STATEMENT OF COMMITMENT BY SADC MINISTERS RESPONSIBLE FOR MARINE FISHERIES ON ILLEGAL, UNREPORTED AND UNREGULATED FISHING

PREAMBLE

We, the Ministers responsible for marine fisheries of the Southern African Development Community (SADC), meeting in Windhoek, Namibia, on 4 July 2008,

Bearing in mind the central role played by the fisheries sector in employment creation, food security and poverty alleviation in the SADC region;

Recognizing the harmful consequences of Illegal, Unreported and Unregulated (IUU) fishing on the sustainability of fisheries, the conservation of living marine resources, marine biodiversity and the entire marine ecosystem;

Aware of the serious socio-economic consequences resulting from IUU fishing throughout the SADC region and in particular in the coastal States:

Noting that the increasing globalization of the fisheries market offers multiple possibilities for operators to trade in fish and fisheries products deriving from IUU fishing in a profitable manner, which constitutes a strong incentive for them to continue their activities and recognizing that there is a global concern on overcapacity and IUU fishing;

Recalling the relevant provisions of the SADC Protocol on Fisheries of 14 August 2001;

Noting the process recommended by the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO) for the development of a new legally binding instrument based on the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and the Model Scheme on Port State Measures to Combat IUU Fishing;

Reiterating our willingness to advance regional cooperation in combating IUU fishing by implementing the SADC Protocol on Fisheries;
Noting with concern the urgent need to strengthen monitoring, control and surveillance (MCS) measures in the SADC area, particularly through the setting up of Vessel Monitoring Systems (VMS) by all SADC coastal States;

Convinced of the necessity for joint cooperative actions at the regional level to reduce IUU fishing in the SADC region by involving all stakeholders in this endeavour, including fisher groups, fish producers, fish processors, fish traders, certification bodies, and inter-governmental and non-governmental organisations;

Recognizing the urgent need for implementation of measures to prevent, deter and eliminate IUU fishing as set out in the IPOA-IUU;

Determined to take pragmatic measures to deter and discourage IUU fishing in the SADC region;

HEREBY –

DECLARE the following as priority areas requiring our urgent attention -

- Improving regional and inter-regional cooperation with a view to eradicating IUU fishing;
- Strengthening fisheries governance and legal frameworks to eliminate illegal fishing;
- Developing a regional MCS strategy and a regional plan of action in relation to IUU fishing;
- Strengthening fisheries MCS capacity.

To address these priorities, we RESOLVE TO –

1. Renew the underlying commitment to sustainable development and responsible fisheries through effective fisheries conservation and management as reflected in the SADC Protocol on Fisheries;

2. Commit to further reinforcement and effective implementation of existing measures on monitoring, control and surveillance of fishing activities both nationally and through regional and international cooperation;

3. Undertake to ensure SADC Member States' participation, in a pragmatic manner, in the process initiated by FAO for developing a legally binding instrument based on the IPOA-IUU and the Model Scheme on Port State Measures to Combat IUU Fishing with a view to achieving an effective outcome;

4. Emphasize the importance of, and commitment to, developing nationally and regionally tailored port State measures based on relevant international instruments on port State control to which Member States are parties and operational mechanisms for their implementation;
5. Reactivate cooperation initiatives in fisheries MCS and law enforcement through improved coordination of MCS activities by establishing a regional MCS centre, enhancement of MCS capacity and development of standard boarding and inspection procedures, building on the SADC Protocol on Fisheries;

6. Stress the need for trade-related measures to combat IUU fishing and the necessity to develop, in accordance with international law and in consultation with the industry, more effective measures to trace fish and fishery products to enable identification of fish or fishery products derived from IUU fishing, while recognizing the need to develop an appropriate mechanism for tracing fish from artisanal fishing;

7. Commit to work closely with subsistence, artisanal and small-scale fishers affected by IUU fishing through appropriate co-management, capacity building, information sharing and other initiatives;

8. Emphasize the need to prioritize the development and adoption of National Plans of Action on IUU as a matter of urgency that will form the basis for the devising of a regional Plan of Action on IUU with a view to strengthening regional cooperation and coordination of actions against IUU fishing;

9. Reaffirm the necessity for SADC Members States to authorize the use of vessels flying their flags for fishing or related activities only where they can exercise effective control over such vessels;

10. Establish a task force to identify and examine, having regard to any global initiative, any further actions and measures that could be undertaken or taken at the regional level to intensify the fight against IUU fishing, including the possibility of developing a regional agreement to strengthen cooperation in fisheries MCS and law enforcement in the SADC region;

11. Ensure that all SADC coastal States make their VMS fully operational pursuant to international obligations and, where necessary, share VMS information with one another in accordance with appropriate confidentiality requirements;

12. Commit to support capacity building through implementation of agreed regional MCS standards and training of fisheries inspectors through exchange of experts within the SADC region or from other States and welcome any support and assistance in this matter;

13. Undertake to cooperate with States outside the region, Regional Fisheries Management Organizations (RFMO), the Large Marine Ecosystem Programmes, and other arrangements to bolster the global fight against IUU fishing;

14. Commit to information exchange through, notably, the development of adequate regional information exchange protocols enabling SADC Member States to share, in timely fashion, information on inspection, licences and
offences and on IUU fishing and the establishment of an inter-active data
base of licensed and IUU vessels;

15. Recognizing the need to act swiftly and effectively against IUU fishing in the
SADC region, we commit ourselves to implement no later than 2010 several
measures consistent with the IPOA-IUU and the Model Scheme on Port State
Measures to Combat IUU Fishing. To that end, we JOINTLY AGREE TO:

a. Undertake to strengthen the monitoring of fishing vessels’ movement in
the region by requiring any such vessel, including any vessel transiting
through areas under national jurisdiction, to notify its entry into, and exit
from, the exclusive economic zone of any SADC Member State as well as
the quantity of catch on board by species to the competent authority and
to provide information on its destination;

b. Require all commercial fishing vessels, except SADC small-scale fishing
vessels operating within the waters under the national jurisdiction of the
country where they are registered, using a SADC port more than once to
be subject to VMS;

c. Implement a progressive ban on transhipment at sea in the SADC region;

d. Initiate processes intended to prohibit access of vessels, listed as IUU
vessels by any RFMO, to SADC ports in accordance with the agreed
preventative management measures;

e. Review and harmonize national laws to ensure that they:

- incorporate internationally agreed measures to combat IUU fishing as
  reflected in international instruments on Port State
  control;

- comprise sanctions of sufficient gravity as to deprive offenders of the
  benefits accruing from their illegal activities and to deter further IUU
  fishing; and

- provide for harmonious and coherent offences and penalties
  schemes throughout the SADC region, including provisions making it
  an offence under national law for any person to bring into any area
  under the jurisdiction of any SADC Member State any fish and
  products from fish taken in contravention of international
  conservation and management measures or the law of another state
  in order to discourage and eliminate profiteering from IUU fishing;

f. Enhance regional cooperation in surveillance and law enforcement by
making MCS and enforcement provisions of the SADC Protocol on
Fisheries operational through the development and adoption of an
Annex to the SADC Protocol on Fisheries outlining the implementation
process.
In order to achieve the goals set out in this Statement of Commitment, we direct our officials to identify practical ways to implement our commitments by developing a plan of action by June 2009.

We undertake to review progress on the implementation of this Statement of Commitment at the end of 2011.

We commit to provide resources to ensure ownership and sustainability of the process.

The Statement of Commitment applies to all SADC Member States, including new SADC Member States upon accession to the Treaty of the Southern African Development Community.

IN WITNESS WHEREOF, WE, Ministers responsible for marine fisheries, or our duly authorized Representatives, have adopted this Statement of Commitment.

Done at Windhoek, Namibia, on this 4th day of July 2008, in three originals, in the English, French and Portuguese languages, all texts being equally authentic.

In the presence of the Republic of Zambia, SADC Chair.

Republic of Angola

Democratic Republic of Congo

Republic of Madagascar

Republic of Mauritius

Republic of Mozambique

Republic of Namibia

Republic of South Africa

United Republic of Tanzania

Republic of Zambia