



# NAFO Perspectives



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# Northwest Atlantic Fisheries Organization



## NAFO Perspectives

By NAFO Secretariat  
with Damon Loomer

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## **NOTE**

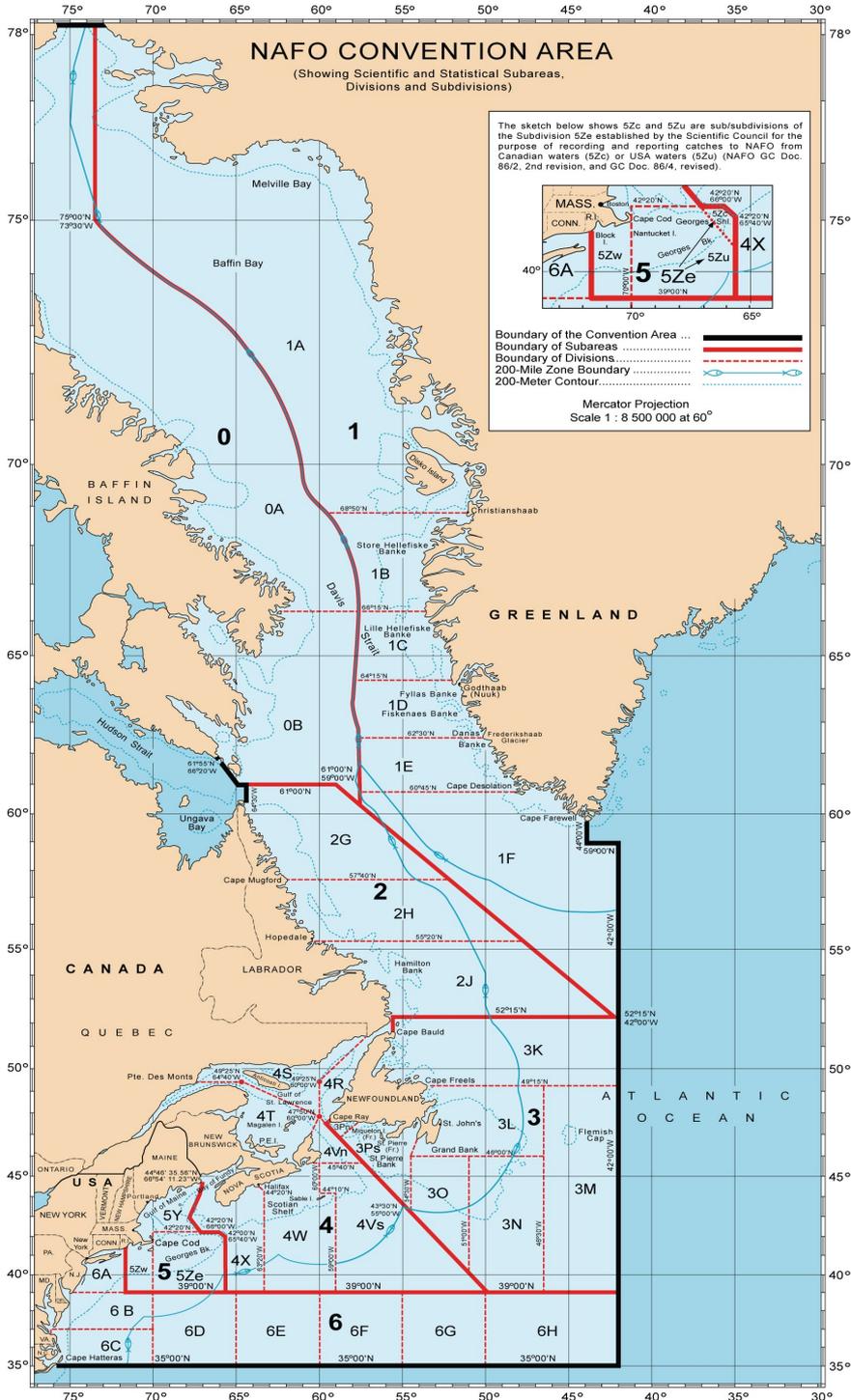
by the Executive Secretary

This booklet has been prepared by the NAFO Secretariat in cooperation with copy-writer Damon Loomer. Its intent is to provide the general public with an introduction to NAFO and its recent developments. The booklet only contains a selection of summarized descriptions of NAFO's history, scope, structure, decision-making and activities. It does not intend to provide a comprehensive overview and we recommend to the interested reader to access the NAFO web pages for more detailed information.

**[www.nafo.int](http://www.nafo.int)**

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## The NAFO Mandate

The **Northwest Atlantic Fisheries Organization (NAFO)** is an intergovernmental fisheries science and management body. NAFO was founded in 1979 as a successor to ICNAF (International Commission for the Northwest Atlantic Fisheries) (1949-1979). In 2009, NAFO has twelve member countries from North America, Europe, the Caribbean and Asia. Four of them are coastal States bordering on the Convention Area: USA, Canada, France (in respect of St. Pierre et Miquelon), and Denmark (in respect of Faroe Islands and Greenland).



NAFO's Convention from 1979 on "Future Multilateral Cooperation in the Northwest Atlantic Fisheries" was formulated directly after a number of coastal States introduced a national exclusive economic zone (EEZ) of 200 miles. The NAFO Convention thus reflects the effort to continue the international cooperation in these waters and maintain the compatibility of conservation and management measures between the coastal and the international areas while respecting the new exclusive rights of the coastal States.

### NAFO Objective from 1979

*" ... contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the Convention Area" (NAFO Convention Article II).*

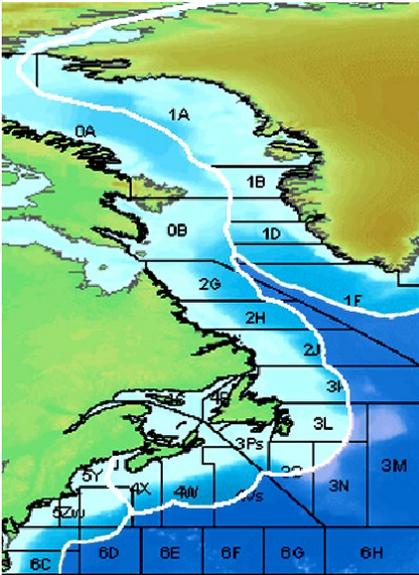
### NAFO Objective from 2007

*" ... ensure the long term conservation and sustainable use of the fishery resources in the Convention Area and, in so doing, to safeguard the marine ecosystems in which these resources are found" (amended NAFO Convention from 2007, Article II, not yet ratified).*

NAFO's original objective from 1979 was recently modernized to also include an ecosystem approach to fisheries management. This means that it now expands beyond a sustainable use of the commercial northwest Atlantic fishery resources by committing to also protect the associated marine ecosystems from adverse fisheries effects.

The NAFO Convention applies to all fishery resources in the Northwest Atlantic except salmon, tunas/marlins and mammals as these are already under the responsibility of other intergovernmental regional fisheries management bodies. It also does not apply to sedentary species such as many shellfish over which coastal States exercise sovereign rights.

## NAFO and Northwest Atlantic Fisheries



The international fisheries managed by NAFO takes place outside the 200 miles limit and much of it concentrates on the relatively shallow waters of the so-called Nose and Tail of the Grand Banks and the Flemish Cap. The measures adopted by NAFO only apply to these international waters, the so-called Regulatory Area which comprises a small portion of the total surface area of the Northwest Atlantic.

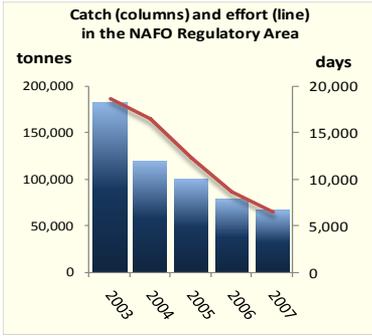
The NAFO Convention Area, however, is not restricted to international waters; it also covers the 200-mile-zones under national jurisdiction. Consequently, the NAFO objective of conserving and utilizing fishery resources applies to the whole Convention Area. This plays an important role

in ensuring the cooperation of Contracting Parties, in particular with regard to fish stock assessment.

NAFO adopts conservation measures for commercial fish under its mandate<sup>1</sup> in the Regulatory Area. It will include new species in its management regime in response to expanding fisheries as it did in recent years with white hake and skates. Currently NAFO manages 20 fish stocks (11 species plus special measures for the conservation of sharks) of which half are under a complete fishing ban (moratorium) to help their recovery. In addition, strict by-catch requirements apply for these “moratoria” stocks (among an array of other measures).

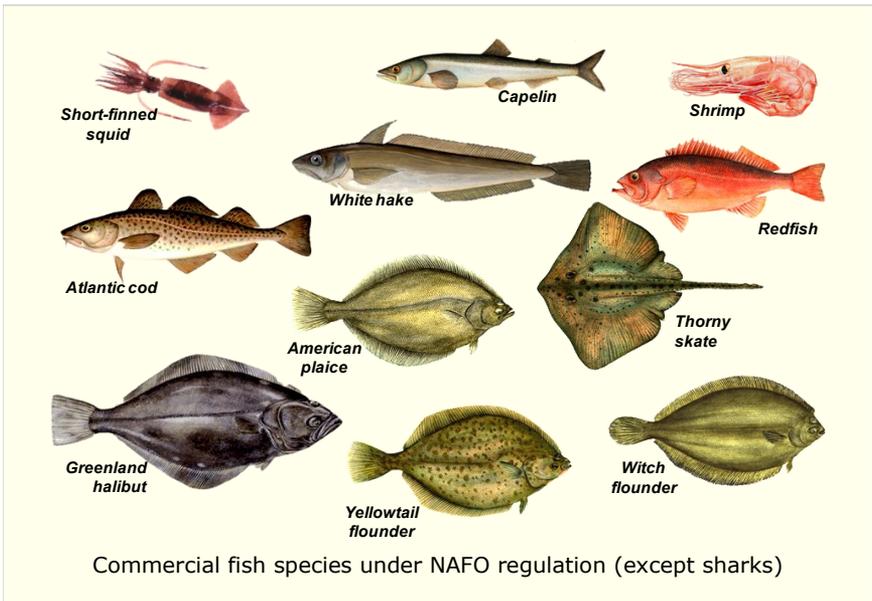
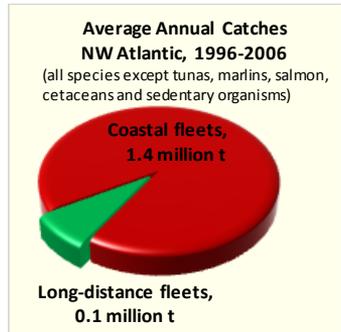
The fishing activities in the NAFO Area are often described as deep-sea fisheries and the predominant fishing method is trawling. In the international waters of the Northwest Atlantic fishing effort and catches have steadily decreased throughout the last decade, in the last five years alone by almost two thirds. In

<sup>1</sup> *The NAFO mandate covers all fishery resources in the Northwest Atlantic except tunas, marlins, salmon, mammals, and sedentary species.*



2003, 147 vessels caught over 180,000 tonnes of fish and spent almost 19,000 days in the NAFO Regulatory Area. A fishing trip (i.e. uninterrupted stay of a vessel in the area) lasted three months on average. Five years later, in 2007, there were only half as many vessels (76) fishing only for a third of the time and catching only a third of the fish. Most fishing trips now last less than one month.

Worldwide most marine fishery resources concentrate in the nutritionally beneficial coastal zones. Therefore, it is not surprising that only 10% of the species under the mandate of NAFO are caught in the international waters of the Northwest Atlantic. During the last decade average catches of coastal fleets in the national EEZs were in the order of 1.4 million tonnes per year whereas annual catches taken by the international fisheries in the NAFO Regulatory Area averaged about 120,000 tonnes.



## The Northwest Atlantic: 500 Years of International Fisheries

The Northwest Atlantic is the home of the oldest high-seas and long-distance international fishing grounds in the world: the Grand Banks. At the end of the 15<sup>th</sup> century Portuguese and Spanish fishermen were already fishing cod on the Grand Banks, and were later joined by French, English and other fleets. Cod could be processed (salted) at sea, enabling fishing vessels to return directly to their home ports and land their catches there without touching shore in North America. At the same time, Newfoundland developed as a fishing outpost that relied both on the international and local fishery for most of its livelihood. Thus, cultural and economic connections to the Grand Banks were established over the centuries on both sides of the Atlantic.

International cooperation for assessment and management of fish stocks in the Northwest Atlantic reaches back to the North American Council on Fishery Investigations (NACFI), in which Canada, USA, Newfoundland and France combined forces to investigate fish and the marine environment in the international waters off Eastern North America between 1921 and 1936.

It was not until 1949, however, that a fisheries science and management organization was created. The International Commission for the Northwest Atlantic Fisheries (ICNAF) had 16 member countries by 1972 and was the first international fisheries management body to introduce a joint international at-sea inspection scheme and the first to regulate commercial fish stocks with catch limits (Total Allowable Catch, TAC) and quota allocations to its member States.

### "Green fishery" - predecessor of modern factory freezers

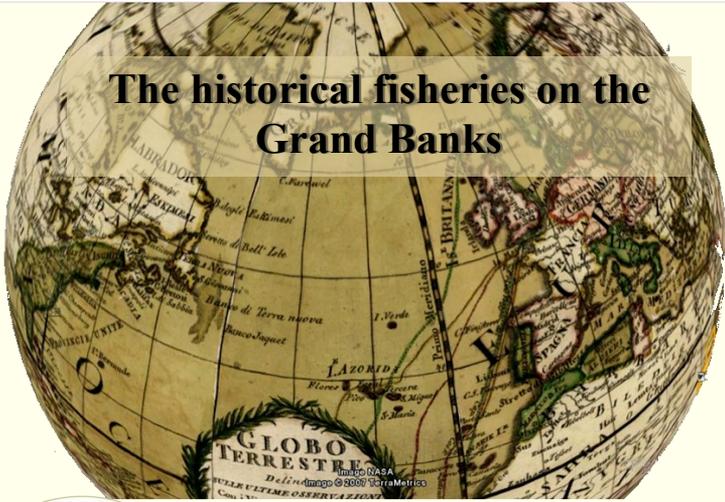


From:

*Traité général des  
pêches, by Duhamel du  
Monceau, 1772  
(National Library of  
Canada)*

*The fishermen on a ship from Normandy were protected from the wind and sea spray by niche-shaped wind screens. As soon as the cod was caught, the head was removed and the fish was cleaned before being salted and piled up in the hold ("green cod"). The ships used in the "green fishery" were small and had a crew of about 20 men, including 10 to 12 fishermen. At the end of the expedition, which usually lasted three to six months, the ship returned to its port without having touched land. Green cod was the preferred fish of the inhabitants of Paris and France's northern provinces. (From: Canadian Museum of Civilization Corporation, <http://www.civilization.ca/cmcc/exhibitions/hist/lifelines/licog18e.shtml>)*

# The historical fisheries on the Grand Banks



Above: Antique Globe, Google Earth



Above: Portuguese Caravel from the 17th century



Above: 19th century Grand Banks fishery. Illustration by Le Breton.



Left: 19th century dory. A. Louis Garneray, 1832. Rouen, Musée des Beaux-Arts.



Above: Turn of the 20th century fishing schooners on the Grand Banks by Patrick O'Brien (PatrickOBrienStudio.com)



Left: Severomorsk coal-engine trawler

## NAFO and the Global Fishery Crisis



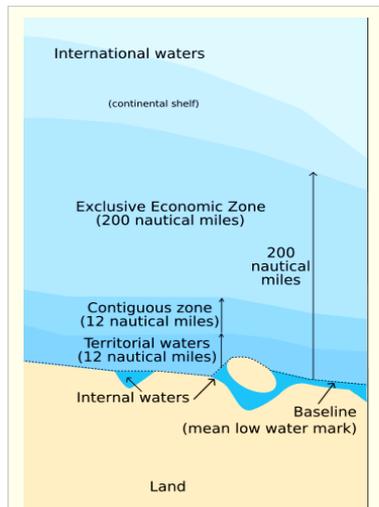
*Sketch of a bottom trawl  
(from [www.softpedia.com](http://www.softpedia.com))*

Although the ocean seemed to hold an abundance of fish impossible to ever deplete, technological advances led to ever increasing catches. In the late 19<sup>th</sup> century fishing vessels got bigger, hand lines gave way to trawls (long conical nets) and sailing vessels were replaced by steam ships. Hauling fish in by hand ended with the introduction of hydraulic winches and powerful lights were added for night trawling. In the 1950s, factory freezer trawlers were introduced.

Between 1600 and 1950 fishery catches<sup>1</sup> in the Northwest Atlantic increased from about 30,000 tonnes to 1.5 million tonnes. In the late 1960, the peak of fisheries was reached with catches in the order of 3 million tonnes. For many years, some scientists and fishermen warned that this could not last. Too much fish was being taken.

In view of this fishery crisis, coastal States began to advocate an extension of their national jurisdiction over fishery resources off their coasts. Many believed that fish stocks would be better protected under national than under international management. Canada and the USA were among the first nations to declare a 200-mile zone for the exclusive exploitation of marine resources in 1977 – even before this was made international law by the United Nations Convention on the Law of the Seas (UNCLOS) in 1982. As a result, the regional fisheries management organization in the Northwest Atlantic, ICNAF, had to be updated to include the new Exclusive Economic Zones (EEZs), giving rise to the Northwest Atlantic Fisheries Organization (NAFO) in 1979.

The introduction of the EEZs meant a substantial reduction in the size of international fishing grounds on the Grand Banks, leading to severe impacts on European fishing communities, especially in countries like Portugal and Spain, which had depended on transatlantic cod for centuries.



*Legal boundaries in the ocean*

<sup>1</sup> All catch figures apply only to shrimp and finfish except tunas, marlins and salmon and also exclude mammals, sedentary species and crustaceans other than shrimp)

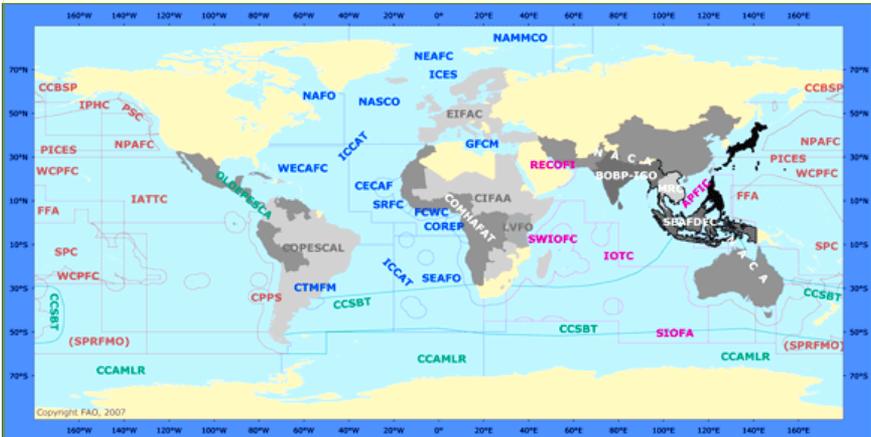
## What are Regional Fishery Bodies (RFBs)?

From: FAO, viewed 31 March 2009, <http://www.fao.org/fishery/topic/16800/en>

*Regional Fishery Bodies (RFBs) are a mechanism through which States work together towards the conservation, management and/or development of fisheries. The mandates of RFBs vary. Some RFBs have an advisory mandate, and provide advice, decisions or coordinating mechanisms that are not binding on their members. Some RFBs have a management mandate – these are called Regional Fisheries Management Organizations (RFMOs). They adopt fisheries conservation and management measures that are binding on their members.*

*The functions of RFBs also vary. They can include the collection, analysis and dissemination of information and data, coordinating fisheries management through joint schemes and mechanisms, serving as a technical and policy forum, and taking decisions relating to the conservation, management, development and responsible use of the resources.*

*Currently, there are 44 regional fishery bodies worldwide, 20 of which are RFMOs.*

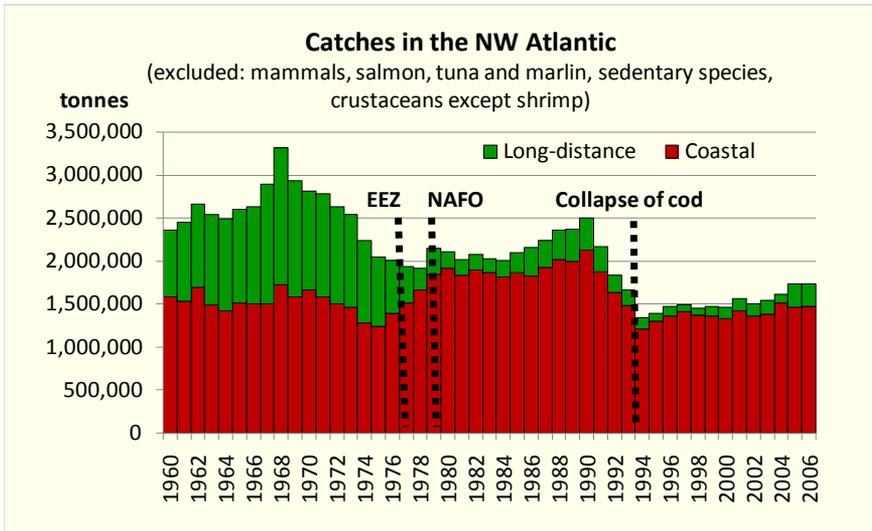


## Why Regional Fisheries Management Organizations?

From an official address to NAFO by Hiromoto Watanabe (FAO) in 2007

*Regional Fisheries Management Organizations (RFMOs) represent the only realistic means of governing fish stocks that occur either as straddling or shared stocks between zones of national jurisdiction or between these zones and the high seas, or exclusively on the high seas. Therefore, to strengthen RFMOs in order to conserve and manage fish stocks more effectively remains the major challenge facing international fisheries governance.... Since NAFO is one of the world's leading RFMOs, having a long history and much experience in the sustainable management of fisheries in the Northwest Atlantic Ocean, and one of the RFMOs that initiated the reforming process at the earliest stage, it is highly expected that NAFO will continue playing a significant role in regional action to secure sustainable and more responsible fisheries management."*

Although coastal States now exerted control over the major part of commercial fish stocks in the Northwest Atlantic, the fishery catches remained relatively high (in the order of 2 to 2.5 million tonnes) and there were signs that this was not sustainable. This was the time when NAFO went through its most difficult period and spent a great amount of time and energy on bitter disputes over the politics of fish quotas and moratoria (fishing bans). The low point in these “dark years” of the Northwest Atlantic fishery came with the catastrophic collapse of cod and several other groundfish stocks (both straddling and coastal) in the early 1990s and the very public “Turbot War” between Canada and Spain in 1995.



The fact that many traditional groundfish stocks have not significantly recovered does not mean that there are no fishery resources left in the Northwest Atlantic. The stock levels of shrimp, redfish, yellowtail flounder and other fish still allow a viable commercial fishery. However, despite major improvements in fisheries management, a large number fish stocks managed by NAFO remain under moratoria or in rebuilding programs.

The fishery crisis was not just confined to the Northwest Atlantic; in fact, dwindling resources have become a major concern worldwide. The 1996 UN Fish Stock Agreement – which actually reflects the hard lessons learned from the Northwest Atlantic experience – can be seen as the starting point of a new era of international fisheries management. This agreement incorporates a number of important modern management approaches, such as the Precautionary Approach and the Ecosystem Approach as well as strengthening the international monitoring, control and surveillance of the fisheries and the obligations on member countries to legally enforce international regulations.

## The UN Fish Stock Agreement

From UN Department on Oceans and Law of the Sea , viewed 31 March 2009  
[http://www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_fish\\_stocks.htm](http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm)

*The UN Fish Stock Agreement<sup>1</sup> sets out principles for the conservation and management of straddling and highly migratory fish stocks and establishes that such management must be based on the precautionary approach and the best available scientific information. The Agreement elaborates on the fundamental principle that States should cooperate to ensure conservation and promote the objective of the optimum utilization of fisheries resources both within and beyond the exclusive economic zone.*

*The Agreement attempts to achieve this objective by providing a framework for cooperation in the conservation and management of those resources and establishing, among other things*

- *detailed minimum international standards,*
- *compatibility between measures taken in areas under national jurisdiction and in the adjacent high seas;*
- *effective mechanisms for compliance and enforcement on the high seas; and*
- *recognizing the special requirements of developing States.*

*The Agreement was adopted on 4 August 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.*

<sup>1</sup> *The full name is: United Nations 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.*

## How NAFO manages the Fish Stocks

Based on scientific advice, NAFO adopts a comprehensive range of management and conservation measures. In addition, it also has in place a strong scheme to monitor, survey and control the international fisheries.

### Status of Stocks: The NAFO Scientific Assessment and Advice

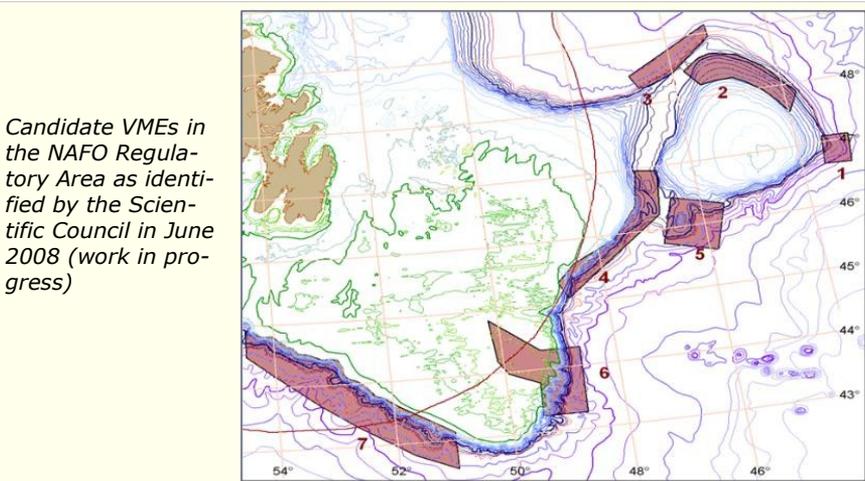


*Spanish Research Vessel  
Vizconde de Eza*

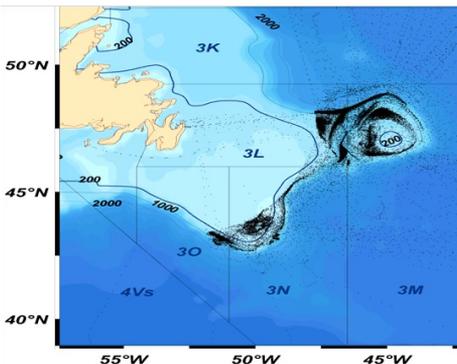
The science component of NAFO is an integral part of the organization. Scientists from NAFO member States contribute to the assessment of fish and ecosystems in the NAFO Convention Area by conducting scientific surveys and evaluating other relevant information. The NAFO Scientific Council meets several times each year to discuss its findings, coordinate its research activities and prepare the scientific advice for the Fisheries Commission and Coastal States.

The information used by the NAFO scientists includes but is not limited to catch statistics from NAFO Contracting Parties as well as data gathered on commercial and research vessels and in landing ports.

The NAFO Scientific Council has developed a Precautionary Approach Framework to better address uncertainties in the assessment of fish stocks. Currently, the Scientific Council contributes significantly towards the development of an Ecosystem Approach to Fisheries Management. For example, in 2008 scientists identified and mapped seven zones in the NAFO Regulatory Area which are likely to contain vulnerable marine ecosystems. This map will be made more useful and precise in the near future when additional information becomes available.



With the new approaches in management, fishery scientists are challenged to develop and explore new methods and procedures. For example, scientists have recently started using position and catch reports from the NAFO Vessel Monitoring System (VMS) to better understand the dynamics of the NAFO fisheries. And, in general, the Scientific Council is expanding its resources and expertise, and increasing its links with other organizations.



A Vessel Monitoring System (VMS) (see page 14) is not just a valuable tool to control and monitor fisheries but is also used for analytical purposes. Since 2007 VMS information has been used by NAFO to provide scientists and managers with a visual (GIS) analysis of fishing effort in the international waters of the North-west Atlantic.

## International Cooperation in Northwest Atlantic Fishery Science

In addition to fish stock assessment, the Scientific Council organizes and sponsors fisheries-related workshops, symposia and conferences, and oversees NAFO scientific publications, most prominently the **Journal of Northwest Atlantic Fishery Science** (<http://journal.nafo.int>).

Current and recent NAFO symposia are (see [www.nafo.int](http://www.nafo.int) for further details):



- **2009: Rebuilding Depleted Fish Stocks - Biology, Ecology, Social Science and Management Strategies.** *Deals with the recent status and strategies for the recovery of overexploited fish stocks. Biological, ecological, modelling as well as socio-economic and management aspects will be covered. The symposium should also serve as a forum to exchange ideas and views across disciplines and stakeholders.*

- **2008: The Role of Marine Mammals in the Ecosystem in the 21<sup>st</sup> Century.** *The symposium presented new findings on the syntheses of information over ecosystem components, on biological and physical aspects of the environment, and on new research approaches to understanding the role of marine mammals.*



- **2007: Reproductive and Recruitment Processes of Exploited Marine Fish Stocks.** *The symposium provided a scientific forum to present and discuss study findings on reproduction, early life history and recruitment of exploited marine finfish and invertebrate stocks.*



- **2006: Environmental and Ecosystem Histories in the Northwest Atlantic - What Influences Living Marine Resources?** *Ecosystems considered covered all the NAFO Subareas with the scope to describe and compare these ecosystems, considering their environmental and marine resources.*

• **2004: The Ecosystem of the Flemish Cap.** The Symposium addressed the oceanography, general biology of species, the isolation of the Flemish Cap or its connection to surrounding areas, the development of fisheries and their effects on the whole ecosystem and ecology of communities on the Flemish Cap, as well as comparative results from other partially isolated oceanic areas.

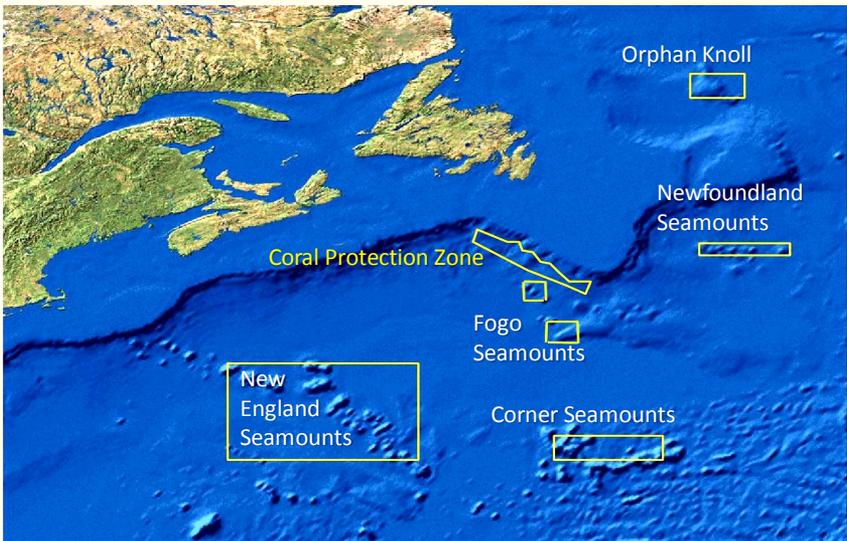
- **2002: Elasmobranch Fisheries.** *The symposium dealt with Life History and Demographic Analysis, Stock Identity; Stock Assessment, Harvest Strategies and Biodiversity Maintenance.*



- **2002: Hydrographic Variability in NAFO Waters.** *It reviewed meteorological, sea-ice and oceanographic variability in all NAFO Subareas reviewing long-term climate change and the effects of the climate variations on the fisheries.*

## Conservation of Fish Stocks: The NAFO Management Measures

The NAFO Fisheries Commission meets once a year to adopt Conservation and Enforcement Measures (CEM) for the international fisheries. Such measures include setting limits for total allowable catches (TACs) and quotas (the share of the TAC that each member State is allowed to fish) for each stock. While the annually changing TACs and quotas (including moratoria) as listed in the NAFO quota table are among the most prominent management measures to regulate fisheries, there are a number of other measures that also can play an important role to protect fishery resources and their environment, for example area closures of vulnerable marine ecosystems, such as seamounts. As a precautionary measure in the context of an Ecosystem Approach, NAFO has closed six possibly vulnerable marine ecosystems to bottom fisheries (five seamounts and a large coral area along the southern Grand Banks).



*Areas closed to bottom fishing in the NAFO Regulatory Area (as of 2009)*

Other NAFO management measures include by-catch and gear restrictions, minimum fish size regulations as well as area and time limitations. Gear regulations can be very effective as seen in the shrimp fisheries where the introduction of sorting grids in the 1990s greatly reduced the by-catch rate. Another important gear restriction is mesh size by which catch of smaller fish is minimized. The NAFO by-catch regulations require that if a non-target species, in particular those under moratorium, is caught above a defined threshold, the vessel has to stop fishing in that location and move away at least 10 nautical miles.

## Compliance: The NAFO Monitoring, Control and Surveillance Scheme



To ensure that its conservation measures are followed, NAFO has developed a comprehensive set of regulations to monitor, survey and control the fisheries. Some of these measures are:

- Register of all vessels authorized to fish in the NAFO area;
- Comprehensive reporting and recording requirements of catches and fishing effort by vessel masters, port authorities and flag States;
- Labelling of fish products, stowage requirements and marking of gear;
- Requirement to carry an independent observer on board;
- Vessel Monitoring System (VMS).

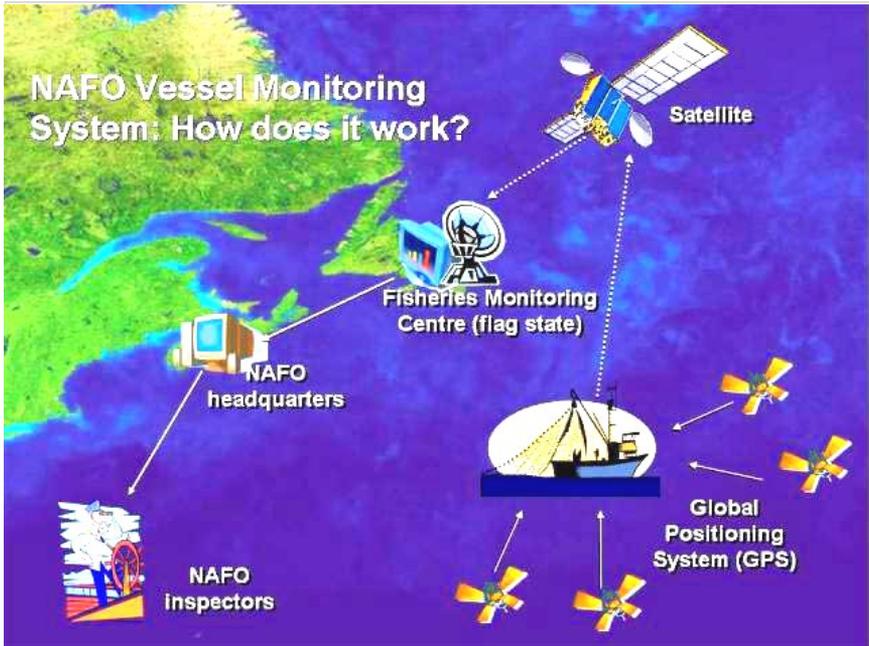


The NAFO inspection and surveillance scheme comprises frequent and random at-sea inspections as well as air surveillance. The inspection vessels belong to Contracting Parties but operate for NAFO and carry the NAFO pennant during their duty trips in the international waters. The at-sea inspectors are assigned by Contracting Parties and are authorized to board and inspect fishing vessels in the Regulatory Area. The purpose of these inspections is to detect any infraction of NAFO regulations. With the NAFO Conservation and Enforcement Measures in hand, inspectors have a detailed checklist to go through.

Most vessels fishing in the Regulatory Area land their catches in ports of NAFO member States where they undergo rigorous and obligatory port inspections. Port inspections serve mainly to document and ascertain the amount of fish landed from the NAFO area. However, they also can uncover irregularities such as misrecording of catches by the vessel master, and can also corroborate any formal complaint previously made by at-sea inspectors.



Specific control and surveillance measures can be used to improve the protection of threatened stocks. For example, vessels fishing for Greenland halibut are subject to extraordinary scrutiny: They need to have particular licenses, issue frequent catch reports to NAFO, be prepared to meet with inspectors when entering the NAFO area, and land their catches only in a few designated ports where they undergo special inspections.



As part of modern Monitoring, Control and Surveillance systems (MCS) the VMS is a vessel tracking system (usually satellite-based) which provides management authorities with accurate information on fishing vessels position, course and speed at time intervals. As shown on the chart, a vessel-based “black box” sends a regular position report to a satellite from where this report is automatically transmitted to a national Fisheries Monitoring Centre and from there to the NAFO Secretariat and NAFO Inspectors.

Legal prosecution of a vessel following a citation by NAFO inspectors can only be conducted by the flag State. NAFO Contracting Parties are committed to immediately investigate and take administrative or judicial action against a non-compliant vessel and to ensure that its law enforcement is “adequate in severity to be effective in securing compliance, discouraging further infringements and depriving offenders of the benefits accruing from their illegal activities.”

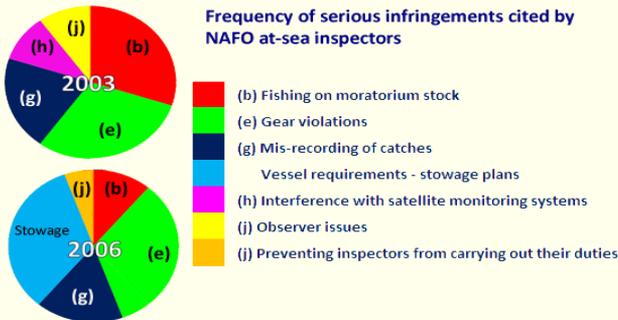
In 2008, NAFO also introduced special port State control measures that require prior authorization from the flag State of a fishing vessel to land catches from the NAFO Regulatory Area in other than home ports. These regulations will contribute to fight illegal, unreported and unregulated (IUU) fisheries together with other measures such as the IUU “black list” (see page 15).

## The NAFO fishery – Does it play by the rules?

NAFO analyzes all information reported by the different sources of its monitoring , control and surveillance scheme (vessel masters, observers, at-sea and port inspectors, Contracting Parties) and summarizes the results in the NAFO Annual Compliance Review. This makes it possible to determine how well the international fishery has complied with NAFO management measures and regulations, and whether member States have fulfilled their obligations to NAFO. This report is public reflecting NAFO's commitment to a high standard of transparency.

The best information regarding the compliance of fishing vessels with NAFO measures comes from inspection reports – especially from the 300-400 random inspections carried out each year at sea. In the last five years, the number of at-sea inspections has remained at about the same level while fishing effort declined drastically. This meant that in 2007 a vessel was inspected on average twice as often as in 2003.

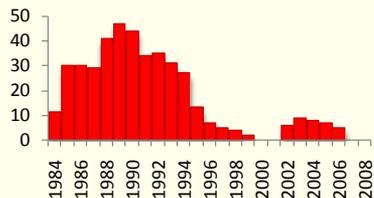
The relatively more frequent at-sea inspections in recent years did not uncover more infringements: The rate of “clean” reports (i.e. inspections that did not result in a citation) has been fairly constant since 2003, varying between 94% and 95.5%. In other words, the black sheep among the international fishing vessels (as determined by at-sea inspections) remains in the order of 5%.



NAFO is concerned about the presence of fishing vessels from non-member flag States as these could be engaged in so-called **IUU (Illegal, Unreported and Unregulated) fishing**. Recently, NAFO has started to publish a list of IUU vessels. This “black list” includes vessels from the Northeast Atlantic and is prepared in close cooperation with NAFO’s sister organization, NEAFC (North East Atlantic Fisheries Commission). Furthermore, NAFO has strengthened its links with other regional fishery bodies to fight IUU on a global basis. In the last decade NAFO has seen a pronounced decline in unauthorized fishing vessels, ranging from zero to only a few per year.



**IUU vessels in the NAFO Regulatory Area**



## The NAFO Reform



After 25 years and many significant changes in its management regime, NAFO felt quite distanced from its 1979 Convention and decided it was time to change it to more accurately reflect the Organization's current objectives and approaches. This process began in 2005 and, after complicated and lengthy negotiations a reformed *NAFO Convention on Cooperation in the Northwest Atlantic Fisheries* was approved at the 2007 Annual Meeting in Lisbon, Portugal. Formal ratification by member States is still pending in 2009.

Most importantly, the amended Convention formalizes NAFO's firm commitment to take responsibility for the effects of fisheries on marine ecosystems in the Northwest Atlantic. By "looking after other organisms that don't actually appear on your plate", the new NAFO Convention commits its members to compliance with the most important, most forward-looking management tool of our time: the Ecosystem Approach to Fisheries Management. So far, NAFO has made progress in implementing this approach through precautionary closure of vulnerable marine ecosystems such as seamounts and corals, banning irresponsible fishing practices such as shark finning, and special rebuilding plans for struggling species such as cod and Greenland halibut.



The reform also streamlines and strengthens the Organization itself, brings changes to the way NAFO members come to decisions and settle disputes, and puts increased pressure on member States to fulfill their obligations under the Convention.

The decisions taken by NAFO are binding for Contracting Parties. However, NAFO includes the possibility for a Contracting Party to object to a decision taken by the majority of the members, after which this Contracting Party will not be bound by the measure in question. This objection procedure has been under attack by critics of Regional Fisheries Management Bodies, as an easy way to opt out of necessary but unpopular conservation measures. However, for an organization composed of sovereign States the only alternative to a majority vote system with an opt-out clause is decision-making by consensus. But what if consensus cannot be achieved? Then a new measure cannot be implemented if just one member disagrees. The consequence will be immobility and lack of necessary progress.



## NAFO and the Ecosystem Approach

NAFO has committed to an ecosystem approach through important amendments to its Convention adopted in 2007. This amended Convention still awaits formal ratification by national parliaments. To ensure a timely implementation of important measures related to an ecosystem approach, NAFO has adopted the following resolution in September 2008:

### NAFO Resolution 1/08

*The Contracting Parties to the Convention on the Future Multilateral Cooperation in Northwest Atlantic Fisheries (hereinafter referred to as the Convention),*

*Recognizing 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; the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993, and*

*Taking into account the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organization of the United Nations in October 1995,*

*Desiring to promote the long-term conservation and optimum utilization of the fishery resources of the Northwest Atlantic Area,*

*Recognizing the economic and social benefits from the sustainable use of fishery resources,*

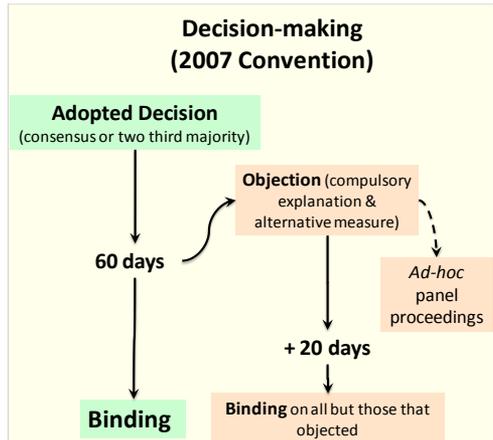
*Noting the amendments to the Convention adopted at the 29th annual meeting of the Northwest Atlantic Fisheries Organization (NAFO),*

*Declare that in giving effect to the objective of the Convention, Contracting Parties individually and collectively, intend to:*

- a) adopt measures based on the best scientific evidence available to ensure that fishery resources are maintained at or restored to levels capable of producing maximum sustainable yield;*
- b) apply the precautionary approach in accordance with Article 6 of the 1995 Agreement;*
- c) take due account of the impact of fisheries on other species and marine ecosystems, and in doing so adopt measures to minimize harmful impacts on living marine resources and marine ecosystems;*
- d) take due account of the need to preserve marine biological diversity;*
- e) prevent or eliminate overfishing and excess fishing capacity, and ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of the fishery resources;*
- f) ensure that complete and accurate data concerning fishing activities within the Regulatory Area are collected and shared among them in a timely manner;*
- g) ensure effective compliance with management measures and that sanctions for any infringements are adequate in severity; and*
- h) adopt measures to prevent, deter and eliminate IUU fishing activities.*

The new rules adopted by NAFO in 2007 foresee a mixture of the consensus and majority decision-making procedures and specify that every effort has to be made to achieve consensus, and only if consensus is not possible, a two-thirds majority will be able to make decisions. Also, in future, a member country that thus objects to a decision will have to provide an explanation along with a declaration of the alternative conservation and management

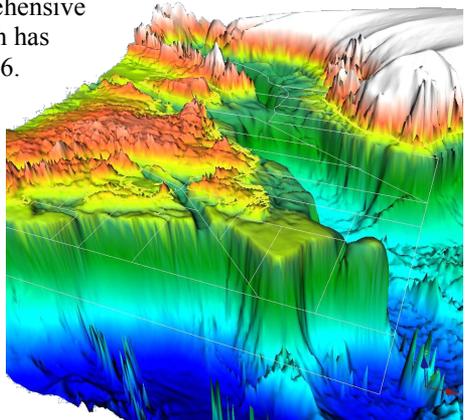
measures it intends to take, consistent with the NAFO Convention. This encourages consensus by linking a member's right to object with a set of well-defined obligations. Finally, if all else fails, Contracting Parties are free to submit the dispute to so-called *ad hoc* panel procedures for resolution.



## The Way Forward

NAFO has dedicated much effort to implement in a timely manner the important agreements and resolutions regarding fisheries management made by the United Nations General Assembly and FAO. These efforts have culminated in a radical reform of NAFO's Convention in 2007 which should be ratified within the next few years by all Contracting Parties.

NAFO now has in place a comprehensive monitoring and control scheme which has been continuously fortified since 1996. The recent development of an Ecosystem Approach to Fisheries Management is resulting in new sets of measures for the protection of vulnerable marine habitats and species. Thus, NAFO has entered into a new fisheries management era that respects the integrity of the marine environment with all its components. NAFO is now well equipped to achieve the goal of healthy marine ecosystems and recovering stocks in the Northwest Atlantic and will get there with perseverance, patience and support from all stakeholders.



Map produced by NAFO (2007) using ETOP02 bathymetric data set from NOAA's Nation Geophysical Data Center (NGDC)







