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DECLASSIFICATION

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Subject:	South East Atlantic Fisheries Organisation (SEAFO) - Draft Convention
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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

7915/98

RESTREINT

PECHE 155

OUTCOME OF PROCEEDINGS

from: Working Party on External Fisheries Policy

dated: 2 and 24 April 1998

No. prev. doc.: 7107/98 PECHE 121

Subject : South East Atlantic Fisheries Organisation (SEAFO)
- Draft Convention

1. Following an initial presentation, at the meeting of 19/20 March 1998, of a Non-paper pertaining to the text of the draft Convention for the future South East Atlantic Fisheries Organisation, the Working Party conducted an article-by-article examination of the document in question. At its meeting of 2 April 1998 it was agreed, from a procedural point of view that, in addition to making oral comments, Member States could, if they wished, submit written observations. A revised draft text, reflecting delegations' comments and observations, would be considered by the Working Party at a subsequent meeting before submission to any third party (coastal States concerned and other parties) interested in the setting up of a regional Fisheries Organization in the area.

2. It was recalled that this Non-paper had been drafted in the light of the following considerations:

- the concept of setting up an organization of mixed character - covering fisheries and environmental issues - had been excluded because there was no specific reason for this;
- the draft text aimed basically at setting up a regional Fisheries Organization of a classical type, i.e. an organization whose main assignment would be to ensure the sustainable exploitation of living marine resources in full consistency with the relevant provisions of UNCLOS;
- when establishing management measures, account should be taken of the possible impact of these measures on the eco-system, in conformity with the provisions of the "New York Agreement" and the FAO Code of Conduct for Responsible Fisheries;
- the Community, as a Contracting Party, should enjoy the same rights as States in their capacity as Contracting Parties;
- the Convention itself should not contain detailed operational schemes such as the control scheme; the Convention should only reflect corresponding concepts and principles;
- a coherent approach with the regulatory framework and practices adopted within other fisheries organizations concerning a number of fundamental issues such as the precautionary approach and the dispute settlement procedures should be achieved;
- coastal States and fishing nations should be treated on an equal footing;
- repetitions in relation to provisions already contained in other international instruments (eg. with regard to the precautionary approach) should be avoided. It should suffice to make the appropriate references;
- the draft text aims at ensuring the open character of the Organization (i.e. open to all States with fishing interests in the area).

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3. A Non-paper, from DG XIV, containing a revised draft of the SEAFO Convention taking account of delegations' observations at the meeting on 2 April 1998, and of written observations forwarded subsequently by a number of delegations, was briefly presented at the meeting on 24 April 1998. It was agreed that owing to the late submission of this text, its detailed consideration would have to take place at a future meeting of the Working Party. This consideration should above all address the key issues in the revised text rather than aim at agreeing on detailed provisions.
4. The Commission representative underscored that the Non-paper prepared by DG XIV aimed merely at facilitating a better understanding of the overall context. He suggested, furthermore, that an informal meeting be organized on 8 May 1998 at which further drafting aspects could be considered. Finally, with a view to the future consideration of the text, the Commission representative drew delegations' attention to the following two political issues:
- the territorial scope of application of the envisaged Convention: South Africa seeks to restrict the territorial scope of application to the high seas only whilst the Community is in favour of an approach which would be compatible with the one adopted within NAFO or NEAFC;
 - the control scheme: the Commission is not in favour of developing such a scheme within the body of the Convention, which should merely reflect corresponding principles and objectives. At the same time, the Commission took note of comments made by the Spanish delegation, which wishes to see the role and responsibility of flag States enhanced. In the Commission's view, this approach might however not be a sufficient response to the problem of flags of convenience. Overall, the Commission takes the view that the Community should avoid giving the impression that it does not wish to see an efficient control arrangement put into place.
5. In conclusion, it was agreed to return to this dossier at the Working Party's next meeting on 7 May 1998; in the meantime, delegations were invited to consider the two issues referred to in point 4. above.