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(prepared for 23rd Annual Meeting – September 2001)

NAFO Report
on

The UN General Assembly resolution 54/32 adopted on 24 November 1999 entitled 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"

(UN letter of 20 February 2001)

1. Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO Convention) and provisions of the UN Agreement

The NAFO Convention, signed on 24 October 1978 and entered into force 01 January 1979, applies to all fishery resources of the Convention Area with the exception of salmon, highly migratory stocks, cetacean stocks and sedentary species.

Contracting Parties, through NAFO's three constituent bodies – General Council, Fisheries Commission and Scientific Council are responsible to contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the Convention Area. NAFO has enacted a broad range of measures in support of these goals. (The NAFO Conservation and Enforcement measures are available online at <http://www.nafo.ca>)

These constituent bodies have not explicitly addressed the application of all provisions of the UN Fish Stocks Agreement in NAFO. However, some aspects have been considered or are in the process of being addressed:

Transparency of NAFO activities and procedures: At the September 1999 NAFO Annual Meeting, NAFO adopted rules of procedure for non-governmental observers in the General Council and Fisheries Commission meetings. These are included in the Rules of Procedure for the General Council and the Fisheries Commission which is available online at the above-noted website.

Precautionary Approach (PA) to NAFO managed stocks has been discussed by the Fisheries Commission and the Scientific Council. The Scientific Council recommended action plans for implementation of the PA for three (3) model stocks – cod in Divisions 3NO, yellowtail flounder in Divisions 3LNO and shrimp in Division 3M. There were eight (8) main objectives identified by the Scientific Council/Fisheries Commission for implementation of the PA:

- 1) Maintain harvest levels that will continue to rebuild and maintain the stock biomass above the rebuilt biomass level.
- 2) Continue with a comprehensive suite of management measures.

- 3) Ensure a conduct of the fishery in a manner that will not jeopardize recovery of other stocks in the area which are currently under moratoria, specifically cod in Div. 3NO and American plaice in Div. 3LNO.
- 4) Performance measures of interest to the managers could be expressed in terms of biomass and its trajectory and where it is with respect to the reference level and catch levels. With respect to catch, the performance measure was: cumulated yield, yield trajectories and trends (in particular, to identify declining trends).
- 5) It was noted that production models do not permit determination of all reference points. It should be ensured that data are available for scientists to move toward using age-structured modelling.
- 6) Despite these limitations, production modelling is a tool that could be used to start to evaluate real F limits and could be used to provide insight in what will happen if there are lower or higher fishing mortality levels.
- 7) There is a need to develop "target" biomass levels that could be higher than the biological limits so as to take into account management objectives including economic considerations.
- 8) Endorse the work of the Scientific Council in its attempt to develop a better understanding of the stock-recruit relationship.

Dispute settlement procedures for NAFO are being discussed in a NAFO working group which met June 12-14, 2001.

2. Definition of the concept of genuine link between fishing vessels operating in the NAFO Regulatory Area and their flag States

NAFO's Conservation and Enforcement Measures contain a number of specific provisions related to the marking of fishing vessels and the documentation they are required to carry. NAFO Contracting Parties are also required to notify the organization of all vessels greater than 50 gross tons which are engaged in fishing or processing fish in the NAFO Regulatory Area that are registered to that Contracting Party or that are temporarily flying the flag of that Contracting Party (bareboat charter).

3, 4. International Plans of Action to address illegal, unregulated and unreported fishing

The General Council of NAFO recommended that national reports presented to FAO on implementation of the FAO International Plan of Action, should be forwarded to the NAFO Secretariat and circulated to all Contracting Parties. A NAFO Observer took part in the FAO technical consultations on illegal, unregulated and unreported fishing (October 2000 and February 2001) and will be reporting to General Council.

The practical measures and procedures adopted by NAFO to tackle illegal activities in the NAFO Regulatory Area are developed under the NAFO Conservation and Enforcement Measures. These provisions have been in force for a number of years. The most important latest addition is the Hail Reporting System Observer/Satellite Tracking System, which improves control of fishing vessel activities and their catches. In addition to the NAFO measures, the General Council introduced an initiative regarding Non-Contracting Party (NCP) vessels fishing illegally in the NAFO Area. In 1997, the Council adopted the "Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO", and amended at the September 1999 NAFO Annual Meeting to include stateless vessels within its scope. The NAFO Standing Committee on Non-Contracting Parties (STACFAC) summarizes and presents

annual reports on NCP activity. These reports indicate that NCP activity has been in decline in recent years.

5. Marine Environmental Studies

Marine environmental studies in the NAFO Convention Area are conducted by the NAFO Standing Committee on Fisheries Environment (STACFEN) under the auspices of the Scientific Council. The Committee has a broad mandate for its activity:

- develop and recommend to the Scientific Council policies and procedures for the collection, compilation and dissemination of environmental information from oceanographic investigations;
- provide reviews of environmental conditions and advise the Scientific Council on the effects of the environment on fish stocks and fisheries in the Convention Area; and
- encourage and promote cooperation among Contracting Parties in scientific research designed to fill the gaps in knowledge pertaining to the effects of the environment on fish stocks and fisheries as identified by the Scientific Council.

After its inception in 1995, STACFEN made substantial progress introducing environmental data into fish stock assessments. The established scientific environmental research platform at the NAFO Scientific Council/STACFEN provides a solid basis for the assessment and the protection of marine living resources in the NAFO Convention Area.

Disposition:

The draft text was circulated by the NAFO Secretariat to all Contracting Parties (GF/01-190, February 28, 2001) and, as modified, the NAFO Report was forwarded to the UN Secretariat, June 29, 2001.