



SOUTH EAST ATLANTIC FISHERIES ORGANISATION

Report of the 2012 SEAFO Extraordinary Compliance Committee Meeting

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Busan, 28th to 30th November

1. Opening of the meeting

- 1-1. The 2012 Extraordinary Compliance Committee Meeting was convened at the Lotte Hotel, Busan, South Korea, from 28th to 30th November 2012. The Chairperson, Mr. Bonny Amutse, opened the meeting and welcomed all participants.
- 1-2. The main objective of the meeting, as explained by the Chairperson, was to finalize the SEAFO System draft.

2. Appointment of Rapporteur

- 2-1. Mr. J. Y. Lee and Mr. G. C. Josh Choi from South Korea were appointed as rapporteurs.

3. Adoption of agenda and meeting arrangements

- 3-1. The agenda was adopted with the following two amendments:
 - 3-1.1. Under agenda item 6, EU included a presentation regarding the development progress of the System.
 - 3-1.2. Under agenda item 6, the Secretariat deleted document number EOCC/02/2012 as it was not applicable for this meeting.

4. Introduction of Parties Delegation

- 4-1. The Chairperson requested the heads of delegations to introduce their delegates. The heads of delegation from each country listed below introduced their delegates:
 - 4-1.1. Angola: Mr. Kumbi Kilongo
 - 4-1.2. Japan: Mr. Kenro Iino, Ms. Akiko Onodera, Mr. Hiroshi Matsuura, Mr. Tsunehiko Motooka
 - 4-1.3. EU: Mr. Orlando Fachada, Mr. Jonathan Lansley
 - 4-1.4. Korea: Mr. Jong Hwa Bang, Mr. Kyujin Seok, Mr. Joon Young Lee
 - 4-1.5. Norway: Mr. Terje Lobach
 - 4-1.6. South Africa: Ms. Marisa Kashorte, Mr. Xolela Wellem
 - 4-1.7. Namibia: Mr. Stanley Ndara
- 4-2. As host, Mr. Jong Hwa Bang from Korea warmly welcomed all delegations to Busan, Korea.

5. Introduction of observers

- 5-1. There were no observers present at the meeting.

6. Consideration of working document: SEAFO System of observation, inspection compliance and enforcement (EOCC/05/2012)

- 6-1. EU presented a PowerPoint presentation providing a summary of the various elements of the system as demanded by Article 16 of the convention and a table of

accordance to identify which of these elements could be met by existing SEAFO Conservation and Management Measures and which would require using text from Conservation and Management measures already adopted by other RFMOs. A summary of the progress steps taken since 2010 to develop the System was provided. The presentation also included a proposed plan to divide the work in two phases. Phase 1, to include all articles comprising of text taken from current SEAFO Conservation and Management Measures. Phase 2, comprising of text taken from adopted Conservation and Management Measures from other RFMOs. The proposed methodology was to project the working document onto a screen and review the draft line by line. The proposed work plan and methodology was accepted by the group.

- 6-1.1. Plan for the meeting was to put forward a finalized draft to the plenary in the 2012 Annual Meeting for adoption.
- 6-2. Following EU's presentation, the parties discussed, made suggestions, and, when necessary, amended the draft.
 - 6-2.1. Japan indicated that is to the Commission to decide to incorporate "Inspection at sea" in the system and therefore this point should require the Commission's endorsement. The EU didn't object to this proposal but reminded that "Inspection at sea" should be included in the system according to Article 16 of the Convention. Furthermore, the Commission asked the EU to prepare and propose a System including inspection programme, both at sea and in port. Therefore the extraordinary Compliance Committee is mandated to address this issue.
 - 6-2.2. The extraordinary Compliance Committee proceeded without addressing "Inspection at sea". Namibia and South Africa proposed to discuss further in the ordinary Compliance Committee meeting and this was agreed.
 - 6-2.3. There were also extensive discussions in determining the scope of the System. Japan expressed concerns in expanding the scope while Norway preferred to follow the text in the FAO Agreement on Port State Measures. It was concluded that the System would apply to fishing vessels and fishing research vessels (Article 1).
 - 6-2.4. Regarding the definitions, Korea and Norway suggested to include only the definitions that are additional to the convention. All parties agreed. Additionally, Namibia proposed to define Patrol vessels and clarify how the System would apply to patrol vessels. This, however, was decided to be considered in concomitantly with "Inspection at sea" discussions.
- 6-3. All changes were made during the discussion and incorporated in the finalized version of phase 1 of the System. To serve as a useful guide to the document a table of provenance of the agreed articles has been provided in appendix I. A full copy of the final version of phase 1 can be found in appendix II.
 - 6-3.1. Namibia raised the need for guidelines for training of scientific and compliance observers, and at sea inspectors to ensure common standards being applied by all Contracting Parties. It was agreed to consult to the Commission for the guidelines for the scientific observer training and standards.
 - 6-3.2. Namibia raised the need to address the cost of training mentioned in the previous paragraph and asked who would pay. The EU reminded the group that Contracting Parties, as flag States should have the capacity for inspections; however, the EU were willing to further discuss this issue.

- 6-3.3. Concerning the enlargement of the RFMOs to be incorporated in the SEAFO IUU Vessel List, the Republic of Korea opposed to tuna RFMOs, but giving the favorable position of the other delegations; the Korean delegation accepted this proposal in the interest of the organization and progressing with development of the System.
- 6-3.4. There were some outstanding issues left as following:
- 6-3.5. Japan did not agree on the provisional text in Article 11 that the speed and course elements of VMS data should be provided. Japan was informed by the Industry that its vessel operating in the Convention Area, although fitted with VMS, was not currently able to transmit speed and course data via its onboard Vessel Locating Device (VLD). Therefore, as consequence, Japan requested a grace period of 1 year to enable their vessels to make necessary changes to the VMS system to enable them to comply. It was agreed to accept the request from the Japanese delegation, and the date when the grace period will expire being 1st of January 2014.
- 6-3.6. The Republic of Korea did not agree with Article 25.4(j) that requires the inclusion in the IUU list of all vessels belonging to an owner of a vessel already in **the SEAFO** IUU Vessel List. The Korean delegation strongly opposed this scheme that insisted that it is not reasonable to punish the owner of the vessel unless he/she is not directly involved in IUU fishing. The EU replied that this provision is already in place and its removal would be step backwards in the fight against IUU fishing, but expressed the will to discuss in the margins of the meeting in order to progress and find a possible solution to this issue.
- 6-3.7. Of the remaining articles, which are due to be discussed in phase 2, the group agreed to delete the following articles provided in the working document presented at the beginning of the meeting, as it was found that the text was a repetition of text already provided in phase 1: Articles 31, 32, 33, 34, 35, 37 and 38. The remaining articles to be discussed in phase 2 have been compiled into a new working document, a copy of which can be found in appendix III of this report.
- 6-3.8. The Committee decided that the article relating to research vessels, not currently included in SEAFO Conservation and Management Measures, will be discussed in the next week session of the Compliance Committee.
- 6-3.9. The Commission will decide in its session next week how the remaining articles regarding inspection and related topics will be addressed.