

Southern African Development Community, African Regional Bodies

Protocol on Fisheries

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Southern African Development Community

Protocol on Fisheries

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Preamble

WE, the Heads of State or Government of:

The Republic of Angola

The Republic of Botswana

The Democratic Republic of Congo

The Kingdom of Lesotho

The Republic of Malawi

The Republic of Mauritius

The Republic of Mozambique

The Republic of Namibia

The Republic of Seychelles

The Republic of South Africa

The Kingdom of Swaziland

The United Republic of Tanzania

The Republic of Zambia

The Republic of Zimbabwe

Mindful of the objectives of SADC, as stated in Article 5 of the Treaty, and Article 21 of the Treaty which enjoins Member States to co-operate in all areas necessary to foster regional development and integration;

Mindful further of the principles stipulated in Article 4 of the Treaty;

Recalling Article 22 of the Treaty which mandates Member States to conclude such Protocols as may be necessary in each area of co-operation;

Emphasising the important role of fisheries in the social and economic well-being and livelihood of the people of the Region, notably in ensuring food security and the alleviation of poverty with the ultimate objective of its eradication;

Acknowledging the United Nations Convention on the Law of the Sea 1982, ratified by numerous Member States;

Taking into account the provisions of the FAO Code of Conduct for Responsible Fisheries and other relevant fisheries agreements;

Recognising the need to promote gender equality;

Recognising further that intra-regional trade, investment and commercial development are essential to the economic integration of the Region;

Convinced of the necessity for joint co-operative and integrative actions at a regional level to optimise the sustainable use of the living aquatic resources of the Region for the continued benefit of the people of the Region;

Aware of and supporting the national initiatives taken to ratify, accede to and implement international conventions for the sustainable use and protection of the living aquatic resources and aquatic environment of the Region;

Recognising the unique transboundary character of the aquatic resources and ecosystems and, therefore, the need to co-operate in the management of shared resources;

Committed to capacity building at national and regional levels for sustainable development;

Conscious of the fact that the fisheries sector has important linkages to other SADC sectors and Protocols; and

Acknowledging the special position of landlocked Member States,

HEREBY agree as follows:

Article 1 – Definitions

1. In this Protocol, the terms and expressions defined in Article 1 of the Treaty shall bear the same meaning unless the context otherwise requires.

2. In this Protocol, unless the context otherwise requires:

“**access agreement**” means an agreement between one Member State or several Member States and a non-SADC State or non-SADC States to exploit the fishery resources of a Member State or Member States;

“**aquaculture**” means all activities aimed at producing in restricted areas, processing and marketing aquatic plants and animals from fresh, brackish or salt waters;

“**Compliance Agreement**” means the Food and Agriculture Organisation’s Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993;

“**control**” means the establishment and enforcement of the legal and administrative measures under which living aquatic resources and aquatic ecosystems can be exploited;

“**critical habitat**” means a habitat that is essential to maintaining the integrity of an ecosystem, species or assemblages of species;

“**excess fishing capacity**” means the capability to exploit fish greater than the allowable catch permitted;

“**exotic species**” means those species that are not indigenous or endemic to a specific area;

“**fish**” means any aquatic plant or animal, and includes eggs, larvae and all juvenile stages;

“**fishing**” means all activities directly related to the exploitation of living aquatic resources and includes transshipment;

“**fishing effort**” means the level of fishing, as may be defined, *inter alia*, by the number of fishing vessels, number of fishers, amount of fishing gear, and the time spent fishing or searching for fish;

“**fish stock**” means a population of fish, including migratory species, which constitutes a coherent reproductive unit;

“**fishing vessel**” means any vessel, boat, ship or other craft, which is used for, equipped to be used for or of a type that is normally used for fishing or related activities, and all its equipment;

“**illegal fishing**” means any fishing or related activity carried out in contravention of the laws of a State Party or the measures of an international fisheries management organisation accepted by a State Party and subject to the jurisdiction of that State Party;

“**management plans**” means specific arrangements aimed at regulating the exploitation of living aquatic resources;

“**monitoring**” means the follow-up of a fishery through collection, compilation, analysis, and reporting of information on fishing and related activities, including fish processing, fish trade and aquaculture;

“**nationals**” means persons who are citizens of a State Party and includes any body corporate, society or other association of persons established under the laws of a State Party;

“**highly migratory species**” means species of fish which move seasonally from one ecological area to another;

“**precautionary principle**” means the application of caution to the conservation, management and exploitation of fish stocks and aquatic ecosystems when information is uncertain, unreliable or inadequate;

“**recreational fisheries**” refers to fishing done on a part-time basis for leisure and sport, including but not limited to angling, diving, collecting shells or lobsters and spear-hunting;

“**related activities**” means all activities associated with the exploitation of fish and includes processing, marketing, transportation and trade of fish and fish products;

“**resources**” means all aquatic ecosystems, fish and fish stocks to which this Protocol applies;

“**shared resources**” means shared aquatic ecosystem, shared fishery and shared fish stock;

“**small-scale commercial fisheries**” means fisheries that generate profits and earn income large enough to meet the basic needs of life, employ staff or operate as profit-sharing collective enterprises;

“**stakeholders**” means all persons whose interests are materially affected, either directly or indirectly, by fishing and fishing related activities under this Protocol;

“**State Party**” means a member of SADC that is party to this Protocol;

“**subsistence fisheries**” means those fishing activities whose fishers regularly catch fish for personal and household consumption and engage from time to time in the local sale or barter of excess catch;

“**subsistence fishers**” means fishers who regularly catch fish for personal and household consumption and who engage from time to time in the local sale or barter of excess catch;

“**surveillance**” means the monitoring and supervision of fishing and related activities to ensure compliance with control measures;

“**transboundary**” means populations, natural systems, activities, measures and effects, which extend beyond the effective jurisdiction of a State Party;

“**transshipment**” means unloading of all or any of the aquatic resources on board a fishing vessel to another fishing vessel either at sea or in port without the products having been recorded by a port State as landed;

“**UNCLOS**” means the United Nations Convention on the Law of the Sea, 1982; and

“**vessel**” means any water navigable craft of any description, whether self-propelled or not.

Article 2 – Scope

This Protocol shall apply to, *inter alia*:

- a) living aquatic resources and aquatic ecosystems within the jurisdiction of a State Party;
- b) living aquatic resources of State Parties the ranges of which extend outside the areas under their jurisdiction, or high seas resources as may be considered to be of interest to State Parties;
- c) fishing, by nationals of State Parties, and activities directly related thereto; and

- d) international activities outside SADC that promote the objectives of this Protocol.

Article 3 – Objective

The 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:

- a) promote and enhance food security and human health;
- b) safeguard the livelihood of fishing communities;
- c) generate economic opportunities for nationals in the Region;
- d) ensure that future generations benefit from these renewable resources; and
- e) alleviate poverty with the ultimate objective of its eradication.

Article 4 – Principles

1. Subject to Article 5, responsibility for the implementation of this Protocol is primarily national, but in the case of shared resources, State Parties shall co-operate with one another to ensure that the objective of this Protocol is achieved.
2. State Parties shall endeavour to ensure the participation of all stakeholders in the promotion of the objective of this Protocol.
3. State Parties shall take appropriate measures to regulate the use of living aquatic resources and protect the resources against over-exploitation, whilst creating an enabling environment and building capacity for the sustainable utilisation of the resources.
4. State Parties with capacity in matters of fisheries shall endeavour to transfer skills and technologies to other State Parties to enhance effective regional co-operation.
5. In the implementation of this Protocol State Parties shall promote gender equality and address any potential inequalities.

Article 5 – National responsibilities

1. State Parties shall take measures, at national and international levels, suitable for the harmonisation of laws, policies, plans and programmes on fisheries aimed at promoting the objective of this Protocol.
2. State Parties shall adopt measures to ensure that their nationals and juridical persons act in a responsible manner in the use of living aquatic resources in areas within and beyond the limits of national jurisdiction.
3. A State Party shall authorise the use of vessels flying its flag, for fishing in waters, to which this Protocol applies, only where it is able to effectively exercise its responsibilities under this Protocol in respect of such vessels.
4. A State Party, whose vessels or nationals fish in waters to which this Protocol applies, shall take such appropriate steps as to ensure that they comply with measures adopted under this Protocol and that they do not engage in any activity that undermines the effectiveness of such measures.
5. State Parties, taking into account the best scientific evidence available shall, through proper conservation and management measures ensure that aquatic living resources in the areas under their national jurisdiction are not endangered by over exploitation.

Article 6 – International relations

1. State Parties shall endeavour to establish common positions and undertake co-ordinated and complementary actions with regard to:
 - a) international fora, conventions and agreements relevant to this Protocol, including those cited in Appendix 1; and
 - b) international bodies relevant to this Protocol, including those cited in Appendix 2.
2. State Parties may make specific provisions in their fisheries and other relevant legislation in line with the provisions of:
 - a) UNCLOS;
 - b) the Implementing Agreement; and
 - c) the Compliance Agreement.
3. State Parties shall facilitate the movement of personnel, vessels, vehicles and equipment engaged in agreed trans-boundary activities pursuant to the objective of this Protocol.

Article 7 – Management of shared resources

1. Where there is a dispute as to whether a resource is shared between State Parties, such dispute shall be referred to the Integrated Committee of Ministers for determination.
2. In applying the provisions of paragraph 1 of this Article, due consideration shall be given to the rights and obligations of State Parties which arise from UNCLOS and other agreements compatible with UNCLOS and which do not affect the enjoyment by other State Parties of their rights or the performance of their obligations under this Protocol.
3. State Parties shall co-operate in exchange of information on:
 - a) the state of the shared resources;
 - b) levels of fishing effort;
 - c) measures taken to monitor and control exploitation of shared resources;
 - d) plans for new or expanded exploitation; and
 - e) relevant research activities and results.
4. Two or more State Parties may establish instruments for co-ordination, co-operation, or integration of management of shared resources, including:
 - a) specialist scientific advisory groups;
 - b) joint programmes and projects, in particular on integrated assessment of shared stocks;
 - c) joint technical or advisory committees on resources management;
 - d) joint ministerial commissions with powers to allocate shared resources among State Parties and agree on management measures; and
 - e) collaboration in enforcement of management plans for shared resources.

5. State Parties may agree on management plans, for shared resources, which may include the following components:
 - a) harmonised, or integrated systems to monitor resources and their exploitation, joint fish stock assessment programmes, agreed scientific methodologies for determination of the state of the stocks and preparation of best scientific advice on sustainable levels of exploitation;
 - b) agreed management measures and specification of means for implementing and enforcing such measures;
 - c) principles, policies, and means for allocation of shared resources; and
 - d) means for fostering joint venture enterprises.
6. State Parties shall develop, implement and enforce management plans, towards the development and management of shared inland water bodies, by balancing the needs of industrial enterprises, artisanal fishers, subsistence fishers, recreational fishers, and aquaculture practitioners, in a politically, environmentally and economically sustainable manner.
7. State Parties shall endeavour to ensure that all stakeholders participate, at the appropriate level, in decision-making processes that affect the management of shared resources.
8. State Parties shall take measures to prevent and eliminate overfishing and excess fishing capacity in the Region and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fish resources.
9. State Parties shall adopt measures to prevent the deployment of excess fishing capacity from outside the Region if such fishing capacity would adversely impact upon the fish resources of Member States.
10. State Parties shall introduce relevant legislation enabling rapid and appropriate responses with respect to the provisions of this Article.

Article 8 – Harmonisation of legislation

1. State Parties shall take measures required to harmonise legislation with particular reference to the management of shared resources.
2. All illegal fishing and related activities by nationals and juridical persons of a Member State Party shall be made an offence in the national laws of the State Party.
3. State Parties shall establish appropriate arrangements to enable co-operation on hot pursuit of vessels that violate the laws of one State Party and enter the jurisdiction of another State Party.
4. State Parties shall co-operate in such matters as the following:
 - a) procedures for the extradition to another State Party of persons charged with offences against the fisheries laws of that other State Party or serving a sentence under the laws of that State Party;
 - b) establishment of region-wide comparable levels of penalties imposed for illegal fishing by non-SADC-flag vessels and with respect to illegal fishing by SADC-flag vessels in the waters of other State Parties;
 - c) consultation with regard to joint actions to be taken when there are reasonable grounds for believing that a vessel has been used for a purpose that undermines the effectiveness of measures adopted under this Protocol and such actions shall include notification of the Flag State and the undertaking by Port States of such investigatory measures as may be considered necessary to establish whether the vessel has indeed been used contrary to the provisions of this Protocol; and
 - d) establishment of a mechanism for the registration of international and national fishing vessels as an instrument of compliance and as a means of sharing information on fishing and related activities.

5. Should two or more State Parties wish to provide that a penalty imposed by one State Party under its fisheries laws be enforced by another State Party, they may agree on the procedures for that purpose consistent with their national laws.

Article 9 – Law enforcement

1. Taking account of national responsibilities pursuant to in Article 5 of this Protocol:
 - a) State Parties shall take adequate measures to optimise use of existing fisheries law enforcement resources;
 - b) State Parties shall co-operate in the use of surveillance resources with a view to increasing the cost effectiveness of surveillance activities and reducing the costs of surveillance to the Region and two or more State Parties may conclude an arrangements to co-operate in the provision of personnel and the use of vessels, aircraft, communications, databases and information or other assets for the purposes of fisheries surveillance and law enforcement;
 - c) State Parties may designate competent persons to act as fisheries enforcement officers or on-board observers in order to carry out activities on behalf of two or more State Parties;
 - d) a State Party may permit another State Party to extend its fisheries surveillance and law enforcement activities to its inland water bodies and the exclusive economic zone and, in such circumstances, the conditions and method of stopping, inspecting, detaining, directing to port and seizing vessels shall be governed by the national laws and regulations applicable to the waters where the fisheries surveillance or law enforcement activity is carried out;
 - e) State Parties shall strive to harmonise technical specifications for vessel monitoring systems and emerging technologies of interest to fisheries surveillance activities; and
2. In applying the provisions of paragraph 1, State Parties shall co-operate, either directly or through international fisheries organisations or arrangements, to ensure compliance with and enforcement of applicable international management measures.

Article 10 – Access agreements

1. State Parties shall, subject to their respective national laws, co-operate in the establishment of harmonised minimum terms and conditions for access by non-SADC-flag fishing vessels to the fisheries resources of State Parties in accordance with the provisions of this Protocol.
2. Subject to the respective laws of State Parties, the terms and conditions under which SADC-flag vessels fish in the waters of other SADC States shall be no less favourable than those referred to in paragraph 1 of this Article.
3. State Parties may consider the joint negotiation of foreign fishing access agreements with a regional or sub-regional dimension, in particular with regard to highly migratory species.

Article 11 – High seas fishing

Consistent with Article 6 of this Protocol, States Parties undertake to:

- a) recognise that all States have the right for their nationals to engage in fishing on the high seas;
- b) work towards effective management of the high seas living aquatic resources;
- c) collaborate in the establishment of common positions and policies with regard to the effective management of the high seas living aquatic resources; and

- d) support the activities of international organisations which conserve and manage living aquatic resources on the high seas, and which act in non-discriminatory manner in relation to State Parties.

Article 12 – Artisanal, subsistence fisheries and small scale commercial fisheries

1. State Parties shall seek a rational and equitable balance between social and economic objectives in the exploitation of living aquatic resources accessible to artisanal and subsistence fishers by:
 - a) instituting legal, administrative and enforcement measures necessary for the protection of artisanal and subsistence fishing rights, tenure and fishing grounds; and
 - b) taking particular account of the needs of socially and economically disadvantaged fishers.
2. State Parties agree to develop and nurture small-scale commercial fisheries taking particular account of the need to optimise the economic and social benefits of such fisheries.
3. State Parties shall take measures to facilitate the provision of physical and social infrastructure and support services for the development of artisanal, subsistence and small-scale commercial fisheries.
4. As part of an integrated economic strategy, State Parties agree to promote the development of structured programmes related to optimising the potential economic benefits arising from artisanal, subsistence and small-scale commercial fisheries.
5. State Parties shall work towards the development, acquisition and dissemination of tested means and methods of promoting education, empowerment and upliftment of artisanal and subsistence fisheries communities.
6. State Parties shall facilitate broad based and equitable participatory processes to involve artisanal and subsistence fishers in the control and management of their fishing and related activities.
7. State Parties shall work towards harmonising their national legislation on appropriate traditional resource management systems, taking due account of indigenous knowledge and practice.
8. State Parties shall, subject to Article 16 of this Protocol, adopt equitable arrangements whereby artisanal, subsistence and small scale commercial fishers who are traditionally part of a transboundary fishery may continue to fish and trade in goods and services.

Article 13 – Aquaculture

1. State Parties shall take the necessary steps to optimise the economic contribution of aquaculture to the Region.
2. State Parties shall review policies, legislation, plans and institutions to address the characteristics and needs of aquaculture in recognition of the fact that aquaculture is a distinct enterprise.
3. State Parties shall promote on-site research, demonstrations and increased practitioner-to-practitioner extension as ways to increase economic and social benefits from aquaculture.
4. State Parties shall promote private sector participation in aquaculture through access arrangements to designated areas and provide or facilitate the necessary support services and access to finance.
5. State Parties shall co-operate, where necessary, in the promotion of inland and marine ranching and stock enhancement.
6. State Parties shall undertake research and technological development, particularly in identifying new sources of locally available raw materials for fish feed.
7. A State Party shall not introduce exotic species or genetically modified species to shared aquatic eco-systems including the full extent of the river basin unless the affected State Parties agree to the introduction.

8. State Parties shall establish standard guidelines and regulations for the application of environmental impact assessments.
9. State Parties shall monitor and exchange information on diseases and the spread of diseases of relevance to cultured aquatic species.

Article 14 – Protection of the aquatic environment

1. State Parties shall conserve aquatic ecosystems, including their biodiversity and unique habitats, which contribute to the livelihood and aesthetic values of the people and the Region.
2. State Parties shall apply the precautionary principle to ensure that activities within their jurisdiction and control do not cause excessive transboundary adverse impacts.
3. State Parties shall address the causes of aquatic environmental degradation by undertaking measures in conformity with the Treaty and its Protocols and other international treaties and conventions of relevance to the environment.
4. Each State Party shall in close co-operation with the SADC institutions and relevant international agencies take concerted action to protect endangered living aquatic species and their habitats, so as to:
 - a) compile a list of the species;
 - b) introduce measures to progressively replace fishing gear and other technologies which are hazardous to the species;
 - c) promote broad awareness by all stakeholders of the need for protection of the species and their habitats; and
 - d) seek alternative economic activities for those whose livelihoods impact upon the survival of the species.
5. In the preparation of policies, programmes and plans on fisheries and integrated coastal zone management, for both marine and inland waters, State Parties shall take due notice of relevant international declarations and agreements such as those mentioned in Appendix 3 and Appendix 4.
6. Each State Party shall address coastal zone management issues in the planning of activities in aquatic ecosystems taking account of the need to ensure the health of such ecosystems and, to this end, they shall:
 - a) make both financial and human resources available; and
 - b) develop appropriate legal and institutional frameworks.
7. Each State Party shall co-ordinate the establishment of inland and marine protected areas, with particular reference to critical habitats and endangered species, especially migratory species in transboundary areas.
8. Each State Party shall adopt the necessary legislative and administrative measures to prevent pollution of waters by inland, coastal or offshore activities.
9. State Parties shall take due account of the environmental impact and migrations of aquatic species and endeavour to provide suitable fish passages where deemed desirable and necessary in the construction of dams and barrages.
10. State Parties shall promote the use of energy efficient and clean technologies in the fishing and aquaculture sectors.

Article 15 – Human resources development

1. A State Party shall foster broad awareness of sustainable and responsible use of aquatic resources among all stakeholders.

2. State Parties shall implement policies to enhance the capacity of nationals to engage in the responsible use of the living aquatic resources on the basis of equity, participation, effectiveness and mutual benefit.
3. State Parties shall actively work towards the enhancement of training in fisheries.
4. State Parties shall comply with the International Maritime Organisation standards for certification of seamen, marine engineers, masters of vessels, and other seagoing professionals.
5. State Parties shall:
 - a) encourage and guide the fishing industry to promote the welfare and working conditions of all employees; and
 - b) adopt standards, not less favourable than minimum requirements of relevant international agreements, on conditions of work.
6. State Parties shall encourage national and regional programmes for skills transfer from locations and institutions of best practice to all levels of practitioners and policy-makers.
7. State Parties shall promote national and regional professional associations and encourage their involvement in the pursuit of the objective of this Protocol.

Article 16 – Trade and investment

1. State Parties shall promote sustainable trade and investment in fisheries and related goods and services by:
 - a) reducing barriers to trade and investment;
 - b) facilitating business contacts and exchange of information; and
 - c) establishing basic infrastructure for the fisheries sector.
2. State Parties shall create favourable economic conditions to support sustainable fishing and processing activities so as to promote regional food security and fisheries development.
3. State Parties agree to promote joint ventures in the fisheries sector and shall ensure that special attention is given to potential investment by entrepreneurs from other State Parties by clearly indicating opportunities and comparative advantages within its fisheries investment policy guidelines.
4. State Parties shall, in the establishment of joint ventures, give special consideration to:
 - a) ensuring sustainability of living aquatic resources and prevent overfishing and excess fishing capacity;
 - b) promote regional food security;
 - c) promote trade in fish products in the Region;
 - d) promote value-added processing;
 - e) establish a favourable cross-border investment regime through, *inter alia*:
 - (i) encouraging mobility of key personnel and associated transfer of skills;
 - (ii) developing key infrastructure;
 - (iii) promoting the mobility of vessels, and
 - (iv) protecting associated assets; and
 - f) ensure that nationals and their vessels comply with applicable domestic and international laws.
5. State Parties shall create an enabling policy for the promotion of investment in the fisheries sector.

6. State Parties shall endeavour to ensure compliance with standards on port infrastructures in accordance with the SADC Protocol on Transport, Communication and Meteorology.
7. State Parties shall co-operate with a view to reducing post-harvest losses.
8. State Parties shall co-operate in establishing regional capacity to implement internationally acceptable standards on quality control and certification of quality.
9. State Parties may establish common positions with regard to sustainable trade, eco-labelling of fish products and other fish trade issues of relevance to State Parties.

Article 17 – Science and technology

1. State Parties shall co-operate in establishing joint research programmes and projects with particular reference to shared resources and scientific problems considered common to the Region or parts of the Region.
2. State Parties shall work towards the generation and application of best scientific advice as a basis for decisions on the sustainable use of the living aquatic resources and best scientific advice shall be enhanced through:
 - (a) peer review including external evaluation of research by recognized centres of excellence;
 - (b) regional and international participation in national research seminars;
 - (c) promoting publications of regional interest, including electronic journals; and
 - (d) promoting networks and professional associations.
3. State Parties agree that knowledge and data generated through joint regional fisheries research projects and programmes shall be shared by the participating State Parties.
4. State Parties shall endeavour to avoid duplication in research undertakings and to share costly facilities and equipment with particular reference to research vessels and remote sensing facilities.
5. State Parties shall, collaborate regional initiatives in the areas of meteorology, cartography and the drought early warning system, and endeavour to secure adequate coverage by remote sensing of the full extent of the inland fisheries and maritime areas and large marine ecosystems of the Region.
6. State Parties may consider appropriate means and approaches for the standardisation of hardware and software, particularly of vessel tracking systems, emerging technologies for remote marketing of fish and other advanced technologies.
7. State Parties shall promote among themselves the transfer, acquisition and mastery of technology of value to the fishing industry, with particular reference to clean energy efficient technologies.
8. State Parties shall encourage research into technologies to exploit unutilised and under-utilised living aquatic resources.

Article 18 – Information exchange

1. State Parties agree to exchange complete and detailed information essential for achieving the objective of this Protocol.
2. State Parties shall ensure effective communication strategies with stakeholders in order to promote participative management of aquatic resources.
3. State Parties shall regularly consult on methodologies and approaches that will harmonise and enhance the reliability of data collection.

4. State Parties shall make public the rationale and criteria pertaining to the determination of total allowable catches, allocation of quotas, permits, licensing and other rights to the use of living aquatic resources.

Article 19 – Institutional arrangements

State Parties shall establish a Committee to oversee the implementation of this Protocol.

Article 20 – Financial provisions

1. State Parties shall endeavour to allocate the necessary funds for the effective implementation of this Protocol at the national level.
2. Programmes and projects may be financed by funds legitimately solicited from various sources, including the international donor community and other co-operation partners.
3. The Secretariat may accept gifts, grants, legacies and donations from any source so long as such acceptance is in conformity with any guidelines that may be set by the Council.

Article 21 – Annexes

1. State Parties may develop and adopt annexes for the implementation of this Protocol.
2. An annex shall form an integral part of this Protocol.

Article 22 – Assets

Assets acquired by State Parties through the implementation of this Protocol shall be treated in accordance with the provisions of Article 27 of the Treaty.

Article 23 – Settlement of disputes

Any dispute arising from the interpretation and application of this Protocol which cannot be settled amicably shall be referred to the Tribunal.

Article 24 – Signature

This Protocol shall be signed by the duly authorised representatives of the Member States.

Article 25 – Ratification

This Protocol shall be subject to ratification by the Signatories in accordance with their respective constitutional procedures

Article 26 – Entry into force

This Protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States.

Article 27 – Accession

This Protocol shall remain open for accession by any Member State.

Article 28 – Reservations

No reservation may be made to this Protocol.

Article 29 – Amendment

1. An amendment to this Protocol shall be adopted by a decision of three-quarters of the Members of the Summit.
2. A proposal for the amendment of this Protocol may be made to the Executive Secretary by any State Party for preliminary consideration by the Council, provided, however, that the proposed amendment shall not be submitted to the Council for preliminary consideration until all Member States have been duly notified of it, and a period of three months has elapsed after such notification.

Article 30 – Withdrawal

1. Any State Party may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving to the Executive Secretary a written notice to that effect.
2. Any State Party that has withdrawn pursuant to paragraph 1 of this Protocol shall continue to enjoy all rights and benefits under this Protocol and shall remain bound by the obligations herein until the expiration of the period of twelve (12) months from the date of giving notice of intention to withdraw.

Article 31 – Depositary

1. The original of this Protocol and all instruments of ratification and accession shall be deposited with the Executive Secretary, who shall transmit certified copies to all Member States.
2. The Executive Secretary shall register this Protocol with the Secretariat of the United Nations Organisation and the Organisation of African Union.

IN WITNESS WHEREOF, WE, the Heads of State or Government, or our duly authorised representatives of SADC Member States, have signed this Protocol.

Done at Blantyre this 14th day of August, 2001 in three original texts, in the English, French and Portuguese languages, all texts being equally authentic.

Appendices

Appendix 1 (Article 6 (1))

International fora, conventions and agreements

General

1. Committee for Inland Fisheries of Africa (CIFA)
2. Committee of Fisheries (COFI)
3. Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, 1985 (Nairobi Convention)

4. Convention for Protection, Management and Development of the Marine and Coastal Environment of the West African Region. (Abidjan Convention)
5. Convention on International Trade in Endangered Species of Wild Fauna and Flora. (CITES, 1973)
6. World Trade Organisation and related fora on sustainable trade in fish products.
7. International Union for the Conservation of Nature (IUCN).

Marine and shipping law

1. United Nations Convention on the Law of the Sea, 1982 (UNCLOS)
2. International Maritime Organisation Convention
3. Torremolinos International Convention for the Safety of Fishing Vessels, 1977.
4. International Convention for the Safety of Life at Sea (SOLAS, 1974)
5. International Convention on Salvage, 1989
6. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW, 1978)

Pollution and oil spillage

1. International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL -I & II)
2. London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Dumping Convention)
3. MARPOL Protocol of 1978
4. International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC)
5. International Convention on Oil Pollution Preparedness, Response and Co-operation. (OPRC, 1990)
6. International Convention on the Establishment of a Fund for Compensation for Oil Pollution Damage, 1971 (Fund)

Environment

1. Washington Declaration/ Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, 1995
2. Convention for Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, 1985 (Nairobi Convention)
3. Convention on Biological Diversity, 1992
4. Convention on Wetlands of International Importance, especially as Waterfowl Habitat (RAMSAR, 1971)
5. The Convention on the Conservation of Migratory Species of Wild Animals, 1979
6. Convention for the Protection, Management and Development of the West African Region (Abidjan Convention)

Appendix 2

International fisheries bodies

1. South Eastern Atlantic Fisheries Organisation (SEAFO)
2. Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
3. International Whaling Commission (IWC)
4. Indian Ocean Tuna Commission (IOTC)
5. Western Indian Ocean Tuna Organisation (WIOTO)
6. International Commission for the Conservation of Atlantic Tunas (ICCAT)
7. Commission for the Conservation of Southern Bluefin Tuna (CCSBT)
8. Indian Ocean Fisheries Commission (IOFC)
9. Regional Fisheries Committee for the Gulf of Guinea (COREP)
10. Regional Committee on Fisheries Co-operation among African States Bordering the Atlantic Ocean

Appendix 3 (Article 14 (5))

International declarations on integrated coastal zone management

1. Arusha Declaration.
2. Seychelles Declaration.
3. Cape Town Declaration.
4. Maputo Declaration.

Appendix 4

Agreements on international rivers

Existing agreements or draft agreements on the international rivers include the following:

1. SADC Protocol on Shared Watercourse Systems (Most SADC members);
2. Treaty on Cahora Bassa Dam - (exchange of diplomatic notes (SA, Portugal/MZ));
3. Agreement between South Africa and Mozambique on a Joint Water Commission (SA, MZ);
4. Tripartite Permanent Technical Commission (TPTC, 1983) (MZ, SA, Swaz);
5. Permanent Joint Commission on Co-operation (JPTC, 1984) (MZ, Mal);
6. Limpopo Basin Permanent Technical Committee (LBPTC, 1986) (Bot, MZ, SA, Zim);
7. Treaty on a Joint Water Commission (JWC, 1992) (MZ, Swaziland);
8. Treaty between South Africa and Swaziland on the Inkomati River Basin (KOBWA, 1992) (SA Swaz);
9. Agreement between South Africa and Swaziland on a Joint Water Commission.