS and highly migratory species listed in Annex I of the UNCLOS. The Convention also contains measures pertaining to other living marine resources, defined to mean all living components of marine ecosystems, including seabirds;</p> <ul style="list-style-type: none"> Recognizing their special requirements, the Convention foresees cooperation with the developing countries in the region. 	<p>inspection of vessels, on a reciprocal basis; an observer programme; an appropriate level of coverage for different sizes and types of fishing vessels and fishery research vessels; and measures for reporting by observers of information regarding apparent violations of conservation and management measures and procedures for the follow-up on infringements detected under the System, including standards of investigation, reporting procedures, notification of proceedings and sanctions, and other enforcement actions;</p> <ul style="list-style-type: none"> This Convention recognises in Article 21 the special requirements of developing States in the region in relation to conservation and management of fishery resources and the development of such resources. The Contracting Parties shall take into consideration the vulnerability of developing States in regions which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations; the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fish workers; and the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States in the region. Article 21 also settles the need for cooperation to enhance the ability of developing States in the region to conserve and manage fishery resources and to develop their own fisheries for such resources and the need to assist developing States in the region which may fish for fishery resources, to enable them to participate in fisheries for such resources. The support to developing countries includes the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, and activities directed specifically towards improved conservation and management of the fishery resources, stock assessment and scientific research; and monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.
<p>Regional Convention on Fisheries Cooperation among African States bordering the Atlantic Ocean Entry into force: 12.07.1995 Total n.º of Parties: 22 Website: http://www.fao.org/fi/body/rfb/AAFC/aafc_home.htm</p>	<p>Angola (R) March.2006 Namibia (R) <i>information not available</i></p> <p>Art. 24: this Convention shall enter into force 30 days following the deposit with the Director General of the Food and Agriculture Organization of the United Nations of the seventh of instrument of ratification, approval or accession.</p>	<ul style="list-style-type: none"> The Regional Convention on Fisheries Cooperation among African States bordering the Atlantic Ocean was signed in Dakar on 5 July 1991 and entered into force in 12 July 1995; The objectives of this Convention are to enable Parties to promote an active and organized cooperation in the area of fisheries management and development in the Region; to take up the challenge of food self-sufficiency through the rational utilization of fishery resources; to stimulate the national economic sectors through the direct and secondary effects resulting from fishery resources exploitation; to enhance, coordinate and harmonize their efforts and capabilities for the purpose of conserving, exploiting, upgrading and marketing fishery 	<ul style="list-style-type: none"> As foreseen in Article 3 (4), the Parties to the Convention shall endeavour to adopt harmonized policies concerning the conservation, management and exploitation of fishery resources, in particular with regard to the determination of catch quotas and, as appropriate, the adoption of joint regulation of fishing seasons. Article 5 establishes that the Parties shall also work and collaborate with all the means at their disposal, or which they may jointly acquire to ensure MCS, including technical control, of fishing vessels operating in the Region; Article 13 establishes that the Parties shall endeavour to harmonize their fisheries policies by: adopting laws and regulations to ensure proper implementation of the provisions of the Convention and its protocols.; encouraging the exchange of information on fisheries laws and regulations and methods of their implementation; and agreeing to consult one another in international conferences on fisheries in order to harmonize their positions. Article 14 requires Parties to encourage the conclusion of fisheries agreements between them on a preferential basis. Furthermore, they shall exchange their experience in the negotiation and conclusion of fisheries cooperation agreements with third parties; To promote the dissemination of scientific, economic, technical and legal data and information regarding the Region's fisheries, Parties shall, as foreseen in Art.15, collaborate in the establishment and operation of a data and information bank, in cooperation with relevant subregional, regional and international organizations.

TABLE OF THE MOST RELEVANT REGIONAL FISHERIES AGREEMENTS			
Fisheries Agreements	SADC Countries	General Description	Main Relevant Issues
		<p>resources; to reinforce solidarity with African land-locked States and geographically disadvantaged States of the Region.</p>	
<p>SADC Protocol on Fisheries Entry into force: 08.08.2003 Total n.º of Parties: 10 Website: http://www.sadc.int</p>	<p>Angola (R) 01.04.2003 Mozambique (R) 29.08.2002 Namibia (R) 21.06.2002 South Africa (R) 24.07.2003 Tanzania (R) 16.03.2003</p> <p>Art. 26: this Protocol shall enter into force 30 days after the deposit of the instruments of ratification by two thirds of the Member States.</p>	<ul style="list-style-type: none"> The SADC Fisheries Protocol was adopted by the SADC Member States in 14.08.2001 and entered into force in 08.08.2003; The main objective of this Protocol is to promote responsible and sustainable use of the living aquatic resources and aquatic ecosystems of interest to State Parties in order to: promote and enhance food security and human health; safeguard the livelihood of fishing communities; generate economic opportunities for nationals in the Region; ensure that future generations benefit from these renewable resources; and alleviate poverty with the ultimate objective of its eradication; The Protocol applies to the living aquatic resources and aquatic ecosystems within the jurisdiction of a State Party, the living aquatic resources of State Parties which extend outside the areas under their jurisdiction, or high seas resources as may be considered to be of interest to State Parties; the fishing, and related activities, by nationals of State Parties; and international activities outside SADC that promote the objectives of the Protocol. 	<ul style="list-style-type: none"> Under Article 5 State Parties shall take measures for the harmonisation of laws, policies, plans and programmes on fisheries aimed at promoting the objective of the Protocol. The Parties shall also: adopt measures to ensure that their nationals and juridical persons act in a responsible manner in the use of living aquatic resources; authorise the use of vessels flying its flag, for fishing in waters only where it is able to effectively exercise its responsibilities under this Protocol in respect of such vessels; ensure that the national vessels comply with measures adopted under the Protocol; ensure that aquatic living resources in the areas under their national jurisdiction are not endangered by over exploitation; As provided in Article 6, the legal provisions adopted by the Parties shall be in line with UNCLOS, the Implementing Agreement; and the Compliance Agreement; Provisions are also made concerning the management of shared resources, which includes the exchange of information and the establishment of instruments for co-ordination, co-operation, or integration of management of shared resources as well as management plans; As foreseen in Article 9, Parties shall take adequate measures to optimise use of existing fisheries law enforcement resources. Co-operation shall also be developed concerning the use of surveillance resources with a view to increasing the cost effectiveness of surveillance activities and reducing the costs of surveillance; Parties shall also seek a rational and equitable balance between social and economic objectives in the exploitation of living aquatic resources accessible to artisanal and subsistence fishers; optimise the economic contribution of aquaculture to the Region; conserve aquatic ecosystems by applying the precautionary principle and ensure that activities within their jurisdiction and control do not cause excessive transboundary adverse impacts; promote sustainable trade and investment in fisheries and related goods and co-operate in establishing joint research programmes; Article 19 provides for the establishment of a Committee to oversee the implementation of the Protocol.

ANNEX II BACKGROUND OF MOST RELEVANT NON-BINDING INSTRUMENTS

BACKGROUND INFORMATION OF THE MOST RELEVANT NON BINDING INSTRUMENTS			
Non Binding Instrument	SADC Countries	General Description	Main Relevant Issues
<p>FAO Code Of Conduct For Responsible Fisheries (CCRF) Adopted: 31.10.1995 Website: http://www.fao.org/</p>	<p>Angola Mozambique Namibia South Africa Tanzania</p>	<ul style="list-style-type: none"> The Code is voluntary but based on relevant rules of international law and contains provisions that have a binding effect by means of other obligatory legal instruments amongst the Parties. It has been adopted at the FAO Conference on 31 October 1995 and establishes a comprehensive set of guidelines and principles, in accordance with the relevant rules of international law, which aim to promote <i>inter alia</i>, responsible fishing and fisheries activities, with a view to ensuring the effective conservation, management and development of living aquatic resources; Its scope is global and is directed towards members and non-members of FAO, fishing entities, subregional, regional and global organizations, whether governmental or non-governmental, and all persons concerned with the conservation of fishery resources and management and development of fisheries; The international plans of action (IPOAs) are voluntary instruments developed within the framework of the Code and apply to all States and entities and to all fishers. Four IPOAs have been developed to date: IPOA for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-SEABIRDS); IPOA for the Conservation and Management of Sharks (IPOA-SHARKS); IPOA for the Management of Fishing Capacity (IPOA-CAPACITY) which aims to achieve on a world wide scope an efficient, equitable and transparent management of fishing capacity) and IPOA to Prevent, Deter and Eliminate IUU Fishing by providing comprehensive, effective and transparent action measures (IPOA- 	<ul style="list-style-type: none"> One of the main objectives of the Code is to assist States in establishing or improving the legal and institutional framework required for the exercise of responsible fisheries. Article 5 recognizes the special requirements of developing countries. Full recognition shall be given to the special circumstances and requirements of developing countries. States, organizations and financial institutions should work for the adoption of measures to address the needs of developing countries especially in the areas of: financial and technical assistance; technology transfer; training and scientific cooperation; and in enhancing their ability to develop their own fisheries as well to participate in high seas fisheries, including access to those fisheries. Article 6 subjects States to the obligation of conserving the aquatic ecosystem and prevent overfishing and excess fishing capacity and should implement management measures based on the precautionary approach; it further requires that critical fisheries habitats in marine and fresh water ecosystem, such as wetlands, mangroves, reefs, lagoons and spawning areas, should be protected and rehabilitated. States are also required to facilitate consultation and participation of industry, fishworkers, environmental and other interested organisations in decision making with respect to the development of laws and policies related to fisheries management. According to Article 7, through an appropriate policy, legal and institutional framework, measures for the long-term conservation and sustainable use of fisheries resources should be adopted. Long-term management objectives should be translated into management actions, formulated as fisheries management plan or other management instrument. States should also establish effective mechanisms for fisheries MCS and enforcement to ensure compliance with their conservation and management measures. Concerning the implementation of this Code, States shall ensure sanctions applicable in respect of violations are adequate in severity to be effective, including the refusal, withdrawal or suspension of authorizations to fish in the event of non-compliance with conservation and management measures in force. Effective fisheries monitoring, control, surveillance and law enforcement measures shall also be foreseen including observer programmes, inspection schemes and vessel monitoring systems; As foreseen in Article 8, States shall ensure that only fishing operations allowed by them are conducted within waters under their jurisdiction and that these operations are carried out in a responsible manner; The States are also required to maintain statistical data, updated at regular intervals, on all fishing operations allowed by them. Flag States are required under Article 8 to maintain records of fishing vessels entitled to fly their flag and authorized to be used for fishing. These authorized vessels and their gear should be marked in accordance with uniform and internationally recognizable vessel marking systems such as the FAO Standard Specifications. Flag States are also required to ensure compliance with appropriate safety requirements for fishing vessels and fishers and take enforcement measures in respect of fishing vessels entitled to fly their flag which have been found by them to have contravened applicable conservation and management measures, including, where appropriate, making the contravention of such measures an offence under national legislation. Sanctions applicable in respect of violations should be adequate in severity to be effective in securing compliance, to discourage violations and to deprive offenders of the benefits accruing from their illegal activities. The sanctions may even include provisions for the refusal,

BACKGROUND INFORMATION OF THE MOST RELEVANT NON BINDING INSTRUMENTS			
Non Binding Instrument	SADC Countries	General Description	Main Relevant Issues
		<p>IUU);</p> <ul style="list-style-type: none"> The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas is an integral component of the Code; The Code recognizes the special requirements of the developing countries and foresees the adoption of measures to address their needs. 	<p>withdrawal or suspension of the authorization to fish.</p>
<p>Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries Adopted: 11.03.1999 Website: http://www.fao.org/</p>	<p>Angola Mozambique Namibia South Africa Tanzania</p>	<ul style="list-style-type: none"> The Rome Declaration on Responsible Fisheries was adopted unanimously by the Ministerial Meeting on the Implementation of the Code of Conduct for Responsible Fisheries, convened in Rome on 10 and 11 March 1999 and by 126 members of FAO; 	<ul style="list-style-type: none"> The Declaration highlights a number of key issues for the future of fisheries management, including, <i>inter alia</i>: the development of more appropriate eco-system approaches to fisheries development and management; the need to address trade and environment related to fisheries and aquaculture; the need to address further articles of the Code of Conduct such as post-harvest practices, the improvement of fishing operations, responsible trade and the promotion of research.
<p>International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) Adopted: 02.03.2001 Website: http://www.fao.org/</p>	<p>Angola Mozambique Namibia South Africa Tanzania</p>	<ul style="list-style-type: none"> The IPOA-IUU was developed within the framework of the Code of Conduct for Responsible Fisheries. It is a voluntary instrument adopted by consensus at the Twenty-fourth Session of COFI on 2 March 2001 and endorsed by the Hundred and Twentieth Session of the FAO Council on 23 June 2001. The IPOA-IUU applies to all States and entities and to all fishers and its main objective is the implementation of measures to prevent, deter and eliminate IUU fishing focusing on all States and flag State responsibilities, coastal and port States measures internationally agreed market-related measures, research and regional fisheries management organizations. The IPOA-IUU also establishes special requirements of developing countries. 	<ul style="list-style-type: none"> The IPOA-IUU incorporates principles and strategies taking in consideration the special requirements of developing countries in accordance with Article 5 of the Code of Conduct. The principles established in paragraph 9 of the Programme are Participation and coordination; Phased implementation; Comprehensive and integrated approach; Conservation; Transparency and Non-discrimination; As foreseen in paragraph 10 to 17, States should give full effect to relevant norms of international law and national legislation should address in an effective manner all aspects of IUU fishing. Considering the application of sanctions, paragraph 21 of the IPOA-IUU requires States to ensure that sanctions for IUU fishing by vessels and nationals under its jurisdiction are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing, including even the adoption of a civil sanction regime based on an administrative penalty scheme. States should ensure the consistent and transparent application of sanctions In paragraph 24 concerning MCS, IPOA-IUU establishes that States should undertake comprehensive and effective MCS of fishing from its commencement, through the point of landing, to final destination which should include schemes for access to waters and resources, records of all vessels, VMS, observer programmes, etc; Paragraph 25 of the IPOA-IUU calls upon all States to develop and adopt, not later than March 2004, national plans of action to further achieve the objectives established and give full effect to its provisions as an integral part of their fisheries management programmes and budgets. National Plans of Action should also include actions to implement initiatives adopted by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing; In its Part V the IPOA-IUU foresees that States should cooperate to support training and capacity building by providing financial, technical and other assistance to developing countries. This assistance should be directed in particular to: the development and implementation of national plans of action; review of national legislation and regional regulatory frameworks; improvement and harmonization of fisheries and related data collection; strengthening of regional institutions; and strengthening and enhancement

BACKGROUND INFORMATION OF THE MOST RELEVANT NON BINDING INSTRUMENTS			
Non Binding Instrument	SADC Countries	General Description	Main Relevant Issues
			<p>of integrated MCS systems;</p> <ul style="list-style-type: none"> • Advisory Services for Fisheries MCS have been developed in West Africa. The regional project for MCS of industrial fisheries in the countries of the Subregional Fisheries Commission (SRFC) - Mauritania, Senegal, The Gambia, Cape Verde, Guinea-Bissau, Guinea as well as Sierra Leone aims to contribute to the protection and conservation of fishery resources through reduction of illegal fishing and its effects on the marine environment, and also to improve the food security and attain economic benefits for the countries concerned. • On the final report approved by the participants at the Technical Consultation to Review Progress and Promote the Full Implementation of the IPOA-IUU and the IPOA-Capacity¹⁴, held in Rome from 24 to 29 June 2004, a reference is made to actions taken by Members, Regional Fisheries Management Organizations (RFMOs) and International Non-Governmental Organizations (INGOs) to implement the IPOA-IUU. One of the aspects pointed out was the importance of the acceptance or ratification of some international instruments like the FAO Compliance Agreement and the UN Fish Stocks Agreement as a key element in implementing the IPOA-IUU. It was recommended for countries that had not already accepted or ratified these instruments to do so; • The central role of MCS in combating IUU fishing was highlighted as well and a reference was made to some countries that have taken steps to revise fishery policies and legislation in order to comply with the requirements of the IPOA-IUU and to strengthen their MCS capacities. In this sense the MCS Network¹⁵ plays an important role in combating IUU fishing. The Network has about 40 participating countries and promotes collaboration between participating countries and the exchange of information relating to IUU fishing on a real time basis; • Some countries have completed, or are in the process of completing, their National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOAs-IUU). This was pointed out as being a useful task in terms of identifying the existing measures to address IUU fishing and eventual gaps. However difficulties were felt by some countries, particularly developing countries, in elaborating the NPOAs-IUU due to limitations in the availability available resources (technical and financial). In this sense it was underlined the importance of technical and financial assistance to support developing countries in establishing their NPOAs-IUU (there are some Regular Programme funding through the FAO Technical Cooperation Programme, directed towards the elaboration of NPOAs-IUU); • It was also stressed the clear linkage between IPOA-IUU and the IPOA-Capacity requiring more appropriate fisheries management and capacity controls to prevent IUU fishing; • The FAO Fisheries Department has developed guidelines¹⁶ to assist in the implementation of the IPOA-IUU. One of the objectives of these guidelines is to provide guidance to developing countries on the implementation of the IPOA-IUU since they suffer a lot with the adverse effects of IUU fishing. Most governments in developing countries lack the resources and infrastructure to monitor and enforce capture fishery regulations effectively. In this sense FAO and other international institutions like the World Bank have on-going projects to provide assistance to developing States in the fisheries field.

¹⁴ <ftp://ftp.fao.org/docrep/fao/007/y5681e/y5681e00.pdf>

¹⁵ The International MCS Network is an arrangement of national organizations/institutions responsible for fisheries-related MCS activities, which have been authorized by their nations to coordinate and cooperate in order to prevent IUU fishing. The objectives of the International MCS Network are to improve the efficiency and effectiveness of fisheries-related MCS activities through enhanced cooperation, coordination, information collection and exchange. Membership in the International MCS Network is voluntary (<http://www.imcsnet.org/mcs.htm>)

¹⁶ These guidelines are based on the work of Mr David Balton, a consultant to the FAO Fishery Policy and Planning Division (<ftp://ftp.fao.org/docrep/fao/005/y3536e/y3536e00.pdf>)

ANNEX III BACKGROUND OF MOST RELEVANT FISHERIES BODIES

BACKGROUND OF THE MOST RELEVANT REGIONAL FISHERIES MANAGEMENT ORGANISATIONS			
Fisheries Organizations	SADC Countries	General Description	Mail Relevant Issues
International Whaling Commission (IWC) Established: 1949 Total n° of Members: 66 Website: http://www.iwcoffice.org/	South Africa (1949)	<ul style="list-style-type: none"> The International Whaling Commission was established in 1949 under Article III of the International Convention for the Regulation of Whaling adopted in 1946. The IWC is the principal organization for the conservation and management of whaling and aims at promoting effective conservation and development of whale stocks. IWC has a global scope of action since the Convention applies to factory ships, land stations and whale catchers under the jurisdiction of the member governments, and to all waters in which whaling is prosecuted by such factory ships, land stations and whale catchers; Membership of the IWC is open to any State, regardless of whether they engage in whaling or otherwise have an interest in ensuring the "proper and effective conservation and development of whale stocks" or making "possible the orderly development of the whaling industry". 	<ul style="list-style-type: none"> The regulations adopted by the IWC must be "such as are necessary to carry out the objectives and purposes of the Convention and to provide for the conservation, development, and optimum utilization of whale resources". These regulations refer to the protected and unprotected species, the open and closed seasons, the open and closed waters, including the designation of sanctuary areas, the size limits for each species, the time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season), the types and specifications of gear and apparatus and appliances which may be used, the methods of measurement; and the catch returns and other statistical and biological records. The Commission may also make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of the Convention; The Contracting Governments may grant to any of its nationals special permits authorizing the killing, take, and treat of whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as Parties think fit. Each Party shall report at once to the Commission all the authorizations granted; Each Party shall ensure the application of the provisions of the Convention and punish any infractions said that violate those provisions in operations carried out by persons or by vessels under its jurisdiction; No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by the Convention; Each Contracting Government shall institute prosecution actions for infractions and contraventions and transmit to the Commission full details of each infraction process, including a statement of measures taken for dealing with the infraction and penalties imposed.
International Commission for the Conservation of Atlantic Tunas (ICCAT) Established: 1969 Total n° of Members: 41 (some of the Members are not Parties to the Convention) Website: http://www.iccat.es	Angola (29.07.1976) Namibia (10.11.1999) South Africa (1969)	<ul style="list-style-type: none"> The International Commission for the Conservation of Atlantic Tunas was established in 1969, under Article III of the International Convention for the Conservation of Atlantic Tunas, which was prepared and adopted at a Conference of Plenipotentiaries in Rio de Janeiro in 1966; The ICCAT is an inter-governmental fishery organization responsible for the conservation of tunas and tuna-like species in all waters of the Atlantic Ocean and adjacent seas, including the Mediterranean Sea. However there is no precise definition in terms of longitude and latitude; Through the Convention, it is established that ICCAT is the only fisheries organization that can undertake the range of work required for the study and management of tunas and tuna- 	<ul style="list-style-type: none"> The Commission is empowered, on the basis of scientific evidence, to recommend management measures and Resolutions aimed to carrying out its objective of maintaining the populations of tuna and tuna-like fishes at levels which will permit maximum sustainable catch; Since its establishment, ICCAT has employed a wide range of tools for the conservation and management of the stocks within its competence, including: total allowable catches and catch quotas, size limits, effort restriction, observer programmes, closed areas and seasons, vessel registration and information exchange, gear restrictions, enforcement measures, etc; In accordance with the Convention, the Commission holds a regular meeting every other year and a special meeting in alternate years. The Commission can, on the basis of scientific evidence, adopt Recommendations and Resolutions aimed at maintaining the populations of ICCAT species at levels which will permit maximum sustainable catch. Normally, Recommendations and Resolutions are drafted by already-established auxiliary bodies (such as the 4 species-group Panels, or the Compliance Committee), and are presented to the Commission for adoption. For ease of use, the Secretariat has classified the regulations into different topics: Species (Yellowfin tuna, Bigeye tuna, Tropical Tunas, Swordfish, Albacore, Bluefin

BACKGROUND OF THE MOST RELEVANT REGIONAL FISHERIES MANAGEMENT ORGANISATIONS			
Fisheries Organizations	SADC Countries	General Description	Mail Relevant Issues
		<p>like fishes in the Atlantic, including compilation of fishery statistics from its members and from all entities fishing for these species in the Atlantic Ocean, research and development of scientific-based management advice;</p> <ul style="list-style-type: none"> The Commission is open to any Government which is a Member of the UN or of any specialized agency of the UN and to any inter-governmental economic integration organization constituted by States that have transferred to it competence over the matters governed by the Convention. 	<p>tuna, Billfishes, By-catch species), Monitoring and Compliance (General issues, Sanctions, trade-related measures, Statistical Document Programs, Terms of Reference). A complete compendium of Active Recommendations and Resolutions, last updated in 10/2005, can be downloaded at http://www.iccat.es/Documents/Recs/PLE-010-EN.pdf;</p> <ul style="list-style-type: none"> In 2002 it was established an ICCAT Record of Vessels over 24 m authorized to operate in the Convention Area. This requires that each ICCAT Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity submit the list of its large-scale fishing vessels that are authorized to operate in the Convention Area. This list includes information like: Name of vessel, register number, previous name and flag (if any), flag (if any), international radio call sign, type of vessels, length and gross registered tonnage (GRT), name and address of owner(s) and operator(s), gear used, time period authorized for fishing and/or transhipping. The entire vessels list is available in http://www.iccat.org/vessel2/vessels.aspx Under the Convention, the Contracting Parties agree to take all action necessary to ensure its enforcement and to transmit to the Commission a statement of the action taken by it for these purposes. The Contracting Parties also agree to furnish, on the request of the Commission, any available statistical, biological and other scientific information needed for the purposes of the Convention; The Contracting Parties undertake collaborative actions with each other with a view to the adoption of suitable effective measures to ensure the application of the Convention and in particular to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a state is entitled under international law to exercise jurisdiction over fisheries; On the request of the Commission, the Contracting Parties shall furnish any available statistical, biological and other scientific information needed for the purposes of the Convention. When the official agencies are unable to obtain and furnish this information, the Commission shall be allowed, through the Contracting Parties, to obtain it on a voluntary basis directly from companies and individual fishermen.
<p>Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Established: 1982 Total n° of Members: 24 plus 8 additional States Website: http://www.ccamlr.org/</p>	<p>Namibia (29.06.2000) South Africa (1982)</p>	<ul style="list-style-type: none"> The Commission was established in 1982 under the Article VII of the 1980 Convention for the Conservation of Antarctic Marine Living Resources and applies to Antarctic marine living resources of the area south of 60°S latitude and of the area between that latitude and the Antarctic Convergence (a line joining the following points along parallels of latitude and meridians of longitude: 50°S, 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E; 55°S, 80°E; 55°S, 150°E; 60°S, 150°E; 60°S, 50°W; 50°S, 50°W; 50°S, 0°); The Commission is empowered to undertake any activities that are necessary to fulfil the objectives of the Convention, including research, compilation and analysis of data, implementation of a system of observation and inspection and the formulation of 	<ul style="list-style-type: none"> The enforcement of CCAMLR measures is undertaken through the System of Observation and Inspection, foreseen in Art. XXIV and adopted in 1988. This is a nationally operated scheme whereby inspectors are appointed by and report to their own governments which, in turn, report to the Commission; In order to verify compliance with conservation measures adopted under the Convention, Inspectors designated by Members shall be entitled to board a fishing or fisheries research vessel in the area to which the Convention applies to determine whether the vessel is, or has been, engaged in scientific research, or fishing, of marine living resources. The Commission stated its understanding that the System of Inspection applied to flag vessels of all Members of the Commission and where appropriate, Acceding States. Inspection may be carried out by designated Inspectors from vessels of the designating states. The Commission adopted at CCAMLR-VII (paragraph 124) the Text of the CCAMLR System of Inspection that establishes that if, as a result of inspection activities carried out, there is evidence of violation of measures adopted under the Convention, the Flag State shall take steps to prosecute and, if necessary, impose sanctions. Then the Flag State shall, within fourteen days of the laying of charges or

BACKGROUND OF THE MOST RELEVANT REGIONAL FISHERIES MANAGEMENT ORGANISATIONS			
Fisheries Organizations	SADC Countries	General Description	Mail Relevant Issues
		<p>conservation measures on the basis of the best scientific evidence available (designation of catch limits for harvested species, protected species, open and closed seasons, protected areas and regulation of the effort employed and methods of harvesting)</p> <ul style="list-style-type: none"> Membership of the Commission is restricted to those States which participated in the 1980 Conference and other States, or regional economic integration organizations, which are engaged in research or harvesting activities in relation to the living resources to which the Convention applies 	<p>the initiation of proceedings relating to a prosecution, communicate this information to the Secretariat, and continue thereafter to inform the Secretariat as the prosecution develops or is concluded. In addition, the Flag State shall at least once a year report to the Commission, in writing, about the results of such prosecutions and sanctions imposed. If a prosecution has not been completed, a progress report shall be made. When a prosecution has not been launched, or has been unsuccessful, the report shall contain an explanation. Sanctions applied by Flag States in respect to infringements of CCAMLR provisions shall be sufficiently severe as to effectively ensure compliance with CCAMLR conservation measures and to discourage infringements and shall seek to deprive offenders of any economic benefit accruing from their illegal activities. The Flag State shall also ensure that any of its vessels which have been found to have contravened a CCAMLR conservation measure do not carry out fishing operations within the Convention Area until they have complied with the sanctions imposed;</p> <ul style="list-style-type: none"> The problem of IUU Fishing is continuing to jeopardise CCAMLR's application of the 'precautionary approach'. The continued lack of information from IUU fisheries severely complicates CCAMLR's efforts to determine future toothfish stock trends in certain areas. This contributes to uncertainty surrounding the status of such stocks and also indicates that their future sustainability is likely to be compromised. CCAMLR is developing an integrated policy of conservation measures to increase the gathering of essential data and improve compliance with catch limits. Relevant measures include improved data-recording procedures, the promotion of closer cooperation between CCAMLR Parties and non-Parties, the need for Flag States to authorise their vessels to fish in the Convention Area and a process to monitor the international toothfish trade; The Commission is developing a unified regulatory framework to manage all fisheries in the Convention Area in a uniform manner. The regulatory framework sits within the existing regulatory requirements of CCAMLR and encompasses procedures for notification, establishment of research and fishery operations plans and data collection plans for all fisheries. A key component of the framework is a reference document known as a Fishery Plan that shall provide a comprehensive summary of information on a fishery, including a list of all the regulatory requirements (i.e. harvest controls, notification requirements, a research and fishery operations plan, and a data collection plan). Each Plan shall also provide a summary of the fishing activity (e.g. catch limits by year, catches by year, level of effort, number of vessels and vessel days, fishery data available for assessment, notifications received), and a summary list of the data received by the Secretariat for the most recent season in which fishing took place; A number of amendments to the Scheme have been made in recent years, inspired by the UN Fish Stocks Agreement and other recent developments, including improved monitoring of vessels, licensing requirements and stricter sanctions.
<p>Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean (COMHAFAT) Established: (the Convention entered into force in 12.07.1995) Total n° of Members: 12 Website:</p>	<p>Angola (March.2006) Namibia (<i>information not available</i>)</p>	<ul style="list-style-type: none"> The Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean took place in Rabat (Morocco) from 30 March to 1 April, 1989. The Conference unanimously adopted the Rabat Declaration that established the basis of a global programme of regional cooperation expanded and diversified in nature and which will cover all aspects of organizing and developing fisheries 	<ul style="list-style-type: none"> This regional organization aims to promote an active and organized cooperation in the area of fisheries management and development in the Region, take up the challenge of food self-sufficiency through the rational utilization of fishery resources, stimulate the national economic sectors, enhance, coordinate and harmonize regional efforts and capabilities for the purpose of conserving, exploiting, upgrading and marketing fishery resources, considering in particular fish stocks occurring within the waters under the sovereignty or jurisdiction of more than one Party and reinforce solidarity with African landlocked States and geographically disadvantaged States of the Region; The Parties shall: combine their efforts to ensure the conservation and rational

BACKGROUND OF THE MOST RELEVANT REGIONAL FISHERIES MANAGEMENT ORGANISATIONS			
Fisheries Organizations	SADC Countries	General Description	Mail Relevant Issues
http://www.fao.org/fi/body/rfb/AAFC/aafc_home.htm		<p>management among the states of the Region. To this end a Follow-Up Committee was established which met again in Rabat from 29-31 May 1990 and recommended the preparation of a draft regional convention on fisheries cooperation. The Regional Convention on Fisheries Cooperation among African States bordering the Atlantic Ocean was adopted in Dakar on 5 July 1991 and entered into force in 12 July 1995.</p>	<p>management of their fishery resources: establish and maintain an up to date inventory of human and material resources of the Region; conclude arrangements using their complementary strengths in the area of fishery resources assessment, exchange scientific information regarding fishery resources; endeavour to adopt harmonized policies concerning the conservation, management and exploitation of fishery resources and, as appropriate, the adoption of joint regulation of fishing seasons:</p> <ul style="list-style-type: none"> Parties shall also work and collaborate to ensure the monitoring, surveillance and control, including technical control, of fishing vessels operating in the Region. The protection and preservation of the marine environment as well as the management of coastal areas of the Region are also under the framework of this Convention. In this sense, Parties shall promote the strengthening of bilateral, subregional and international cooperation mechanisms dealing with the protection and preservation of the marine environment and coastal areas as well as the intensification of their activities, while taking into account the relevant international standards and regulations on the subject
<p>South East Atlantic Fisheries Organization (SEAFO) Established: 2005 Total n° of Members: 3 Website: http://www.seafo.org/</p>	<p>Angola (2005) Namibia (2005)</p> <p>Angola and South Africa have both signed the Convention on 20.04.2001 but have not yet ratified it.</p>	<ul style="list-style-type: none"> The South East Atlantic Fisheries Organization was established under Article 5 of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean, adopted in Windhoek in 2001 and in force since April 2003; Once SEAFO becomes operational it will be responsible for the imposition and maintenance of a management regime ensuring long-term conservation and sustainable use of fish resources on the high seas of the South East Atlantic Ocean through the establishment and implementation of conservation measures; The Organization acts within the Convention Area which includes all waters beyond areas of national jurisdiction in the area bounded by a line joining the following points along parallels of latitude and meridians of longitude: beginning at the outer limit of waters under national jurisdiction at a point 6° South, thence due west along the 6° South parallel to the meridian 10° West, thence due north along the 10° West meridian to the equator, thence due west along the equator to the meridian 20° West, thence due south along the 20° West meridian to a parallel 50° South, thence due east along the 50° South parallel to the meridian 30° East, thence due north along the 30° East meridian to the coast of the African continent. 	<ul style="list-style-type: none"> The Organization comprises the Commission and the Compliance and Scientific Committees. The Contracting Parties, through the Commission, shall establish a system of observation, inspection, compliance and enforcement, to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishing research vessels flying their flags in the Convention Area. This System aims to verify compliance with conservation and management measure and to prompt action on reports of infringements in contravention of measures. Pursuing these objectives the System shall, <i>inter alia</i>, comprise control measures (authorisation of vessels to fish, marking of vessels and fishing gear, recording of fishing activities, and near-to-real time reporting of vessel movements and activities by means such as satellite surveillance); an inspection programme, both at sea and in port, including procedures for boarding and inspection of vessels, on a reciprocal basis; an observer programme based on common standards for the conduct of observation; an appropriate level of coverage for different sizes and types of fishing vessels and fishery research vessels; measures for reporting by observers of information regarding apparent violations of conservation and management measures; and procedures for the follow-up on infringements detected under the System, including standards of investigation, reporting procedures, notification of proceedings and sanctions, and other enforcement actions; The Convention recognizes the special requirements of developing States in the region in relation to conservation and management of fishery resources and the development of such resources. In this sense, when determining the nature and extent of participatory rights in fishing opportunities, the Commission takes into account the interests of developing States in whose areas of national jurisdiction the stocks also occur as well as the needs of coastal fishing communities which are dependent mainly on fishing for the stocks in the South East Atlantic and whose economies are overwhelmingly dependent on the exploitation of fishery resources. The Commission may, <i>inter alia</i>, designate annual quota allocations or effort limitations for Contracting Parties and set aside fishing opportunities for non-parties if necessary.

ANNEX IV RELEVANT MULTILATERAL AGREEMENTS

	LEGAL INSTRUMENT	SCOPE	GENERAL	SIGNATURE (S) RATIFICATION (R) ENTRY INTO FORCE (NATIONAL)				
			ADOPTION (A) ENTRY INTO FORCE (E)	ANGOLA	MOZAMBIQUE	NAMIBIA	SOUTH AFRICA	TANZANIA
Marine and Shipping Law	UNCLOS	Global	(A) 10.12.1982 (E) 16.11.1994	(S) 10.12.1982 (R) 05.12.1990 (E) 16.11.1994	(S) 10.12.1982 (R) 13.03.1997 (E) 13.04.1997	(S) 10.12.1982 (R) 18.04.1983 (E) 16.11.1994	(S) 05.12.1984 (R) 23.12.1997 (E) 23.01.1998	(S) 10.12.1982 (R) 30.09.1985 (E) 16.11.1994
	Agreement relating to the Implementation of Part XI of the UNCLOS	Global	(A) 28.07.1994 (E) 28.07.1996	Not a Party	(S) <i>i.n.a</i> (R) 13.03.1997 (E) 13.04.1997	(S) 29.07.1994 (R) 28.07.1995 (E) 28.07.1996	(S) 03.10.1994 (R) 23.12.1997 (E) 22.01.1998	(S) 07.10.1994 (R) 25.06.1998 (E) 25.07.1998
	UNFSA	Global	(A) 04.08.1995 (E) 11.12.2001	Not a Party	Not a Party	(S) 19.04.1996 (R) 08.04.1998 (E) 11.12.2001	(S) <i>i.n.a</i> (R) 14.08.2003 (E) 13.09.2003	Not a Party
	IMO Convention	Global	(A) 06.03.1948 (E) 17.03.1958	(S) <i>i.n.a</i> (R) 06.06.1977 (E) 06.06.1977	(S) <i>i.n.a</i> (R) 17.01.1979 (E) 17.01.1979	(S) <i>i.n.a</i> (R) 27.10.1994 (E) 27.10.1994	(S) <i>i.n.a</i> (R) 28.02.1995 (E) 28.05.1995	(S) <i>i.n.a</i> (R) 08.01.1974 (E) 08.01.1974
	SOLAS	Global	(A) 01.11.1974 (E) 25.05.1980	(S) <i>accession</i> (R) 03.10.1991 (E) 03.01.1992	(S) <i>accession</i> (R) 23.12.1996 (E) 23.03.1997	(S) <i>accession</i> (R) 27.11.2000 (E) 27.02.2001	(S) <i>accession</i> (R) 23.05.1980 (E) 23.05.1980	(S) <i>accession</i> (R) 28.03.2001 (E) 28.06.2001
	STCW	Global	(A) 07.07.1978 (E) 28.04.1984	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>
Pollution and Oil Spillage	MARPOL 73 - 78	Global	(A) 17.02.1978 (E) 02.10.1983	(S) <i>accession</i> (R) 04.10.2001 (E) 04.01.2002	(S) <i>accession</i> (R) 09.01.2005 (E) 09.02.2006	(S) <i>accession</i> (R) 18.12.2002 (E) 18.03.2003	(S) <i>accession</i> (R) 28.11.1984 (E) 28.02.1985	Not a Party
	London Convention	Global	(A) 29.11.1969 (E) 19.06.1975	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	Not a Party	Not a Party	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	Not a Party
	CLC	Global	(A) 29.11.1969 (E) 19.06.1975	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>
	CLC Protocol 92	Global	(A) 27.11.1992 (E) 30.05.1996	(S) <i>accession</i> (R) 04.10.2001 (E) 04.10.2002	(S) <i>accession</i> (R) 26.04.2002 (E) 26.04.2003	(S) <i>accession</i> (R) 19.11.2002 (E) 19.11.2003	(S) <i>accession</i> (R) 01.10.2004 (E) 01.10.2005	(S) <i>accession</i> (R) 18.12.2002 (E) 18.12.2003

	LEGAL INSTRUMENT	SCOPE	GENERAL		SIGNATURE (S) RATIFICATION (R) ENTRY INTO FORCE (NATIONAL)			
			ADOPTION (A) ENTRY INTO FORCE (E)	ANGOLA	MOZAMBIQUE	NAMIBIA	SOUTH AFRICA	TANZANIA
	OPRC	Global	(A) 30.11.1990 (E) 13.05.1995	(S) <i>accession</i> (R) 04.10.2001 (E) 04.01.2002	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	Not a Party	Not a Party	Not a Party
	FUND Protocol 92	Global	(A) 27.11.1992 (E) 30.05.1996	(S) <i>accession</i> (R) 04.10.2001 (E) 04.10.2002	(S) <i>accession</i> (R) 26.04.2002 (E) 26.04.2003	(S) <i>accession</i> (R) 19.11.2002 (E) 19.11.2003	(S) <i>accession</i> (R) 01.10.2004 (E) 01.10.2005	(S) <i>accession</i> (R) 18.12.2002 (E) 18.12.2003
Environment	Abidjan Convention	Regional	(A) 23.03.1981 (E) 05.08.1984	<i>Not applicable</i>	<i>Not applicable</i>	<i>Not applicable</i>	(S) <i>i.n.a</i> (R) 30.05.2003 (E) 30.05.2003	<i>Not applicable</i>
	Nairobi Convention	Regional	(A) 21.06.1985 (E) 30.05.1996	<i>Not applicable</i>	(S) <i>i.n.a</i> (R) 04.03.1999 (E) <i>i.n.a</i>	<i>Not applicable</i>	(S) <i>i.n.a</i> (R) 30.05.2003 (E) 30.05.2003	Not a Party
	CBD	Global	(A) 22.05.1992 (E) 29.12.1993	(S) 12.06.1992 (R) 01.04.1998 (E) 01.07.1998	(S) 12.06.1992 (R) 25.08.1995 (E) 23.11.1995	(S) 12.06.1992 (R) 16.05.1997 (E) 14.08.1997	(S) 04.06.1993 (R) 02.11.1995 (E) 31.01.1996	(S) 12.06.1992 (R) 08.03.1996 (E) 08.06.1996
	CITES	Global	(A) 03.03.1973 (E) 01.07.1975	Not a Party	(S) <i>i.n.a</i> (R) 25.03.1981 (E) 23.06.1981	(S) <i>i.n.a</i> (R) 18.12.1990 (E) 18.03.1991	(S) 03.03.1973 (R) 15.07.1975 (E) 13.10.1975	(S) 30.04.1973 (R) 29.11.1979 (E) 27.02.1980
	Ramsar Convention	Global	(A) 22.05.1992 (E) 29.12.1993	Not a Party	(S) <i>i.n.a</i> (R) 03.08.2004 (E) 03.12.2004	(S) <i>i.n.a</i> (R) 23.08.1995 (E) 23.12.1995	(S) <i>i.n.a</i> (R) 12.03.1975 (E) 21.12.1975	(S) <i>i.n.a</i> (R) 13.04.2000 (E) 13.08.2000
Agreements establishing IFB's	ICCAT	Global	(A) 14.05.1966 (E) 21.03.1969	(S) <i>i.n.a</i> (R) 29.07.1976 (E) 29.07.1976	Not a Party	(S) 28.04.1999 (R) 10.11.1999 (E) 10.11.1999	(S) <i>i.n.a</i> (R) 17.10.1967 (E) 21.03.1969	Not a Party
	CCAMLR	Regional	(A) 20.05.1980 (E) 07.04.1982	Not a Party	Not a Party	(S) <i>i.n.a</i> (R) 29.06.2000 (E) <i>I.N.A</i>	(S) 11.09.1980 (R) 23.07.1981 (E) 07.04.1982	Not a Party
	COMHAFAT Convention	Regional	(A) 05.07.1991 (E) 11.08.1995	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) March 2006	<i>Not applicable</i>	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	<i>Not applicable</i>	<i>Not applicable</i>
	INFOPECHE Agreement	Regional	(A) 13.12.1991 (E) 23.12.1993	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	Not a Party	(S) <i>i.n.a</i> (R) <i>i.n.a</i> (E) <i>i.n.a</i>	Not a Party	Not a Party

	LEGAL INSTRUMENT	SCOPE	GENERAL	SIGNATURE (S) RATIFICATION (R) ENTRY INTO FORCE (NATIONAL)				
			ADOPTION (A) ENTRY INTO FORCE (E)	ANGOLA	MOZAMBIQUE	NAMIBIA	SOUTH AFRICA	TANZANIA
	SEAFO Convention	Regional	(A) 20.04.2001 (E) 13.04.2003	(S) 20.04.2001 (R) 01.09.2005 (E) <i>i.n.a</i>	<i>Not applicable</i>	(S) 20.04.2001 (R) 26.02.2002 (E) 13.04.2003	(S) 20.04.2001 (R) Not a Party (E) ----	<i>Not applicable</i>
Others	FAO Compliance Agreement	Global	(A) 29.11.1993 (E) 24.04.2003	Not Party	Not Party	(S) <i>i.n.a</i> (R) 07.08.1998 (E) 24.04.2003	Not Party	(S) <i>i.n.a</i> (R) 17.02.1999 (E) 24.04.2003
	SADC Protocol on Fisheries	Regional	(A) 14.08.2001 (E) 08.08.2003	(S) 14.08.2001 (R) 01.04.2003 (E) 08.08.2003	(S) 14.08.2001 (R) 29.08.2002 (E) 08.08.2003	(S) 14.08.2001 (R) 21.06.2002 (E) 08.08.2003	(S) 14.08.2001 (R) 24.07.2002 (E) 08.08.2003	(S) 14.08.2001 (R) 16.03.2003 (E) 08.08.2003

ANNEX V RELEVANT INTERNATIONAL FISHERIES BODIES

ORGANISATION	DATE OF ESTABLISHMENT	DATE OF MEMBERSHIP				
		ANGOLA	MOZAMBIQUE	NAMIBIA	SOUTH AFRICA	TANZANIA
CCAMLR	1982	Not member	Not member	29.06.2000	1982	Not member
CCSBT	1994	Not member	Not member	Not member	Not member	Not member
COMHAFAT	1995	March 2006	<i>Not applicable</i>	<i>(Date of membership not available)</i>	<i>Not applicable</i>	<i>Not applicable</i>
CECAF	1967	<i>(Date of membership not available)</i>	<i>Not applicable</i>	<i>Not applicable</i>	<i>Not applicable</i>	<i>Not applicable</i>
COREP	<i>Not yet operational</i>	Not member	<i>Not applicable</i>	<i>Not applicable</i>	<i>Not applicable</i>	<i>Not applicable</i>
ICCAT	1969	29.07.1976	Not member	10.11.1999	1969	Not member
INFOPECHE	1993	<i>(Date of membership not available)</i>	Not member	2001	Not member	Not member
IOMAC	1990	<i>Not applicable</i>	Not member	<i>Not applicable</i>	Not member	<i>(Date of membership not available)</i>
IOTC	1996	<i>Not applicable</i>	Not member	<i>Not applicable</i>	<i>Not applicable</i>	Not member
IWC	1949	Not member	Not member	Not member	1949	Not member
SEAFO	2005	2005	<i>Not applicable</i>	2005	<i>Not applicable</i>	Not member
SWIOFC	<i>Not yet operational</i>	<i>Not applicable</i>	<i>(Date of membership not available)</i>	<i>Not applicable</i>	Not member	Not member
WIOTO	1994	<i>Not applicable</i>	Not member	<i>Not applicable</i>	Not member	Not member