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Northwest Atlantic Fisheries Organization



Report of the General Council

25<sup>th</sup> Annual Meeting, September 15-19, 2003  
Dartmouth, Nova Scotia, Canada

NAFO  
Dartmouth, N.S., Canada  
2003

**Members of the General Council:**

Bulgaria  
Canada  
Cuba  
Denmark (In respect of the Faroe Islands and Greenland)  
Estonia  
European Union  
France (in respect of St. Pierre et Miquelon)  
Iceland  
Japan  
Republic of Korea  
Latvia  
Lithuania  
Norway  
Poland  
Russian Federation  
Ukraine  
United States of America

Report of the General Council and its Subsidiary Bodies  
(STACFAD and STACFAC), 25<sup>th</sup> Annual Meeting  
September 15-19, 2003  
Dartmouth, Nova Scotia, Canada

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## **PART I**

### **Report of the General Council Meeting**

**25<sup>th</sup> Annual Meeting, September 15-19, 2003  
Dartmouth, Nova Scotia, Canada**

#### **I. Opening of the Meeting (items 1-5 of the Agenda)**

1. The Meeting was opened by the Chair of the General Council, E. Oltuski (Cuba).

The Representatives of sixteen (16) Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland-DFG), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia, Ukraine and the United States of America (Annex 1). Bulgaria was unable to attend.

The Chairman welcomed the delegates to the 25<sup>th</sup> Annual Meeting wishing them productive discussions and successful results of the upcoming discussions. He emphasized the NAFO commitments and goals of sustainable management of fish resources in the NAFO Convention Area.

The Heads of Delegations from Canada, Japan, European Union, Ukraine, France in respect of St. Pierre et Miquelon, Latvia, United States, Estonia, Russia and Korea addressed their opening statements to the assembly (Annexes 2-9).

2. The Executive Secretary of NAFO, Dr. Johanne Fischer, was appointed as Rapporteur.
3. The adopted Agenda is attached in Annex 10.
4. Admission of Observers was addressed by the Executive Secretary reporting on her invitations to FAO, IBSFC, ICCAT, ICES, NAMMCO, NASCO, NEAFC and NPAFC in accordance with the Rules of Procedure. These organizations acknowledged NAFO's invitations. ICCAT, ICES, and NPAFC were unable to attend. FAO was represented by Mr. David Doulman, IBSFC by Ms. Nina Kim from Russia, NAMMCO by Mr. Kolbeinn Arnason of Iceland and NEAFC by the delegate of Denmark (DFG). No applications of NGOs have been received at the NAFO Secretariat pursuant to Rule 9 of the Rules of Procedure.

With regards to non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area, an invitation was sent out to the authorities of Belize. No response has been received.

5. On the item of "Publicity", it was agreed following a proposal by Canada that STACFAD should elaborate a set of rules to provide guidance regarding a NAFO Media Policy to be reviewed by General Council. The President remarked that it might be desirable to keep NAFO Meetings "private" in view of sensitive issues that are discussed and to maintain the current procedures for finalizing the NAFO press release. Participants then agreed to the existing procedure for the present meeting, i.e. that no statements should be made to the media until after the conclusion of the meeting, when the NAFO Secretariat would issue a Press Release. The Press Release was finalized and issued at the closing session of the General Council, September 19, 2003 (Annex 11).

#### **II. Supervision and Coordination of Organizational, Administrative And Other Internal Affairs (items 6-12)**

6. Canada proposed that a summary record of agreed decisions should be produced for General Council and Fisheries Commission before the meeting ends and finalized during the last session. Such a record could prevent differing interpretations of a meeting's results and thus avoid confusion after the meeting. Canada presented an example of the format suggested to the Secretariat. The EU supported this proposal and added that together with a record of decisions, resulting actions, responsible persons, deadlines, etc. should be identified.

The President warned about additional workload during the meeting. The Participants agreed to implement Canada's proposal along with the format suggested. (Annex 12)

7. a) The membership of NAFO is 17 Contracting Parties, they are members of the General Council and Scientific Council. The membership of the Fisheries Commission (those members participating in fishery in the NAFO Regulatory Area) is 16 as Bulgaria did not participate in a NAFO fishery.
- b) Bulgaria had notified the Secretariat that it would not be able to send a Representative to the 2003 NAFO Annual Meeting. The Executive Secretary informed participants that Bulgaria had paid their first installment-debt repayment for 2001-2002 and their general voting rights within NAFO were thus re-instated. She further explained that Bulgaria had informally expressed interest in receiving fishing rights in the NAFO Regulatory Area. There was some confusion about whether Bulgaria had automatically achieved full membership in the Fisheries Commission or whether this needed to be agreed upon separately by General Council. The Executive Secretary was asked to check into this matter and found after consulting the NAFO Convention (Article XIII.1) that there exists a requirement for separate approval of General Council. In the absence of a formal application of Bulgaria, this matter was postponed.
8. Item 8 "Administrative Report" was referred to STACFAD. At the closing session, on the advice of the Chair of STACFAD, the Report was adopted by the General Council.
9. The item "Headquarters Agreement of NAFO" was introduced by the European Union with the purpose to explore the existence of such an Agreement in the light of Article II, paragraph 3 of the NAFO Convention. The Secretariat made available the "Order-in-Council" of 1980 which established the NAFO Secretariat in Canada. The EU was concerned whether the "Order-in-Council" adequately establishes NAFO as a legal body and grants full diplomatic status to the Executive Secretary. Most other Fishery Bodies operate under Headquarter Agreements. Upon a proposal from Canada, the matter was referred to STACFAD for review.
10. At the end of the meeting, Mr. David Bevan (Canada) was elected new Chair and Mr. Terje Lobach (Norway) new Vice Chair of General Council. Mr. Enrique Oltuski congratulated Mr. Bevan and Mr. Lobach. Participants thanked Mr. Oltuski for his excellent services as NAFO President during the past four years.
11. Ms. Barb Marshall, the NAFO Secretariat's Information and Web Manager, introduced participants to the new NAFO Website ([www.nafo.int](http://www.nafo.int)). The EU and Canada applauded the Secretariat for the informative and attractive WebPages.
12. a) The Executive Secretary delivered a Powerpoint presentation on the "Goals, Strategies, and Requirements" of the NAFO Secretariat. She identified 3 goals: (1) Modernization (specifically electronic communication), (2) Improvement of cost efficiency, and (3) Expansion of services (specifically to the Fisheries Commission). Her strategy included: (a) continuous IT training, (b) enhancing electronic publications, (c) acquisition of Meeting Server, (d) additional resources for compilation and preliminary assessment of information for the Joint Compliance Review by STACTIC, (e) review of Secretariat's human resources requirements, and (f) Staff Committee. When implementing all suggested measures, costs of running the Secretariat should decrease within 3 years in the order of \$ 30,000 to 40,000 per year. In addition, depending on the results of human resource requirements, the Secretariat might be able to operate with reduced staff starting in 2005 or 2006. The presentation was received with interest and general approval.
- b) The Executive Secretary explained that the proposed Staff Committee (see STACFAD Report, Annex 6) would have the mandate to advise and mediate in the rare event of conflicts within the Secretariat that cannot be solved internally. The idea was endorsed in principle. The details of implementation, however, were left for discussion to STACFAD at the next Annual Meeting.

### **III. Coordination of External Relations (item 13)**

13. a) The Executive Secretary reported briefly on the Northwest Atlantic Regional Fisheries Organizations Meeting in 2003.
- b) The Executive Secretary informed participants that the matter of a MOU between NAFO and ICES had been brought up again at the Scientific Council Meeting in June. SC had agreed in principle to such a MOU and re-drafted the proposal by ICES. After some correspondence and discussion of minor changes proposed by ICES, a final draft was agreed upon by SC at the Annual Meeting. The Participants approved the text of the MOU.

### **IV. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention (items 14-16)**

- 14/15. STACFAC vice-Chair, Ms. Nadia Bouffard (Canada), summarized the main results from the STACFAC Meeting (complete report of STACFAC in Part III of this Report). STACFAC recommends to the General Council that:
  - a) the letter to Belize (STACFAC Report, Annex 3) be signed by the President of NAFO and delivered to the Government of Belize by the European Union;
  - b) the letter to the Dominican Republic (STACFAC Report, Annex 4) be signed by the President of NAFO and delivered to the Government of the Dominican Republic by the European Union;
  - c) STACFAC, at its 2004 regular meeting, begin to develop proposals to implement those provisions of the IPOA on IUU relating to regional fisheries management organizations it has identified for further work;
  - d) STACFAC, at its 2004 regular meeting, begin to assess whether additional provisions of the IPOA on IUU should be established in NAFO;
  - e) the General Council recommend to the Fisheries Commission that STACTIC play a role in the implementation of the IPOA on IUU in NAFO and specifically draw its attention to work that may be required pursuant to paragraphs 80.7, 80.10, 80.11, 80.14 and 81;
  - f) the General Council recommend to the Fisheries Commission that STACTIC and STACFAC meet intersessionally and jointly consider the implementation of the IPOA on IUU, the development of a trade-tracking system and the elaboration of a Scheme for Contracting Parties with content similar to that of the Scheme for Non-Contracting Parties; and
  - g) STACFAC meet intersessionally to conclude its work on a revised EU proposal to modify the Scheme to promote compliance by Non-Contracting Party vessels with the Conservation and Enforcement Measures established by NAFO.

With regard to the last issue, the EU expressed some disappointment over the tardiness of this project. The EU also was concerned that the planned intersessional STACFAC Meeting might not be able to actually formulate a consensus proposal because these meetings tend to suffer from poor participation. Therefore, the issues will probably have to be re-discussed at the next Annual Meeting. Japan supported the goal of the proposal of modification of the Scheme presented by the EU at STACFAC but pointed out that this proposal was presented too late during the meeting for delegations to consult with experts in Capitals prior to the meeting. Japan therefore suggested that in the future, such proposal be submitted ahead of the meeting. Canada affirmed that although the Scheme had been effective in the past, it did not fully address the problems of IUU fishing for which a solution should be found quickly. Canada agreed with all recommendations of STACFAC and pointed out that the EU proposal was an important stimulus which, however, needed additional work that could be done intersessionally. The USA thanked the EU for their proposal which, however, requires further discussion and consultation with their experts. Finally, the STACFAC recommendations were approved by the meeting and General Council adopted the STACFAC Report as a whole.

16. Regarding inter-sessional consultations on Dispute Settlement Procedures (DSP) in NAFO, Mr. Staffan Ekwall (EU) referred to the discussions at the Annual Meeting in 2002 (GC report, Section 4.3) and reported that

consultations prior to a full (inter-sessional) meeting of the NAFO WG had not been possible to achieve. Instead, it had been agreed to hold those informal consultations between Canada, the EU, Latvia and the USA during the dates originally set for the WG meeting, ie in Brussels between 29-30 April 2003. A report from these consultations had been submitted to NAFO (Annex 13). Participants at the consultations noted the usefulness of a full DSP WG meeting which was supported by Canada which recommended that the General Council agree on the timing of the next Dispute Settlement Procedures Working Group meeting.

The EU referred to the statement of Canada at the 2002 Annual Meeting that it could not agree to the application of Dispute Settlement Procedures in NAFO "until other provisions of the 1995 United Nations Agreement on Straddling and Highly Migratory Fish Stocks are implemented in NAFO" and requested clarification from the Canadian Delegation and queried whether Canada intended to make proposals in NAFO in this regard. The EU representative noted that it saw no reason to hold yet another Working Group Meeting if Canada was to block the adoption of a Dispute Settlement Mechanism in NAFO regardless of the outcome of the technical discussions at a Working Group Meeting. Following a short discussion, the matter was deferred to the 2004 Annual Meeting

#### **V. Finance (items 17-18)**

17. Items 17 - 18 were referred to the Standing Committee on Finance and Administration (STACFAD). Chair of STACFAD, Mr. Fred Kingston (EU), presented the STACFAD report (Part II of this Report) to General Council with the following recommendations:

- a) the 2002 Auditors' Report be adopted.
- b) new Auditors be retained to audit the Financial Records of NAFO for the year 2003.
- c) approval of \$35,000 for estimated costs to be incurred in 2004 related to the ongoing operations of changes to the Automated Hail/VMS System.
- d) approval of \$40,000 for estimated costs to be incurred in 2004 to update the VMS.
- e) the issue of applying the Canadian Pay Equity Settlement to NAFO employees in the clerical category be withdrawn from further consideration.
- f) the salary scales of four Secretariat employees in the CR category be adjusted to reflect current pay levels as per the Canadian Federal Public Service, effective 1 January 2004.
- g) approval of back payment plus interest to those four employees, as a result of the postponement of salary adjustments, for the period 29 July 1998 to 31 December 2003.
- h) for budgeting purposes, back payment and interest to the four employees will be distributed equally, over a three year period, commencing in 2004.
- i) the Secretariat develop clearer and more detailed rules and procedures for the assessment, classification and ongoing review of NAFO Secretariat staff. STACFAD further recommended that the Secretariat engage a Human Resources consultant to ensure that these rules and procedures are compatible with the system of the Public Service of Canada with an estimated cost to NAFO's budget of \$5,000.
- j) recruitment take place to find a replacement for an employee anticipated to retire in May 2005 with an overlap period of four months in order to ensure the requirements of this position as mandated would be met. STACFAD also recommend that the Secretariat hire in 2004 a part-time employee to help in the compilation, analysis and presentation of compliance data.
- k) without prejudice to the results of the overall review of the NAFO Secretariat staff, reclassification of a NAFO employee's position from category CR-6 to IS-3, to take effect 1 January 2004.
- l) without prejudice to the results of the overall review of the NAFO Secretariat staff, reclassification of a NAFO employee's position CR-5 to CR-6, to take effect 1 January 2004.
- m) establishment of a Staff Committee with a mandate to provide advice and mediation in the event that a conflict within the Secretariat cannot be solved internally.
- n) issue regarding a Headquarters Agreement be deferred until the next Annual Meeting.
- o) the minimum balance in the Accumulated Surplus Account be increased from \$75,000 to \$125,000 in order to fulfil NAFO's financial obligations in early 2004. STACFAD further recommended that if any of the outstanding contributions are received by the end of 2003, the minimum balance in the Accumulated Surplus Account shall be reduced by the amount of that contribution until it reaches \$75,000.
- p) at each annual meeting of NAFO, STACFAD and the Executive Secretary should identify specific goals which, in conjunction with the general duties as described in her work description, shall form the basis for evaluating eligibility for this performance pay allowance for the coming year.

- q) the issue of a possible change in the job classification system and salary scale of the Executive Secretary be deferred to the 2004 Annual Meeting.
- r) the budget of \$1,500,000 for the year 2004 be adopted.
- s) the Secretariat prepare preliminary budget forecasts for two subsequent financial years to assist Contracting Parties in their respective budgetary processes.
- t) the dates for the 2006 Annual Meeting be as follows, with the location in Halifax, unless an invitation to host is extended by a Contracting Party and accepted by the Organization:
 

Scientific Council	-	06-15 September
General Council	-	11-15 September
Fisheries Commission	-	11-15 September
- u) regarding media requests to attend NAFO meetings, the Executive Secretary's initiative to develop a media plan in consultation with Contracting Parties to be presented at the next Annual Meeting. In the interim, the following measures should apply:
  - i. All requests for media access must be channeled through the Executive Secretary;
  - ii. The Executive Secretary will consult with the Chairs of the three bodies of NAFO, the host country and the country in which the media organization is based, with as much advance notice as possible and will decide if the access requested is appropriate; and
  - iii. The Executive Secretary will then inform all Contracting Parties of the decision as soon as possible. If no objection is received from a Contracting Party within a specified time period, the decision will be understood to be accepted. The Executive Secretary will inform Contracting Parties of the status after the specified time period.

Contracting Parties thanked the STACFAD Chair. Canada and the EU voiced their support for all recommendations. In addition, the EU pointed out that (a) Headquarters Agreement required further clarification; (b) EU encourages Secretariat to further improve electronic communication; and (c) the EU insists on looking into a re-classification of the salary of the Executive Secretary. General Council Chairman noted no further remarks and stated unanimous agreement with the full STACFAD report and recommendations.

## **VI. Closing Procedures**

19. Regarding time and place of the next Annual Meeting, the EU suggested holding it a week later than originally agreed upon. However, the Secretariat has been informed by the hotel manager that these dates are no longer available for the 2004 Annual Meeting. Therefore, the 26<sup>th</sup> Annual Meeting will be held in Dartmouth, Canada, at the following dates:
 

Scientific Council:	08 – 17 September 2004
Fisheries Commission:	13 – 17 September 2004
General Council:	13 – 17 September 2004.
20. No other business was discussed.
21. The Executive Secretary presented a draft Press Release which was accepted by Contracting Parties following minor amendments by Canada and the EU (Annex 11).
22. The meeting adjourned at 14:00, September 19, 2003.

## Annex 1. Agenda

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## **Annex 2. Opening Statement by the Representative of Canada** (P. Chamut)

Mr. Chairman, distinguished representatives, ladies and gentlemen.

It is a pleasure for Canada to participate at this twenty-fifth annual meeting of NAFO, here in Nova Scotia.

Let me begin by extending to all of you a warm welcome to Nova Scotia. I hope that you are able to enjoy the hospitality of this area, and that your stay will be enjoyable.

I would also express the hope that our meetings here this week will be constructive and will demonstrate that this organization has the wisdom and the will to meet the very high expectations for a successful outcome.

The past fifteen years have presented this organization with a major challenge: to design and oversee sustainable fishing regimes that protect and rebuild stocks.

This is not an abstract challenge, but one that has very real consequences for real people. It reflects our collective accountability to those families and communities who have depended on the fishery for generations.

It is clear after more than a decade of effort, that meeting our accountability will be neither easy nor quick.

Despite moratoria and management regimes that have been adopted, groundfish stocks have not rebuilt. Progress has been slow and fragile.

Many stocks continue to be at historically low levels, and we face a long and difficult road to ensure the rebuilding of once abundant stocks. There is no quick fix.

If we are to be successful, we must re-dedicate our commitment to the goal of stock rebuilding and to adherence to three fundamental principles:

First – to make conservation of the resource the number one priority for decision making;

Second – to base our decisions on scientific advice; and,

Third – to ensure that the rules we adopt are adhered to.

A commitment to these principles is, in practice, a reaffirmation of our obligations as members of NAFO.

We have made progress in following these principles. But, if we examine our record honestly, we see that the actions we have taken, or in some cases, have failed to take, have not fulfilled the obligations we have accepted as Parties to this organization.

In some cases, conservation has taken a back seat to the pursuit of short term economic objectives.

Too frequently we have ignored scientific advice, or interpreted it in the most optimistic manner possible.

The most recent Scientific Council assessment for Greenland halibut illustrates these concerns. We have chosen to set quotas above scientific advice, and discounted the warning signs on the deteriorating health of the stock for several years.

We now have to confront the consequences of our choices. Sadly, the real losers are the fishermen and the communities that depend upon this resource. Experience has shown over and over again that we do the industry no favour by ignoring conservation.

The future of Greenland halibut will be a very important consideration at this meeting. Will we again choose to ignore scientific advice and let history repeat itself?

We also have much progress to make on the third principle – improved compliance. Non-compliance continues at an unacceptable rate in the NRA.

Canada will again make a presentation on compliance. It will show there continues to be a directed fishing of moratoria species, misreporting of catch and use of illegal gear. Regrettably, effective follow up on infringements by member states is lacking in many instances.

If we are to have more effective compliance, we must maintain or improve our ability to detect infringements and we must have strong deterrents to ensure that there are consequences for those who do not follow the rules.

We face some significant and difficult issues at this meeting. The decisions we take will be important to the resource, and to the economic future of our fishing communities, and indeed to the future of this organization.

I have high expectations for the outcome of this meeting. My expectations reflect the demands which are being made by Canadians who expect strong action from NAFO to protect and rebuild stocks.

I referred earlier to Greenland halibut and whether we would again ignore scientific advice, and let the obituary be written for another stock. Let me assure you, such an outcome is not an option if NAFO wishes to retain any credibility.

The outcome of this meeting is being watched very closely in Atlantic Canada. The level of scrutiny is a measure of the importance of the outcome to interests here in Canada. But sadly, it also reflects an increasing skepticism that NAFO can successfully address the challenges it faces.

There is a growing frustration in Canada over NAFO's performance. This frustration has prompted political scrutiny, and demands for a stronger, unilateral response by Canada to protect fish stocks that have sustained our fishermen for hundreds of years.

While Canada is here to work cooperatively with all Contracting Parties, we must demonstrate that this organization can oversee a sustainable fisheries management regime that will protect and rebuild groundfish stocks.

We look forward to a constructive and positive dialogue, and a result which will confirm the credibility of this organization, and provide hope for a brighter future for those who depend on the fishery.

Thank You.

### **Annex 3. Opening Statement by the Representative of Japan** (M. Miyahara)

Mr. Chairman,  
Distinguished delegates,

It is a great pleasure for us to participate in this twenty-fifth annual meeting of NAFO in the beautiful city of Dartmouth, Nova Scotia. Particularly for me, this participation is impressive and memorable since it is the first time for me both to attend NAFO and to visit this attractive region of Canada.

On behalf of the Japanese delegation, I would like to express sincere appreciation to the Canadian Government and the regional authority for hosting this meeting as well as to the Secretariat for preparation for this meeting.

At the beginning of this meeting, I would also like to present a few comments from the Japanese perspective.

1. Japan has a long history of fishing in this northwest region of the Atlantic Ocean. We had 23 trawlers until early 80's when this important RFMO started its functions. But the number of our fishing vessels was reduced to four in 1990, three in 1995, and is just two from 1996. In other words, our fishing fleet is minimal existence in this region. We are like a candle in the wind. We cannot take another violent blow, which may well be fatal to our fleet.
2. The second point is a fundamental question on why we are still facing the difficult situation of poor resource conditions after twenty-five years of the hard and sometimes painful work of this Commission. Despite the great effort, out of the twenty stocks assessed by the Scientific Council, ten stocks are under a fishery moratorium. And this year we received a shocking scientific recommendation on another important stock, which requires a 60 % reduction from the current harvest level. Is something fundamentally wrong? However hard we worked under this forum to take conservation and management measures, recovery of the stocks has never been realized. Are the measures fully respected? Or were the past decisions by this Commission wrong? There must be various reasons for this plight. Above all, however, compliance with the measures is a very serious question. Our fishing vessels are subject to both boarding and landing inspection by Canadian and EU inspectors. Equitable level of enforcement is needed to all the fishing fleets operating in the region. And in case of alleged violation, all the flag states should conduct prompt investigation and if necessary, impose a penalty in a timely fashion.
3. Thirdly, it is of critical importance for NAFO to shut the backdoor. IUU fishing operations are multi-nationally organized activities. Those operators are closely watching a move of RFMOs. If NAFO drastically reduces a TAC for a certain stock without effective control of catches by non-parties, such reduction would just benefit the IUU fishing operators. In fact, after the Scientific Council meeting in June, the price of Greenland halibut already started to increase because of speculation in Japan, the world largest market of this species. The IUU operators will not overlook this chance of business. We are very concerned over this sort of backdoor spending of the resources under jurisdiction of NAFO.

These important points I just mentioned should be properly addressed this week. Our delegation will make utmost effort to a fruitful conclusion of this NAFO meeting.

Thank you.

#### **Annex 4. Opening Statement by the Representative of the European Union** (J. Spencer)

Good afternoon Ladies and Gentlemen,

On behalf of the European Union delegation I would wish to express our personal pleasure at being here in Atlantic Canada. For me personally it has been some time since I have been in this "neck of the woods", as we say, and it's indeed a very beautiful spot as we saw on our way in on the aircraft.

We are very pleased to be here because we believe that the essence of international fisheries management resides in the work of regional fisheries organizations, that multilateral cooperation underpins that work and that there is frankly no alternative to that. We are quite happy to participate actively in this Organization as in other regional fisheries organizations.

Mr. Chairman firstly I would like to take the opportunity of welcoming amongst us our new Executive Secretary. It is her first annual meeting and we feel certainly on the basis of the experience to-date that this Organization has been very wise in its choice so we look forward to working with her in the coming years to the benefit of this Organization

Looking at the agenda of both the General Council and Fisheries Commission and their subsidiary bodies we have a heavy workload in front of us with some difficult decisions to reach and from the Community's perspective we will certainly be looking to further the policy of consensus decision-making within this Organization as we believe it is the only way forward for a multilateral organization to function effectively.

In terms of the scientific advice and the conservation of the stocks, it is a very sober and rather depressing scientific report, and I echo the comments made by our Japanese colleague when he cited the number of fisheries that are currently closed in this region.

Similarly we were extremely perturbed and surprised by the scientific advice on the Greenland halibut. Contrary to perhaps implications in previous speeches we do not consider that decisions were taken contrary to scientific advice in the past. We consider the new scientific advice however to be much clearer and better argued, and we will have to face our responsibilities in General Council and Fisheries Commission in addressing the conservation and the rebuilding of that Greenland halibut stock. It would indeed be interesting, but I won't anticipate the debate in the Fisheries Commission, if we applied the evaluation method used for Greenland halibut to some other stocks to see what results that would give us but no doubt we will have that debate later on.

The second key element for the Community is the compliance aspect. We continue our commitment through our inspection presence and through our independent observer program to endeavour to ensure the control and the respect of the provisions that we have elaborated as an Organization. We will never get to an ideal situation, human nature being as it is, but there is no question that progress needs to be made in that area and we will have proposals to that effect in the course of this week.

In terms of the depleted stocks in the NAFO area we are its true faced by the ever increasing challenge from fishing by non-Contracting Party vessels. These vessels as you all know change their flag with greater rapidity and certainly do not have to await a three or four or six month objection period like foreseen in Conventions. They move very, very fast and we have to develop mechanisms so we that can effectively combat this phenomena and as we have to take painful measures in the regulatory area to reduce fishing possibility, it is not tolerable for the Community that presence of legitimate Contracting Parties should be replaced by non-Contracting Party vessels. We trust that the subsidiary bodies of this Organization as well as the General Council and Fisheries Commission will actively pursue this issue. It is not new to NAFO but perhaps the nature of the challenge is new.

Mr. Chairman we consider that the effective functioning of this Organization is very dependent on a dynamic Secretariat, NAFO needed a dynamic Executive Secretary and we look forward to hearing from the Executive Secretary on her approach to the management of the organization which is after all underpinning all our work and as we try to develop more and more sophisticated control mechanisms then we need an ever more efficient Secretariat.

So as I said I won't dwell any longer on the issues before us. We will have ample time to come back to them and I can assure you that my delegation and myself will be fully committed to the dialogue process during the course of this week in order that come Friday we will have solid, defensible and effective conservation measures in force.

Thank you.

**Annex 5. Opening Statement by the Representative of Ukraine**  
(V. Chernik)

Mr. Chairman, dear Colleagues!

It is very important for us to take part in this Annual Meeting of NAFO and to visit once again such a beautiful place of Canada as Dartmouth. Four years ago we had presented Ukraine as a new Contracting Party and it was done after eight years of the state's independence.

We are grateful to our colleagues and Canadian representatives for their kind invitation. A lot of problem of collaboration have become more and more clear and understandable for us. We have done first concession when we did not start an active fishing in the NAFO Regulatory Area right away.

Each annual meeting shows that Ukraine is gradually adapting itself to the NAFO realities. Ukrainian vessels at first were chartered by other contracting parties further we chartered vessel from other Contracting Party. This year is the first one when a Ukrainian vessel does first independent fishing operations in this area, with full compliance with the NAFO Conservation and Enforcement Measures.

Today we want to have stronger relations with other Contracting Parties and would like to obtain all due fishing rights in the NAFO Regulatory Area.

We would like to express our gratitude to all Contracting Parties which understand and support us.

From our side we are ready to support all initiatives from other Contracting Parties in their wishes to make NAFO more effective community:

- fair and equitable share of the increased abundance some species;
- constructive movement towards to the fair, equitable and transparent NAFO quota allocation process;
- other progressive steps.

The Ukrainian Delegation wishes to all participants of this meeting very fruitful and productive work.

Thank you for attention.

**Annex 6. Opening Statement by France in respect to Saint-Pierre et Miquelon**  
(M. Plantegenest)

Mr. Chairman, distinguished delegates,

The French delegation would like to thank you, Mr. Chairman, as well as the Canadian authorities for hosting this year's NAFO meeting in Nova Scotia.

As head of the French delegation, Mr. Plantegenest wishes also to take this opportunity to salute all participants to the 25<sup>th</sup> Annual Meeting of NAFO.

France on behalf of SPM has always been heavily dependent on fisheries which remain a vital activity for its local economy.

The fishing industry still provides jobs for 250 individuals at sea or on land. In other words, it is 10% of the small workforce of SPM that earns a living directly from the fishing industry.

Without expanding further on the issues that will be discussed this week, be they stock management or other topics which are of particular importance to us, I will conclude, Mr. Chairman, by expressing to you that the French delegation is honored to take part, along with the other delegations, in this NAFO session.

Thank you.

**Annex 7. Opening Statement by the Representative of the United States**  
(J. Dunnigan)

Thank you Mr. Chairman and good afternoon.

Once again the United States is pleased to join our colleagues around the table for this Twenty-fifth meeting of the Northwest Atlantic Fisheries Organization. Twenty-five years is significant – we would call it a silver anniversary. And over those years NAFO has brought together the fishing nations of the northwest Atlantic Ocean to work together to ensure the conservation and management of these valuable fishery resources.

Let me also extend the gratitude of the U.S. delegation to our friends and colleagues in Canada for kindly hosting this meeting. Our two countries have a long history and common tradition. And perhaps nowhere is this better seen than in the close similarities between our New England area and Atlantic Canada. For most of the last two centuries, we have sailed the same waters, fished the same stocks, and seen the same sunrises and sunsets that have marked progress for our people. Being in Nova Scotia for us is almost like being at home. We are pleased to work with our Canadian colleagues on a whole host of fisheries issues that we share; and we hope to carry this spirit of cooperation into NAFO this week.

Mr. Chairman, the United States is at a crossroads in evaluating the level of its participation in NAFO, and we come to this meeting with a very clear purpose. Like many governments, in these days of tight fiscal constraints, we are aware of the need to focus on the highest priority issues for our country. We became a member of NAFO eight years ago with hopes and expectations of being able, eventually, to conduct fisheries within the NAFO Regulatory Area. We are extremely disappointed and discouraged that a reasonable fishing allocation has never been made to our country. The United States has been a strong and interested partner around this table. We are a coastal state with a rich historical tradition in fisheries regulated by NAFO. We pay the second-highest share of the NAFO budget – 20%. To continue to have no practical fishing rights under such circumstances is manifestly unfair. To expect the United States, or any party for that matter, to continue to make such a substantial investment under these circumstances is unrealistic. Each country around this table will make a strategic decision to invest its time and money where it will do the most good for its interests. I would like to go home with the ability to try to make the strong case that my country has a substantial and sufficient interest to justify our investment in NAFO. Without a reasonable and practical allocation of fishing opportunities, that will be very difficult indeed.

On other issues the U.S. delegation looks forward to working with our colleagues around the table. There are a lot of difficult problems before us this week. We continue to be disturbed, and concerned for the future of NAFO, given the ongoing extremely high levels of bycatch in the NAFO Regulatory Area, especially the bycatch of some moratorium species. We share the interest of other NAFO members in improving compliance, and properly reviewing the range of compliance issues. We also maintain our view that scientific advice should be followed, because it is the best way, over the long term, to secure the benefits of conservation for all of our fishermen. If we delay facing up to the reality of conservation, if we try to bend the scientific advice to minimize the medicine that we have to take now, then we only make ourselves more ill in the long run.

Mr. Chairman, our delegation is working on a number of proposals on issues such as the application of the precautionary approach and following up on the advice of the Scientific Council with respect to thorny skates. We look forward to discussing these and other matters with our colleagues around the table. And we very much look forward to going home with an allocation that is consistent with our interests and our investment in NAFO.

Thank you very much, Mr. Chairman.

**Annex 8. Opening Statement by the Representative of Estonia**  
(A. Soome)

Thank you Mr. Chairman.

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is a great pleasure for the Estonian Delegation to participate in the 25<sup>th</sup> Annual Meeting of NAFO. We would like to thank the Canadian Government and NAFO Secretariat who have provided the excellent facilities for our work here in Dartmouth. During this year several working group meetings and multilateral meetings between different NAFO parties have taken place. In these meetings a lot of work has already been done and now at the Annual Meeting it is time to take the appropriate decisions and approve the proposals which have been prepared by these meetings for the fish resource management for the fiscal year 2004 and for the future.

Mr. Chairman I would like to recall the recommendation of the Quota Allocation Working Group meeting which took place in March in Miami where it was agreed between the parties that the block quota issue should be decided quickly. We all remember that the block quota issue has been unsolved since 1992 when Estonia and other Baltic States joined this Organization. Despite of the efforts which have been made by the four block quota States to solve the matter, it has been one of the longest outstanding questions here. And now that agreement has been reached between the States which are involved in the block quota, we expect that this will be approved by this Organization during this meeting. There are many fish stocks in the NAFO Regulatory Area which situation is in the low level. At the same time, we also have the stocks which situation is rather good and we can even see from year to year the improvement in rise of these stocks - for example, shrimp stocks. It is our obligation to take decisions which will help to recover all stocks in the NAFO Regulatory Area.

I would like to confirm that the Estonian delegation is prepared for constructive discussions with all other Contracting Parties and delegates in order to take the decisions for the benefit of fish resources and for the benefit of all of us for the year 2004 and for the future.

**Annex 9. Opening Statement by the Representative of the Republic of Korea**  
(Jae Hak Son)

Mr. Chairman, Distinguished Delegates,

It is a great honor for me to participate in the 25<sup>th</sup> Annual Meeting of NAFO in this wonderful venue – Nova Scotia.

On behalf of the Korean Government, I would like to thank the Chairman, the Secretariat of NAFO, and Canadian Government for hosting, organizing and preparing this meeting.

As you know, NAFO waters were historically very important fishing grounds for Korea. Therefore, Korea decided to be a Contracting Party of NAFO in 1993 for conservation and management of fisheries resources in NAFO waters, and on the grounds that appropriate quota could be allocated to Korea as a Contracting Party.

However, 10 years have passed since becoming a Contracting Party and implementing NAFO rules without sufficient quota to work again. And I think it has been time to consider Korea as an eligible fishing country in NAFO waters to be able to work again through appropriate quota allocation.

I know it is not an easy matter to rebuild depleted fish stocks in accordance with appropriate quota allocation. But we have to try to seek a reasonable way to accomplish our goals during this meeting.

I hope we can make a good result through the cooperation and understanding among Contracting Parties.

Thank-you.

## **Annex 10. Agenda**

### **I. Opening Procedure**

1. Opening by Chairman, E. Oltuski (Cuba)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

### **II. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs**

6. Record of Agreed General Council Decisions at 2003 NAFO Annual Meeting
7. Review of Membership
  - a) General Council
  - b) Fisheries Commission (Status of Bulgaria: Contributions and fishing rights)
8. Administrative Report (STACFAD)
9. Headquarters Agreement of NAFO
10. Election of Chair and Vice-Chair
11. Review of new NAFO Website (presentation by Secretariat)
12. a) Function and Future Requirements of Secretariat (presentation by Secretariat)  
b) Interim Staff Committee (proposal by Secretariat)

### **III. Coordination of External Relations**

13. a) Report of Executive Secretary on North Atlantic Regional Fisheries Management Organizations (NARFMO) Meeting in 2003  
b) NAFO cooperation with ICES

### **IV. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention**

14. Consideration of non-Contracting Party activity in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
15. Report of STACFAC at the Annual Meeting and decisions on actions
16. Report from inter-sessional consultations on Dispute Settlement Procedures (DSP) in NAFO

### **V. Finance**

17. Report of STACFAD at the Annual Meeting
18. Adoption of the Budget and STACFAD recommendations for 2004

### **VI. Closing Procedure**

19. Time and Place of Next Annual Meeting
20. Other Business
21. Press Release
22. Adjournment

### **Annex 11. Press Release**

1. The 25th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held at the Holiday Inn Harbourview in Dartmouth, Nova Scotia, Canada, during 15-19 September 2003, under the chairmanship of Enrique Oltuski (Cuba), President of NAFO.
2. The meeting was attended by 200 delegates from sixteen Contracting Parties - Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia, Ukraine and United States of America.
3. Prior to the Annual Meeting, the following NAFO meetings were held during 2003: (1) Scientific Council Workshop on the Precautionary Approach to Fisheries Management (St. John's, NL, Canada, March 31 – April 4); (2) Working Group on the Allocation of Fishing Rights to the Contracting Parties of NAFO (Miami, FL, USA, March 26-27); (3) Conference Call of the STACTIC Working Group on the Pilot Project (14 April); (4) Dispute Settlement Procedures (DSP) Consultations (Brussels, Belgium, April 29-30); (5) Standing Committee on International Control (Copenhagen, Denmark, June 16-19); (6) Scientific Council Regular Meeting (Dartmouth, N.S., Canada, June 5-19).
4. The Scientific Council, under the chairmanship of Ralph K. Mayo (USA), conducted assessments of 20 stocks in the NAFO Convention Area during the past year, and advice was presented to the Fisheries Commission at this Annual Meeting. Most stocks in the NAFO Regulatory Area remain at low abundance, except for yellowtail flounder in Div. 3LNO and northern Shrimp in Div. 3M and in Div. 3LNO. In particular, the Scientific Council expressed concern with the 3LMNO Greenland halibut stock. As such, Scientific Council advised that a substantial reduction in catches is required in order to halt the decline in the biomass of this stock.

Scientific Council also reported progress in the further development of a Precautionary Approach framework. Building on the work of a Scientific Council sponsored Workshop on the Precautionary Approach to Fisheries Management, the Scientific Council presented a revised framework to the Fisheries Commission that offered flexibility in management actions while retaining the essential features of the framework proposed in 1997.

5. The Fisheries Commission, under the chairmanship of Dean Swanson (USA), considered the advice of the Scientific Council in relation to the conservation of fish stocks in the Regulatory Area and agreed to conservation and enforcement measures.

The Fisheries Commission established a 15-year rebuilding program for Divisions 3LMNO Greenland halibut with a TAC for the period 2004-2007. This is the first such rebuilding program to be set up in the history of the Organization and serves as an example of forward-looking, precautionary fisheries management.

The Fisheries Commission agreed to continuing conservation measures in shrimp fisheries on the Flemish Cap and Division 3L, yellowtail flounder in Divisions 3LNO, short-finned squid in Subareas 3 and 4, redfish in Division 3M, and Redfish in Subarea 2+Divisions 1F and 3K.

The Fisheries Commission agreed to continue moratoria ("no directed fishery") in 2004 on the following stocks: cod in Division 3M and Division 3L (that portion within the Regulatory Area) and Divisions 3NO, redfish in Division 3LN, American plaice in Divisions 3M and 3LNO, witch flounder in Division 3NO and 3L (that portion within the Regulatory Area); and capelin in Division 3NO. The Quota Table for 2004 was adopted (Attachment 1).

The Fisheries Commission also agreed to a reformatted and simplified version of the NAFO Conservation and Enforcement Measures.

The Fisheries Commission adopted rules governing the chartering of fishing vessels among NAFO Contracting Parties.

6. The General Council, under the chairmanship of Enrique Oltuski (Cuba), considered a number of substantive issues regarding NAFO's finances and internal and external policy, in the following way:

- the Standing Committee on Non-Contracting Party Fishing Activity in the Regulatory Area (STACFAC) was asked to continue, in conjunction with STACTIC where necessary, its work to implement the International Plan of Action on Illegal, Unreported and Unregulated (IUU) Fishing in the NAFO Regulatory Area and to explore adoption of more stringent measures to combat IUU fishing;
- to convey the concern expressed by NAFO members about the Non-Contracting Party fishing activities in the NAFO Regulatory, the President of NAFO will write to the flag states involved (Belize and the Dominican Republic) with a request that they take all appropriate actions to halt the undermining of NAFO conservation and management measures. STACFAC was requested to continue monitoring this activity.

7. The following elections of NAFO officers took place:

President of NAFO and Chair of General Council	- David Bevan (Canada)
Vice-Chair of General Council	- Terje Lobach (Norway)
Chair of Fisheries Commission (re-elected)	- Dean Swanson (USA)
Vice-Chair of Fisheries Commission (re-elected)	- Boris Prischepa (Russian Federation)
Chair of Scientific Council	- Joanne Morgan (Canada)
Vice-Chair of Scientific Council	- Antonio Vazquez (EU-Spain)
Chair of the Standing Committee on Finance and Administration (STACFAD) (re-elected)	- Fred Kingston (EU)
Vice-Chair of STACFAD (re-elected)	- Deirdre Warner-Kramer (USA)
Chair of the Standing Committee on International Control (STACTIC)	- Martin Newman (EU)
Vice-Chair of STACTIC	- Mads Trolle Nedergaard (Denmark in respect of the Faroe Islands and Greenland)
Chair of the Standing Committee on Fisheries Science (STACFIS)	- Hilario Murua (EU-Spain)
Chair of the Standing Committee on Research Coordination (STACREC)	- Antonio Vazquez (EU-Spain)
Chair of the Standing Committee on Fisheries Environment (STACFEN) (re-elected)	- Eugene Colbourne (Canada)
Chair of the Standing Committee on Publications (STACPUB) (re-elected)	- Manfred Stein (EU-Germany)

## Attachment 1 - Annex I.A

### Annual Quota Table

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2004 of particular stocks in Subareas 1-4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Species	Cod			Redfish			American plaice		Yellow-tail	Witch		Capelin	Green-land halibut	Squid (Illex) <sup>1</sup>	Shrimp	
Division/ Contracting Party	3L	3M	3NO	3LN	3M	Sub-area 2 and Div. 1F + 3K	3LNO	3M	3LNO	3L	3NO	3NO	3LMNO	Sub-areas 3+4	3L	3NO
Canada		0	0	0	500	7500 <sup>2, 4</sup>	0	0	14137 <sup>5</sup>		0	0	2223	N.S. <sup>6</sup>	10,833	
Cuba		0	-	0	1750	7500 <sup>2, 4</sup>	-	-	-		-	0	-	510	144	
Denmark (Faroe Islands and Greenland)		0	-	-	69	25000 <sup>2, 3</sup>	-	-	-		-	-	-	-	144	
European Union		0	0	0	3100	25000 <sup>2, 3</sup>	0	0	290 <sup>5</sup>		-	0	8203	N.S. <sup>6</sup>	144	
France (St Pierre et Miquelon)		-	-	-	69	7500 <sup>2, 4</sup>	-	-	-		-	-	-	453	144	
Iceland		-	-	-	-	25000 <sup>2, 3</sup>	-	-	-		-	-	-	-	144	
Japan		-	-	-	400	7500 <sup>2, 4</sup>	-	-	-		-	0	1519	510	144	
Korea		-	-	-	69	7500 <sup>2, 4</sup>	-	-	-		-	-	-	453	144	
Norway		0	-	-	-	25000 <sup>2, 3</sup>	-	-	-		-	0	-	-	144	
Poland		0	-	-	-	25000 <sup>2, 3</sup>	-	-	-		-	0	-	227	144	
Estonia		0	0	0	1571	7500 <sup>2, 4</sup>	-	0	-			0	-	128	144	
Latvia		0	0	0	1571	7500 <sup>2, 4</sup>	-	0	-			0	-	128	144	
Lithuania		0	0	0	1571	7500 <sup>2, 4</sup>	-	0	-			0	-	128	144	
Russia		0	0	0	9137	25000 <sup>2, 3</sup>	-	0	-			0	1890	749	144	
Ukraine						7500 <sup>2, 4</sup>									144	
United States of America		-	-	-	69	7500 <sup>2, 4</sup>	-	-	-		-	-	-	453	144	
Others		0	0	0	124	-	0	0	73 <sup>5</sup>		0	-	985 <sup>7</sup>	794	0	
<b>TOTAL ALLOWABLE CATCH</b>	<b>*</b>	<b>*</b>	<b>*8</b>	<b>*8</b>	<b>5000<sup>9, 8</sup></b>	<b>32500<sup>11</sup></b>	<b>*8</b>	<b>*</b>	<b>14500<sup>10</sup></b>	<b>*</b>	<b>*</b>	<b>*8</b>	<b>14820</b>	<b>34000</b>	<b>13000</b>	<b>*</b>

- \* Ban on fishing in force – The provisions of Article 8, paragraph 3 shall apply.
1. Any quota listed for squid may be increased by a transfer from any “coastal state” as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded.  
Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.
2. The Contracting Parties shall notify the Executive Secretary every second week of catches taken by its vessels from this allocation until accumulated reported catch reaches 50%, after which time weekly notification shall apply. The Executive Secretary shall notify without delay all Contracting Parties the dates on which accumulated reported catch taken by vessels of Contracting Parties estimated equal to 50% and then 100% of that allocation.
3. Quota to be shared by vessels from Denmark (Greenland and Faroe Islands) European Union, Iceland, Norway, Poland and Russia. Catches in the NAFO Convention Area shall be deducted from the quotas allocated in the NEAFC Convention Area.
4. Quota to be shared by vessels from Canada, Cuba, Estonia, France (St Pierre et Miquelon), Japan, Korea, Latvia, Lithuania, Ukraine and USA.
5. Contracting Parties shall inform the Executive Secretary before 1 December 2003 of the measures to be taken to ensure that total catches do not exceed the levels indicated.
6. The allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC (= 29.458 tons).
7. Of which no more than 60% (591 t) may be fished before 1 May 2004
8. Applicable to 2004 and 2005.
9. Each Contracting Party shall notify the Executive Secretary every second week of catches taken by its vessels from this stock until accumulated reported catch reaches 50%, after which time weekly notification shall apply. Not more than 2500 tons may be fished before July 1, 2004. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 50% and then 100% of the TAC.
10. The provisions of Article 8, paragraph 3 of the Conservation and Enforcement Measures shall apply.
11. In the case of the NEAFC decision which modify the level of TAC for Oceanic Redfish in 2004 as compared to 2003, these figures shall be accordingly adjusted.

**Attachment 1 - Annex I.B**  
**Effort Allocation Scheme for Shrimp Fishery in the**  
**NAFO Regulatory Area Div. 3M, 2004**

CONTRACTING PARTY	NUMBER OF FISHING DAYS	NUMBER OF VESSELS
<b>Canada</b>	456	16
<b>Cuba</b>	100	1
<b>Denmark</b>		
– Faroe Islands	1606	8
– Greenland	515	14
<b>Estonia</b>	1667	8
<b>European Union</b>	457	13
<b>France (in respect of St Pierre et Miquelon)</b>	100	1
<b>Iceland</b>	N/A	N/A
<b>Japan</b>	100	1
<b>Korea</b>	100	1
<b>Latvia</b>	490	4
<b>Lithuania</b>	579	7
<b>Norway</b>	1985	32
<b>Poland</b>	100	1
<b>Russia</b>	2100	N/A
<b>Ukraine</b>	100	1
<b>USA</b>	100	1

**Attachment 1 - Annex I.C**  
**Rebuilding Plan for 3LMNO Greenland Halibut**

<b>Species</b>	<b>Greenland halibut</b>	<b>Greenland Halibut</b>	<b>Greenland halibut</b>	<b>Greenland halibut</b>
<b>Division/ Contracting Party</b>	<b>3LMNO</b>	<b>3LMNO</b>	<b>3LMNO</b>	<b>3LMNO</b>
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Canada	2223	2112	2056	1778
Cuba	-	-	-	-
Denmark (Faroe Islands and Greenland)	-	-	-	-
European Union	8203	7793	7588	6562
France (St Pierre et Miquelon)	-	-	-	-
Iceland	-	-	-	-
Japan	1519	1443	1405	1215
Korea	-	-	-	-
Norway	-	-	-	-
Poland	-	-	-	-
Estonia	-	-	-	-
Latvia	-	-	-	-
Lithuania	-	-	-	-
Russia	1890	1796	1748	1512
Ukraine	-	-	-	-
United States of America	-	-	-	-
Others	985 <sup>1</sup>	935 <sup>1</sup>	912 <sup>1</sup>	789 <sup>1</sup>
<b>TOTAL ALLOWABLE CATCH</b>	<b>14820</b>	<b>14079</b>	<b>13709</b>	<b>11856</b>

<sup>1</sup> Of which no more than 60% may be fished before 1 May in each year.

## Annex 12. Decisions and Actions by the General Council

Substantive Issue (Agenda Item)	Decision/Action
5. Publicity	<u>Agreed</u> : STACFAD to develop guidelines for a NAFO media policy.
6. Record of Agreed General Council Decisions at 2003 NAFO Annual Meeting	<u>Agreed</u> : Summary record of agreed decisions taken during General Council Meeting to be finalized each evening of the meeting, circulated and approved by participants before meeting ends.
7. Review of Membership b) Fisheries Commission (status of Bulgaria: contributions and fishing rights)	<u>Agreed</u> : Executive Secretary review status of Bulgaria's membership in the Fisheries Commission in the light of the text of the Convention and advise Chair of General Council accordingly. *
9. Headquarters Agreement of NAFO	<u>Agreed</u> : Defer to STACFAD
10. Election of Chair & Vice-Chair	<u>Elected</u> : Chair: David Bevan (Canada) Vice-Chair: Terje Lobach (Norway)
13. MoU NAFO-ICES	Approval of final draft by Scientific Council
14/15. STACFAC report and recommendations	Adopted in whole (see Part III of this report-page 65)
16. Dispute Settlement Procedures	<u>Deferred to 2004 Annual Meeting</u>
17. STACFAD report and recommendations	Approved as a whole (see Part II of this report-page 43)
19. Next Annual Meeting	<u>Agreed</u> : Scientific Council: 8-17 September 2004 General Council/Fisheries Commission: 13-17 Sep 2004

\* Based on Article XIII.1 (Convention), General Council is required to decide on full membership at Fisheries Commission separately from general NAFO membership and voting rights.

### **Annex 13. Report of Consultations between Canada, EU, Latvia and the US Brussels, April 29-30, 2003 (GC W.P. 03/1)**

Further to the discussion of Dispute Settlement Procedures (DSP) at the 2002 NAFO Annual Meeting, the European Commission organized consultations of interested NAFO Contracting Parties regarding the way forward for the NAFO DSP Working Group. Representatives of Canada, the European Commission, Latvia and the United States of America met in Brussels April 29-30, 2003. The Canadian letter of March 21, 2003 addressed to the NAFO Secretariat was used as the discussion document for this informal meeting. Good progress was made on identifying the remaining outstanding grounds for discussion and avenues to achieve progress. Participants in the meeting agreed that the progress made at this meeting would make a further meeting of the DSP Working Group useful.

Discussion at the meeting suggested that the following text from the Canadian letter, with the amendments indicated below, might usefully contribute to the work of the next NAFO DSP Working Group Meeting:

#### **XII.4**

**When presenting an objection to a proposal in accordance with paragraph 1 or giving notice of its intention not to be bound by a measure in accordance with paragraph 3, a Commission member shall provide a statement of the reasons for its objection or notice and a declaration of its intentions following the objection or notice, including a description of any measures it intends to take or has already taken for the conservation and management, including control and enforcement measures, of the stock concerned.**

#### **Paragraph 2**

**If any dispute arises between two or more Contracting Parties concerning the interpretation or application of this Convention, including the statement, declaration and measures referred to in paragraph 4 of Article XII as well as any actions taken by a Contracting Party further to its use of Article XII(1) or (3), those Contracting Parties shall seek to resolve their dispute by negotiation, inquiry, mediation, conciliation, ad hoc panel procedures, arbitration, judicial settlement or other peaceful means of their own choice.**

#### **Subparagraph 3.1**

**Where a dispute concerns the interpretation or application of a proposal adopted by the Fisheries Commission pursuant to Article XI or matters related thereto, including the statement, declaration and measures referred to in paragraph 4 of Article XII as well as any actions taken by a Contracting Party further to its use of Article XII(1) or (3), the parties to the dispute may submit the dispute to a non binding ad hoc panel constituted in accordance with procedures adopted by the General Council.**

Participants in the meeting considered the Canadian proposal for a new subparagraph in Paragraph 3 creating a link between the ad hoc panel procedure and the Fisheries Commission. As a result of the discussion, the participants determined that the following text would provide a useful addition to the NAFO Consolidated Text 2001:

#### **Subparagraph 3.3**

**If the Contracting Parties concerned accept the recommendations of the ad hoc panel, they shall within 14 days of receipt of the panel's recommendations, notify, through the Executive Secretary, all other Contracting Parties of the actions they intend to take with a view to implementing the recommendations. Consideration of the recommendations of the ad hoc panel may be referred to the Fisheries Commission, in accordance with the appropriate NAFO procedures.**

The old subparagraph 3.3 would become subparagraph 3.4

As a result of the discussions on provisional application of the ad hoc panel recommendations, the European Commission suggested that this concept be moved from Paragraph 4 into Paragraph 5 and reformulated as follows to address concerns expressed by some participants during the meeting:

Subparagraph 4.1 would remain as is and 4.2 would be deleted

Subparagraph 5.1 would remain as is and the following subparagraph 5.2 would be added:

**Subparagraph 5.2:**

**If binding dispute settlement procedures are invoked in accordance with this paragraph, the parties to the dispute, unless they agree otherwise, shall apply provisionally any recommendation made by the ad hoc panel pursuant to paragraph 3. Such provisional application of the panel's recommendation shall cease when the Contracting Parties agree on arrangements of equivalent effect, when a court or tribunal to which the dispute has been referred has prescribed provisional measures or made a final determination or, in any case, at the date of expiration, if applicable, of the proposal of the Fisheries Commission.**

For the same reasons suggested to introduce subparagraph 3.3, a new subparagraph was proposed to provide a link between the provisional application of ad hoc panel recommendations and final determinations with the Fisheries Commission.

**Subparagraph 5.3**

**Subparagraph 3.3 shall apply *mutatis mutandis* to the provisional application of the ad hoc panel and to any final determination made by a court or tribunal to which the dispute was referred.**

With respect to paragraph 6, the participants in the meeting determined that all brackets in the 2001 NAFO Consolidated Text could be removed except for those around the words "and optimum utilization", and the text could be usefully reorganized as follows:

**Paragraph 6**

**A court, tribunal or panel to which any dispute had been submitted under this Article shall apply the relevant provisions of:**

- a) this Convention;**
- b) the UN Convention on the Law of the Sea;**
- c) in addition to the above instruments, where the dispute concerns one or more straddling stocks, the 1995 UN Fish Stocks Agreement,**

**as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the said instruments, with a view to ensuring the conservation [and optimum utilization] of the fish stocks concerned.**

The participants in the meeting thought the Canadian proposal relating to the rights of State Parties to the 1995 UN Fish Stocks Agreement was a useful addition to the draft NAFO DSP text. It was felt, however, that it should be expanded in order to treat the UN Convention on the Law of the Sea in an identical manner as follows:

**Paragraph 7**

**Provided, however:**

**(1) where a party to a dispute is a State Party to the UN Convention on the Law of the Sea, nothing in this Convention shall be argued or construed as preventing it from submitting the dispute to binding procedures pursuant to Part XV of the UN Convention on the Law of the Sea as against any other State Party to that Convention; and**

**(2) where a party to a dispute is a State Party to the 1995 UN Fish Stocks Agreement, nothing in this Convention shall be argued or construed as preventing it from submitting the dispute to binding procedures pursuant to Article 30 of the 1995 UN Fish Stocks Agreement as against any other State Party to that Agreement.**

The participants in the meeting noted that the next NAFO DSP Working Group meeting should consider the above draft text, as well as the draft 2001 Consolidated DSP Text and the Annex to this text (Annexes 11 and 12 of the 2001 DSP WG Report (NAFO/GC Doc. 1/4), rules of procedure relating to the ad hoc panel and the method of adoption of a DSP text in NAFO.

## **PART II**

### **Report of the Standing Committee on Finance and Administration (STACFAD)**

#### **1. Opening by the Chairman**

The first session of STACFAD was opened by Fred Kingston (EU) on 15 September 2003.

The Chairman welcomed delegates and Dr. Johanne Fischer, the Executive Secretary appointed in January 2003.

Present were delegates from: Canada, European Union, Japan, Latvia, Norway, Russian Federation, Ukraine, USA (Annex 1).

#### **2. Appointment of Rapporteur**

Sofeia Horsey (Canada) and Stan Goodick (NAFO Secretariat) were appointed Rapporteurs.

#### **3. Adoption of Agenda**

The provisional agenda, as circulated to the Contracting Parties (Annex 2), was adopted.

#### **4. Auditors' Report for 2002**

The Finance Officer presented the Auditors' Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the year ended 31 December 2002. The Chairman indicated the Auditors' Report, signed by Deloitte & Touche, had been circulated to the Heads of Delegation prior to the 25<sup>th</sup> Annual Meeting. He noted no comments had been received on the report.

The report mentioned that the NAFO Financial Statements have not recorded a liability of \$30,300 for enhanced employee termination benefits. It was noted by the Committee that NAFO has been in the practice of funding this liability at the rate of \$10,000 per annum, the latest amount of which had been approved by General Council in 2002 at the 24<sup>th</sup> Annual Meeting of NAFO (Note 4 of the Auditors' Report entitled "Provision for Employee Termination Benefits").

Committee members reviewed these statements in detail. All variances in expenditures versus budgeted items were explained to the satisfaction of the Committee.

STACFAD recommended that the 2002 Auditors' Report be adopted.

The EU proposed that the Committee consider changing the auditors. The EU considers it desirable, as a matter of policy, to change auditors in regional fisheries organizations from time to time in order to provide possible new perspectives to the audit. Canada sought clarification as to whether NAFO would incur additional expenses in administration fees to change auditors. The Executive Secretary was not certain if this would be the case, but she said she could seek bids from several potential firms.

STACFAD recommended new Auditors be retained to audit the Financial Records of NAFO for the year 2003.

#### **5. Realized and expected costs related to changes to the Automated Hail/Vessel Monitoring System (VMS)**

STACFAD WP 03/1 was tabled for discussion (Annex 3).

An expenditure of \$35,000 was identified and included in the 2004 forecasted budget to provide for costs related to the ongoing operations of the system, as proposed by STACTIC.

STACFAD recommended approval of \$35,000 for estimated costs to be incurred in 2004 related to the ongoing operations of the Automated Hail/VMS.

NAFO/FC Doc. 03/3 was tabled outlining a proposal approved by the Fisheries Commission to update the VMS used by NAFO to include Catch and Observer Reports (Pilot Project). Estimated cost is \$40,000.

STACFAD recommended approval of \$40,000 for estimated costs to be incurred in 2004 to update the VMS.

#### **6. Review and evaluation of work descriptions for NAFO employees in the CR category with respect to consideration of application of Canadian Pay Equity Settlement**

The Executive Secretary tabled STACFAD WP 03/2 (Annex 4-without annexes).

The Executive Secretary spoke on behalf of the affected employees. She stated they unanimously requested to withdraw any claims to a retroactive application of the pay equity settlement as provided for employees of the Public Service of Canada. She noted that, although NAFO had adopted a salary scale and a position classification system "based, to the extent possible, on the salary scale and position classification system of the Public Service of Canada", pursuant to Rule 6.1 of the NAFO Financial Regulations, it recognized the settlement was a unique situation.

STACFAD therefore agreed that the issue of applying the Canadian Pay Equity Settlement to NAFO employees in the clerical category be withdrawn from any further consideration.

It was recalled that, as a result of initiating a pay equity assessment for NAFO staff in the Clerical Category, salary increases for four employees of NAFO had been postponed. Only economic increases ranging from 2 to 3.2% were applied over the period 1998-2002. The Executive Secretary recommended to STACFAD that salary levels be adjusted to reflect current pay levels effective July 29, 1998.

STACFAD agreed and recommended that the salary scales of four Secretariat employees in the CR category be adjusted to reflect current pay levels as per the Canadian Federal Public Service, effective 1 January 2004.

STACFAD further recommended approval of back payment plus interest, as a result of the postponement of salary adjustments, for the period 29 July 1998 to 31 December 2003. Interest would be calculated following Government of Canada guidelines for the payment of interest beginning 1 January 2004. After discussions with the four employees concerned, the Executive Secretary informed STACFAD that they would be willing to accept this back payment stretched over a three-year period commencing in 2004.

STACFAD recognized the understanding and patience of the four employees of the Secretariat staff in awaiting resolution of this issue and agreed that, for budgeting purposes, back payment and interest will be distributed equally, over a three year period, commencing in 2004.

STACFAD further asked the Executive Secretary to convey its appreciation to the four employees of the Secretariat staff for their willingness to accept this arrangement.

#### **7a) Function and Future Requirements of the Secretariat**

The Executive Secretary presented a thorough and detailed overview of the present services provided by, as well as the process and operations of, the Secretariat in a presentation entitled "Goals, Strategies and Requirements of the NAFO Secretariat". Included were statistical data on the distribution and concentration of human and financial resources.

The focus of the presentation was to outline a possible strategy to improve the cost efficiency of services rendered by the Secretariat, to modernize the Organization and to expand services to Contracting Parties. The Executive

Secretary outlined initiatives that should take place within the next 5 years to pursue these objectives with respect to the following areas:

- Communications
- Organization/Support of meetings
- Publications
- Conservation and Enforcement Services
- Finance and administration
- Other office tasks

STACFAD expressed its support, in principle, for the Executive Secretary's presentation. Some of the major initiatives proposed by the Executive Secretary are the following:

1. As expressed in the Executive Secretary's presentation, the Secretariat will need to enhance and restructure staff responsibilities to meet its objectives as effectively and efficiently as possible. To accomplish this, it would be necessary to write new work descriptions for Secretariat positions. In addition there is also a need to develop more clear and detailed rules and procedures for the assessment, classification and ongoing review of positions. This could be accomplished by contracting the services of an expert on the Canadian Government Classification System to collaborate with the Secretariat.

STACFAD recommended that the Secretariat develop clearer and more detailed rules and procedures for the assessment, classification and ongoing review of NAFO Secretariat staff. STACFAD further recommended that the Secretariat engage a Human Resources consultant to ensure that these rules and procedures are compatible with the system of the Public Service of Canada with an estimated cost to NAFO's budget of \$5,000.

2. The Executive Secretary tabled STACFAD WP 03/9 (Annex 5) proposing the addition of one new staff member for a period of 12 to 14 months to:

- Ensure the continuity of services upon the retirement in 2005 of a staff member and
- Develop enhanced technologies and processes to undertake additional services requested by the Fisheries Commission with respect to the compilation, analysis and presentation of compliance data.

Recruitment would be in the Professional Category given the nature of the work and the qualifications required.

After detailed discussions, STACFAD recommended that the Secretariat hire in 2004 a part-time employee to help in the compilation, analysis and presentation of compliance data. The estimated cost to the NAFO budget in 2004 would be \$30,000. STACFAD also recommended that recruitment take place to find a replacement for an employee anticipated to retire in May 2005 with an overlap period of four months in order to ensure the requirements of this position as mandated would be met.

3. The Executive Secretary presented STACFAD WP 03/7, a proposal to reclassify a NAFO employee's category from CR-6 to IS-3 to more accurately reflect her new duties and enhanced responsibilities. In particular, this employee is now principally responsible for maintenance and content of the new NAFO WebPages requiring specialized skills and expertise.

STACFAD recommended, without prejudice to results of the overall review of the NAFO Secretariat staff, the reclassification of this position to the level of IS-3, to take effect 1 January 2004.

4. In respect of other changes implemented by the Secretariat, it was noted that the work duties of another employee in the CR-5 category had also changed substantially with the addition of new duties and increased responsibilities related to the running of NAFO's Conservation and Enforcement Scheme, thereby requiring adjustment to her classification level.

STACFAD recommended, without prejudice to results of the overall review of the NAFO Secretariat staff, the reclassification of this position from CR-5 to CR-6, to take effect 1 January 2004.

### **7b) Interim Staff Committee (proposal by Secretariat)**

The Executive Secretary introduced STACFAD WP 03/6 (Annex 6) proposing the establishment of an external Staff Committee to provide advice and mediation in the event that a conflict within the Secretariat cannot be solved internally. It was anticipated that this Committee would rarely be called upon in this regard. It is proposed that the Staff Committee comprise three members nominated by Secretariat Staff and appointed by General Council. At least one of the members should be a resident of the Dartmouth/Halifax area. Staff Committee could serve one year and be re-elected at every Annual Meeting with no restrictions on re-election. The Secretariat staff intends to nominate Committee members in the near future.

STACFAD supported this proposal in principle and recommended the establishment of a Staff Committee with a mandate to provide advice and mediation in the event that a conflict within the Secretariat cannot be solved internally.

### **8. Meeting of Pension Society**

The Executive Secretary tabled STACFAD WP 03/3, a summary report of the meeting of the International Fisheries Commissions Pension Society (IFCPS), held May 1-2, 2003, in Halifax, N.S.

Of note:

- The employer's normal cost as a percentage of payroll will remain the same for 2004 at 9.3%.
- The Auditors' Report was presented with a Statement of Operations of the IFCPS for the years ending 31 December 2001 and 31 December 2002 and the Review Report for 2002. The statements were approved by the membership.
- The Canadian Department of Fisheries and Oceans (DFO) extended its commitment to assist the Society in administrative operations at no charge to the Society.
- The Review Directorate of DFO was engaged to audit the Statement of Operations of the Society before its 2002 Annual General Meeting and will be approached to audit the Society's Financial records in 2003.
- The investment manager, McLean Budden, will continue with the agreed asset-mix balancing of the Canadian investment funds (60% equity/40% bond split).
- Time and place of next annual meeting will be 29-30 April 2004 in Washington, D.C. Representatives from the International Fisheries Commissions will commence their meetings 28 April 2004.

### **9. Headquarters Agreement of NAFO**

The representative of the EU noted that Article II.3 of the NAFO Convention seems to require that there be a Headquarters Agreement between NAFO and the host country, Canada, and expressed concern that such an agreement does not exist.

Canada, in response, provided background on the Canadian Order-in-Council, which is intended to provide privileges and immunities to NAFO and its officers to the fullest extent possible. He explained that NAFO's predecessor organization, ICNAF, its officials and representatives to ICNAF also enjoyed the maximum privileges and immunities that could be granted under Canadian law. Upon the creation of NAFO, following a request from the NAFO President, these privileges and immunities were extended to the NAFO organization, the representatives to NAFO and NAFO officials via the Order-in-Council. He added that Article II.3 can also be read as not necessarily requiring a Headquarters Agreement per se, but that there could be other evidence of agreement, such as official correspondence.

The Canadian delegate noted that negotiating a Headquarters Agreement may be more than just a housekeeping matter as suggested by the EU delegate. He explained that it involves negotiating a treaty, and launching such negotiations would require appropriate authorization from within the Government of Canada. One could not anticipate the outcome of these negotiations. He advised that there was no practical need to change the current arrangement, which has been working well for more than twenty-five years.

The Executive Secretary advised that the Secretariat had no complaints regarding the current arrangement and urged caution against lengthy negotiations that may have unforeseen consequences.

The Canadian delegate undertook to check Government of Canada files and provide copies of any relevant official correspondence between NAFO and Canada as they relate to any agreement on privileges and immunities. He also undertook to clarify the rationale for headquarters agreements having been signed with some other international fisheries organizations based in Canada but not with older organizations such as NAFO.

STACFAD recommended that this item be deferred until the next Annual Meeting.

### **10. Administrative and Financial Statements for 2003 (end July)**

The Chairman introduced NAFO/GC Doc. 03/1.

Concerning the Financial Statements:

- The Finance Officer reported that there would be delays in salary increases until 2004 as contract negotiations within the Public Service of Canada for position classifications followed by NAFO staff have just been initiated. It is assumed contracts would not be ratified during 2003 and therefore no increase will be reflected for 2004 at this time.
- Given the linkages with Salaries, as a result of changes to the Salary figure, the following expenditures were adjusted accordingly producing some savings and some additional expenses:
  - b) Superannuation and Annuities – additional expense of \$2,000
  - c) Group Medical and Insurance Plans – additional savings of \$1,000
  - d) Termination Benefits – additional savings of \$11,000
- Travel expenditures were under-estimated by \$3,000.
- Reduction in postage and fax costs due to increased use of electronic communications (email and website) have generated savings of \$19,000.
- Meetings forecasted costs were under estimated by \$6,000.
- Computer Services - Programming changes to Vessel Monitoring System (VMS) were under budget, resulting in a savings of \$9,000.
- Recruitment and relocation costs were budgeted for the 2002 fiscal year although costs incurred were in 2002 and 2003. (It was noted that this item on the 2002 Budget was \$73,000 and Actual expenditures for 2002 were \$22,863.)

STACFAD noted outstanding contributions from Bulgaria (\$21,479.52), Cuba (\$21,552.56) and the United States of America (\$89,787.64). Annex 7 outlines total outstanding contributions from Bulgaria.

### **11. Review of Accumulated Surplus Account**

The Accumulated Surplus Account was reviewed and it was noted that the year-end balance is estimated to be \$272,463 should all outstanding contributions be received.

The Secretariat received indications from the United States that, at present, they are not in a position to fully meet their financial obligations to NAFO in 2003 and, possibly, also in 2004. In this context, STACFAD recommended that the minimum balance in this account be increased from \$75,000 to \$125,000 in order to fulfill NAFO's financial obligations in early 2004. STACFAD further recommended that if any of the outstanding contributions are received by the end of 2003, the minimum balance in the Accumulated Surplus Account shall be reduced by the amount of that contribution until it reaches \$75,000. The remaining estimated accumulated surplus balance at the end of 2003 would be used to reduce contributions due from Contracting Parties in 2004.

### **12. Legal opinion regarding staff assessment claim by previous Executive Secretary**

Pursuant to the recommendation by STACFAD to the General Council during its 24<sup>th</sup> Annual Meeting, NAFO engaged the services of its own legal counsel to investigate the former Executive Secretary Chepel's claim that staff assessment under 6.2 of the Financial Regulations should not have been deducted from his salary. A legal opinion

from NAFO's legal counsel, Stewart McKelvey Stirling Scales, concerning this issue had been circulated to Heads of Delegations of the General Council and STACFAD Chairman on February 27, 2003 (GF/03-63).

The Finance Officer advised STACFAD that Mr. Chepel had recently contacted him to give notice that he had decided not to pursue his claim. He also asked if he could be provided with a copy of NAFO's legal opinion.

Canada noted a letter to NAFO from its Head of Delegation dated 18 March 2003 stating that it was unnecessary to disclose this legal opinion in order to communicate the legal position of NAFO with respect to the claim of Mr. Chepel. Since Mr. Chepel has now indicated that he will not pursue his claim, STACFAD determined that there was no reason to change the policy and agreed that this legal opinion should not be disclosed to Mr. Chepel.

### **13. Progress report on transition from print to electronic (outgoing) communication and access to information and review of new NAFO Website (Presentation by Secretariat)**

The Executive Secretary presented a comprehensive report on the status of transition from print to electronic (outgoing) communications and accessibility of information and review of the new NAFO Website in her presentation (see Agenda Item 7a) above).

Of particular note were the savings derived from the initiatives undertaken by the Executive Secretary and the staff of the Secretariat. The value added was estimated to be at least \$100,000 for the initiation and completion of a new revamped NAFO web site, because the design, development and implementation of it were undertaken in-house rather than sourced outside. STACFAD enthusiastically applauded the forward vision and concerted effort of the Executive Secretary and staff of the Secretariat.

### **14. Salary of the Executive Secretary**

#### **i) Appraisal of eligibility of Executive Secretary for performance bonus**

Pursuant to the decision of the General Council at the 24<sup>th</sup> Annual Meeting and under Article IV, paragraph 4 of the current contract between NAFO and the Executive Secretary, the Executive Secretary is eligible for an annual performance bonus in addition to her base salary. This performance bonus is to be determined annually by the Heads of Delegation of General Council and would provide for up to a 10% increase on the base salary if key commitments are achieved or surpassed.

Upon instructions from the President of General Council, STACFAD developed objective criteria for this purpose.

STACFAD recommended that, at each annual meeting of NAFO, STACFAD and the Executive Secretary should identify specific goals which, in conjunction with the general duties as described in her work description, shall form the basis for evaluating eligibility for this performance pay allowance for the coming year.

STACFAD further recommended that for 2004 the specific goals for evaluating the eligibility of the Executive Secretary for a performance pay allowance are the following:

1. Assess and define future human resources requirements for the Secretariat.
2. Continue implementing modernization and cost efficiency measures.
3. Enhance public relations activities in the Secretariat and draft media policy for NAFO meetings.
4. Develop the capacity to produce the information requested by STACTIC for a compliance report.

#### **ii) Possible changes in the job classification system and salary scale of the Executive Secretary**

At the last Annual Meeting of STACFAD, it was agreed to defer the broad issue of possible changes in the job classification system and salary scale of the Executive Secretary to the 2003 Annual Meeting, including the possibility of enhanced duties and responsibilities.

Members requested further information be made available to them regarding the application of the "U.N. system". There was consensus on the importance to seek clarity in regards to the U.N.'s criteria in making a determination of position classification and level. Additional information was requested on how other regional fisheries organizations have determined the position classification and salary of their respective Executive Secretaries.

It was agreed the NAFO Secretariat would provide this information to STACFAD in advance of the 26<sup>th</sup> Annual Meeting, in order to prepare for informed discussions on this subject.

STACFAD recommends the issue of a possible change in the job classification system and salary scale of the Executive Secretary be deferred to the 2004 Annual Meeting.

### **15. Budget Estimate for 2004**

GC WP 03/2 (Revision 4) was tabled. It was noted that all items were standard with the exception of those items listed below:

- The provision of an additional staff to be recruited in conjunction with the departure of an employee due to retirement on May 1, 2005. An overlap of 4 months is required in 2005. In addition, a part-time employee will assist in compilation, analysis and presentation of compliance data for review by STACTIC in 2004 at an estimated cost of \$30,000. (see agenda item 7a)
- First instalment of back-pay and interest payments to four employees, for the period 29 July 1998 to 31 December 2003, whose salary increases had been postponed whilst awaiting conclusion and resolution of discussions on "consideration and application of Canadian Pay Equity Settlement". (see agenda item 6)
- A performance bonus of 10% for the Executive Secretary as approved by the Heads of Delegation of General Council (see agenda item 14)
- Equipment Purchases as follows: Wireless LAN server \$15,000
- Funding of \$5,000 for travel costs/expenses associated with the Limit Reference Point Study Group (NAFO SC Working Paper 03/30) (see agenda item 18)
- Reclassification of 2 Secretariat staff (see agenda item 7a)
- \$40,000 to update the VMS used by NAFO to include Catch and Observer Reports (Pilot Project) (see agenda item 5)

STACFAD recommended that the budget of \$1,500,000 for the year 2004 be adopted (Annex 8).

A preliminary estimate of calculations of 2004 billings for Contracting Parties is provided in Annex 9. Concerns were expressed by all Contracting Parties about the increases in their respective 2004 billings. In particular, Russia, Latvia and the USA stressed that they had not anticipated these increases when they made their requests to their respective legislatures.

### **16. Budget Forecast for 2005**

STACFAD reviewed the preliminary budget forecast for 2005 of \$1,448,000 (Annex 10) and approved the forecast in principle. It was noted that the budget for 2005 will be reviewed in detail at the next Annual Meeting.

STACFAD recommended that the Secretariat prepare preliminary budget forecasts for two subsequent financial years to assist Contracting Parties in their respective budgetary processes.

STACFAD recognized and took note that several initiatives proposed by the Executive Secretary for implementation in 2004 had been deferred for consideration to 2005.

### **17. Time and Place of 2004 and 2005 Annual Meetings**

The 2004 and 2005 Annual Meeting will be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization.

The dates of the 2004 Annual Meeting are as follows:

Scientific Council	-	08-17 September
General Council	-	13-17 September
Fisheries Commission	-	13-17 September

The dates of the 2005 Annual Meeting are as follows:

Scientific Council	-	07-16 September
General Council	-	12-16 September
Fisheries Commission	-	12-16 September

STACFAD recommended that the dates for the 2006 Annual Meeting be as follows, with the location in Halifax, unless an invitation to host is extended by a Contracting Party and accepted by the Organization:

Scientific Council	-	06-15 September
General Council	-	11-15 September
Fisheries Commission	-	11-15 September

### **18. Other issues including any questions referred from the General Council during the current Annual Meeting**

1. General Council asked STACFAD to review the policy and process for addressing requests from the media to attend the Annual Meeting. In this context the Executive Secretary informed STACFAD that she had been approached and asked permission to film limited parts of General Council opening proceedings at the 2003 NAFO Annual Meeting. The policy to date has been to observe a black out from the beginning of the opening to the closing of the meeting. For information purposes STACFAD WP 03/10 "Media Policies followed by other Regional Fisheries Management Bodies (RFMBs) contacted by the NAFO Secretariat" was tabled by the Executive Secretary.

The Executive Secretary informed STACFAD that she intends to develop a media plan, in consultation with Contracting Parties, which would be presented for approval by General Council at the next Annual Meeting.

STACFAD endorsed the Executive Secretary's initiative.

In the interim, STACFAD recommended the following:

- All requests for media access must be channeled through the Executive Secretary;
- The Executive Secretary will consult with the Chairmen of the three bodies of NAFO, the host country and the country in which the media organization is based, with as much advance notice as possible, and will then decide if the access requested is appropriate; and
- The Executive Secretary will then inform all Contracting Parties of the decision as soon as possible. If no objection is received from a Contracting Party within a specified time period, the decision will be understood to be accepted. The Executive Secretary will inform Contracting Parties of the status after the specified time period.

2. Requests for Information: The Executive Secretary advised that she had received a letter from the Department of Foreign Affairs and International Trade which sought advice on responding to a request under Canada's Access to Information Act for copies of citations issued by NAFO inspectors for infringements in the NAFO Regulatory Area. It was agreed that the Executive Secretary should not provide this information as it would be contrary to Part IV 6(i) of the NAFO Conservation and Enforcement Measures.

### **19. Election of Chair and Vice-Chair**

STACFAD re-elected Fred Kingston of the European Union (EU) for the position of Chairman and Deirdre Warner-Kramer of the United States for the position of Vice-Chairman.

### **20. Adjournment**

The final session of the STACFAD meeting adjourned on 19 September 2003.

### Annex 1. List of Participants

<b>Name</b>	<b>Contracting Party</b>
Sofeia Horsey	Canada
Bob Steinbock	Canada
Louis Simard	Canada
Fred Kingston	European Union
Manfred Stein	European Union
Staffan Ekwall	European Union
Keiko Suzuki	Japan
Ricards Derkacs	Latvia
Heidi Johansen	Norway
Vladimir Babayan	Russian Federation
Leonid Kokovkin	Russian Federation
Vasyl Chernik	Ukraine
Anatoliy Chernikov	Ukraine
Deirdre Warner-Kramer	USA
Pat Moran	USA
Johanne Fischer	NAFO Secretariat
Tissa Amaratunga	NAFO Secretariat
Stan Goodick	NAFO Secretariat
Forbes Keating	NAFO Secretariat

**Annex 2. Agenda**

1. Opening by the Chairman, G.F. Kingston (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditor's Report
5. Realized and expected costs related to changes to the Automated Hail/VMS System
6. Review and evaluation of work descriptions for NAFO employees in the CR category with respect to consideration of application of Canadian Pay Equity Settlement
7.
  - a) Function and Future Requirements of the Secretariat
  - b) Interim Staff Committee (proposal by Secretariat)
8. Meeting of the Pension Society
9. Headquarters Agreement of NAFO
10. Administrative and Financial Statements for 2003 (end July)
11. Review of Accumulated Surplus Account
12. Legal opinion regarding Staff Assessment claim by previous Executive Secretary
13. Progress report on transition from print to electronic (outgoing) communication and access to information and review of new NAFO Website (Presentation by Secretariat)
14. Salary of the Executive Secretary
  - i. Appraisal of eligibility of Executive Secretary for performance bonus
  - ii. Possible changes in the job classification system and salary scale of the Executive Secretary
15. Budget Estimate for 2004
16. Budget Forecast for 2005
17. Time and Place of 2005-2006 Annual Meetings
18. Other issues including any questions referred from the General Council during the current Annual Meeting
19. Election of Chair and Vice-Chair
20. Adjournment

**Annex 3. Status of spending for the implementation of the Automated Hail/VMS System**  
(STACFAD W.P. 03/1-Revised)

	Budget <u>2003</u>	Forecast <u>2003</u>	Budget <u>2004</u>
<b><u>Annual Recurring Expenses:</u></b>			
Trackwell Software - Annual support and maintenance	\$18,300	\$18,300	\$18,300
Aliant Telecom - X.25 line	12,980	12,756	12,756
Trackwell Software – Additional billings (network connection problems, setting up Contracting Parties, proposals for changes to system)	2,000	3,944	3,944
Trackwell Software – X.400 line	720	-	-
	34,000	35,000	35,000
<b><u>Programming Changes:</u></b>			
Trackwell Software – VMS programming changes as proposed by STACTIC	55,000	38,610	40,000
	<b>\$89,000</b>	<b>\$73,610</b>	<b>\$75,000</b>

**Annex 4. Classification of Secretariat Staff and Claim for Retroactive Pay Equity**  
(STACFAD W.P. 03/2 – Text only)

I wish to advise General Council that the staff of the NAFO Secretariat has reconsidered its position and decided to withdraw its claim for retroactive pay equity.

As a result of initiating a pay equity assessment for NAFO staff in the Clerical Category, salary increases for four employees of NAFO were postponed. Only economic increases ranging from 2 to 2.5% were applied over the period 1998-2002. As a result, the salary levels need to be adjusted to reflect current pay levels effective July 29, 1998.

I recommend that STACFAD consider this matter and General Council agree to adjust the salaries of these four employees to reflect the new posted salary increments, effective July 29, 1998 (as per Table 1 attached).

I further recommend developing detailed rules and procedures for the assessment, classification and ongoing review of NAFO Secretariat positions based, to the extent possible, on the classification system in the Public Service of Canada.

I also recommend these rules and procedures be developed with the active participation of the Secretariat and the contracted services of an expert on the Canadian Government Classification System. The objective of this endeavor would be a clear and acceptable process of reviewing and reclassifying NAFO positions.

Dr. Johanne Fischer

Executive Secretary

**Annex 5. Services of the Secretariat to NAFO Fisheries Commission  
and STACTIC (STACFAD W.P. 03/9)**

**Requirement: Additional Staff for a period of 14 months**

**Rationale:**

1. Ensure standard and continuity of services already provided when the Secretariat's only expert on Conservation and Enforcement Measures, Gordon Moulton, retires early 2005
2. Develop (together with Mr. Moulton and under supervision of Executive Secretary during the period of overlap) and carry out new additional services requested by Fisheries Commission

The new staff member should be a young professional with an academic background and experience with database management and statistics. She/he should also be familiar with fishery issues.

**Her/his tasks would be (under the General Supervision of the Executive Secretary):**

- support the work of Fisheries Commission and its committees by attending the meetings, preparing reports, serving as Rapporteur if requested, and performing other duties as required
- supervise the functioning of the VMS at the Secretariat's end and communicate with the software/server provider (TRACKWELL) as necessary
- supervise the electronic compilation of fishery information from diverse data sources and perform quality checks
- prepare statistical summaries of fishery data
- compile, analyze and summarize relevant information to assist STACTIC in formulating their annual compliance report
- Prepare fishery-related material for the NAFO WebPages
- cooperate with FAO on data exchange
- assist with NAFO publications and preparation of NAFO meetings
- perform other duties as required by the Executive Secretary

**Required skills:**

- Science degree (masters or higher)
- Experience with electronic database management and statistical analysis
- Good general computer skills
- Proven familiarity with regional and global fishery issues
- Good English speaking and writing skills
- Etc.

## **Annex 6. Staff Committee** (STACFAD W.P. 03/6)

### **A proposal by NAFO Secretariat Staff and Executive Secretary**

#### **What is the Staff Committee?**

1. The Staff Committee should be mandated to advise the Secretariat and mediate in the rare event that conflicts within the Secretariat cannot be solved internally
2. The Staff Committee should be composed of three (3) members nominated by Secretariat Staff and appointed by General Council. At least one of the members should be a resident of the Dartmouth/Halifax area. Staff Committee could serve one year and be re-elected at every Annual Meeting. We propose no restrictions for the re-election of members.

#### **Why a Staff Committee?**

Most conflicts within the Secretariat can be and should be solved internally. In the rare case that a conflict cannot be solved internally or that its resolution causes major concern (e.g. perceived unjust dismissal of a staff member) the Staff Committee can be asked to intervene. Solutions should be achieved through mediation between the parties involved in the conflict and, if the Staff Committee finds it necessary, by bringing the case before NAFO Contracting Parties.

#### **Suggested Guidelines for Staff Committee:**

1. It is the obligation of Secretariat staff and Executive Secretary to seek internal solutions to all disputes before bringing anything to the attention of the Staff Committee.
2. On a specific issue, the Staff Committee can be approached by (a) Staff Representative, and/or (b) the Executive Secretary and/or (c) 3 staff members<sup>1</sup>.
3. The Staff Committee will treat all cases in the strictest confidence. Staff Committee Members will also not disclose any names without consent of the individual concerned throughout the mediations with Secretariat staff and/or Executive Secretary.
4. A reasonable period of time (1 month) after contacting the Staff Committee, a final decision in a case (if necessary) must be taken by the Executive Secretary considering all options presented.
5. If the resolution of a case does not satisfy the Staff Committee the matter should be presented to STACFAD and General Council at the next Annual Meeting. In severe cases, the Staff Committee may decide to contact NAFO Contracting Parties immediately and ask for guidance or action.

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<sup>1</sup> This means that at least 3 staff members have to agree that a conflict cannot be solved internally and is important enough to be brought before the Staff Committee bypassing Staff Representative and Executive Secretary. This will prevent frequent and unjustified calling on the Committee Members.

### **Annex 7. Schedule of Outstanding Contributions from Bulgaria**

The following is a summary of outstanding contributions from Bulgaria:

	<u>Bulgaria</u>
1 January – 31 December 1993	18,109.12
1 January – 31 December 1994	14,893.10
1 January – 31 December 1995	16,614.28
1 January – 31 December 1996	15,944.93
1 January – 31 December 1997	15,002.75
1 January – 31 December 1998	16,121.90
1 January – 31 December 1999	16,267.88
1 January – 31 December 2000	16,842.79
1 January – 31 December 2003	21,479.52
	\$151,276.27

**Annex 8. Budget Estimate for 2004**  
(Canadian Dollars)

	Approved Budget for 2003	Projected Expenditures for 2003	Preliminary Budget Forecast for 2004	Budget Estimate for 2004
1. Personal Services				
a) Salaries	\$759,000	\$754,000	\$785,000	\$842,000
b) Superannuation and Annuities	73,000	75,000	75,000	78,000
c) Group Medical and Insurance Plans	76,000	75,000	78,000	88,000
d) Termination Benefits	22,000	11,000	21,000	50,000
e) Accrued Vacation Pay	1,000	1,000	1,000	1,000
f) Termination Benefits Liability	10,000	10,000	10,000	10,000
g) Clerical (CR) Retroactive Salary Liability	-	-	-	27,000
2. Travel	19,000	22,000	15,000	19,000
3. Transportation	1,000	1,000	1,000	1,000
4. Communications	59,000	40,000	45,000	30,000
5. Publications	30,000	30,000	30,000	20,000
6. Other Contractual Services	58,400	58,000	48,000	50,000
7. Additional Help	1,000	1,000	1,000	1,000
8. Materials and Supplies	30,000	30,000	30,000	30,000
9. Equipment	5,000	5,000	5,000	20,000
10. Meetings				
Annual General Meeting and Scientific Council Meetings	76,000	79,000	76,000	75,000
Inter-sessional Meetings	40,000	43,000	40,000	45,000
Symposium	5,000	5,000	-	5,000
11. Computer and Web Services	120,000	111,000	50,000	108,000
12. Recruitment and Relocation	-	39,000	-	-
	\$1,385,400	\$1,390,000	\$1,311,000	\$1,500,000

Notes on Budget Estimate 2004  
(Canadian Dollars)

Re Item 1(a)	<b>Salaries</b>	\$842,000
	<p>Salaries budget estimate for 2004 includes a 2.5% economic increase. NAFO follows the salary scale of the Public Service of Canada and contract negotiations are underway between the Treasury Board of Canada and the Public Service Alliance of Canada for categories which NAFO staff members are classified. Assumed that contracts will not be ratified until late 2003 or early 2004 and therefore salary increases for 11 staff members, budgeted for 2003, will not be paid until 2004. Salaries budget also includes the reinstatement of four clerical staff to the CR pay scales, reclassification of two staff members and employment of a part-time Conservation and Enforcement Measures Officer.</p>	
Re Item 1(b)	<b>Superannuation and Annuities</b>	\$ 78,000
	<p>Employer's portion (includes employer normal cost, past service liability and early retirement provisions) and administration costs.</p>	
Re Item 1 (d)	<b>Termination Benefits</b>	\$50,000
	<p>This figure is for 2004 credits and conforms with NAFO Staff Rule 10.4(a). Increase in termination benefits is a result of salary increases budgeted for 2003 not being paid until 2004.</p>	
re Item 2	<b>Travel</b>	\$19,000
	<p>Travel costs for 2004 include:</p> <ul style="list-style-type: none"> <li>i) two staff members to the Annual Meeting of the International Fisheries Commissions Pension Society, April 2004, Washington, USA</li> <li>ii) the Executive Secretary's home leave to Germany</li> <li>iii) the Executive Secretary to the Annual Meeting of North Atlantic Regional Fisheries Management Organizations (NARFMO)</li> </ul>	
Re Item 4	<b>Communications</b>	\$ 30,000
	Postage	\$ 11,000
	Telephone	12,500
	Courier/Mail Service	3,500
	Fax	3,000
Re Item 5	<b>Publications</b>	\$ 20,000
	<p>Annual Report, Conservation and Enforcement Measures, Journal of Northwest Atlantic Fishery Science, NAFO Convention, Scientific Council Reports, Scientific Council Studies, Statistical Bulletin, etc.</p>	

Re Item 6      **Other Contractual Services**      \$ 50,000

Leases:

Color laser printers	\$ 14,300	
Photocopier	8,000	
Postage meter	3,000	\$25,300

Maintenance Agreements:

Photocopier	\$ 5,000	
Printers and printing presses	3,800	
Postage meter	1,100	
Telephones	500	\$10,400

Other Contracts:

Audit & legal	\$ 6,500	
Consultants fees – human resources	5,000	
Fidelity Bond and Fire Insurance	2,500	
P.O. Box Rental	300	\$14,300

Re Item 10      **Meetings**      \$ 75,000

i) Annual General Meeting and Scientific Council Meetings:

This figure includes the cost for the 26<sup>th</sup> Annual Meeting, September 2004, Dartmouth, Canada, the Scientific Council Meeting, June 2004, Dartmouth, Canada and the Scientific Council Shrimp Meeting, November 2004, venue to be determined.

ii) Inter-sessional Meetings:

General provision for 3 or 4 inter-sessional meetings (Quota Allocation, Precautionary Approach, STACTIC, STACFAC) and travel costs associated with invited expert(s) to a Scientific Council Study Group on Precautionary approach.

iii) Symposium:

Travel costs associated with invited expert(s) to a Symposium titled “Ecosystem of the Flemish Cap”.

Re Item 11      **Computer Services**      \$108,000

Network server replacement	\$10,000	
Computer supplies and equipment (toner, cartridges, hardware)	8,000	
Training	7,000	
Software Updates	5,000	
Consulting & Maintenance	2,000	
Web Hosting	1,000	\$33,000

Automated Hail System		\$75,000
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Re Item 12      **Recruitment and Relocation**      \$ -

Expenses associated with the relocation of the outgoing and incoming Executive Secretary in the amount of \$73,000 were budgeted for the 2002 fiscal year. Only \$22,863 was expended during the fiscal year 2002 and \$39,000 was incurred during the 2003 fiscal year.

## Annex 9. Preliminary Calculation of Billing for 2004

Preliminary calculation of billing for Contracting Parties  
against the proposed estimate of \$1,500,000 for the 2004  
financial year (based on 17 Contracting Parties to NAFO).  
(Canadian Dollars)

Budget Estimate \$1,500,000.00

Deduct: Amount from Accumulated Surplus Account 147,463.00

Funds required to meet 2004 Administrative Budget \$1,352,537.00

60% of funds required = \$811,522.20  
30% of funds required = 405,761.10  
10% of funds required = 135,253.70

Contracting Parties	Nominal Catches for 2001	% of Total Catch in the Convention Area	10%	30%	60%	Amount Billed
Bulgaria	-	-	-	\$23,868.30	-	\$23,868.30
Canada	510,917	54.59%	\$84,082.04	\$23,868.30	\$443,009.97	550,960.31
Cuba (1)	-	-	-	\$23,868.30	-	23,868.30
Denmark (in respect of Faroe Islands and Greenland) (1,2)	116,499	12.45%	19,172.34	\$23,868.30	101,034.51	144,075.15
Estonia	11,228	1.20%	-	\$23,868.30	9,738.27	33,606.57
European Union	40,301	4.31%	-	\$23,868.30	34,976.60	58,844.90
France (in respect of St. Pierre et Miquelon)	2,969	0.32%	488.61	\$23,868.30	2,596.87	26,953.78
Iceland	5,077	0.54%	-	\$23,868.30	4,382.22	28,250.52
Japan	3,290	0.35%	-	\$23,868.30	2,840.33	26,708.63
Republic of Korea	-	-	-	\$23,868.30	-	23,868.30
Latvia	3,330	0.36%	-	\$23,868.30	2,921.48	26,789.78
Lithuania (1)	7,592	0.81%	-	\$23,868.30	6,573.33	30,441.63
Norway (1)	14,713	1.57%	-	\$23,868.30	12,740.90	36,609.20
Poland	758	0.08%	-	\$23,868.30	649.22	24,517.52
Russian Federation	27,332	2.92%	-	\$23,868.30	23,696.45	47,564.75
Ukraine (1)	405	0.04%	-	\$23,868.30	324.61	24,192.91
United States of America (1)	191,472	20.46%	31,510.71	\$23,868.30	166,037.44	221,416.45
	935,883	100.00%	\$135,253.70	\$405,761.10	\$811,522.20	<u>\$1,352,537.00</u>
Funds required to meet 1 January - 31 December 2004 Administrative Budget						<u>\$1,352,537.00</u>

(1) Provisional Statistics used when calculating 2001 nominal catches which have not been reported from some Contracting Parties.

(2) Faroe Islands = 13,142 metric tons  
Greenland = 103,357 metric tons

**Annex 10. Preliminary Budget Forecast for 2005**  
(Canadian Dollars)

1.	Personal Services	
	a) Salaries	\$ 856,000
	b) Superannuation and Annuities	83,000
	c) Group Medical and Insurance Plans	89,000
	d) Termination Benefits	25,000 <sup>a</sup>
	e) Accrued Vacation Pay	1,000
	f) Termination Benefits Liability	10,300
	g) Clerical (CR) retroactive salary liability	27,000
2.	Travel	38,700 <sup>b</sup>
3.	Transportation	1,000
4.	Communications	30,000
5.	Publications	20,000
6.	Other Contractual Services	43,000
7.	Additional Help	1,000
8.	Materials and Supplies	30,000
9.	Equipment	20,000
10.	Meetings	
	Annual General Meeting and Scientific Council Meetings	73,000 <sup>c</sup>
	Inter-sessional Meetings	40,000
11.	Computer and Web Services	60,000
		<hr/>
		\$1,448,000

<sup>a</sup> This figure is for 2005 credits and conforms with NAFO Staff Rule 10.4(a).

<sup>b</sup> Travel costs for 2005 include:

- i) the Deputy Executive Secretary and the Chair of STACREC to the Co-ordinating Working Party on Fish Statistics (CWP), 21<sup>st</sup> Session of the Food and Agriculture Organization of the United Nations (FAO), January/February 2005, Copenhagen, Denmark;
- ii) the Executive Secretary and the Deputy Executive Secretary to the 25<sup>th</sup> Session of the FAO Committee on Fisheries (COFI) and the Fourth Meeting of Regional Fisheries Bodies (RFB), February/March 2005, at FAO Headquarters, Rome, Italy; and,
- (iii) the Executive Secretary to the Annual Meeting of North Atlantic Regional Fisheries Management Organizations (NARFMO)
- iv) two staff members to the Annual Meeting of the International Fisheries Commissions Pension Society (IFCPS), April 2005, Victoria, Canada.
- v) two staff members to review operations of the North-East Atlantic Fisheries Commission Secretariat

<sup>c</sup> This figure includes the cost for the 27<sup>th</sup> Annual Meeting, September 2005 and Scientific Council Meetings June and November 2005.

### **Annex 10. STACFAD Recommendations to the General Council**

1. the 2002 Auditors' Report be adopted.
2. new Auditors be retained to audit the Financial Records of NAFO for the year 2003.
3. approval of \$35,000 for estimated costs to be incurred in 2004 related to the ongoing operations of changes to the Automated Hail/VMS System.
4. approval of \$40,000 for estimated costs to be incurred in 2004 to update the VMS.
5. the issue of applying of the Canadian Pay Equity Settlement to NAFO employees in the clerical category be withdrawn from any further consideration.
6. the salary scales of four Secretariat employees in the CR category be adjusted to reflect current pay levels as per the Canadian Federal Public Service, effective 1 January 2004.
7. approval of back payment plus interest to those four employees, as a result of the postponement of salary adjustments, for the period 29 July 1998 to 31 December 2003.
8. for budgeting purposes, back payment and interest to the four employees will be distributed equally, over a three year period, commencing in 2004.
9. the Secretariat develop clearer and more detailed rules and procedures for the assessment, classification and ongoing review of NAFO Secretariat staff. STACFAD further recommended that the Secretariat engage a Human Resources consultant to ensure that these rules and procedures are compatible with the system of the Public Service of Canada with an estimated cost to NAFO's budget of \$5,000.
10. recruitment take place to find a replacement for an employee anticipated to retire in May 2005 with an overlap period of four months in order to ensure the requirements of this position as mandated would be met. STACFAD also recommend that the Secretariat hire in 2004 a part-time employee to help in the compilation, analysis and presentation of compliance data.
11. without prejudice to results of the overall review of the NAFO Secretariat staff, reclassification of a NAFO employee's position from category CR-6 to IS-3, to take effect 1 January 2004.
12. without prejudice to results of the overall review of the NAFO Secretariat staff, reclassification of a NAFO employee's position CR-5 to CR-6, to take effect 1 January 2004.
13. establishment of a Staff Committee with a mandate to provide advice and mediation in the event that a conflict within the Secretariat cannot be solved internally.
14. issue regarding a Headquarters Agreement be deferred until the next Annual Meeting.
15. the minimum balance in the Accumulated Surplus Account be increased from \$75,000 to \$125,000 in order to fulfill NAFO's financial obligations in early 2004. STACFAD further recommended that if any of the outstanding contributions are received by the end of 2003, the minimum balance in the Accumulated Surplus Account shall be reduced by the amount of that contribution until it reaches \$75,000.
16. at each annual meeting of NAFO, STACFAD and the Executive Secretary should identify specific goals which, in conjunction with the general duties as described in her work description, shall form the basis for evaluating eligibility for this performance pay allowance for the coming year.
17. the issue of a possible change in the job classification system and salary scale of the Executive Secretary be deferred to the 2004 Annual Meeting.
18. the budget of \$1,500,000 for the year 2004 be adopted.
19. the Secretariat prepare preliminary budget forecasts for two subsequent financial years to assist Contracting Parties in their respective budgetary process.

20. the dates for the 2006 Annual Meeting be as follows, with the location in Halifax, unless an invitation to host is extended by a Contracting Party and accepted by the Organization:

Scientific Council	-	06-15 September
General Council	-	11-15 September
Fisheries Commission	-	11-15 September

21. regarding media requests to attend NAFO meetings, the Executive Secretary's initiative to develop a media plan in consultation with Contracting Parties to be presented at the next Annual Meeting. In the interim, the following measures should apply:
- i) All requests for media access must be channeled through the Executive Secretary;
  - ii) The Executive Secretary will consult with the Chairmen of the three bodies of NAFO, the host country and the country in which the media organization is based, with as much advance notice as possible and will decide if the access requested is appropriate; and
  - iii) The Executive Secretary will then inform all Contracting Parties of the decision as soon as possible. If no objection is received from a Contracting Party within a specified time period, the decision will be understood to be accepted. The Executive Secretary will inform Contracting Parties of the status after the specified time period.

## **PART III**

### **Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)**

#### **1. Opening by Chairman**

As the Chairman, Mr. Daniel Silvestre (France – SPM) was unable to attend, the Vice-Chair, Ms. Nadia Bouffard (Canada) opened the meeting at 10AM on 15 September 2003. The meeting was attended by representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union, Iceland, Japan, Norway, Russian Federation, Ukraine, and the United States (annex 1).

#### **2. Appointment of Rapporteur**

Ms. Allison Saunders (Canada) was appointed rapporteur.

#### **3. Adoption of Agenda**

The Chair noted that there were some linkages between agenda items 9 and 11 and that flexibility should be allowed in moving between these items. With this observation, the agenda was adopted (annex 2).

#### **4. Review of 2003 information on activities of Non-Contracting Party vessels in the Regulatory Area**

The Chair drew attention to STACFAC Working Paper 03/1 and its addendum, the compilation of correspondence with Non-Contracting Parties prepared by the Secretariat. The EU representative referred to letters from the EU to Non-Contracting Parties contained in this compilation and underscored the need for all Contracting Parties to pay special attention to sightings and communicate them to NAFO as a matter of the utmost urgency.

The correspondence indicates that eight Non-Contracting Party vessels were sighted fishing in the NAFO Regulatory Area in 2003: Oyra, Olchan, Ostroe, Ostrovets, Okhatino, Mikhail Boronin, Kadri and Seal. The first five of these vessels were sighted engaged in fishing activities in the NAFO Regulatory Area in 2002 flying the flag of Belize. In 2003, they were sighted engaged in fishing activities under the flag of the Dominican Republic. The Kadri was also sighted engaged in fishing activities in 2002 under the Belizean flag and has continued operations while flying that flag. The Mikhail Boronin also flies the Belizean flag. The Seal flies the flag of the Dominican Republic but was not sighted engaged in fishing activities in 2002.

Based on the area in which the vessels were sighted as well as the time of year they are fishing, it may be inferred that they are harvesting oceanic redfish. Iceland advised that the vessels were familiar to it as vessels that had fished in the Regulatory Area of the Northeast Atlantic Fisheries Commission (NEAFC) earlier in the season. Iceland had boarded and inspected some of these vessels and confirmed by that means that the targeted species was oceanic redfish. Iceland also noted that it had repeatedly observed transshipments by these vessels in the NEAFC Regulatory Area and had provided information on this subject to NEAFC. Iceland undertook to also provide this information to NAFO for circulation to all Contracting Parties.

Based on this information, STACFAC members decided that letters should be written to Belize and the Dominican Republic and gratefully accepted the offer of the European Union to deliver them by way of a diplomatic demarche. Japan expressed frustration at only sending letters, particularly where the flag state lacks tools to take action on the high seas and vessels flagged to that state do not generally return to its ports so that catch is not offloaded and verified there. Japan advocated more effective measures for dealing with vessels of Non-Contracting Parties which undermine NAFO measures. The Chair noted that proposals for modification to the Scheme would be the subject of discussion under a later agenda item and that NAFO was required to respond to the 2003 incidents using the provisions of the Scheme currently in place.

It was agreed to send a letter to Belize (annex 3) acknowledging the deregistration of the Oyra, Olchan, Ostroe, Ostrovets and Okhatino but emphasizing that deregistration was not necessarily the first act of a responsible flag

state; rather, other appropriate actions to sanction the vessel and deprive it of the benefits accruing from its IUU activities should be considered. The letter would also seek further information on the High Seas Fishing Act adopted by Belize in 2002 and encourage Belize to join the International MCS Network. Norway took the opportunity to note that those NAFO Contracting Parties which had not yet joined the International MCS Network should be urged to do so. It was agreed that the letter would not seek clarification of the ownership of some of the vessels, in part because giving the appearance that it was the owners and not the flag state ultimately responsible for the vessels' actions was undesirable. As well, some believed that a formal communication of this type would not be suitable for gathering such information. For the information of Parties, the Russian delegation advised that a Russian firm (in part using Ukrainian capital) wished to purchase the Mikhail Boronin and place it on the Russian registry.

The correspondence from the Kadri's owners to the Belizean vessel registry (INMARBE) was also reviewed (attachments 4 and 8 of WP 03/1). STACFAC considered this correspondence to have been forwarded to NAFO solely for information as it was Belize's responsibility to deal with the allegations made by the vessel owners. For information, Canada advised that the St. John's port call noted by the Kadri was made while the vessel was flying the Russian flag.

It was agreed that the letter to the Dominican Republic (annex 4) would contain many of the same elements.

#### **5. Review of 2003 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area**

No information on such transshipments and landings for 2003 was presented.

Russia advised that it had taken action against the Metelitsa, a Russian flagged cargo vessel that had received fish from a Non-Contracting Party vessel in 2002. Specifically, the captain of the vessel had been dismissed as had the deputy director of the company who had made the transshipment decision. The Russian delegate indicated that this information would subsequently be provided to NAFO in a letter.

#### **6. Review of information on imports of species regulated by NAFO from Non-Contracting Parties whose vessels have fished in the Regulatory Area**

Japan introduced STACFAC Working Paper 03/2 (annex 5), a presentation by Japan on global import statistics. The delegate from Japan drew attention to the large market share held by Japan for both redfish (69%) and Greenland halibut (39%). He noted that the Greenland halibut price in Japan had recently increased and that IUU vessel operators would not overlook this opportunity to make profits. He advocated that NAFO work intersessionally on an effective trade tracking system for adoption in 2004.

#### **7. Reports by Contracting Parties on diplomatic contacts with Non-Contracting Party Governments concerning fishing in the Regulatory Area**

In respect of letters sent following the 2002 NAFO meeting, Canada reported that it had delivered the letter to Cyprus (attachment 1 of STACFAC WP 03/1) but had not received any response from Cypriot authorities. NAFO had also not received any response from Cypriot authorities. Correspondence with Belize had ensued following the delivery of the letter by France and is found in WP 03/1. The EU advised that it had not yet received a response to letters sent in August 2003 to Belize and the Dominican Republic (attachment 11 of STACFAC WP 03/1 and addendum to STACFAC WP 03/1 respectively).

#### **8. Reports by Contracting Parties on legal, administrative and practical actions that have been taken to implement the NAFO Scheme to Promote Compliance by Non-Contracting Party Vessels**

The Chair noted that this agenda item dated from the introduction of the Scheme and was perhaps not as relevant now, although if changes were made to the Scheme it might be relevant next year.

Norway indicated that one way in which it implements the Scheme is to ensure that all information received from other Contracting Parties is provided to port authorities so that port access will be denied to the vessel in question. Other STACFAC members agreed that this was a laudable practice and encouraged its application.

Denmark (in respect of the Faroe Islands and Greenland) questioned why inspections were predicated on the vessel being sighted engaged in fishing activities in the NAFO Regulatory Area. He noted that between the NAFO and NEAFC Schemes for Non-Contracting Parties the entire North Atlantic Ocean was covered: if a fishing vessel was in the area, it was more than logical to conclude they were fishing. The EU representative noted that it is standard practice in states to require prior notification for port use and that this practice facilitated the inspection in port of all Non-Contracting Party vessels. She indicated that an obligation to inspect all vessels that had declared an intent to land species regulated by NAFO could be created. Norway concurred with the EU, indicating that such a prior notification requirement is part of the International Plan of Action on Illegal, Unreported and Unregulated Fishing (IPOA on IUU). Norway also noted that the notification should also apply to Contracting party vessels, something which may already be under discussion in STACTIC.

Norway also recounted the moral suasion successfully applied to halt the refueling of Non-Contracting Party vessels by a Norwegian refueling vessel. While there is a lack of legal authority to halt the activity, the Norwegian company proved amenable to refueling Contracting Party vessels only once advised its activities were supporting IUU fishing. The EU indicated that provisions regarding refusal of refueling and resupply were included in the measures adopted by Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) relating to the identification and listing of vessels presumed to be engaging in IUU fishing in the CCAMLR Area. The EU also noted that similar provisions were foreseen in proposals it has tabled in NEAFC and NAFO establishing procedures to identify and list IUU vessels. Canada recounted an incident where Canadian companies had been successfully encouraged to not purchase fish caught by a Non-Contracting Party vessel.

#### **9. Assessment on implementation of the FAO IPOA on IUU within NAFO**

The Chair observed that this was an outstanding matter and noted in this regard the working paper prepared by Norway and presented to the Special Meeting of General Council in January 2002 (GC WP 02/2). It was agreed that the Norwegian paper would be reviewed with the intention of indicating areas where NAFO should do more work to implement the IPOA on IUU. However, as the Norwegian paper deals only with the regional fisheries management organization portion of the IPOA, it should be noted that STACFAC has yet to review other portions of the IPOA and assess their implementation in NAFO. STACFAC underlines that the implementation of the IPOA is a task which very much involves STACTIC given the need to deal with Contracting Party matters. In this regard, it was felt that a joint session of STACFAC and STACTIC would be useful. Note also that there may be additional actions, not identified by STACFAC, that STACTIC may deem appropriate in order to implement the regional fisheries management organization portion of the IPOA. It was also agreed that STACFAD should be kept abreast of plans to implement the IPOA so that cost elements could be fully considered. The US also encouraged all Parties to develop and implement their own national plan of action.

STACFAC recommends additional work by NAFO as follows (IPOA paragraphs are reproduced in italics for convenience):

##### **Paragraph 79**

*As the cooperation of all relevant States is important for the success of measures taken by the relevant regional fisheries management organization to prevent, deter and eliminate IUU fishing, States which are not members of a relevant regional fisheries management organization are not discharged from their obligation to cooperate, in accordance with their international obligations, with that regional fisheries management organization. To that end, States should give effect to their duty to cooperate by agreeing to apply the conservation and management measures established by that regional fisheries management organization, or by adopting measures consistent with those conservation and management measures, and should ensure that vessels entitled to fly their flag do not undermine such measures.*

This was noted as a useful paragraph to refer to when writing Non-Contracting Parties about activities of their vessels that undermine NAFO measures.

Paragraph 80.5

*80. States, acting through relevant regional fisheries management organizations, should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing. Consideration should be given to including the following measures:*

...

*80.5 development and maintenance of records of vessels fishing in the area of competence of a relevant fisheries management organization, including both those authorized to fish and those engaged in or supporting IUU fishing;*

It was recognized that this paragraph refers to the development of a list of IUU vessels and agreed that NAFO should develop such a negative list. It was generally felt that a positive list would not be useful as there is no provision for cooperating Non-Contracting Parties in NAFO.

Paragraph 80.6

*(same chapeau)*

*80.6 development of methods of compiling and using trade information to monitor IUU fishing*

It was noted that trade information is not generally used to monitor IUU fishing. With the presentation by Japan on import statistics at this meeting, it was noted that NAFO is now likely embarking on the use of trade information.

Paragraph 80.7

*(same chapeau)*

*80.7 development of MCS, including promoting for implementation by its members in their respective jurisdictions, unless otherwise provided for in an international agreement, real time catch and monitoring systems, other new technologies, monitoring of landings, port control, and inspections and regulations of transshipment, as appropriate;*

Norway questioned whether real time reporting currently exists in NAFO. The Chair indicated that some elements of this paragraph were under discussion by STACTIC (for example in the pilot project) and that any work by STACTIC on MCS issues is supported by the IPOA and should be encouraged.

Paragraph 80.10

*(same chapeau)*

*80.10 where appropriate, market-related measures in accordance with the IPOA;*

Norway noted that NAFO has not developed trade or market-related measures. Japan stated that equally severe penalties must be established for Contracting Parties. Unjustifiable discrimination in penalties levied on Contracting Parties and those imposed on Non-Contracting Parties would render the use of trade measures untenable. The EU delegate noted that the need for even-handedness in penalties for Contracting Parties and Non-Contracting Parties should be drawn to STACTIC's attention.

Paragraph 80.11

*(same chapeau)*

*80.11 definition of circumstances in which vessels will be presumed to have engaged in or to have supported IUU fishing;*

The EU noted that a determination of what constitutes IUU fishing in the case of Contracting Parties needs to be made and observed that STACTIC determines what constitutes a serious infringement: is today's serious infringement tomorrow's IUU fishing? Norway concurred that the concept of IUU fishing by Contracting Parties should be explored. The Chair indicated that the definition of the circumstances constituting IUU fishing for Contracting Parties was a STACTIC matter.

Paragraph 80.12

*(same chapeau)*

*80.12 development of education and public awareness programmes;*

NAFO has not developed these. It was agreed that use of the NAFO website as a public awareness and education tool should be explored.

## Paragraph 80.13

*(same chapeau)**80.13 development of action plans; and*

NAFO has not developed an action plan. The EU noted that an action plan could be a NAFO-adopted version of the IPOA and that this was of limited utility. Rather NAFO should simply implement the IPOA. There was general agreement on the Chair's comment that assessing what had not been implemented and recommending areas for further work within specified timeframes would in essence be an action plan.

## Paragraph 80.14

*(same chapeau)**80.14 where agreed by their members, examination of chartering arrangements, if there is concern that these may result in IUU fishing.*

Norway noted that NAFO has some measures on chartering but has not dealt with the issue of vessels flag-hopping between NAFO Contracting Parties to utilize fishery resources. This would be an issue for STACTIC.

## Paragraph 81

*States, acting through relevant fisheries management organizations, should compile and make available on a timely basis, and at least on an annual basis, to other regional fisheries management organizations and to FAO, information relevant to the prevention, deterrence and elimination of IUU fishing, including;**81.1 estimates of the extent, magnitude and character of IUU activities in the area of competence of the regional fisheries management organization;**81.2 details of measures taken to deter, prevent and eliminate IUU fishing;**81.3 records of vessels authorized to fish, as appropriate; and**81.4 records of vessels engaged in IUU fishing.*

Norway indicated that information is not provided to regional fisheries management organizations or to FAO and that this is an area for improvement. It could entail the involvement of STACTIC. The US indicated that measures were made available on the web site, though whether they were publicized was another question. Canada believed that much of the information relating to IUU fishing, such as correspondence with Non-Contracting Parties, was available only on the members' section of the web site. The Chair indicated that the cost implications of transmission would need to be borne in mind. The US stated its belief that the matter was sufficiently important not to be minimized through cost-savings. The EU noted that there are concerns there may be liability issues connected with the publication of a list of IUU vessels and that consequently one should be careful with the treatment of this list, particularly if there are confidentiality requirements in the organization vis à vis information on the compliance of an individual vessel. Norway advocated publication of any IUU lists adopted by NAFO and the US pointed to practice of the International Commission for the Conservation of Atlantic Tunas as a possible precedent. In that Commission, once the IUU list has been finalized it is appended to the meeting report. It was agreed that STACFAD's assistance should be sought in determining both what information was available to the public on the NAFO website and what confidentiality requirements might apply to information regarding IUU vessels.

## **10. Development of guidance on implementation of paragraph 11 of the NAFO Scheme including report of STACTIC on incorporation of the entire Scheme in NCEM**

As STACFAC is now considering significant amendments to the Scheme, it was noted that events had overtaken this agenda item.

## **11. Proposals for modifications of the Non-Contracting Party Scheme**

The European Union introduced its proposal (STACFAC WP 03/3) to revise the Scheme to, inter alia, create a process for establishing a list of IUU vessels and consequences that would flow from the placement of vessels on that list. The EU stressed that the intention was to build upon the existing Scheme.

STACFAC members welcomed the initiative and expressed support for the concepts in the paper. STACFAC members also noted the need for close cooperation with NEAFC. Denmark (in respect of the Faroe Islands and Greenland) indicated that given the geographical proximity of the NAFO and NEAFC Convention Areas, similarity between their operational procedures was highly desirable (for example, ensuring that officials conducting port inspections were aware of moratoria in place in both organizations). He thus suggested that the NAFO Scheme be developed with the idea it could be revisited in light of any NEAFC proposal that is adopted. The EU delegate noted that a similar proposal is currently before PECCOE in NEAFC.

Japan noted that a number of the measures suggested in the proposal, such as denying licences to fish, chartering arrangements and registration to Non-Contracting Party vessels engaged in IUU fishing were ones that should be pursued immediately. However, with regard to trade measures, Japan noted that in order to meet WTO requirements that trade measures not unjustifiably discriminate between Parties and Non-Contracting Parties, it would be necessary to ensure that NAFO have in place sanctions of equal severity for Contracting Parties. Canada concurred with this observation. Towards that end the delegate of Japan suggested that NAFO should develop a similar scheme for Contracting Parties. This idea was supported by STACFAC members as something to be discussed jointly with STACTIC. The EU delegate also expressed support for equivalent measures for NAFO members but cautioned that it should not be assumed that a simple transfer of provisions from the Non-Contracting Party Scheme to a Contracting Party Scheme would be possible for the reasons, inter alia, expressed above in relation to paragraph 80.11 of the IPOA.

Japan also indicated that the species present in the NAFO Regulatory Area can be caught elsewhere in the world. He also noted that many of the species involved arrive in Japan in processed form via a third country. In order to make a system of trade restrictive measures function properly, a trade tracking scheme is required, particularly for Greenland halibut. The US noted that a variety of difficulties were entailed in a trade tracking system for species managed by NAFO.

For the reasons he had expressed, the Japanese delegate requested that articles of the EU proposal relating to the imposition of trade restrictive measures be placed in square brackets. Also with respect to these paragraphs, the Canadian delegate indicated that further consideration of due process issues might be required. For example, states which NAFO had determined had not rectified their fishing behaviour would need to be advised and provided with an opportunity to respond. The United States noted that any provisions of a revised scheme that contemplate trade restrictive measures should offer guidance on the scope of those measures, notably the species involved.

The United States requested that article 6(2) and a related phrase in article 3(1) be placed in square brackets in order to allow time for further thought on the implications of expanding the Scheme's existing presumption of undermining NAFO Conservation and Enforcement Measures to all Non-Contracting Party vessels within the scope of the EU proposal, not just those sighted engaged in fishing activities. The delegate from Denmark (in respect of the Faroe Islands and Greenland) requested that the phrase "referred to in article 3" in article 6(1) be placed in square brackets as he believed the provision would be more effective if it dealt with all transshipment from Non-Contracting Party vessels. The square brackets around article 9(4) reflect the need for further discussion on the extent of information that should be publicized beyond NAFO Contracting Parties and Non-Contracting Parties whose vessels are included on the list.

Since parts of the text in the EU proposal remain in square brackets, it was acknowledged that STACFAC is not in a position to recommend to the General Council the adopted of such a revised scheme. This notwithstanding, the EU delegation reserved the right to present the proposal directly to the General Council. All STACFAC members then agreed that depending on the realization of that intent, and on the outcome of any discussions on this matter in the General Council, work (in particular with regard to articles in square brackets and perfection of the drafting) on the revision of the Scheme on the basis of the revised EU proposal (annex 6) should continue within STACFAC during the intersessional period.

It was noted that given the linkages in the subject matter to be discussed and for reasons of cost, it would be useful if STACFAC's intersessional work on the Non-Contracting Party Scheme could be held either coincident with or back to back with a STACTIC intersessional meeting as well as any joint session of STACFAC and STACTIC.

## **12. Report and Recommendations to the General Council**

STACFAC recommends to the General Council that:

1. the letter to Belize in annex 3 be signed by the President of NAFO and delivered to the Government of Belize by the European Union;
2. the letter to the Dominican Republic in annex 4 be signed by the President of NAFO and delivered to the Government of the Dominican Republic by the European Union;
3. STACFAC, at its 2004 regular meeting, begin to develop proposals to implement those provisions of the IPOA on IUU relating to regional fisheries management organizations it has identified for further work;
4. STACFAC, at its 2004 regular meeting, begin to assess whether additional provisions of the IPOA on IUU should be established in NAFO;
5. the General Council recommend to the Fisheries Commission that STACTIC play a role in the implementation of the IPOA on IUU in NAFO and specifically draw its attention to work that may be required pursuant to paragraphs 80.7, 80.10, 80.11, 80.14 and 81;
6. the General Council recommend to the Fisheries Commission that STACTIC and STACFAC meet intersessionally in joint session to consider implementation of the IPOA on IUU, the development of a trade-tracking system and the elaboration of a Scheme for Contracting Parties with content similar to that of the Scheme for Non-Contracting Parties; and
7. STACFAC meet intersessionally to conclude its work on the revised EU proposal, bearing in mind the reserved position of the EU to potentially raise the issue directly with General Council.

## **13. Other Matters**

No other matters were discussed.

## **14. Adjournment**

The Committee adjourned at 8:15 PM on Wednesday, 17 September 2003.

### **Annex 1. List of Participants**

Canada	Ms. Kym Purchase Ms. Allison Saunders
Denmark (in respect of the Faroe Islands and Greenland)	Mr. Andras Kristiansen Mr. Einar Lemche Mr. Bent Roll
European Union	Ms. Fuensanta Candela-Castillo Mr. Staffan Ekwall Mr. Ignacio Escobar
Iceland	Mr. Kolbeinn Arnason
Japan	Mr. Masanori Miyahara Ms. Keiko Suzuki Ms. Miwako Takase Ms. Keiko Tsuyama
Norway	Ms. Heidi Johansen Mr. Terje Lobach
Russian Federation	Mr. Leonid Kokovkin
Ukraine	Mr. Leonard Chepel
United States	Mr. Gene Martin Mr. Pat Moran Ms. Deirdre Warner-Kramer
<b>Observer</b>	
Food and Agriculture Organization	Mr. David Doulman

**Annex 2. Agenda**

1. Opening by Chairman
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 2003 information on activities of Non-Contracting Party vessels in the Regulatory Area
5. Review of 2003 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area
6. Review of information on imports of species regulated by NAFO from Non-Contracting Parties whose vessels have fished in the Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with Non-Contracting Party Governments concerning fishing in the Regulatory Area
8. Reports by Contracting Parties on legal, administrative and practical actions that have been taken to implement the NAFO Scheme to Promote Compliance by Non-Contracting Party Vessels
9. Assessment on implementation of the Food and Agriculture International Plan of Action on Illegal, Unreported and Unregulated Fishing (IPOA on IUU Fishing) within NAFO
10. Development on guidance on implementation of paragraph 11 of the NAFO Scheme including report of STACTIC on incorporation of the entire Scheme in the NAFO Conservation and Enforcement Measures
11. Proposals for modifications of the Non-Contracting Party Scheme
12. Report and Recommendations to the General Council
13. Other Matters
14. Adjournment

### **Annex 3. Letter to Belize**

Address (appropriate interlocutor, Belize Foreign Ministry and INMARBE)

Dear:

I am writing to you at the request of the Contracting Parties to the Northwest Atlantic Fisheries Organization (NAFO) following their annual meeting (15-19 September 2003). During the meeting, Contracting Parties examined information on activities of Belizean flagged vessels in the NAFO Regulatory Area as well as correspondence regarding these vessels received from INMARBE. You will recall from my letter last year that NAFO members were gravely concerned about the activities of six vessels flagged to Belize that had engaged in fishing activities which undermine the effectiveness of NAFO Conservation and Enforcement Measures: the Olchan, Oyra, Okhotino, Ostroe, Ostrovets and Kadri. NAFO members understand that Belize deregistered the first five vessels effective 4 February 2003. As well, NAFO members understand that the Belizean Cabinet approved a High Seas Fishing Act in October 2002 which, according to correspondence from INMARBE, "reinforces Belize's commitment to conservation in that it embodies the requirements of the FAO's Compliance Agreement 1993, the Fish Stocks Agreement 1995 as well as the IPOA" (International Plan of Action on Illegal, Unreported and Unregulated Fishing). NAFO members would appreciate receiving more information on this Act.

NAFO members are encouraged by Belize's adoption of a High Seas Fishing Act that incorporates the international instruments through which states have recognized that global cooperation is needed to prevent, deter and eliminate IUU fishing and have committed that states not party to regional fisheries management organizations are not discharged from their obligation to cooperate with those organizations. To discharge this obligation to cooperate, states have agreed to apply the conservation and management measures adopted by the organization or adopt measures consistent with those conservation and management measures and should in any case ensure that vessels entitled to fly their flag do not undermine such measures.

Integral to these undertakings is the need for flag states to be responsible towards their vessels and to ensure that appropriate enforcement action is taken against vessels that do undermine conservation and management measures adopted by regional fisheries management organizations. While this may mean deregistration of vessels, it is vital that other appropriate measures on the vessels' activity be considered. These include prosecution, withdrawal of licences to fish and sanctions that are adequate in severity to be effective in securing compliance, discouraging violations and depriving offenders of the benefits accruing from those activities.

There are tools available to assist flag states in pursuing the global approach needed to be a responsible flag state. For example, in doing the checks necessary to ensure that a flag state is not registering a vessel previously registered elsewhere and found to be engaged in IUU fishing, the International Network for the Cooperation and Coordination of Fisheries-Related Monitoring, Control and Surveillance Activities (International MCS Network) can be helpful. NAFO members would encourage Belize to become a member of the International MCS Network and designate a contact for it. You can find information on the International MCS Network in the FAO Technical Guidelines on the Implementation of the IPOA on IUU (pages 17-20 and Appendix II) and online at <http://www.imcsnet.org>.

It is essential that all flag states take steps such as those noted above to avoid registration of IUU vessels and to act responsibly in enforcement matters if flag-hopping, the repeated and rapid changes of a vessel's flag for the purposes of circumventing conservation and management measures, is to be successfully combatted.

With that in mind, NAFO members acknowledge the deregistration of the Olchan, Oyra, Okhotino, Ostroe and Ostrovets from the Belizean registry. Very regrettably, these vessels have now been registered in the Dominican Republic and have been sighted engaged in fishing activities in the NAFO Regulatory Area in August 2003. NAFO will now be pursuing this issue with the new flag state, the Dominican Republic.

However, further to correspondence dated 25 August 2003 from the NAFO Executive Secretary (GF/03-400), NAFO parties observed with great concern that the Kadri continues to operate under the Belizean flag in a manner undermining NAFO's conservation and management measures and has been joined by the Mikhail Boronin. NAFO's Conservation and Enforcement Measures and other information on NAFO may be found on the Organization's web site: <http://www.nafo.int>. NAFO members would ask that you take all appropriate measures to

ensure the compliance of these vessels with NAFO measures. With regard to the correspondence forwarded to NAFO for information from the owners of the Kadri, NAFO members trust that you will deal with these allegations appropriately pursuant to your High Seas Fishing Act and the instruments it embodies.

You should also be advised that given the recent increase in fishing activities that undermine NAFO conservation and management measures, NAFO is considering the adoption of more stringent measures to deal with IUU fishing.

I thank you in advance for your earliest possible attention to these matters and look forward to your prompt reply regarding any information on and actions taken vis à vis the Mikhail Boronin and the Kadri. NAFO members are also looking forward to further information on your High Seas Fishing Act and your intentions regarding involvement in the International MCS Network.

Sincerely,  
President of NAFO

#### **Annex 4. Letter to the Dominican Republic**

Address (appropriate interlocutor, Dominican Republic Foreign Ministry and registry office)

Dear:

I am writing to you at the request of the Contracting Parties to the Northwest Atlantic Fisheries Organization (NAFO) following their annual meeting (15-19 September 2003). During the meeting, Contracting Parties examined information on activities of vessels flagged to the Dominican Republic in the NAFO Regulatory Area. Information on these vessels was provided to you by a letter from the NAFO Executive Secretary dated 27 August 2003 (GF/03-404).

The vessels sighted engaged in fishing activity are the Seal, Oyra, Okhatino, Ostrovets, Olchan and Ostroe. Of these vessels, all but the Seal were sighted engaged in fishing activities in the NAFO Regulatory Area under the flag of Belize in 2002. At its 2002 annual meeting, NAFO members had expressed concern that the activities of these vessels were undermining the conservation and management measures of the Organization and requested Belize to take appropriate action. Belizean authorities investigated and subsequently deregistered the vessels. NAFO members are now greatly concerned that the vessels are continuing their fishing activities in the NAFO Regulatory Area under the flag of the Dominican Republic. This is an incidence of "flag-hopping", the repeated and rapid change of a vessel's flag for the purposes of circumventing conservation and management measures. The international community has noted the serious detrimental impact that flag-hopping has on fisheries conservation and has committed, inter alia in the FAO International Plan of Action on Illegal, Unreported and Unregulated (IUU) Fishing, to take all practicable steps to prevent it.

In addition, the international community has recognized that global cooperation is needed to prevent, deter and eliminate IUU fishing and has committed that states not party to regional fisheries management organizations are not discharged from their obligation to cooperate with those organizations. To discharge this obligation to cooperate, states have agreed to apply the conservation and management measures adopted by the organization or adopt measures consistent with those conservation and management measures and should in any case ensure that vessels entitled to fly their flag do not undermine such measures.

Integral to these undertakings is the need for flag states to be responsible towards their vessels and to ensure that appropriate enforcement action is taken against vessels that do undermine conservation and management measures adopted by regional fisheries management organizations. While this may mean deregistration of vessels, it is vital that other appropriate measures on the vessels' activity be considered. These include prosecution, withdrawal of licences to fish and sanctions that are adequate in severity to be effective in securing compliance, discouraging violations and depriving offenders of the benefits accruing from those activities.

There are tools available to assist flag states in pursuing the global approach needed to be a responsible flag state. For example, in doing the checks necessary to ensure that a flag state is not registering a vessel previously registered elsewhere and found to be engaged in IUU fishing, the International Network for the Cooperation and Coordination of Fisheries-Related Monitoring, Control and Surveillance Activities (International MCS Network) can be helpful. NAFO members would encourage the Dominican Republic to become a member of the International MCS Network and designate a contact for it. You can find information on the International MCS Network in the FAO Technical Guidelines on the Implementation of the IPOA on IUU (pages 17-20 and Appendix II) and online at <http://www.imcsnet.org>.

With the foregoing in mind, NAFO members would urge the Dominican Republic to take all appropriate steps to halt the undermining of NAFO conservation and management measures by these vessels. All of NAFO's Conservation and Enforcement Measures as well as additional information about the Organization may be found on the NAFO's web site at: <http://www.nafo.int>.

NAFO's Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO was sent to you by the Executive Secretary under cover of her letter of 27 August. You should be aware that given the recent increase in fishing activities that undermine NAFO conservation and management measures, NAFO is considering the adoption of more stringent measures to deal with IUU fishing.

I thank you in advance for your earliest possible attention to these matters and look forward to your prompt reply on any information you have with regard to the activities of the vessels mentioned above as well as any appropriate actions taken vis à vis these vessels. NAFO members also look forward to learning of your intentions with regard to the International MCS Network.

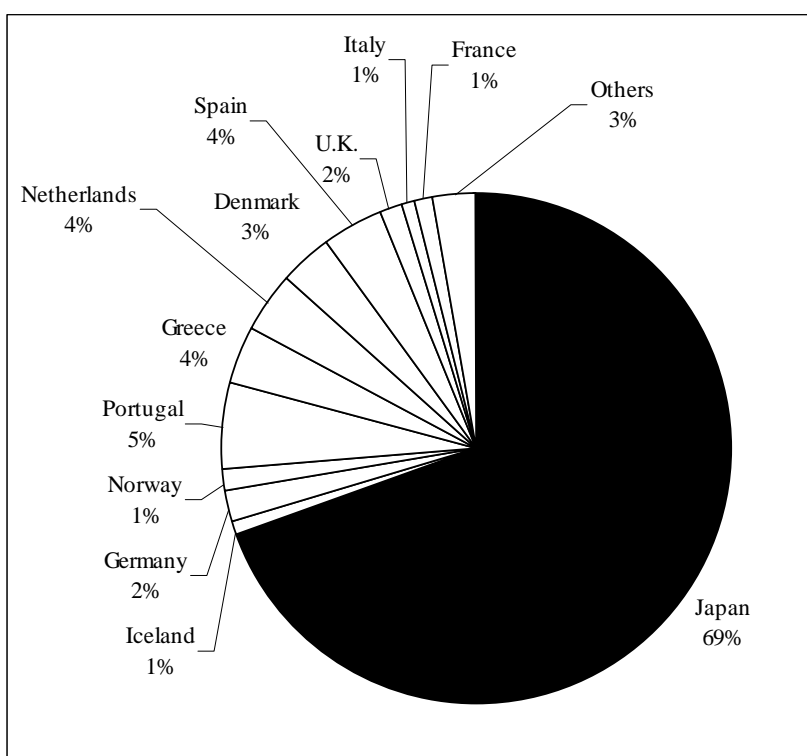
Sincerely,

President of NAFO

### Annex 5. Presentation by Japan on Import Statistics

Imports of Redfish (Frozen products) t (Quantity of Products)

	1998	1999	2000
Japan	45,791	45,955	47,837
Iceland	1,374	809	501
Germany	1,916	1,843	1,320
Norway	792	910	909
Portugal	4,654	4,110	3,832
Greece	2,979	2,667	2,475
Netherlands	2,232	3,828	2,774
Denmark	1,309	2,487	2,156
Spain	573	1,268	2,665
U.K.	899	968	1,090
Italy	678	728	583
France	614	601	790
Others	1,337	1,340	1,816
Total	65,148	67,514	68,748

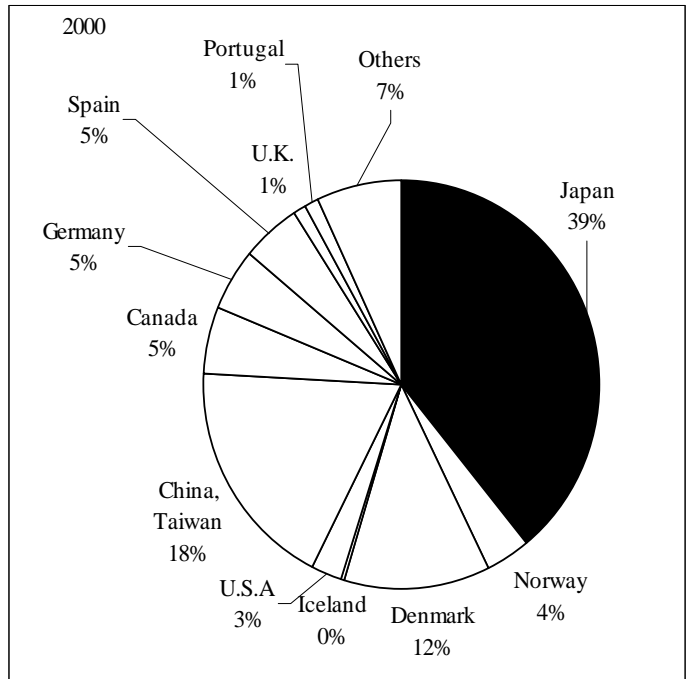


Source: FAO Fishery Statistics 2000

## Imports of Greenland halibut(Frozen products) t (Quantity of Products)

	1998	1999	2000
Japan	17,512	27,395	32,125
Norway	1,571	2,743	2,969
Denmark	9,147	9,785	9,934
Iceland	1,127	843	211
U.S.A	2,787	3,555	2,120
China, Taiwan	13,418	15,616	14,922
Canada	3,884	4,001	4,396
Germany	5,074	3,620	4,154
Spain	2,318	5,825	3,779
U.K.	1,635	1,217	935
Portugal	1,003	548	867
Others	3,175	5,411	5,800
Total	62,651	80,559	82,212

Source: FAO Fishery Statistics 2000



## Japanese imports of Halibut

	(Unit:t)	
	2001	2002
Russia	11,968	9,435
Iceland	4,986	7,820
Canada	1,605	3,601
Norway	2,863	2,631
Spain	826	2,333
China	426	1,461
U.S.	2,833	1,427
Greenland	1,395	1,396
Portugal	190	828
Denmark	331	667
Germany	511	623
Canary Islands	-	355
R.Korea	20	115
Estonia	32	105
Lithuania	165	98
Folk land	9	34
Georgia	-	23
Latvia	152	22
P.R.Korea	-	10
Vietnam	-	1
Iceland	134	-
Greece	75	-
Thailand	37	-
Netherlands	20	-
Belgium	2	-
Total	28,580	32,985

Source: Trade Statistics by Ministry of Finance of Japan

## Annex 6. Revised EU Proposal

### SCHEME TO PROMOTE COMPLIANCE BY NON-CONTRACTING PARTY VESSELS WITH RECOMMENDATIONS ESTABLISHED BY NAFO

*(These amendments are intended to replace Chapter VI of the CEM Overhaul, pending the final adoption of that document. Numbering of articles in this section would thus need to be corrected.)*

#### Article 1

##### Scope and Objectives

1. The measures contained in this Scheme are applicable to non-Contracting Party vessels engaged in fishing activities in the Regulatory Area of NAFO.
2. The purpose of the Scheme is to ensure the effectiveness of the Conservation and Enforcement measures established by the Organisation.

#### Article 2

##### Definitions

*(These definitions would be inserted in Article 2 of the CEM Overhaul, where those of 'Fishing activities' and 'Inspectors' are already included, pending final adoption of the Overhaul.)*

1. "non-Contracting Party vessel" means any vessel not flagged in a Contracting Party of NAFO, including vessels for which there are reasonable grounds for suspecting them to be without nationality.
2. "Fishing activities" means fishing, fish processing operations, the transshipment of fish or fish products and any other activity in preparation for or related to fishing in the Regulatory Area.
3. "Inspector" means an inspector of the fishery control services of the Contracting Parties assigned to the Scheme of Joint International Inspection and Surveillance.
4. "IUU" means activities as defined in paragraph 3 of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.

#### Article 3

##### Sightings of non Contracting Party vessels

1. A non-Contracting Party vessel which has been sighted engaging in fishing activities in the Regulatory Area [or which has been denied port access, landing or transshipment pursuant to Article 6] is presumed to be undermining the effectiveness of Conservation and Enforcement Measures. In the case of any transshipment activities involving a sighted non-Contracting Party vessel, inside or outside the Regulatory Area, the presumption of undermining Conservation and Enforcement Measures applies to any other non-Contracting Party vessel which has engaged in such activities with that vessel.
2. Information regarding such sightings or denials of port access, landings or transshipments shall be immediately transmitted to the Secretariat. For sightings, the Surveillance Report provided in Annex XII shall be used. The Secretariat shall then transmit this information to all Contracting Parties and other relevant Regional Fisheries Management Organisations within one business day of receiving this information, and to the Flag State as soon as possible.
3. The Contracting Party shall attempt to inform the vessel that it has been sighted engaging in fishing activities, or that it is being denied port access, landing or transshipment, and is accordingly presumed to be undermining the Conservation and Enforcement Measures, and that this information will be distributed to all Contracting Parties, other Regional Fisheries Organisations and to the Flag State of the vessel.

#### Article 4

##### Inspections at sea

1. NAFO inspectors shall if appropriate request permission to board non-Contracting Party vessels sighted as being engaged in fishing activities in the Regulatory Area. If the vessel consents to be boarded the inspectors' findings shall be transmitted to the Secretariat without delay. The Secretariat shall transmit this information to all Contracting Parties and other relevant Regional Fisheries Management Organisations within one business

day of receiving this information, and to the Flag State as soon as possible. The non-Contracting Party vessel which is boarded shall be provided with a copy of the findings of the NAFO inspectors.

2. Where evidence so warrants, a Contracting Party may take such action as may be appropriate in accordance with international law. Contracting Parties are encouraged to examine the appropriateness of domestic measures to exercise jurisdiction over such vessels.

## **Article 5**

### **Inspections in port**

1. When a non-Contracting Party vessel referred to in Article 3(1) enters a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials knowledgeable of the Conservation and Enforcement Measures (and this Scheme), and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, log books, fishing gear, catch onboard and any other matter relating to the vessel's activities in the Regulatory Area.
2. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and any subsequent action, shall immediately be transmitted to all Contracting Parties and other relevant Regional Fisheries Management Organisations through the NAFO Secretariat, and as soon as possible to the relevant Flag State(s).
3. Nothing in this Scheme shall affect the exercise by Contracting Parties of their sovereignty over the ports in their territory in accordance with international law.

## **Article 6**

### **Landings, transshipments and joint fishing operations**

1. Contracting Parties shall ensure that their vessels do not receive transshipments of fish from a non-Contracting Party vessel [referred to in Article 3] or engage in joint fishing operations with such vessels.
2. Landings and transshipments of all fish from a non-Contracting Party vessel to which this Scheme applies shall be prohibited in all Contracting Party ports if the vessel has on board any species listed in Annex XIX, unless:
  - (i) The vessel establishes that the fish were caught outside the Regulatory Area; or
  - (ii) The vessel establishes that it has applied all relevant Conservation and Enforcement Measures, in particular Part IV.]

## **Article 7**

### **Notification of presumed IUU activities**

1. When transmitting the information received in accordance with Articles 3 to 5 to the Flag State concerned, the Secretariat shall, in consultation with the chairman of the General Council, request that it take measures in accordance with its applicable legislation to ensure that the vessel or vessels in question desist from any activities that undermine the effectiveness of Conservation and Enforcement Measures, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels.
2. The Secretariat shall request the Flag State(s) to report back to NAFO on the results of enquiries and/or on the measures it has taken in respect of the vessel or vessels concerned. The Secretariat shall also provide the Flag State with a copy of this Scheme, advise of the dates when STACFAC will be considering the composition of the IUU List and encourage the Flag State to communicate any relevant information to the Secretariat in an expeditious manner. The Secretariat shall promptly distribute any information received to all Contracting Parties.

## **Article 8**

### **Reports on IUU activities**

1. Each Contracting Party shall report to the Executive Secretary by 1 March each year for the previous calendar year:
  - a) the number of inspections of non-Contracting Party vessels it conducted under this Scheme at sea or in its ports, the names of the vessels inspected and their respective Flag State, the dates and as appropriate, the ports where the inspection was conducted, and the results of such inspections; and

- b) where fish are landed or transhipped following an inspection pursuant to this Scheme, the report shall also include the evidence presented pursuant to Article 6(2).
- 2. In addition to sighting reports and information on sea or port inspections, Contracting Parties may at any time submit to the Secretariat any further information, which might be relevant for the identification of non-Contracting Party vessels that might be carrying out IUU fishing activities in the Regulatory Area.
- 3. The Executive Secretary shall prepare a report by 1 April each year, for the period corresponding to the previous calendar year, based on the reports and information received from the Contracting Parties as called for in this Scheme.

## **Article 9**

### **IUU vessel lists**

- 1. The Secretariat shall place on a provisional list of IUU vessels (hereinafter referred to as 'the Provisional List') the non-Contracting Party vessel or vessels identified as being engaged in fishing activities in the Regulatory Area, according to information received pursuant to Articles 3 to 5 and the reports mentioned in Article 8.
- 2. The Secretariat shall advise relevant non-Contracting Parties of the vessels flying their flag that have been included in the Provisional list. The Secretariat shall also place the Provisional List on a secure section of the NAFO website.
- 3. On the basis of the reports drawn up pursuant to Article 8(3), the information received from Flag States pursuant to Article 7(2), as well as any other relevant information submitted by Contracting Parties or Flag States which might be relevant for the identification of non-Contracting Party vessels that might be carrying out IUU fishing activities in the Regulatory Area, the Standing Committee on Fishing Activities of non-Contracting Parties in the NAFO Regulatory Area (STACFAC) shall consider the Provisional List and as appropriate recommend to the General Council that the vessels be removed thereof, or otherwise transferred to a confirmed IUU list (hereinafter referred to as 'the IUU List').
- 4. At the same time STACFAC shall undertake a review of the current IUU List and as appropriate recommend to the General Council that vessels are maintained therein or removed. STACFAC shall only recommend that the General Council remove a vessel from either the Provisional or IUU list if the Flag State of the vessel concerned satisfies the General Council that:
  - a) it has taken effective action in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity, or
  - b) it has taken measures to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing, or
  - c) the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner has not participated in IUU fishing, or
  - d) the vessel did not take part in IUU fishing activities.
- 5. The Secretariat shall [place the IUU list on a secure section of the NAFO website. This list shall include the following information ... .]

## **Article 10**

### **Follow-up action**

- 1. Contracting Parties shall take all the necessary measures, under their applicable legislation, in order that:
  - a) vessels appearing on the IUU list are not authorised to land or tranship in their ports or waters under their jurisdiction, but are inspected in accordance with the provisions of Article 5;
  - b) fishing vessels, including support vessels, refuel vessels, the mother-ships and cargo vessels flying their flag do not in any way assist, or participate in any transhipment or joint fishing activities with, vessels appearing on the IUU list.

- c) the issuing of licences to vessels appearing on the IUU list to fish in waters under their fisheries jurisdiction is prohibited;
  - d) the chartering of vessels appearing on the IUU list is prohibited;
  - e) the granting of their flag to vessels appearing on the IUU list is refused;
  - f) importers, transporters and other sectors concerned are encouraged to refrain from negotiating with and from transshipping fish caught by vessels appearing on the IUU list;
  - g) appropriate information regarding vessels appearing on the IUU list is collected and exchanged with other Contracting Parties or non-Contracting Parties with the aim of detecting, controlling and preventing false import/export certificates regarding fish from such vessels.
- [2. Notwithstanding the provisions of Article 6, paragraph 2, the General Council will recommend appropriate measures and, if necessary, trade restrictive measures to prevent vessels of non-Contracting Parties appearing on the IUU list from continuing the fishing activities in the Convention Area. Any trade measures under this paragraph will be import restrictions on the catch from these vessels and consistent with each Party's international obligations. The trade measures will be of such duration and under such conditions as the General Council may determine.]

### **Article 11**

#### **Action vis-à-vis Flag States**

1. Contracting Parties shall jointly and/or individually request non-Contracting Parties whose vessels appear on the IUU list to co-operate fully with the Organisation in order to avoid undermining the effectiveness of the Conservation and Enforcement Measures adopted pursuant to the Convention.
2. The General Council shall review, at subsequent annual meetings as appropriate, actions taken by such non-Contracting Parties and identify those which have not rectified their fishing activities.
- [3. The General Council shall decide appropriate measures to be taken in respect of non-Contracting Parties identified under paragraph 2. In this respect, Contracting Parties may co-operate to adopt appropriate multilaterally agreed trade related measures, consistent with the World Trade Organisation (WTO) that may be necessary to prevent, deter, and eliminate the IUU fishing activities identified by the General Council. Multilateral trade measures may be used to support co-operative efforts to ensure that trade of fishing products from the Regulatory Area does not in any way encourage IUU fishing or otherwise undermine the effectiveness of NAFO Conservation and Enforcement Measures which are consistent with the United Nations convention on the Law of the Sea 1982.]