

Northwest Atlantic



Fisheries Organization

Serial No. N2801

NAFO/GC Doc. 96/7

18TH ANNUAL MEETING - SEPTEMBER 1996

Report of the Working Group on Participation of
Intergovernmental and non-Governmental Organizations

The meeting was opened by Dr. Dean Swanson (USA) on September 11, 1996 at 1430 and it was agreed that he chair the meeting. The following Contracting Parties were present: Canada, Cuba, Denmark (in respect of Faroes and Greenland), European Union, France (in respect of Saint Pierre et Miquelon), Japan, Norway, Poland and the USA.

The chair reviewed the U.S. proposal on improving transparency in NAFO proceedings consistent with Article 12 of the United Nations Agreement on Straddling and Highly Migratory Fish Stocks (UN Fish Agreement) (NAFO/GC Working Paper 96/2). He noted the U.S. view that Article 12 would establish an obligation to permit appropriate and reasonable access and participation of non-governmental organizations and intergovernmental organizations to the meetings of regional fisheries management organizations such as NAFO. NAFO should therefore address the issue of transparency and develop procedures and operations to permit such access and participation while ensuring the integrity of NAFO objectives and processes.

The member from Japan stated he was willing to discuss the transparency issue but expressed a reservation with referencing Article 12 of the UN Fish Agreement and to the U.S. interpretation of obligation. He saw no need to get into a legal discussion at this time and believed that common ground could be found on this matter.

The member from Canada expressed support in principle to developing guidelines and conditions. He noted that other international fisheries commissions such as ICCAT had in recent years developed guidelines and criteria for admission and participation of observers which could be instructive in terms of the range of considerations. It was noted however that Article 12 establishes a higher standard which could require other considerations be taken into account.

The member from the EU supported the development of rules and conditions for observers regardless of the legal status of Article 12 of the UN Fish Agreement. He acknowledged the risks in providing greater transparency. He put forward the following considerations: care in drafting the rules to minimize the risks, the nature of the participation, opportunities and constraints to oral presentations, determining the qualifications of NGO organizations and the press, admission of the press, recovery of additional costs from observers through a fee.

The member from Denmark endorsed rules in principle but expressed concern about how to avoid the types of problems other organizations such as the IWC have experienced.

The Working Group reviewed NAFO's current rules of procedure and practices to date for the admission of observers. It was agreed that it would be useful to produce a document which reviewed the rules and procedures of other relevant international organizations dealing with living marine resources including ICCAT, NASCO, IWC, NAMMCO, NPAFC, NEAFC, IPhC, ICES, CCALMR, and the UN Fish Agreement procedures for admission of observers. It was recognized while this may be instructive, it would not necessarily provide a model if NAFO were to develop rules consistent with Article 12 of the UN Fish Agreement.

The Working Group recommended that pursuit of this matter could be achieved through further study of the rules of other organizations. The U.S. offered to produce a non-paper outlining their views on the subject including a compilation of the rules and procedures used by the organizations named above subsequent to the 1996 NAFO Annual Meeting. Other Contracting Parties were encouraged to provide their views on this issue as well. It is possible that an intersessional Working Group meeting could be necessary to elaborate views further and produce recommendations before the 1997 NAFO Annual Meeting. Therefore General Council may wish to consider the need and timing for such a meeting.

List of Participants

Dean Swanson (Chair)	USA
Michael Testa	USA
Bob Steinbock (Rapporteur)	Canada
Anne Kios Veim	Norway
Gedion Jeremiassen	Denmark (in respect of Faroes and Greenland)
Bent Buch	Denmark (in respect of Faroes and Greenland)
K. Yonezawa	Japan
Akihiro Mae	Japan
Naoko Hamaguchi	Japan
Ole Tougaard	EU
Fred Kingston	EU
Andrzej Kiedrzyn	Poland
Raul Dominguez	Cuba
P. Lurton	France (in respect of St. Pierre et Miquelon)