CONVENTION ON THE CONSERVATION AND MANAGEMENT OF FISHERY RESOURCES IN THE SOUTH EAST ATLANTIC OCEAN

The Contracting Parties to this Convention,

COMMITTED to ensuring the long term conservation and sustainable use of all living marine resources in the South East Atlantic Ocean, and to safeguarding the environment and marine ecosystems in which the resources occur;

RECOGNISING the urgent and constant need for effective conservation and management of the fishery resources in the high seas of the South East Atlantic Ocean;

RECOGNISING THE RELEVANT PROVISIONS of the United Nations Convention on the Law of the Sea of 10 December 1982; the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995; and taking into account the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993 and the FAO Code of Conduct for Responsible Fisheries, 1995;

RECOGNISING the duties of States to cooperate with each other in the conservation and management of living resources in the South East Atlantic Ocean;

DEDICATED to exercising and implementing the precautionary approach in the management of fishery resources, in line with the principles set out in the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995, and with the FAO Code of Conduct for Responsible Fisheries, 1995;

RECOGNISING that the long term conservation and sustainable use of high seas fishery resources require cooperation among States through appropriate subregional or regional organisations which agree upon the measures necessary for this purpose;

COMMITTED to responsible fisheries;

NOTING that the coastal States have established areas of national jurisdiction in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982, and general principles of international law within which they exercise sovereign rights for the purpose of exploring and exploiting, conserving and managing living marine resources;

DESIRING cooperation with the coastal States and with all other States and Organisations having a real interest in the fishery resources of the South East Atlantic Ocean to ensure compatible conservation and management measures;

RECOGNISING economic and geographical considerations and the special requirements of developing States, and their coastal communities, for equitable benefit from living marine resources;

CALLING upon States which are not Contracting Parties to this Convention, and which do not otherwise agree to apply the conservation and management measures adopted under this Convention, not to authorise vessels flying their flags to engage in fishing for the resources which are the subject of this Convention;

CONVINCED that the establishment of an organisation for the long term conservation and sustainable use of the fishery resources in the South East Atlantic Ocean would best serve these purposes;

BEARING IN MIND that the achievements of the above will contribute to the realisation of a just and equitable economic order in the interests of all humankind, and in particular the special interests and needs of developing States,

Have agreed as follows:

Article 1. USE OF TERMS

For the purposes of this Convention:

(a) "1982 Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982;

(b) "1995 Agreement" means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995;

(c) "Coastal State" means any Contracting Party with waters under national jurisdiction which are adjacent to the Convention Area;

(d) "Commission" means the South East Atlantic Fisheries Commission established pursuant to article 5;

(e) "Contracting Party" means any State or regional economic integration organisation which has consented to be bound by this Convention, and for which the Convention is in force;

(f) "Control measure" means any decision or action adopted by the Commission regarding observation, inspection, compliance and enforcement pursuant to article 16;

(g) "Fisheries management organisation" means any intergovernmental organisation which has competence to take regulatory measures in relation to living marine resources;

(h) "Fishing" means:

(i) the actual or attempted searching for, catching, taking or harvesting of fishery resources;

(ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fishery resources for any purpose including scientific research;

(iii) placing, searching for or recovering any aggregating device for fishery resources or associated equipment including radio beacons;