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Northwest Atlantic Fisheries Organization



Report of the General Council

26<sup>th</sup> Annual Meeting, September 13-17, 2004  
Dartmouth, Nova Scotia, Canada

NAFO  
Dartmouth, N.S., Canada  
2004

**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

Northwest Atlantic Fisheries Organization



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Dartmouth, Nova Scotia, Canada

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A handwritten signature in blue ink, consisting of several fluid, overlapping loops and strokes, representing the name David Bevan.

David Bevan  
Chairman  
September 2004

Report of the General Council and its Subsidiary Bodies (STACFAD and STACFAC)  
26<sup>th</sup> Annual Meeting, September 13-17, 2004  
Dartmouth, Nova Scotia, Canada

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## **PART I**

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

**26<sup>th</sup> Annual Meeting, September 13-17, 2004  
Dartmouth, Nova Scotia, Canada**

#### **I. Opening of the Meeting (items 1-6 of the Agenda)**

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

The Meeting was opened by the Chair of the General Council, David Bevan (Canada).

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 Chair welcomed delegates to the 25<sup>th</sup> anniversary meeting of NAFO (Annex 2). He remarked that international fisheries had a long history on the Grand Banks and the Flemish Cap and remains part of our fabric and ties NAFO and its fishers historically, economically, socially and culturally. He pointed to the difficult times that the fishery has encountered during the past 25 years and to the need to invest in improved conservation, a strong science and a focus on stock rebuilding. He emphasized that the protection of ocean habitat and deep sea biodiversity has become more important than ever in light of biological limits being stressed in the world's ecosystems under an unprecedented combination of human activities and natural changes. While NAFO had made progress in addressing these issues in recent years, NAFO still had to strengthen its management and governance structure to manage the ocean resources in the NAFO Regulatory Area in a sustainable and profitable way. The Chair closed his opening statements by affirming the imperative role that close cooperation and collaboration play in facing the significant challenges.

The Heads of Delegations from Canada, European Union, United States, Ukraine, Korea, Russia, and Japan addressed their opening statements to the assembly (Annexes 3-9).

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

The Executive Secretary of NAFO, Dr. Johanne Fischer, was appointed as Rapporteur.

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

The adopted Agenda is attached in Annex 10.

##### **4. Admission of Observers**

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. IBFSC, ICCAT, ICES, NASCO and NPAFC were unable to attend. FAO was represented by Mr. Hiromoto Watanabe (Fishery Liaison Officer, Fishery Policy and Planning Division), NAMMCO by Mr. Kolbeinn Arnason of Iceland and NEAFC by the delegate of Denmark (DFG). Also, Mr. Joao Neves from the NEAFC Secretariat will attend STACTIC sessions. WWF has applied a few weeks before the Annual Meeting to obtain status as observer at General Council, Fisheries Commission and Scientific Council. According to the Rules of Procedure of General Council and Fisheries Commission the request came too late to be processed this year. However, Scientific Council granted observer status to two WWF delegates for its sessions: Ms. Charlotte Mogensen (Fisheries Policy Officer for the WWF European Policy Office) and Dr. Robert Rangeley (Atlantic Director for the WWF Canada).

The representative of FAO delivered a statement to the General Council (Annex 11).

## **5. Publicity**

The Secretariat submitted STACFAD WP 04/5 as a proposal for a new media policy of NAFO. Discussion of this proposal was deferred to STACFAD. 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 17, 2004 (Annex 12).

## **6. Record of Agreed General Council Decisions at the 2004 NAFO Annual Meeting**

Last year, delegates had agreed 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. The Secretariat presented the format it had used last year for this purpose. Delegates agreed that the format shown should be continued to be used and that a list of agreed decision should be elaborated by rapporteurs and presented at the end of the meeting (Annex 13).

## **II. Supervision and Coordination of Organizational, Administrative And Other Internal Affairs (items 7-10)**

## **7. Review of Membership**

(a) General Council and (b) Fisheries Commission. 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.

Four Contracting Parties (Estonia, Latvia, Lithuania and Poland) have acceded to the European Union and have therefore submitted official notifications of withdrawal from NAFO. They will be integrated in the Delegation of the European Union starting 2005. The four Contracting Parties in question all addressed General Council stating that they will remain active participants in the Organization as members of the European Union delegation. The European Union expressed that it feels honoured that these four countries joined the Union and that, as the EU delegation operates by consensus, these NAFO Contracting Parties will indeed have an influence on the EU policy as active fishing states.

## **8. Administrative Report**

Discussion of the 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. Update on the web and electronic publications by the Secretariat**

The Executive Secretary introduced new features of the NAFO member pages that have been re-organized some months ago. Electronic versions of the General Council and Fisheries Commission Meeting Proceedings and Scientific Council Meeting Reports have been elaborated. The Annual Report is now an electronic publication only and accessible through the NAFO website. The changes were noted by delegates and the Secretariat commended for its continued efforts to improve electronic communication.

## **10. Timely submission of fishery statistical data (request by SC)**

In June 2004, Scientific Council's Standing Committee for Research Coordination had noted that there was a widespread lack of respect for the STATLANT submissions and particularly for the submissions of the STATLANT 21B and recommended that the General Council be reminded of the importance of these STATLANT data to the work of the Scientific Council (SC WP 04/22). As these recommendations mainly

addressed Fisheries Commission, it was decided to defer this agenda item to the Fisheries Commission and invite SC Chair to present the recommendations in person to the Commission.

### **III. Coordination of External Relations (item 11)**

#### **11. a) Report of Executive Secretary on North Atlantic Regional Fisheries Management Organizations (NARFMO)**

The Executive Secretary reported on the North Atlantic Regional Fisheries Management Organizations (NARFMO) Meeting that took place in March 2004 in London. This regular meeting represents an important opportunity for Executive Secretaries of similar organizations to discuss work-related issues, coordinate their activities, and inform each other of innovations and progress achieved so far. In March 2004, IBSFC, NAMMCO, NASCO, NEAFC and NAFO Secretariats discussed a number of issues, e.g. practical cooperation on IUU fishing; exchange of information regarding the ecosystem approach to fisheries management; media and NGO attendance at meetings. It was agreed to hold the next meeting in conjunction with the fourth FAO Regional Fishery Bodies Meeting in Rome in 2005.

Denmark expressed support for the efforts of coordinating activities by the Secretariat of different Fishery Bodies and suggested that, for improved efficiency and feedback, in the future the NAFO Executive Secretary should decide who should represent NAFO at the meetings of other organizations. This proposal was accepted by General Council.

#### **b) NAFO's accession to the Fishery Resources Monitoring System (FIRMS) Partnership**

The Executive Secretary introduced a proposal from the NAFO Secretariat supported by Scientific Council to accede to the Fishery Resources Monitoring System (FIRMS). FIRMS is a partnership of international organizations, regional fishery bodies and national scientific institutes to report and share information on status and trends of fishery resources within a formal agreement. This information is published through the Fisheries Global Information System (FIGIS), a web-based information management tool operated by FAO. The Executive Secretary draw the attention of delegates to Annex 2 of the Partnership Agreement that is different for each FIRMS member and, in the case of NAFO, was drafted based on previous recommendations from Scientific Council and on discussion during the first meeting of the FIRMS Steering Committee. Scientific Council recommended that the General Council approve the FAO/FIRMS and NAFO Partnership Arrangement.

Delegates agreed that NAFO joins the FIRMS Partnership Arrangement as presented in GC Working Paper 04/3.

### **IV. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention (items 12-15)**

#### **12. Report of STACFAC and joint STACFAC/STACTIC June Meetings**

The June 2004 STACFAD reports were covered under agenda item 14.

#### **13. Consideration of Non-Contracting Party activity in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting.**

Canada reported that eight NCP vessels had been sighted in the NAFO Regulatory Area since the last Annual Meeting and proposed that STACFAC carefully consider all NCP vessel occurrences in the NAFO Regulatory Area and provide General Council with recommendations regarding a sensible approach to deal with this issue. This was agreed and the matter referred to STACFAC.

#### **14. Report of STACFAC at the Annual Meeting and decisions on actions**

STACFAC Chair, Ms. Nadia Bouffard (Canada), presented the STACFAC Report to General Council including a list of recommendations asking General Council to:



1. remind Contracting Parties of their obligations to inspect the Non-Contracting Party vessels when they enter Contracting Party ports, and to prohibit landings and transshipment from these Non-Contracting Party vessels, where warranted. Information shall be sent without delay through the Secretariat to all NAFO Contracting Parties, with a view to tracking the activities of these Non-Contracting Party vessels.
2. ask the Secretariat to compile a package on the history of Non-Contracting Party fishing vessels using a similar format as is used in the International Commission for the Conservation of Atlantic Tunas, to facilitate discussion at future STACFAC meetings;
3. have the letter in response to the sightings of Dominica-flagged vessels engaged in IUU fishing activities drafted by STACFAC and approved by General Council delivered by the EU to the Dominica representative in Brussels as a diplomatic démarche. Canada and USA have consented to participate in this démarche and other NAFO Parties are encouraged to also be part of this démarche.
4. mandate STACFAC to review and continue discussions on the Norwegian proposal (STACFAC Working Paper 04/8) on joint NAFO and NEAFC scheme to promote compliance by Non-Contracting Party vessels at the next NAFO annual meeting.
5. task the Executive Secretary to draft a response to the Belizean letter inserting paragraphs developed by STACFAC regarding the issue of Co-operating Non-Contracting Party status in NAFO as well as the availability of quotas.

Delegates adopted all recommendations by STACFAC. Norway requested that STACFAC WP 04/8 be annexed to the STACFAC report.

#### **15. Dispute Settlement Procedures**

Canada tabled GC Working Paper 04/4. The EU voiced concerns that this Working Paper appeared to ignore past efforts to resolve this issue and requested more time to further investigate the Working Paper and how it should be interpreted. Canada agreed that further discussions are needed to reconcile the different opinions within NAFO and suggested that the procedures for dispute settlement to be devised for NAFO should be in agreement with those described in the UN Fish Stock Agreement. The matter was deferred for discussion to the next Annual Meeting in 2005.

### **V. Finance (items 16-17)**

#### **16. Report of STACFAD at the Annual Meeting**

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

- 1) Contracting Parties take immediate action to meet their financial obligations and bring financial stability to the Organization.
- 2) Contributions from Bulgaria be deemed uncollectible and that this amount be applied against the accumulated surplus.
- 3) The minimum balance in the Accumulated Surplus Account be \$125,000 in order to fulfil the financial obligations of the Organization in early 2005.
- 4) The discussion exploring a headquarters agreement for NAFO be deferred to the next Annual Meeting in 2005 to allow further analysis of this issue.
- 5) The General Council adopt the Media Policy concerning the conditions for attendance by media representatives at NAFO meetings outlined in Annex 4 of the STACFAD Report.
- 6) The General Council adopt in principle the recommendations contained in STACFAD W.P. 04/1 concerning a new NAFO classification system for the Secretariat Staff, but defer the decision as to the exact level of compensation to the next Annual Meeting.
- 7) The Working Group, recommended to be set up under recommendation 8 (STACFAD Agenda Item 12) to re-examine the NAFO Staff rules, also discuss issues connected to the special work situation of the NAFO

staff, including their benefits and responsibilities, in comparison with Canadian government employees.

- 8) A Working Group be established to assist in this revision of the Staff Rules and this Working Group will be composed of the Executive Secretary, a representative of the NAFO Staff, Canada, EU, and the Chair of STACFAD
- 9) Endorsement of a Staff Association and Staff Representative.
- 10) Endorsement of the STACFAD WP 04/4 – Staff Committee.
- 11) General Council appoint the three nominees to the Staff Committee for one year.
- 12) After extensive discussions were held on the subject, there was no consensus on the means to adjust the Executive Secretary's salary or to modify the ceiling on the renewal of the Contract contained in Staff Rule 4.1.
- 13) For 2005, the specific goals for evaluating the eligibility of the Executive Secretary for a performance pay allowance are the following:
  - Re-structure the public NAFO webpages to increase user friendliness and access to NAFO-related information by the public and to enhance NAFO's profile in the public
  - Develop the NAFO electronic Journal
  - Propose necessary changes to the Staff Rules taking into account the specific situation of the NAFO Secretariat, the regulations of the Canadian government and UN regulations.
  - Contribute with substantial information to the determination of the level of compensation to be added to NAFO staff base salaries. This information should include definition of missing employment benefits in NAFO in comparison with Canadian government employees and, where possible, determination of the financial consequences this might entail. It also should detail added responsibilities and duties of NAFO staff that their peers employed by the Canadian government are not expected to perform.
  - Maintain effective capacity to produce the information requested by STACTIC for an annual compliance report to the Fisheries Commission.
- 14) A budget of \$20,000 be included in the 2006 and 2007 budget forecast, to be used for the purpose of hosting a NAFO Reception.
- 15) The budget for 2005 of \$ 1,499,000 be adopted. This figure was later revised (see item 17 below).
- 16) The dates for the 2007 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:
  - a. Scientific Council - 12-21 September
  - b. General Council - 17-21 September
  - c. Fisheries Commission- 17-21 September

## **17. Adoption of Budget and STACFAD Recommendations for 2005**

General Council Chair informed meeting participants that Contracting Parties had reached a decision regarding a salary raise from 1 January 2005 and the allocation of a performance bonus regarding 2004 for the Executive Secretary and that they deferred a decision regarding alteration of the ceiling of contract renewal to the next Annual Meeting. He also stated that as a result of additional requirements by General Council, the budget had to be raised by \$25,000. Therefore, a budget of \$1,524,000 for 2005 was adopted.

Regarding item 16.6) above, the European Union noted their concern regarding the lower benefits that NAFO Secretariat staff receive in comparison with Canadian Government employees. The EU announced that for discussion of this matter at the next Annual Meeting, it will be important that the level of compensation be set at an adequate level, which should be no lower than 10%.

All other recommendations of STACFAD were adopted without further discussion.

**VI. Closing Procedures (items 18-21)****18. Time and Place of the Next Annual Meeting**

The Estonian delegate issued an invitation for the next Annual Meeting to take place in Tallinn. Delegates welcomed the invitation and thanked Estonia for the kind offer. The 27<sup>th</sup> Annual Meeting will thus be held in Tallinn, Estonia, at the following dates:

Scientific Council	-	19-23 September 2005
General Council	-	19-23 September 2005
Fisheries Commission	-	19-23 September 2005

**19. Other Business**

No other business was discussed.

**20. Press Release**

The Executive Secretary drafted a Press Release that reflects the review and changes by the NAFO President (Annex 12).

**21. Adjournment**

The meeting adjourned at 14:00, September 17, 2004.

## Annex 1. List of Participants

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## **Annex 2. Opening Speech by the Chair of General Council, David Bevan (Canada)**

Distinguished delegates, ladies and gentlemen,

With the 25<sup>th</sup> anniversary of NAFO, it is indeed an honour and a pleasure for me to serve as your Chair at this year's NAFO annual meeting.

As some of you will remember, I have spent many years working in various NAFO committees and meetings. I must say that I have always enjoyed the openness and professionalism that has transpired from those meetings.

As we begin today, I want to reflect on the importance of the work that this Organization undertakes.

Even before 1497, fisheries have been prosecuted on the Grand Banks and Flemish Cap, flourishing for most of its 500-year history. The northern cod stocks were the most bountiful food resource in the world. The great fishing fleets of Europe - the French, Spanish, Portuguese and English - had prosperous fisheries that led to the settlement of communities in Canada.

Despite many changes over the centuries, the fishery remains part of our fabric and ties us and our fishers historically, economically, socially and culturally.

The last 25 years have presented substantial challenges to NAFO. We have had difficult times - over at least the last 15 years dealing with collapsing groundfish stocks and the harsh reality of moratoria.

NAFO has always recognized the need to invest in improved conservation, the need for strong science, and a focus on stock rebuilding. Significant progress has been made, and as an organization, we all can take credit for what has been done.

While NAFO has over the years taken steps towards improving stock conservation, there are major challenges ahead of us to achieve the rebuilding of stocks that are fundamental to the life of so many coastal communities.

Many stocks continue to be at historically low levels, despite the fishing moratoria we have established. Progress to stock rebuilding has been very slow and fragile. Achieving recovery depends upon political will, the actions taken at NAFO to adopt the right conservation measures, and ensuring that these measures are implemented and adhered to.

But these are our day to day challenges. There are larger threats to fish stocks and NAFO is not the only one facing these threats. The biological limits of the world's marine ecosystems are being strained under an unprecedented combination of human activities and natural changes.

As a result, protection of ocean habitat and deep sea biodiversity has become more important than ever. Science is making great efforts to explain what those of us in fisheries have known for a long time – the elements of marine ecosystems are interconnected. How we manage human activities that impact particularly sensitive benthic areas such as seamounts, hydrothermal vents and cold-water corals will be reflected in the sustainability of fish stocks depending on these unique and vulnerable habitats.

We all know that over 70% of the world's fish stocks are fully or over exploited. World demand for protein, overcapacity in the fishing industry and the challenges of ensuring compliance are exerting tremendous pressures on many fragile ecosystems. As fisheries managers, we have a responsibility to work on the better use of marine resources. The Grand Banks are a very important and rich marine ecosystem that we have to use in a measured way.

While NAFO has been very conscious of these challenges and has made progress in addressing them in recent years, our job is far from finished. In the next quarter century, NAFO will need to strengthen its management and governance structure to manage the ocean resources of the NAFO Regulatory Area in a sustainable and profitable way.

Close cooperation and collaboration are essential to achieving our shared objectives of stock recovery, conservation and sustainable development for present and future generations. Given the interdependent reality of our world, they are imperative.

The challenges are significant. I am confident that through your leadership, NAFO will meet these challenges,

I would like to thank the NAFO Secretariat for the excellent arrangements undertaken for this meeting.

Thank you. I would now like to open the floor for opening statements.

### **Annex 3. Opening Statement by the Representative of Canada** (Jean-Claude Bouchard)

Mr. Chairman, distinguished Representatives, Ladies and Gentlemen,

Let me first introduce myself – my name is Jean-Claude Bouchard and I am the Associate Deputy Minister of Fisheries and Oceans Canada.

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

Mr. Chairman, we have experienced major challenges during the past 15 years. The fishing communities in Atlantic Canada, in particular, have suffered enormously.

NAFO Contracting Parties also have seen their share of difficult times. In particular, we have all had to deal with the hard reality of moratoria and the need to ensure strong conservation and enforcement measures.

Last year, NAFO responded positively and constructively to the evidence of a declining Greenland halibut stock and adopted a comprehensive, long-term strategy to rebuild the Greenland halibut stock.

Recovery will be possible only if we adhere to the established quotas and ensure that catches remain within these quotas. It is essential that we renew our commitment to the Rebuilding Plan and its effective implementation.

As NAFO parties, we have a responsibility not to let history repeat itself. We need to ensure the recovery of important stocks such as Greenland halibut as well as other groundfish and flatfish stocks.

Mr. Chairman, Canada has worked hard with other Contracting Parties for the recovery of straddling stocks. Yet, despite the continuing moratoria for stocks such as 3NO cod and 3LNO American plaice, we have seen no significant results – catches of these stocks have increased in recent years and are jeopardizing their rebuilding and recovery.

NAFO also has another important responsibility, and that is to ensure that agreed enforcement measures are respected in the NAFO Regulatory Area.

Non-compliance continues at an unacceptable rate in the NAFO Regulatory Area. In early May of this year, Canada increased its patrol presence in the NAFO Regulatory Area to detect and deter non-compliant fishing activities. To date, over 100 boardings and inspections have taken place this year with relatively few citations issued. We believe that the enhanced inspections have served as a deterrent and succeeded in changing fishing behaviour.

However, this is not enough. We need to see longer lasting change. Members and flag States need to take stronger actions to help deter and change these illicit behaviours in a more lasting way.

Moreover, there is no common approach to port inspections when vessels that have been cited for serious infringements return to port. In addition, strong follow-up on infringements is lacking in many instances. Without strong deterrents, non-compliance will continue to threaten stocks under moratoria.

We have a long and difficult road ahead to ensure the rebuilding of once plentiful stocks. Many stocks continue to be at historically low levels, despite the fishing moratoria. Progress towards stock recovery is very slow, and fragile. Achieving recovery depends on the actions taken around this table, to adopt the right conservation and enforcement measures, and back home, to ensure their adherence by fishing fleets.

It is clear to us that the well-being of groundfish and shrimp stocks – and the economic future of our fishing communities – depends upon the decisions we make here once we return home.

It is for this reason that NAFO is so important to the people who are represented by everyone around this table. In the absence of a commitment by all Contracting Parties to stock rebuilding and sustainable fishing practices, the future of our fishing industry is bleak. Canadian fishermen from Canada's Atlantic coast have nowhere else to go. Their future is directly and uniquely dependent on the success of NAFO in meeting its responsibility. We are accountable to them and to all fishermen who have and hope to continue to benefit from the fisheries resources of the Northwest Atlantic.

This meeting is being watched very closely in Newfoundland and Labrador, in Atlantic Canada and elsewhere in Canada. The level of scrutiny reflects not only the importance of the outcome to domestic interests, but also an increasing scepticism that NAFO can successfully address the challenges it must face.

This growing Canadian frustration with NAFO's performance has been expressed politically in the form of demands for strong action by the government to assert Canadian interests in the protection of straddling groundfish stocks.

Canadians expect strong action from NAFO to protect and rebuild stocks.

With this as a backdrop, I want to be clear about the Government of Canada's objective for this meeting. Our intent, and commitment, is to work with all Parties to achieve an objective which I believe we all share – to find ways to make NAFO more effective at rebuilding and managing the fish stocks of the Northwest Atlantic.

There is one issue that is particularly important for Canada in making NAFO work and that is to address currently unregulated stocks. Given pressures on stocks worldwide, it is unacceptable for states to allow these stocks to be fished in the absence of proper harvest limits.

We believe that making NAFO work can be advanced by showing that we are detecting problems of compliance; that there is a harmonized approach to at-sea and port inspections, that all Contracting Parties are following up to deter non-compliance; that we are adopting more effective conservation measures; and by demonstrating that science is the basis for setting TACs.

Making NAFO more effective is a collective challenge. Canada believes that this Organization can find the will to continue to strengthen its performance.

I am hopeful that all Contracting Parties will come together in a shared commitment, a shared purpose, and a shared priority to fisheries conservation, stock rebuilding, and sustainable fisheries management.

Canada is looking forward to a constructive and positive dialogue at this session – one which advances the interests of this Organization and its members, and provides a brighter future for all who depend upon the fisheries resources under our stewardship. Thank you.

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

Mr Chairman, distinguished delegates, ladies and gentlemen

It is a great pleasure for me and my Delegation to be in Dartmouth for the 2004 Annual Meeting of NAFO. My Delegation is composed of both fisheries managers from my Member State Administrations and representatives of our fishing industry. We would like to thank Dr Fischer and the NAFO Secretariat for the excellent arrangements provided for this meeting.

I believe that this meeting will be particularly important in view of a number of challenges that NAFO is facing and certain adjustments that are required due to changing political circumstances. These issues need to be taken seriously by all NAFO Parties – affecting as they do the effectiveness of this multilateral organisation.

NAFO has, in fact, been subject of critical comments and scrutiny since our last meeting, in particular here in Canada, where NAFO is often compared to “a toothless tiger” by its critics. Non-Canadian fishing vessels, which in actual fact operate on less than 10 % of the fishing grounds on the Grand Banks, are frequently stigmatised unfairly in the press as being responsible for the destruction of key stocks in this Area.

It has even been argued by some commentators that Canada should extend its jurisdiction over the entire Grand banks and Flemish Cap through what is referred to as “custodial management”, a concept which remains mysteriously ill-defined and unexplained to us.

We believe if such action was undertaken, it would run counter to international law and seriously undermine NAFO, besides being predicated on basically unfair assumptions. We therefore wish to express our strongest political and legal reservations about such a line of action, and wish to sensitise all NAFO Members in this respect. NAFO’s Regulatory Area is, by definition, international waters for which this Organisation has been conferred competence, a competence that should not be diminished, but rather the contrary, reinforced by Members. The European Community is fully committed to the work of NAFO and to ensuring the conservation and management of the fishery resources in the NAFO Area. We believe all NAFO Parties must be equally associated to this common commitment.

In this regard, the Community proposed last year a 15-year Re-Building Plan for Greenland halibut. That plan was tabled following an unprecedented change in the scientific advice from 2002 to 2003. We took the initiative to propose this plan despite that it was our own fleet which would have to make the biggest sacrifices in reducing its fishing catches in 2004 compared to 2003. I must stress that this very drastic measure, unprecedented in its severity in international fisheries management terms, will continue to require a very intense effort over the next years.

The fact that all NAFO Parties supported our proposal and that those actively involved in the fishery in the NAFO area, committed themselves to a substantial reduction in catches over many years, eloquently demonstrates that NAFO can and does take decisive action and is not a “toothless” tiger. Regrettably, this fact has been ignored by media and those which see as their mandate to undermine the activities of this Organisation.

The adoption of this Rebuilding Plan further demonstrates the determination of the NAFO membership to take strong action and not to repeat past mistakes on many key stocks which are now under moratoria.

It should therefore be the aim of this Organisation to make it clear to the international community and media that it intends to fulfil its mandate to ensure the sustainable management of our stocks. We need a much higher profile internationally to ensure that NAFO’s work is fully understood.

I wish to draw the attention of delegates to a recent debate which risks undermining the Joint Inspection Scheme of NAFO. It is well known that the views of the European Community and those of Canada differ in respect of the status held by the NAFO Inspection Scheme in respect of the provisions of the United Nations Fish Stocks Agreement of 1995. Canada has made clear that it views the NAFO scheme as not being consistent with the Agreement, and that on such grounds, Canada reserves the right to apply the Agreement vis-à-vis any other NAFO Party that has ratified it, even if such application entails actions that do not respect NAFO provisions. In particular, this might imply the right of the inspection state under certain circumstances to bring a vessel to port, even in the absence of flag State consent.

We have made it quite clear to that Member that the European Community does not agree with such an interpretation of the UN Fish Stocks Agreement, which amounts to negating the power of Regional Fisheries Organisations, such as NAFO, to implement what their status already implies: a regional multilateral approach to fishery regulation and control based on international cooperation. Such interpretations further result in nullifying NAFO rules and creating discriminatory treatment among the membership. We strongly draw Contracting Parties attention to the seriousness of this debate.

The application of NAFO's boarding and inspection scheme has also received special attention following an initiative to increase considerably inspection activities, allegedly to address systematic non-compliance by Non Canadian fishing activities.

It is worth noting that these increased inspection activities have not led to a higher number of citations for infringements than in previous years, which reinforces the view that the compliance picture is not as bad or dramatic as it is often painted.

In any case, I must stress a number of points that are of great concern to our delegation; first, it is appropriate to recall that the boarding and inspection scheme is a carefully negotiated instrument intended to strike a balance between fishing interests and control needs. However, EC vessels continue to be over-inspected in relative terms compared to fishing vessels of other NAFO Members in the area. Furthermore, instances where inspection teams do not respect the agreed procedures in the Scheme, continue to be reported. We therefore insist that the Scheme is implemented objectively and in full respect of its provisions.

Mr Chairman, finally I would like to state that it is with great pleasure that the EC has welcomed Estonia, Latvia, Lithuania and Poland to its membership in May 2004. Co-operation within NAFO with these four countries had always been very cordial and productive. We are convinced, by having worked closely together already since 2003, that the enlarged Community cannot but enhance its commitment to the success of NAFO with the help and assistance of its new Members.

Mr Chairman, ladies and gentlemen, my Delegation looks forward to working with you all on these and other important matters during this meeting.

**Annex 5. Opening Statement by the Representative of the United States**  
(Jack Dunnigan)

Thank you and good afternoon, Mr. Chairman, Fellow colleagues, Ladies and Gentlemen

On behalf of the United States of America let me say that we are pleased to be back again with our colleagues to discuss important issues for the conservation and management of the fisheries of the Northwest Atlantic Ocean – particularly this year as we celebrate the 25<sup>th</sup> Anniversary of the Northwest Atlantic Fisheries Organization.

At times like these we tend to look back and remember the highlights of the past, and that is as it should be. But let us also emphasize that NAFO is an organization with a future as well as a past. And the future holds ample opportunities for the parties around the table to forthrightly address the issues that bind us together. Our world is changing, and the requirements for fisheries conservation are changing as well. NAFO, like many other regional fisheries management organizations and like many of our internal fisheries management programs, has traditionally focused on single-species management strategies. But as our world changes, we will inevitably be challenged to move to newer, more comprehensive approaches.

We will be challenged to look more broadly at marine ecosystems. Our fish stocks and the oceans that they live in and the seabed are all interrelated. The international community is becoming more aware of the needs of safeguarding important values associated with habitat areas of particular concern. In the NAFO Convention area, many areas such as sea mounts have been identified that ought to receive special attention. The NAFO Scientific Council provided global leadership in providing needed focus and attention to these areas. These areas support a diverse array of species including cold water corals that are particularly vulnerable, and are a very important part of the ocean web that supports our fisheries.

Many issues that are being considered by the international community may have particular application to NAFO. FAO, for example, has noted particular concerns for sharks and closely related skates and rays, and for fishing capacity, both of which are issues that have been dealt with around this table. The United States continues to believe that NAFO needs to move forward with measures to conserve skates, and we will be looking very closely at the advice that we receive from the Scientific Council.

Improved systems of compliance and inspection will need to be a part of the future if NAFO is going to be effective. We note that at this meeting there will be an organized review of contracting party compliance through STACTIC, and we welcome that. Our anticipation is that NAFO will continue to build on the review to create a comprehensive suite of measures to support compliance by all parties fishing in the NAFO regulatory area. This is essential to having an effective program of control for non-contracting parties.

And our future will also, we believe, require that we openly discuss and prepare to improve NAFO's approach to bycatch. The United States continues to be concerned that NAFO cannot meet its goals for our shared fisheries without a more effective approach to controlling the incidental harvest of non-target species, including many that are subject to moratorium.

And so we believe that NAFO has a significant future ahead of it. The United States hopes to be a vital part of that future. Unfortunately, it is increasingly difficult for the United States to view its commitment to NAFO as being consistent with the investment that we make. Although we very much appreciate the interest and assistance that we received from our colleagues over the past year in pursuing fishing opportunities in the NAFO Convention Area, we continue to be disappointed that these efforts have not yet led to concrete results. We continue to believe that our position as a coastal state, our tradition of fishing in the Northwest Atlantic, and our substantial investment in time and money and leadership within NAFO warrant recognition with the NAFO system for allocations. It continues to be very difficult to justify the level of our country's commitment without having reasonable and practical fishing opportunities for our fishermen.

In closing, Mr. Chairman, let me also introduce to our colleagues around the table our new NAFO Commissioner representing our industry, Mr. James Salisbury. We will also be joined tomorrow by our new Commissioner representing the New England Fishery Management Council, Mr. John Pappalardo. I have had the pleasure of working with both Jim and John for a number of years. They look forward to meeting with all of you and your industry representatives, and working together to secure NAFO's future.

Thank you very much, Mr. Chairman.

## **Annex 6. Opening Statement by the Representative of Ukraine** (Vasyl Chernik)

Dear Chairman, Colleagues, Ladies and Gentlemen:

The Ukrainian delegation welcomes all the participants of the Northwest Atlantic Fisheries Organization anniversary session and wishes a successful meeting for all of us.

I believe we all remember the very important event in the history of fisheries in the Northwestern Atlantic, which occurred 25 years ago: the time when a new regional fisheries organization - NAFO - was established and took responsibility for the management of marine living resources in one of the richest fishing grounds on the planet. History of fisheries in the region counts at least 5 hundred years or even more. Fisheries in the area for many decades and centuries were the source of livelihood and income either for local coastal communities as well as for fishermen of long distance fleets from the countries at the other side of the Atlantic.

Addressing these welcome words to all the attendants, I would like to briefly remind of Ukrainian history of fisheries in the region. The Ukrainian fleet started fishing in the Northwest Atlantic in early 1970-ies under the Soviet Union flag – the time of NAFO predecessor (ICNAF). At that time, up to 10 medium and large Ukrainian trawlers operated at the shelf areas off New England and Nova Scotia, moving further north to Newfoundland and Labrador waters with later fisheries development. In 1975, Ukrainian catch in the Northwest Atlantic was above 130000 t, which was about 20% of the total Ukrainian distant water catch in the World Ocean. On average, Ukrainian catch in the area during 1971-1977 was equal to 10% of total distant water catch of Ukraine.

The Ukrainian fleet left the Northwest Atlantic in 1978 after introduction of the 200-miles exclusive economic zones. During that time we survived during difficult adaptation and hard learning of transition from fishing at the shelf waters of the ocean to operations in the high seas of Pacific, Indian and Antarctic Oceans.

Ukraine gains priceless experience of the operations in the regional fisheries management bodies areas, first of all in CCAMLR, and in the 200-miles EEZs of coastal countries. For all these years, Ukraine developed fisheries strictly founded on scientifically-based, rational, long-term use of marine living resources.

Ukrainian fishermen returned to Northwest Atlantic waters in 1994. During the 1990-ies, from 1 to 5 medium trawlers were operating again in the area searching for northern prawn at Flemish Cap under flags of Lithuania and Russia.

Ukraine joined NAFO in 1999, that hard time when stocks of many principal species such as cod, halibut and several others were overfished despite NAFO existence and efforts to manage fisheries on rational non-exhaustive manner. This is evidence of the fact that the current approach to management of marine living resources often are not based on sound scientific advice. Short-time interests of fishing companies or local communities sometimes prevail over long-term benefits of rational exploitation of marine living resources. In many cases, NAFO has no essential data for proper resources state prediction, responsible scientific and management advice. Research level which member countries may allow often does not bring information necessary for multi-species and of course ecosystem modeling of Northwest Atlantic.

Ukrainian vessels have been operating under Ukrainian flag for the third year already (2001, 2003, and 2004). We operate with strict compliance of all the conservation measures, fishery regulation, quota and fishing effort levels.

Ukraine comes to NAFO with firm expectancies to bring here all the best from our more than 40-years experience of research and fisheries management of World Ocean living resources. We intend to support all the efforts of Contracting Parties aimed at sound management of the fisheries in the region. We are ready to jointly fight against IUU fishing, bring efforts for fisheries research, observe the “Code of conduct for the responsible fisheries” and apply precautionary approach. Ukraine intends to support all the initiatives directed to long-term, rational use of the marine living resources, we support rebuilding plans of overfished species. We respect coastal state rights and respect interests of nations habitually fished for marine living resources of the Northwest Atlantic and not the last decade only.

At the same time, we expect that Contracting Parties will consider Ukraine not as a newcomer claiming extra rights which it cannot expect, but as a nation which has 30-years history of fisheries in the region and long-term history of



marine fisheries, fisheries research which were pioneering in the many areas of the World Ocean and have experience of non-exhaustive management of marine living resources.

Once again let me congratulate all of you with the start of anniversary NAFO session and wish all of us fruitful work.

Thank you for your attention.

**Annex 7. Opening Statement by the Representative of the Republic of Korea**  
(Young Gyu Kim)

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is my great honor and pleasure to meet with such a distinguished group of people at the 26th Annual Meeting of NAFO as the head delegate of the Korean delegation in this fabulous city, Dartmouth.

I would like to express my deepest gratitude to the Secretariat of NAFO, which helped to organize this year's NAFO Conference. My special thanks goes to the Canadian government, for helping to make this historic meeting possible.

Mr. Chairman,

I would like to take this opportunity to remind you that Korea is actively participating in global efforts to achieve sustainable fisheries as a responsible fishing nation as well as to develop and implement conservation and management measures for fish stocks in the Northwest Atlantic in close cooperation with other NAFO member states.

Even though, however, we joined NAFO in December 1993 and have made great contributions to its success, the fishing quota allocated to Korea has not reached the level which even one vessel can harvest. Since joining the Organization, Korea has suspended all fishing efforts in the NAFO Regulatory Area, as no profitable fishing quota was ever secured for us. Therefore, I would kindly ask that the fishing quota be allocated to Korea favorably in due consideration of historical fishing activities and our efforts to promote conservation and management.

Mr. Chairman,

I believe that all member countries of NAFO realize that, in spite of all those painful and precious activities, contributions and decisions of scientists, experts and decision makers of the Member States of NAFO, the TAC of some important stocks have been reduced substantially. Therefore, we need more conservation and management measures for those depleted stocks based on the scientific evidence.

Furthermore, we need more effective and strict compliance to prevent and impose penalties on any infringements, violation including IUU fishing activities and FOC fishing vessels in the NAFO regulatory Area.

I am optimistic that this annual meeting will now provide a strong basis for the conservation and management of fish stocks in the Northwest Atlantic. And, let me assure you that Korea is more ready than ever to play an integral part in this partnership for collective action.

Thank you very much, Mr. Chairman.

**Annex 8. Opening Statement by the Representative of the Russian Federation**  
(Anatoly Makoedov)

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

We are glad to greet all the participants of the present meeting. We would like to express our gratitude to Canada for hosting this meeting and providing us with fine weather like it was last year.

Today we have not just an ordinary meeting but celebrate the 25<sup>th</sup> anniversary of the Organization. Today is the 13<sup>th</sup> of September and we are at the point of reducing the number of state flags on the table from 17 to 13. This is the last time when Estonia, Latvia, Lithuania and Poland that have recently accessed to the European Union act as independent Contacting Parties to NAFO.

One of the greatest achievements of the last year meeting was the Greenland halibut Rebuilding Plan. I do believe that during this meeting we will manage to solve all the problems facing us now including the plan to increase salary for the Executive Secretary. The rest of the issues we will discuss during long NAFO evenings.

Thank you.

**Annex 9. Opening Statement by the Representative of Japan**  
(Taku Saski)

On behalf of Japanese Delegation, I wish to make some opening remarks at the beginning of the NAFO 26<sup>th</sup> annual meeting.

First of all, I would like to offer our congratulation on NAFO 25<sup>th</sup> anniversary and express our sincere respect to our predecessors who have contributed for the activities of this organization.

I would like to mention the following specific issues that Japan takes interest at this year's meeting.

First, at the last year's meeting, we adopted the 15 year rebuilding program for Greenland Halibut. This program shows NAFO's firm commitment to sustainable fishery for this stock and also gives a long term and stable guideline to the fishermen for conservation and management of the stock. We should maintain this momentum and implement this program steadily. Japan made a painful decision of vessel reduction in NAFO area from two to one in accordance with the program. We request the other states to implement appropriate measures following the program.

Second, the compliance issues are our great concern. The issues of the compliance and enforcement have been discussed for many years and the various enforcement measures developed in NAFO. Our fishing vessels are subject to strict inspection by both Canadian and EU inspectors. Equitable level of enforcement is needed to all the fishing fleets operating in the region to ensure the compliance.

Third, NAFO should take effective measures to combat IUU fishing operation. The issue is global problem and each regional fisheries management organization is taking various measures to eliminate IUU fishery. However IUU fishing operators always look for loopholes in the management restriction of fishing areas, species or fishing types. We should shut any loophole of fishing management on global level.

Finally, Japan would like to confirm its commitment to work with all the participants here for fruitful results of this meeting.

Thank you.

**Annex 10. Agenda**

1. Opening by Chairman, D. Bevan (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity
6. Record of Agreed General Council Decisions at 2004 NAFO Annual Meeting
7. Review of Membership
  - a) General Council
  - b) Fisheries Commission
8. Administrative Report (STACFAD)
9. Update on electronic publications by the Secretariat
10. Timely submission of fishery statistical data (request by SC)
11. a) Report of Executive Secretary on North Atlantic Regional Fisheries Management Organizations (NARFMO) Meeting in 2004
  - b) NAFO's accession to Fishery Resources Monitoring System (FIRMS) Partnership
12. Report of STACFAC and joint STACFAC/STACTIC June Meetings
13. Consideration of non-Contracting Party activity in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
14. Report of STACFAC at the Annual Meeting and decisions on actions
15. Dispute Settlement Procedures
16. Report of STACFAD at the Annual Meeting
17. Adoption of the Budget and STACFAD recommendations for 2005
18. Time and Place of Next Annual Meeting
19. Other Business
20. Press Release
21. Adjournment

**Annex 11. FAO Statement at the 26<sup>th</sup> Annual Meeting of the  
Northwest Atlantic Fisheries Organization (NAFO)  
(Hiromoto Watanabe)**

Mr. Chairman, distinguished delegates and observers:

FAO is very grateful for the invitation extended by the Secretariat of the Northwest Atlantic Fisheries Organization (NAFO), to observe Twenty-sixth Annual Meeting on the occasion of the Twenty-fifth anniversary of the organization. Please accept our sincere congratulations upon your successful achievements for last twenty-five years. FAO has been keeping a close and effective working relationship with NAFO and desires to continue such collaboration.

FAO appreciates, in particular, the cooperativeness of the NAFO Secretariat in responding to FAO's periodic requests for information relating to NAFO's activities. Most recently, FAO received questionnaire filled by the NAFO Secretariat for monitoring the implementation of the Code of Conduct for Responsible Fisheries and related international plans of action. Such collaboration greatly assists FAO in meeting its global fisheries reporting responsibilities.

The role of regional fishery bodies has been increasing its importance and highly expected in sustainable and responsible fisheries management all over the world. The Technical Consultation to Review Progress and Promote the Full Implementation of the IPOA to Prevent, Deter and Eliminate IUU Fishing and the IPOA for the Management of Fishing Capacity held in Rome, 24-29 June 2004, noted that Regional Fisheries Management Organizations (RFMOs) played a pivotal role in galvanizing regional action against IUU fishing and related activities. During the Consultation a number of initiatives were proposed including strengthening informal and formal networks between RFMOs and closing regional governance gaps that permitted IUU fishers to operate. The Technical Consultation to Review Port State Measures to Combat IUU Fishing, just held in Rome, 31 August – 2 September 2004, also highlighted that concerted action at the regional level should be encouraged for taking harmonized and coordinated Port State Measures to combat IUU fishing and agreed on the "Model Scheme", which would be considered as constituting principles and guidelines to be used by States as a reference for the negotiation and adoption of regional MOUs or of resolutions or recommendations within RFMOs, as well as alternatively for the adoption of measures by Port States at the national level. NAFO is one of the leading regional fisheries bodies having a long history and experiences in the sustainable fisheries management in the Northwest Atlantic Ocean and highly expected to take a leading role in any regional actions for sustainable and responsible fisheries management, in particular to combat IUU fishing.

Mr. Chairman,

FAO will convene the Twenty-sixth Session of the Committee on Fisheries (COFI) from 7 to 11 March 2005, followed by a Ministerial Meeting on Fisheries on 12 March 2005. Then the Fourth Meeting of Regional Fishery Bodies will be held also in FAO Headquarters on 14 and 15 March 2005. These are the best opportunities for any regional fishery bodies to exchange information and coordinate their actions at each regional level. As in previous years FAO looks forward to active participation of NAFO to these meetings.

I will carefully and conscientiously observe the proceedings of this meeting and report appropriately to the management of the FAO Fisheries Department.

Taking this opportunity, FAO wishes to express again the appreciation for the assistance and cooperation received from NAFO.

Finally I hope that the meeting will be marked with success and that the outcome will serve to promote sustainable and responsible fisheries in the Northwest Atlantic Ocean.

Thank you very much, Mr. Chairman, for the opportunity to make this statement on behalf of FAO.

## Annex 12. Press Release

The 26th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held at the Holiday Inn Harbourview in Dartmouth, Nova Scotia, Canada, during 13-17 September 2004, under the chairmanship of David Bevan (Canada), President of NAFO.

### Fisheries Commission

NAFO Fisheries Commission was chaired by Dean Swanson from USA. As always, the advice of NAFO Scientific Council was heard before discussions on TACs (Total Allowable Catches) and quotas took place. After very long and difficult negotiations, Fisheries Commission agreed on a number of new measures to increase NAFO's ability to protect the fishery resources of the Northwest Atlantic:

- **More fish stocks under regulations:** NAFO will now extend regulations to a number of important fish stocks previously unregulated, namely 3O redfish, thorny skate and white hake. Regarding thorny skate, this is the first time that a Regional Fisheries Body has imposed management measures on the fishery of an elasmobranch species.
- **More long-term protection plans:** In line with the new strategy for more efficient protection that was developed last year for the first time for Greenland halibut, TACs for these newly regulated species have been set to a fixed level for the next 3 years.
- **NAFO starts implementing the Precautionary Approach:** NAFO adopted a framework for the Precautionary Approach (PA). As a first step towards its implementation Fisheries Commission requested Scientific Council to provide advice for selected stocks in 2005 within the PA framework. The outcomes from the evaluation of these selected stocks will be used to guide Fisheries Commission regarding the most appropriate application of the framework to all NAFO stocks.
- **The Greenland halibut rebuilding plan has been reviewed and will be continued,** as agreed in 2003, with a decrease in the TAC for 2005.
- **Yellowtail flounder stock responds to NAFO protection measures:** NAFO regards it as a success of their conservation measures that the regulated yellowtail flounder stock is showing signs of continued recovery.
- **First NAFO Compliance Report:** For the first time in the history of the Organization, NAFO has undertaken a compliance review with the goal to identify areas in which compliance with the NAFO measures can be improved. This report will be accessible on the NAFO public website.
- **Conservation and Enforcement Measures (CEM) further improved:** A number of amendments to the CEM introduced substantial improvements to the NAFO inspection scheme. Product labelling and storage plans are now obligatory for all species and vessels. Also harmonization of NAFO reports with formats already used in the Northeast Atlantic by NEAFC has made great progress. NAFO is confident that these improvements will contribute significantly to the transparency and efficiency of the Vessel Monitoring System that has been in place for many years now.
- **Rights of NAFO inspectors clarified:** NAFO clarified that inspectors are entitled to remain on board of fishing vessels in cases where citations for serious infringements have been issued.
- **Workshop for NAFO inspectors will enhance international cooperation for compliance:** EU has offered to host a workshop for inspectors to examine procedures and methods for inspections at sea and in port. The goal of this workshop is to increase confidence and to harmonize the approach of inspection authorities of NAFO Contracting Parties.

**Attached is the table of Total Allowable Catches and quotas agreed at this session.**

### General Council

General Council, chaired by David Bevan from Canada, discussed administrative, financial and other matters including the following:

- **NAFO membership will be changing due to EU accessions.** Starting 2005, the membership of NAFO will change as four Contracting Parties, Estonia, Latvia, Lithuania and Poland, have acceded to the European Union. However, they will remain active participants in NAFO as part of the EU delegation.
- **Non-contracting party vessels (NCP) activities:** NAFO Parties were informed of NCP vessels believed to be fishing oceanic redfish in the NAFO Regulatory Area. These vessels are believed to be flagged to Dominica. NAFO Parties will be raising their concerns about these vessels with officials of Dominica. NAFO Contracting Parties are continuing work to make improvements to the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures of NAFO.
- **The following election of NAFO officers took place:**

**Standing Committee on Non-Contracting Party Fishing Activity in the Regulatory Area (STACFAC)**

(1) **Chair:** Nadia Bouffard

(2) **Vice-Chair:** Gene Martin (USA)

- **A NAFO media policy is in place.** NAFO agreed on a media policy intended to express the desire of the organization to raise its profile and encourage media to report about the activities of NAFO including attendance at the opening sessions of the Organization. The media policy will be accessible through the NAFO webpages ([www.nafo.int](http://www.nafo.int)) and the Secretariat.
- **NAFO intends to enhance its webpages.** During the next year, the NAFO Secretariat will increase its efforts to provide relevant information on the Organization and on fishery issues to the public. The focus will be on enhancing the user-friendliness of the public NAFO webpages ([www.nafo.int](http://www.nafo.int)) by restructuring these pages and by including more summary documentation and links.

**Scientific Council**

The Scientific Council, under the chairmanship of Joanne Morgan (Canada), conducted assessments of 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 Div. 3LNO.

Scientific Council expressed grave concern over the increase in catch for cod in Div. 3NO and American plaice in Div. 3LNO. Both of these stocks are below  $B_{lim}$  and under moratoria to directed fishing, yet fishing mortality over the last number of years has been at a level that will not allow the stocks to recover. Greenland halibut in Subarea 2 and Div. 3KLMNO is estimated to be at its lowest observed level and catches above 19000 t in 2005 will result in further stock decline.

Scientific Council also reported progress on the methods to estimate limit reference points and once again recommended that the Precautionary Approach framework developed by Council be adopted by the Fisheries Commission of NAFO.

**General Information**

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.

Prior to the Annual Meeting, the following NAFO meetings were held during 2004: (1) FC Working Group on the Management of Div. 3O Redfish (St. John's, NL, Canada, 30-31 March); (2) Scientific Council Limit Reference Point Study Group (Lorient, France, 15-20 April); (3) Scientific Council Regular Meeting (Dartmouth, N.S., Canada, 3-17 June); (4) STACFAC Meeting (Copenhagen, Denmark, 15-16 and 18 June); (5) Joint STACFAC/STACTIC Meeting (Copenhagen, Denmark, 17-18 June) and STACTIC Meeting (Copenhagen, Denmark, 21-23 June).



## Annex I.A

### Annual Quota Table

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2005 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		Yellowtail	Witch	
Division/Contracting Party	3L	3M	3NO	3LN	3M	3O	Sub-Area 2 and Div. 1F+3K	3LNO	3M	3LNO	3L	3NO
Canada		0	0	0	500	6000	1000 <sup>2,4</sup>	0	0	14624 <sup>5</sup>		0
Cuba		0	-	0	1750		1000 <sup>2,4</sup>	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69		25000 <sup>2,3</sup>	-	-	-		-
European Union		0 <sup>12</sup>	0 <sup>12</sup>	0 <sup>12</sup>	7813 <sup>13</sup>	7000	<u>25000<sup>2,3</sup></u> 6500 <sup>2,16</sup>	0	0 <sup>12</sup>	-		0 <sup>12</sup>
France (St. Pierre et Miquelon)		-	-	-	69		1000 <sup>2,4</sup>	-	-	300 <sup>5</sup>		-
Iceland		-	-	-	-		25000 <sup>2,3</sup>	-	-	-		-
Japan		-	-	-	400	150	1000 <sup>2,4</sup>	-	-	-		-
Korea		-	-	-	69	100	1000 <sup>2,4</sup>	-	-	-		-
Norway		0	-	-	-		25000 <sup>2,3</sup>	-	-	-		-
Russia		0	0	0	9137	6500	25000 <sup>2,3</sup>	-	0	-		0
Ukraine						150	1000 <sup>2,4</sup>					
United States of America		-	-	-	69		1000 <sup>2,4</sup>	-	-	-		-
Others		0	0	0	124	100	-	0	0	76 <sup>5</sup>		0
TOTAL ALLOWABLE CATCH	*	* <sup>8</sup>	*	*	5000 <sup>9</sup>	20000 <sup>17</sup>	32500 <sup>11,18</sup>	*	* <sup>8</sup>	15000 <sup>10</sup>	*	* <sup>8</sup>

Species	White hake	Capelin	Skates	Greenland halibut	Squid (Illex) <sup>1</sup>	Shrimp	
Division/Contracting Party	3NO	3NO	3LNO	3LMNO	Sub-areas 3+4	3L	3NO
Canada	2500	0	2250	2112	N.S. <sup>6</sup>	10833	
Cuba		0		-	510	144	
Denmark (Faroe Islands and Greenland)		-		244	-	144	
European Union	5000	0 <sup>12</sup>	8500	8254 <sup>19</sup>	<u>N.S.</u> <sup>6</sup> 611 <sup>14</sup>	720 <sup>15</sup>	
France (St. Pierre et Miquelon)		-		230	453	144	
Iceland		-		-	-	144	
Japan		0		1443	510	144	
Korea		-		-	453	144	
Norway		0		-	-	144	
Russia	500	0	2250	1796	749	144	
Ukraine						144	
United States of America		-		-	453	144	
Others	500	-	500	0 <sup>7</sup>	794	0	
<b>TOTAL ALLOWABLE CATCH</b>	<b>8500<sup>17</sup></b>	<b>*</b>	<b>13500<sup>17</sup></b>	<b>14079</b>	<b>34000<sup>8</sup></b>	<b>13000</b>	<b>*</b>

\* Ban on fishing in force – The provisions of Article 9, paragraph 3 shall apply.

- 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.
- 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.
- Quota to be shared by vessels from Denmark (Greenland and Faroe Islands), European Union, Iceland, Norway 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, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.
5. Contracting Parties shall inform the Executive Secretary before 1 December 2004 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. In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.
8. Applicable to 2005 and 2006.
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, 2005. 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 9, 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 this stock in 2005 as compared to 2004, these figures shall be accordingly adjusted.
12. Including fishing entitlements of Estonia, Latvia, and Lithuania following their accession to the European Union and in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7).
13. Including allocations of 1571 tonnes each for Estonia, Latvia and Lithuania out of a sharing of 20,000 tonnes, following their accession to the European Union.
14. Allocations of 128 tonnes each for Estonia, Latvia and Lithuania as well as 227 tonnes for Poland out of a TAC of 34,000 tonnes, following their accession to the European Union.
15. Including allocations of 144 tonnes each for Estonia, Latvia, Lithuania and Poland out of a TAC of 13000 tonnes, following their accession to the European Union
16. Allocation of 5800 tonnes for Lithuania and 700 tonnes to Latvia following their accession to the European Union.
17. Applicable to 2005, 2006, and 2007.
18. The quota shares in footnotes 4 and 16 can only be fished in the NAFO Regulatory Area. If an increase in the overall TAC as defined in footnote 11 leads to an increase in these shares, the first 500 tonnes of that increase shall be added to the quota share referred to in footnote 4.
19. Including an allocation of 461 tonnes for Estonia, Latvia, and Lithuania following their accession to the European Union.

**Annex I.B**  
**Effort Allocation Scheme for Shrimp Fishery in the**  
**NAFO Regulatory Area Div. 3M, 2005**

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>European Union</b>	3293 <sup>1</sup>	33 <sup>1</sup>
<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>Norway</b>	1985	32
<b>Russia</b>	2100	N/A
<b>Ukraine</b>	100	1
<b>USA</b>	100	1

<sup>1</sup> Including fishing entitlements transferred from Poland (100 fishing days with one vessel), Estonia (1667 fishing days with 8 vessels), Latvia (490 fishing days with 4 vessels) and Lithuania (579 fishing days with 7 vessels) following their accession to the European Union.

## Annex I.C

### Rebuilding Plan for 3LMNO Greenland Halibut

Species	Greenland halibut	Greenland halibut	Greenland halibut	Greenland halibut
Division/ Contracting Party	3LMNO 2004	3LMNO 2005	3LMNO 2006	3LMNO 2007
Canada	2223	2112	2056	1778
Cuba	-	-	-	-
Denmark (Faroe Islands and Greenland)	-	244	238	206
European Union	8203	8254 <sup>3</sup>	8038 <sup>4</sup>	6951 <sup>5</sup>
France (St Pierre et Miquelon)	-	230	224	194
Iceland	-	-	-	-
Japan	1519	1443	1405	1215
Korea	-	-	-	-
Norway	-	-	-	-
Russia	1890	1796	1748	1512
Ukraine	-	-	-	-
United States of America	-	-	-	-
Others	985 <sup>1</sup>	0 <sup>2</sup>	0 <sup>2</sup>	0 <sup>2</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.

<sup>2</sup> In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.

<sup>3</sup> Including an allocation of 461 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

<sup>4</sup> Including an allocation of 450 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

<sup>5</sup> Including an allocation of 389 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

### Annex 13. Decisions and Actions by the General Council

Substantive Issue (Agenda Item)	Decision/Action
5. Publicity	<u>Agreed</u> : Participants 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.
6. Record of Agreed General Council Decisions at 2004 NAFO Annual Meeting	<u>Agreed</u> : A list of agreed decisions should be elaborated by rapporteurs and presented at the end of the meeting using the same format as previous year.
8. Administrative Report	Adopted
10. Timely submission of fishery statistical data	<u>Agreed</u> : Defer this item to Fisheries Commission and invite SC Chair to present the recommendations in person to the Commission.
11. a) Report of Executive Secretary on NARFMO  b) NAFO's accession to FIRMS Partnership	<u>Agreed</u> : In future the NAFO Executive Secretary should decide who should represent NAFO at the meetings of other organizations. <u>Agreed</u> : Delegates agreed that NAFO join the FIRMS Partnership Arrangement as presented in GC W.P. 04/3.
13/14. STACFAC report and recommendations	Adopted in whole
15. Dispute Settlement Procedures	<u>Deferred</u> to 2005 Annual Meeting
16/17. STACFAD report and recommendations	(a) Contracting Parties reached a decision regarding a salary raise from 1 January 2005 and the allocation of a performance bonus regarding 2004 for the Executive Secretary; (b) Decision regarding alteration of the ceiling of contract renewal was <u>deferred</u> to the next Annual Meeting; (c) Budget of \$1,524,000 for 2005 <u>adopted</u> ; and, (c) All other recommendations of STACFAD were <u>adopted</u> .
18. Next Annual Meeting	<u>Agreed</u> : Next Annual Meeting to be held in Tallinn, Estonia, on the following dates: Scientific Council: 12-21 September 2005 General Council/Fisheries Commission: 17-21 Sep 2005

## **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 13 September 2004.

The Chairman welcomed delegates and Dr. Johanne Fischer, Executive Secretary, Forbes Keating, Administrative Officer, and Stan Goodick, Finance Officer to the meeting.

Present were delegates from Canada, Denmark (in respect of Faroe Islands and Greenland), European Union, Japan, Latvia, Norway, Russian Federation, Ukraine, and the United States of America (Annex 1).

#### **2. Appointment of Rapporteurs**

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

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

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

#### **4. Auditor's Report for 2003**

The Auditor's Report was circulated to the Heads of Delegation of the General Council and STACFAD delegates in advance of the Annual Meeting.

Delegates were advised that, subsequent to last year's recommendation to change the auditing agency, the firm of Grant Thornton had been engaged to review the financial status of the Organization. The Finance Officer for NAFO presented the Auditor's Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the year ended 31 December 2003. The audit determined the financial affairs of the Organization had been conducted in accordance with the Financial Regulations and budgetary provisions of NAFO and presented a fair and accurate accounting of the financial affairs of the Organization. Committee members reviewed these statements in detail with all liabilities and variances in expenditures versus budgeted items explained in detail.

**STACFAD recommended that the 2003 Auditor's Report be adopted.**

#### **5. Administrative and Financial Statements for 2004 (end July)**

Delegates reviewed the Administrative Report and Financial Statements for 2004 (through July) provided in document GC Doc. 04/1, Revised.

It was agreed that starting 2005 this report should include two reporting periods. The Administrative Report will cover the last 12 months prior to the Annual Meeting, i.e. September of the previous year to August of the present year. This report will in the future also include a section titled "Proposed Meetings" to assist the budget forecasting process within STACFAD. The Financial Statements will cover the calendar year of the Annual Meeting at which they are discussed, which is the fiscal year of the Organization.

The Executive Secretary reviewed the elements of the Administrative Report, i.e. the Membership, NAFO officers, Secretariat Staff, Meeting Schedule, Publication List and Fishery Statistics.

STACFAD Chair relayed to participants concerns expressed by Scientific Council regarding the timeliness of submission of Catch Reports that are needed for the scientific assessment of fisheries activities. Delegates were urged to convey this message to their respective authorities and ensure future compliance with this NAFO requirement.

The Finance Officer for NAFO reviewed the Financial Statements for 2004 (up to the end of July) explaining the variances between projected and actual expenditures to date.

Highlights were:

Expenditures for the year 2004 are projected to total \$1,488,000 which is \$12,000 lower than the approved budget of \$1,500,000.

He calculated the NAFO salaries based on the assumption that the salary contracts currently under negotiation between the Government of Canada and the unions can be finalized before the end of December 2004. No salary increases were paid in 2003 nor are they expected to be paid in 2004 until contracts are ratified. However, a possibility exists that negotiations might not have concluded by the end of the NAFO fiscal year.

Against the Secretariat's expectations, publication costs could not be lowered significantly in 2004, because more Journal volumes than foreseen had to be published and because a new format of the NAFO Conservation and Enforcement Measures had to be produced and distributed. It is noted that the purchase of a modern high speed, high volume black & white printer by the Secretariat will have the effect that less staff will be required in the production of NAFO publications in the near future. At present, the total volume of printed material produced by the Secretariat has reached a minimum that is not expected to be further reduced in the near future. The Executive Secretary explained that she remains committed to exploring all avenues of reducing publication costs.

Assessed Contributions and Expenditures – concern was expressed regarding outstanding contributions from 6 Contracting Parties, representing about 16% of the total approved budget for 2004 (\$234,111.65). **STACFAD recommended that Contracting Parties take immediate action to meet their financial obligations and bring financial stability to the Organization.** Outstanding to date are:

Cuba	\$24,266.74
France	\$27,403.72
Lithuania	\$19,368.00
Poland	\$24,926.80
Russia	\$48,358.75
USA (balance owing)	\$89,787.64

Footnote: Bulgaria is now two years in arrears (for a total of \$ 45,746.26) of its contributions and is unlikely to meet its obligations to date in 2004.

**STACFAD recommended that contributions from Bulgaria be deemed uncollectible and that this amount be applied against the accumulated surplus.**

Annex 3 outlines total outstanding contributions from Bulgaria, which includes previous arrears. The EU reported on Bulgaria's possible intention to withdraw from the Organization.

## 6. Review of the Accumulated Surplus Account

Delegates reviewed the Statement of Accumulated Surplus for the Year Ending 31 December 2004 (Estimated from 31 July 2004) as reflected in Statement IV of the Financial Statements contained in NAFO/GC Doc 04/1(revised).

As a result of discussions at the September 2003 Annual Meeting, wherein the United States indicated it was not in a position to fully meet its financial obligations to NAFO in 2003 and possibly 2004, STACFAD had recommended that 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.

Given the current state of uncertainty as to the payment of several outstanding contributions and in order to provide financial stability to the Organization, **STACFAD again recommended that the minimum balance in the**



**Accumulated Surplus Account be \$125,000 in order to fulfil the financial obligations of the Organization in early 2005.**

## **7. Meeting of the Pension Society**

The meeting of the International Fisheries Commissions Pension Society (for international fisheries commissions based in North America) was held in Washington, DC 28-30 April 2004. Report of the proceedings was distributed under STACFAD W.P. 04/8 and presented by the Administrative Officer for NAFO.

Highlights included:

- the Review Directorate of Department of Fisheries and Oceans (DFO) was engaged to audit the Statement of Operations of the Society before its 2003 Annual General Meeting
- the audited records and financial statements were presented and approved by the Membership
- the normal cost for employer's contribution share remains the same at 9.3%
- the Department of Fisheries and Oceans Canada reaffirmed its commitment to continue to assist the Society in administrative operations at no charge to the Society.
- The investment manager, McLean Budden, will continue rebalancing the agreed asset-mix of the Canadian investment fund (60% equity/40% bonds split)
- a telephone conference is scheduled in November to review the status of ongoing and new initiatives.
- time and place of the next annual meeting is Victoria, BC 13-15 April 2005.

## **8. Headquarters Agreement**

The item Headquarters Agreement of NAFO was discussed at the 2003 Annual Meeting and deferred to this Annual Meeting.

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.

Discussions explored whether there existed a need to replace the current mechanism (Order-in-Council P.C. 1980-132) by a headquarters agreement. A Canadian law expert from Foreign Affairs Canada explained in detail that the present Order-in-Council recognizes NAFO as a legal international entity, and as such the Organization and its officers are provided with the full privileges and immunities described in the UN Convention on Privileges and Immunities of International Organizations.

The Government of Canada tabled correspondence dated 7 September 2004 which included the exchange of letters between the NAFO President (15 March 1979) and Director General of the Legal Bureau of the Dept. of External Affairs of Canada (29 January 1980). Appended to the Canadian letter was Order-in-Council SOR/80-64 registered 11 January 1980 which set out the privileges and immunities of NAFO.

The Canadian delegation explained that the Order-in-Council procedure by incorporating the provisions of Articles II, III, IV, V and VI of the Convention on the Privileges and Immunities of the United Nations incorporated all the elements found in more recent Canadian Headquarters Agreements including PICES and the North Pacific Anadromous Fish Commission. Canada indicated that its legal analysis determined that NAFO had the legal personality and diplomatic immunity called for in Article II(3) of the NAFO Convention.

The EU expressed the view that it is a matter of principle to have a Headquarters Agreement but wished to reserve further comments regarding the current Canadian practice until it had an opportunity to analyze the documentation circulated to the committee on the UN Convention and samples of Headquarters agreements.

Canada stated its view remained that the current agreement with NAFO fully met the needs of NAFO and that scarce staff resources, both of NAFO and member States, could be devoted elsewhere.

**STACFAD recommended that the discussion exploring a headquarters agreement for NAFO be deferred to the next Annual Meeting in 2005 to allow further analysis of this issue.**

#### **9. Progress report on the website and electronic publications (presentation by the Executive Secretary)**

The Executive Secretary presented a comprehensive review of the functions and features of the NAFO member website. Steps taken to modernize and improve the site have produced direct savings in publication costs and increases in efficiency, making most documents available either through the public or through the member pages.

Delegates were pleased with the progress to date. In 2005, the Secretariat will continue its efforts to improve the website concentrating on the public pages and on providing added features such as a link to the NAFO web structure and search functions.

Members were advised that a new member password for 2005 will be distributed to registered Annual Meeting Participant and a "Heads" Password to each Heads of Delegation during the Annual Meeting. These new passwords will be effective starting 1<sup>st</sup> October 2004.

#### **10. Rules for media attendance at NAFO meetings (introduction by the Executive Secretary)**

As a result of last year's deliberations, the Executive Secretary presented a draft media policy (STACFAD W.P. 04/5, revised) (Annex 4). The practice to date has been to observe a "media blackout" from the beginning of the opening to the closing of the meeting.

Extensive discussions took place defining the conditions and process for media attendance, following which **STACFAD recommended that the General Council adopt the Media Policy concerning the conditions for attendance by media representatives at NAFO meetings outlined in Annex 4.**

Contracting Parties offered to assist the Executive Secretary with advice regarding the nature of documents to be compiled for the media (press kits).

STACFAD agreed that the new policy is only intended to apply to media participation in NAFO meetings and contacts with NAFO officers, and does not affect the ability of delegations to manage their own contacts with the media.

Although consensus was reached that media would be allowed to be present during the opening remarks of the Chairman of General Council, there was a difference of opinion expressed whether they would be permitted to stay during the opening statements of Contracting Parties. It was decided the Chairman of STACFAD would highlight these opinions to General Council.

#### **11. Secretariat Human Resources (Presentation by the Secretariat)**

##### **a) Proposed Rules and Procedures for the Assessment, Classification and Ongoing Review of the Secretariat Staff**

Last year STACFAD had recommended and received agreement for the Secretariat to develop clearer and more detailed rules and procedures for the assessment, classification and ongoing review of NAFO Secretariat staff. It was further agreed that the Secretariat engage a Human Resources consultant to ensure that these rules and procedures were compatible with the system of the Public Service of Canada.

The Executive Secretary presented STACFAD WP 04/1. A cost-saving reduction of NAFO Secretariat staff in the near future (9 instead of 11) will be possible as a result of continuous modernization and parallel expansion of staff's expertise through hiring new and/or training existing staff. The suggested new structure of the Secretariat includes added areas of responsibilities as well as a flatter hierarchy and task sharing (reflected also in new job titles). For the

purpose of classifying NAFO staff members, it is proposed to adopt the widely used “Hay” method. With the help of a Canadian job classification consultant, the Secretariat was able to achieve a fairly accurate determination of corresponding Canadian government salary categories for each NAFO position. To compensate NAFO staff for comparatively low benefits without recurring to higher classification levels (as is done at present) it was proposed adding 10% to the gross salary of each employee (arriving to similar salary levels as the present ones). Annexes to this paper include a complete description of the proposed NAFO Classification System, detailed job descriptions for all NAFO Secretariat positions, and tables containing the results of the proposed classification method applied to NAFO positions along with the suggested Canadian salary categories and corresponding salaries.

After some discussion, consensus was reached that modernization of the Secretariat should be implemented using the proposed human resources strategy. Uncertainty remained with regard to the appropriate level of compensation which in the Secretariat’s proposal was set at 10% to be added to the base salaries as determined in the classification review (and not on current salaries received).

Therefore, the Secretariat was asked to provide more information on (a) the disadvantages regarding benefits available to NAFO staff in comparison with Canadian government employees (see also STACFAD W.P. 04/11, revised) and (b) the added responsibilities of NAFO staff in comparison with a Canadian government employee of the same job classification (see also STACFAD WP 04/1, page 2 and 3). This should help STACFAD to determine an appropriate level of NAFO staff compensation above the base salary suggested. Several delegates expressed strong concerns about the disadvantages to the NAFO Staff identified in these Working Papers.

**STACFAD recommended the adoption in principle of the recommendations contained in STACFAD W.P. 04/1 concerning a new NAFO classification system for the Secretariat Staff, but further recommended to defer the decision as to the exact level of compensation to the next Annual Meeting.** As a consequence NAFO would be expected to implement this new classification system starting in 2006.

**STACFAD also recommended that the Working Group, recommended to be set up under Agenda Item 12 to re-examine the NAFO Staff rules, also discuss issues connected to the special work situation of the NAFO staff, including their benefits and responsibilities, in comparison with Canadian government employees.** This Working Group will be composed of the Executive Secretary, a representative of the NAFO Staff, Canada, EU and the Chair of STACFAD.

#### **b) Future Staff Development Plan**

The Executive Secretary acknowledged the need to continue modernizing the Organization while at the same time improving the cost efficiency of services rendered by the Secretariat in addition to expanding services to Contracting Parties. She outlined the manner in which this could be accomplished given the unique job sharing aspect of the proposed reorganization, thus reducing the number of staff by 2 full time employees.

As well, the new proposed organization structure would provide for developmental and senior level categories within some position classifications.

### **12. Staff Rules (Presentation by the Secretariat)**

The Executive Secretary proposed to revise the NAFO Staff Rules in 2005 with input from Secretariat staff and delegates. To this end **STACFAD recommended that a Working Group be established to assist in this revision of the Staff Rules and this Working Group will be composed of the Executive Secretary, a representative of the NAFO Staff, Canada, EU, and the Chair of STACFAD.** STACFAD also recognized the possibility of hiring a consultant to assist in this matter.

The Executive Secretary also gave a presentation on STACFAD W.P. 04/3 (revised) NAFO Staff Association and Staff Representative (Annex 5). She reviewed the mandate of the Staff Representative and provided an overview of the Staff Association and election of Staff Representatives including the rights of the Staff Representative. It is proposed that this document be annexed to the Staff Rules when these are revised next year. STACFAD members agreed to the principles outlined in the document tabled. In an effort to ensure the interests of staff are included

and/or adequately reflected during relevant decision-making processes, **STACFAD recommended the endorsement of a Staff Association and Staff Representative.**

### **13. Update on Staff Committee**

In 2003, General Council supported, in principle, STACFAD recommendation to establish a Staff Committee with a mandate to provide advice and mediation in the event that a conflict within the Secretariat cannot be solved internally. The Secretariat drafted some minor re-wording (STACFAD W.P. 04/4) (Annex 6) of the proposal that was approved last year to (a) reflect the fact that this paper represents now an agreed policy and not a proposal and (b) to eliminate the requirement that one staff committee member should be local. **STACFAD recommended endorsement of the STACFAD WP 04/4.**

The Secretariat nominated three individuals to become members of the Staff Committee for the next year. These are: Fred Kingston, Joanne Morgan, and Jim Baird. **STACFAD recommended that General Council appoint the three nominees.**

### **14. Salary of the Executive Secretary in comparison with other Regional Fishery Bodies (presentation by the Secretariat)**

In 2003, STACFAD recommended the issue of possible change in the job classification system and salary scale of the Executive Secretary as well as the possibility of enhanced duties and responsibilities be deferred to the 2004 Annual Meeting.

It was determined at that time that in order for informed discussions to take place, further information regarding the application of the UN system as well as how other regional organizations have determined the position classification and salary of their respective Executive Secretaries would be required.

The Executive Secretary presented STACFAD W.P. 04/2 (Revised) (Annex 7) in an attempt to provide a comprehensive overview of the various issues highlighted in previous discussions.

Delegates recognized that the salary of the NAFO Executive Secretary is significantly lower relative to other regional fisheries organizations for work that is of a similar nature. It was also recognized that the Executive Secretary's salary does not reflect the costs arising from expatriation or compensate for limited security of employment and other disadvantages relative to Canadian Government employees at the executive level. Most delegates expressed the view that an adjustment to the salary was warranted in order to attract suitable candidates at the international level and to reflect costs arising from geographic relocation.

After extensive discussions were held on the subject, **there was no consensus on the means to adjust the Executive Secretary's salary or to modify the ceiling on the renewal of the Contract contained in Staff Rule 4.1.**

### **15. Appraisal of eligibility of Executive Secretary for performance bonus**

Pursuant to a decision of 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.

STACFAD recommended that for 2005, the specific goals for evaluating the eligibility of the Executive Secretary for a performance pay allowance would be the following:

- Re-structure the public NAFO webpages to increase user friendliness and access to NAFO-related information by the public and to enhance NAFO's profile in the public
- Develop the NAFO electronic Journal

- Propose necessary changes to the Staff Rules taking into account the specific situation of the NAFO Secretariat, the regulations of the Canadian government and UN regulations.
- Contribute with substantial information to the determination of the level of compensation to be added to NAFO staff base salaries. This information should include definition of missing employment benefits in NAFO in comparison with Canadian government employees and, where possible, determination of the financial consequences this might entail. It also should detail added responsibilities and duties of NAFO staff that their peers employed by the Canadian government are not expected to perform.
- Maintain effective capacity to produce the information requested by STACTIC for an annual compliance report to the Fisheries Commission.

## 16. NAFO Reception

The headquarters of the Organization is in Dartmouth and as such the Annual Meetings are usually conducted in Dartmouth. On occasion a Contracting Party will offer to host the meetings in their country, as well as provide for a reception, but for the most part, NAFO is the host organization.

Given the likelihood that a number of meetings will be held in the headquarters area, the Canadian delegate proposed a general expenditure be included as a budget item for the purpose of hosting a reception for the Membership, when meetings are conducted in Dartmouth.

**STACFAD recommended a budget of \$20,000 be included in the 2006 and 2007 budget forecast, to be used for the purpose of hosting a NAFO Reception.** Should a Contracting Party offer to host the NAFO Annual Meeting in 2006 or 2007, the funds will be deferred to the following year's budget.

## 17. Budget Estimate for 2005

**STACFAD recommended that the budget for 2005 of \$ 1,499,000 (Annex 8) be adopted.**

Highlights of the 2005 budget are as follows:

- The salary levels include a 2.5% estimate of increase to be adjusted when contract negotiations of the Canadian government are concluded.

Salary step increase of the Information Manager will for this year comprise two steps to reflect the level of expertise and responsibility reached within the last 12 months.

As agreed in 2003, there will be an overlap of the Conservation and Enforcement Measures Officer with the Fisheries Commission Coordinator for the first 4 months of 2005 (estimated costs of \$ 21,000).

A performance bonus of 10% for the Executive Secretary depending on approval of General Council has been budgeted.

- There are 9 essential meetings in 2005 related to international cooperation that need to be attended by the Executive Secretary or other Secretariat members, estimated at \$40,000. A sum of \$5,000 has been budgeted for miscellaneous travel that cannot be foreseen at this time.
- The Communication budget is projected to remain on the same low level as in 2004.
- Publications budget includes a special printing of the NAFO inspections forms.
- Other Contractual Services include the first instalment of approximately \$8,000 for a high speed, high volume black and white printer intended to replace the outdated printing presses currently in use.
- Additional help has been requested by Scientific Council to enable the Secretariat to develop a realistic estimate of the costs to digitize the detailed portion of the observer reports (including retrospective work). A sum of \$3,000 has been budgeted.
- The Annual Meeting 2005 will take place in Estonia. The budget estimate includes travel costs for 9 Secretariat Members and 2 local assistants.
- For the Vessel Monitoring System an additional \$8,000 were budgeted for programming related to the harmonization of NAFO reporting formats with those of NEAFC.

A preliminary calculation of billings for the 2005 financial year is provided in Annex 9.

### **18. Budget Forecast for 2006 and 2007**

STACFAD reviewed the preliminary budget forecast for 2006 (\$1,531,000) and 2007 (\$1,341,000) (Annex 10) and approved the forecasts in principle. It was noted that the budget for 2006 will be reviewed in detail at the next Annual Meeting. Items of note are:

- Due to the implementation of Secretariat restructure, the salary and benefits budgets will be lower.
- However, we foresee a one-time amount for international recruitment and relocation costs (\$44,000) when the Deputy Executive Secretary retires.
- We assume that the Annual Meeting will take place in Dartmouth and that the Secretariat will need funds (\$20,000) to organize a reception for delegates.

### **19. Time and Place of 2006 and 2007 Annual Meetings**

The dates of the 2005 Annual Meeting (location to be announced) are as follows:

Scientific Council	-	19-23 September
General Council	-	19-23 September
Fisheries Commission	-	19-23 September

The dates of the 2006 Annual Meeting (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

Scientific Council	-	13-22 September
General Council	-	18-22 September
Fisheries Commission	-	18-22 September

Scientific Council Representative pointed out that the dates for all the next Annual Meetings coincide with the ICES Annual Meetings with the result that a number of scientists will not be able to come to the NAFO Annual Meeting. STACFAD stated that the dates for 2005 and 2006 are already agreed.

**Nevertheless, STACFAD recommended the dates for the 2007 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	-	12-21 September
General Council	-	17-21 September
Fisheries Commission	-	17-21 September

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

STACFAD understands that a member of the Secretariat, Gordie Moulton, will be retiring in 2005 after 35 years of dedicated service to NAFO. STACFAD wants to express its great appreciation for Gordie's service to this Organization and wishes him all the best in all his future endeavours.

STACFAD supports cooperation with other secretariats regarding the support of joint meetings or of meetings hosted by another organization. For this purpose, the NAFO Secretariat should take advantage of all possibilities of remote meeting support in the context of electronic communication tools. STACFAD encourages the Executive Secretary to seek and present possibilities to reduce costs to NAFO at all times.

### **21. Adjournment**

The final session of the STACFAD meeting adjourned on 16 September 2004.

### Annex 1. List of Participants

<b>Name</b>	<b>Contracting Party</b>
Sofeia Horsey	Canada
Bob Steinbock	Canada
Wendell Sanford	Canada
Ane Skak	Denmark (in respect of Faroe Islands and Greenland)
Staffan Ekwall	European Union
Fred Kingston	European Union
Manfred Stein	European Union
Fuensanta Candela Castillo	European Union
Munemoto Nakayama	Japan
Miwako Takase	Japan
Ricards Derkacs	Latvia
Otto Gregussen	Norway
Leonid Kokovkin	Russian Federation
Deirdre Warner-Kramer	United States of America
Pat Moran	United States of America
Vasyl Chernik	Ukraine
Johanne Fischer	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. Administrative and Financial Statements for 2004 (end July)
6. Review of Accumulated Surplus Account
7. Meeting of the Pension Society
8. Headquarters Agreement of NAFO
9. Progress report on the website and electronic publications (presentation by the Secretariat)
10. Rules for media attendance at NAFO meetings (introduction by the Secretariat)
11. Secretariat Human Resources (Presentations by Secretariat)
  - a) Proposed Rules and Procedures for the Assessment, Classification and Ongoing Review of the Secretariat Staff
  - b) Future Staff Development Proposal
12. Staff Rules (presentation by the Secretariat)
13. Update on Staff Committee
14. Salary of the Executive Secretary in comparison with other Regional Fishery Bodies (presentation by the Secretariat)
15. Appraisal of eligibility of Executive Secretary for performance bonus
16. NAFO Reception
17. Budget Estimate for 2005
18. Budget Forecast for 2006 and 2007
19. Time and Place of 2006-2007 Annual Meetings
20. Other issues including any questions referred from the General Council during the current Annual Meeting
21. Adjournment



### **Annex 3. 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
1 January – 31 December 2004	24,266.74
	\$175,543.01

**Annex 4. Proposed NAFO Media Policy  
(STACFAD W.P. 04/5, Revised)**

**Conditions for Attendance by Media Representatives at NAFO Meetings**

- 1) All media requests for participation at each NAFO meeting or for interviews with NAFO officers shall be directed to the Secretariat.
- 2) After verification of media credentials, the Executive Secretary will inform the Chairs of the relevant NAFO bodies, the host country and the country in which the media organization is based, with as much advance notice as possible.
- 3) Media representatives shall register with the NAFO Secretariat on arrival at the meeting and provide a Press card or a letter of authorization or other documentation from the appropriate company.
- 4) The Executive Secretary can authorize attendance of media representatives at the Public Sessions of General Council, Scientific Council and Fisheries Commission, i.e. official opening and closing of the meetings, and other sessions so designated by the bodies concerned.
- 5) No more than two representatives of a particular publication or company shall be allowed to attend the meeting. They are required to remain in a designated area within the meeting room. Depending on the meeting facility, the total number of media representatives attending the meeting may have to be restricted.
- 6) Media representatives shall not be permitted to make statements or ask questions during sessions.
- 7) The use of cameras and/or recording equipment can be permitted by the Executive Secretary during the Public Sessions of NAFO meetings provided that it is set up and operated in a non-disruptive way. One additional person per team may be allowed into the meeting room for the operation of technical equipment (e.g. cameras).
- 8) Media representatives must leave the meeting premises when they are not attending sessions of NAFO bodies.
- 9) Background and other information material pertaining to the meeting in question will be compiled specifically for media representatives by the Executive Secretary and either handed out to them during meetings or sent electronically upon request prior to the meeting.
- 10) a) The Executive Secretary will prepare the Press Release in collaboration with the Chairs of the General Council, Fisheries Commission and Scientific Council and agreed upon at the end of the General Council meeting.  
b) At the discretion of the President and the Executive Secretary, a Press Conference shall be held following the close of the Annual Meeting by the Chairs of the General Council, Scientific Council and the Fisheries Commission and the Executive Secretary.
- 11) Media representatives shall comply with these and with any other conditions determined by General Council or by the Executive Secretary.

## **Annex 5. NAFO Staff Association and Staff Representative** (STACFAD W.P. 04/3, Revised)

### **Mandate of the Staff Representative**

It is the obligation of the Staff Representative (SR) to ensure that staff interests are adequately presented in relevant decision-making processes. The SR has the obligation to contribute to management transparency by informing the staff in a timely fashion about important developments and decisions. Confidential and personal information cannot be disclosed without consent in writing of the individual(s) concerned. If in need of guidance, the SR can call a Staff Association meeting. In the case of a conflict within the Secretariat that cannot be solved internally, the SR can call upon the Staff Committee.

### **Staff Association and Election of Staff Representative**

The Staff Association (SA) guides and mandates the SR to take specific actions or present particular viewpoints to the employer. All NAFO staff on permanent or at least one-year contract excluding the Executive Secretary (ES) form the SA and shall have the right to vote at the SA meetings. Decisions are valid only if at least two thirds of the members participate at the meeting and only if all possible precautions have been taken to ensure that every member had the opportunity to participate. A decision should be reached by consensus; if that is not possible, a simple majority decides. Decisions can be taken by show of hands unless requested otherwise by at least one staff member. The rules of procedure of the SA can only be changed if at least 75% of the staff agrees.

The SA elects the SR (and Vice Staff Representative if such a position is desired by the SA) by secret ballot and by simple majority<sup>1</sup> for a term of 1 year starting January (if a SR is elected after January, his/her term still ends with the calendar year). Each staff member is eligible for the post and can be re-elected without restrictions. The SR can be voted out of office by simple majority at any time. The SA can decide to not have a SR. In this case, the SA must meet the following November, or prior to that upon request of 3 members, to re-discuss the issue. If the SR resigns, a meeting has to be called within a month to deal with the new situation.

The SR can call a Staff Meeting on his/her initiative. In addition, an extraordinary SA Meeting can be called upon request of at least 3 staff members with an agenda circulated at least 3 working days before the meeting.

### **Rights of the Staff Representative**

To fulfil his/her duties the SR has a number of rights, namely

- Be informed about all issues (facts, events, plans, etc), negative or positive, regarding personnel matters and work situation in a timely and comprehensive fashion
- Advise the Executive Secretary on staff preferences regarding work time regulations, work safety and health issues, review of Staff Rules, and other staff-related matters
- Participate in STACFAD meetings when personnel matters and work situation are discussed
- Be partially freed from ordinary work in order to research issues relevant to his/her function (point in time and amount of time granted to be agreed upon by ES and SA but not to exceed 20% of annual work time).
- Be protected from reprimand/dismissal on the grounds of his/her activities in this function.

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<sup>1</sup> If no candidate secures the required number of votes, then:

- (a) If there are only two candidates, voting shall be continued until a candidate is elected by simple majority.
- (b) If there are three or more candidates, the candidate receiving the lowest number of votes shall be eliminated and voting shall be continued until a candidate is elected. If there are two or more candidates receiving the lowest number of votes, it shall be decided by separate vote which candidate shall be eliminated.

## **Annex 6. Staff Committee (STACFAD W.P. 04/4)**

### **Mandate**

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.

The Staff Committee is mandated to advise and mediate in the rare event that conflicts within the Secretariat cannot be solved internally. The Staff Committee is composed of three (3) members nominated by members of the Secretariat and appointed by General Council. Members of the Staff Committee serve one year and can be re-elected at every Annual Meeting.

### **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, one or more members of the Staff Committee can be approached by (a) the 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. The Staff Committee 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. Job Classification and Salary Scales of Executive Secretaries in Regional Fishery Bodies (STACFAC W.P. 04/2, Revised)

In 2003, STACFAD asked the NAFO Secretariat to provide information on the United Nation'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.

This revised version is updated to include UN September post adjustments. Also, it is now based on a comparison of net salaries instead of gross salaries to reflect UN salaries in a more common way (UN post adjustment is added to net salaries with no deductions; the former representation where it was added to gross salaries might therefore lead to confusion). This doesn't affect the overall results.

### 1. United Nations salary level and salary scales

**UN level of salaries:** The level of salaries for Professional staff is determined on the Noblemaire Principle (established in 1921) which states that the international civil service should be able to recruit staff from its Member States, including the highest-paid. Therefore, the salaries of internationally recruited (professional) staff are set by reference to the highest-paying national civil service.

The International Civil Service Commission (ICSC) makes a periodic check to identify the national civil service of the Member State which has the highest pay levels and which by its size and structure lends itself to a significant comparison. The federal civil service of the United States of America has to date been taken as the highest paid national civil service<sup>2</sup>.

The application of the Noblemaire principle in the UN also takes into account a number of non-quantifiable factors as:

- Limited stability and security of employment
- Limited promotion prospects, and
- Costs arising from expatriation.

This has the effect that the salary levels are set **above** those paid by the comparator civil service (10-20%).

**UN salary scales:** The base/floor salary scales for the Professional and higher categories are based on five Professional grades (P-1 to P-5), two Director levels (D-1 and D-2) as well as the levels of Assistant Secretary-General and Under Secretary-General in some organizations and Assistant Director-General and Deputy Director-General in others (see Annex 1, Table 1). The scales are expressed as gross and net base salaries and applied uniformly, worldwide, by all organizations in the United Nations common system. Net base salary is obtained by deducting staff assessment from gross base salary.

"Post adjustment" is paid on top of the base/floor salaries as a means to ensure that professional salaries have the same purchasing power at all duty stations. To compensate for significant variation of cost-of-living between duty stations "post adjustment" (a percentage of the salary) is set at different levels at each duty station. ICSC measures differences in cost-of-living through periodic place-to-place surveys and publishes a monthly "post adjustment index" for all duty stations. In addition to base salary and post adjustment, the UN pays a number of subsidies, grants, allowances, and benefits to their professional employees.

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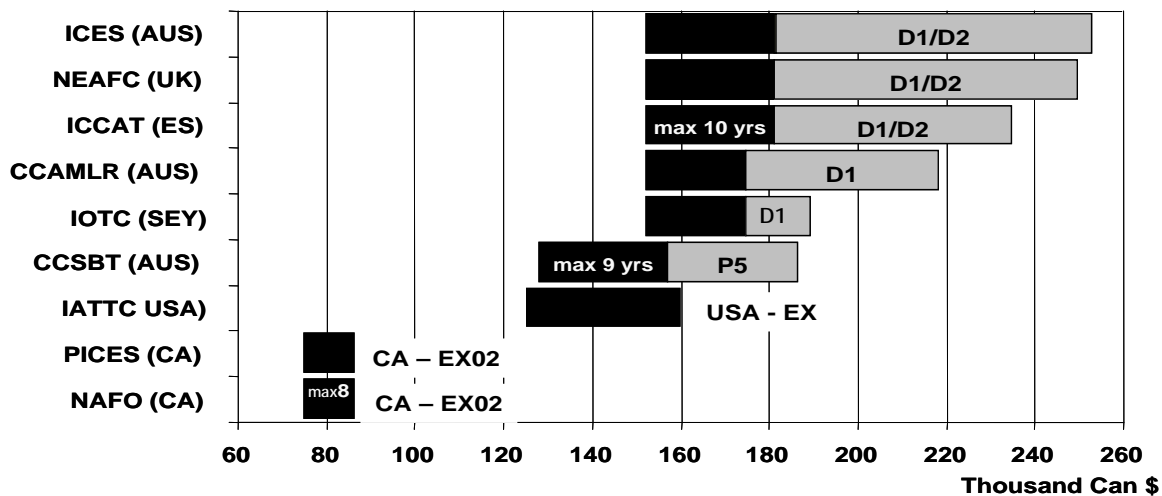
<sup>2</sup> This system has been criticized over the years, primarily due to the direct linkage to a single salary system: Some said that the resulting UN salaries were too low as civil services in other countries can be higher (e.g. Germany in 1995), others maintained that they might appear excessive to governments and taxpayers of countries with lower national salary levels. FICSA (Federation of International Civil Servants' Associations) complains that the level of Professional salaries in the UN is too low, particularly when compared with the salaries of other international civil servants working in the World Bank, OECD, and the European Commission and with those offered in the comparators private sector (FICSA/C/57/PSA/4)

## 2. Comparison of the salary of NAFO's Executive Secretary with that of other Regional Fishery Bodies

The following comparison includes nine well-known Regional Fishery Bodies (RFBs) with headquarters in **North-America** (IATTC, USA; NAFO and PICES, Canada), **Europe** (ICCAT, Spain; ICES, Denmark; NEAFC, UK), **Australia** (CCAMLR and CCSBT), and **Africa** (IOTC, Seychelles). Each of these RFBs shares between four and twelve Contracting Parties (CPs) with NAFO (see Table 1; e.g. over half of the NAFO CPs are also members in ICCAT, 60% are also members in ICES and more than 70% are also members in CCAMLR). Canada is a member in ICES, ICCAT, CCAMLR, and PICES.

Six of the nine RFBs have adopted the UN salary scales for their Executive Secretary, mostly on the director level (D1 or D2) and in one case on the highest professional level (P5; CCSBT). The three North American RFBs follow local salary scales (NAFO, PICES, IATTC).

NAFO ignores the differences between an international contractual employee and a permanent national government employee



**Figure 1. Net salaries of Executive Secretaries.**

**Black:** net salary range after post adjustment of UN salaries for Montreal, Canada; **Grey:** actual net salaries at locality of the headquarter. ICCAT, IOTC and NAFO have a ceiling on contract renewal (maximum number of years).

Figure 1 shows a comparison of Executive Secretaries' salaries<sup>3</sup>. The black portion of the bars represents the net salary ranges corrected for cost-of-living in Atlantic Canada (using the UN post adjustment index for Montreal, i.e. 136.4 in September 2004<sup>4</sup>). In reality, Executive Secretaries of our sample organizations have a net income of up to Can\$ 253,000 with an average of Can\$ 176,000. After post adjustment for Montreal, the maximum net pay would be Can\$ 181,279 and the average net income would be about Can\$ 153,573<sup>5</sup>. The USA based IATTC does not follow a UN salary scale; however, the post adjustment index for Washington (138.5) is similar to that of Montreal suggesting comparable living costs between USA and Atlantic Canada. Both Canadian-based Executive Secretaries have by far the lowest salary ranges.

In addition to a comparatively very low salary, NAFO has introduced a ceiling of 8 years for contract renewal of its Executive Secretary. Besides NAFO only two other RFBs in our sample prohibit contract prolongation after a fixed number of years (IOTC after 9 years, ICCAT after 10 years) (see Figure 1) but these two RFBs offer very competitive salaries.

<sup>3</sup> Comparison is based on maximum salaries. These salaries are reached automatically after 6 (D1), 9 (D2), or 13 (P5) years.

<sup>4</sup> This index results in a local conversion factor of 34.4% of the base salary which is added to the base salary.

Among NAFO CPs the post adjustment index varies between 123.6 for Estonia and 197.9 for Japan with an average of 142.4 for all NAFO member states (in Sep 2004).

<sup>5</sup> After post adjustment for Montreal, net salary for a P5 would be from Can\$ 128,044 to 156,932, a D1 from Can\$ 152,060 to 174,695 and a D2 from Can\$ 165,164 to 181,279.

To see whether the low salaries of Canada-based Executive Secretaries can be explained by a difference in the responsibilities of their Executive Secretaries or the size of their organizations, the RFBs in our sample were compared regarding their mandate, number of staff, number of Contracting Parties, and annual budgets. Table 1 compares these variables to the hypothetical average salaries of Executive Secretaries if the headquarters of their organization was in Montreal (i.e. after post adjustment for Montreal).

Organi- zation	Location	Net salary after PA Montreal, in Can\$, rounded	Mandate	# Staff	# CPs (# NAFO CPs)	Annual Budget, rounded (million Can \$) <sup>6</sup>
ICES	Copenhagen, Denmark	181,000	Scientific Advice	35	19 (10 + 9 EU)	5
NEAFC	London, UK	181,000	Management	4	6 (6)	3.8
ICCAT	Madrid, Spain	181,000	Sci. Adv. & Manag.	20	38 (9)	3
CCAMLR	N-Hobart, Australia	175,000	Sci. Adv. & Manag.	23	31 (12 + 9 EU)	2.5
IOTC	Victoria, Seychelles	175,000	Sci. Adv. & Manag.	11	22 (4)	1.5
IATTC	La Jolla, CA, USA	160,000 <sup>7</sup>	Sci. Adv. & Manag.	45	14 (4)	6.5
CCSBT	Canberra, Australia	157,000	Sci. Adv. & Manag.	5	5 (2)	2
PICES	Sydney, Canada	86,000	Research Coordination	4	6 (5)	0.7
NAFO	Halifax, Canada	86,000	Sci. Adv. & Manag.	13	17	1.5

**Table 1. Comparison of 9 RFBs regarding their average Executive Secretaries' (ES) net salaries (after post adjustment (PA) for Montreal, rounded to the nearest 1,000,) mandate, number of Contracting Parties (CPs), number of staff, and annual budget. Bracketed numbers under CPs indicate the number of NAFO CPs that are also members in the other organizations (in the cases of ICES and ICCAT, 9 members are individual EU countries that are represented through the EU in NAFO). Budget information may not be always up-to-date and has been rounded to the nearest 100,000.**

Although there are differences between RFBs with regard to the features compared, these are not staggering but are on a relatively small scale. It is obvious that none of these features can explain why the NAFO Executive Secretary earns less than half of what Executive Secretaries of most other RFBs earn. NEAFC, IOTC, or CCSBT, for example, rank similarly or lower than NAFO and among the 3 highest paying RFBs, two do not have a double mandate and one also has low numbers of CPs and staff.

It appears that most RFBs subscribe to the Noblemaire Principle when determining the salary of their Executive Secretary, i.e. they wish to make sure that the salary is competitive enough to attract individuals from all their member states.

### 3. Conclusions

From the above, it is clear that NAFO offers its Executive Secretaries the least attractive employment conditions from the sample reviewed: Not only does NAFO pay about half or less of the average salary of most other Executive Secretaries but NAFO also restricts contract renewal of this position through a ceiling of 8 years with the result of high future uncertainty of employment of their Executive Secretaries.

<sup>6</sup> Annual budgets tend to be closely linked to staff numbers (in general about Can\$ 110,000 to 180,000 per employee), with the exception of NEAFC (almost Can\$ 1 million per employee) and CCSBT (about Can\$ 400,000 per employee).

<sup>7</sup> For IATTC only gross salary figures are available. The gross salary figure upon which this estimate is based is Can\$ 237,000.

By treating the NAFO Executive Secretary exactly like a permanent government employee of Canada, NAFO does not compensate for the particular situation of a non-national executive who

- is recruited internationally and from among all economic sectors (not just the public one),
- has to relocate to another country and continent,
- works on a contract basis and does not have a permanent position (nor unemployment insurance or generous termination benefits) or even the possibility to retire in his/her position through contract prolongation if younger than 57 when hired, and
- will have to leave the country after termination of assignment.

The lack of job security and the insecure employment situation after his/her assignment can be especially aggravating for a non-permanent international employee. During his/her long absence, contacts and networks of relations in the home country will have weakened or disappeared making it difficult to find a job. Also, individuals past the age of 50 have a poor chance of being newly employed anywhere. In addition, it is often very difficult for an accompanying spouse to find local employment of acceptable level (due to unaccepted professional certificates, language barrier, lack of contacts, etc) resulting in the loss of a salary.

Most international organizations agree that it is highly desirable that the positions of their executives attract well qualified individuals from all member states and also from the private sector (Noblemaire Principle). Among NAFO Contracting Parties quite a few have civil services offering higher salaries to their citizens than those offered by the Canadian civil service. The private sector in Canada and in most other NAFO member states also pays much higher remunerations. Therefore, international recruitment of the Executive Secretary is difficult for NAFO under its current conditions of salary and benefits that are not even very appealing for Canadian citizens and much less so for non Canadians. Another disadvantage for NAFO resulting from the present situation is that NAFO Executive Secretaries who cannot expect to retire in their present position will be forced to start searching for alternative employment before the end of their assignment which will diminish their overall work efficiency during those last years.

In the past, there has been resistance among NAFO Contracting Parties to introduce a UN salary scale for the NAFO Executive Secretary and it was argued that salaries paid to government executives of the host country, Canada, should constitute adequate compensation for this position. However, even by Canadian standards for its own non-permanent public executives the presently used EX 02 salary category is quite low. The Canadian government recognizes that their public executives working on a contract basis and recruited from private and public sectors require higher compensation than their permanent government executives. Crown Corporations, for example, are Canadian government operated companies<sup>8</sup> with the objective to provide service to the public<sup>9</sup> (non-profit). Consequently, Chief Executive Officers (CEOs) of Canadian Crown Corporations follow a different and higher salary scale than permanent government executives (see Table 2, a and b).

In the light of these findings NAFO Contracting Parties might wish to reconsider the present salary compensation of the NAFO Executive Secretary. Such a discussion could contemplate the salary scale of Canadian Crown Corporations as an alternative to a UN salary scale. However, it should take into consideration that these remunerations for non-permanent Canadian public executives do not compensate for the described additional disadvantages connected to international relocation experienced by a NAFO Executive Secretary. In addition, reconsideration of the present ceiling for contract renewal of the NAFO Executive Secretary could be discussed.

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<sup>8</sup> Direct control by government is exerted over the corporation's budget and the appointment of its chairperson and directors.

<sup>9</sup> Canadian Crown corporations are used to control everything from the distribution, use, and price of certain goods and services, to energy development, resource extraction, public transportation, cultural promotion, and property management.



<b>Table a: CEOs of Can. Crown Corp.</b>	<b>2004 Job Rates \$000</b>	<b>At-Risk Pay</b>
<b>Group 1</b>	119.1	10%
<b>Group 2</b>	133.4	10%
<b>Group 3</b>	149.4	10%
<b>Group 4</b>	167.3	10%
<b>Group 5</b>	187.4	10%
<b>Group 6</b>	215.5	15%
<b>Group 7</b>	247.8	15%
<b>Group 8</b>	285.0	15%
<b>Group 9</b>	342.0	20%
<b>Group 10</b>	410.4	25%

<b>Table b: permanent government executives</b>	<b>2004 Job Rates \$000</b>	<b>At-Risk Pay</b>
<b>EX01</b>	102.5	10%
<b>EX02</b>	114.9	10%
<b>EX03</b>	128.5	10%
<b>EX04</b>	147.8	15%
<b>EX05</b>	165.5	15%
<b>DM01</b>	185.2	15%
<b>DM02</b>	212.9	20%
<b>DM03</b>	238.5	20%
<b>DM04</b>	267.2	25%

*Table2, a and b. 2004 Job Rates and At-Risk Pay for (a) CEOs of Crown Corporations and (b) for Canadian Government Executives and Deputy Ministers (from "Treasury Board of Canada Secretariat. Advisory Committee on Senior Level Retention and Compensation Sixth Report: May 2003").*

**Examples for Canadian Crown Corporations** (from: "Treasury Board of Canada Secretariat. Advisory Committee on Senior Level Retention and Compensation Second Report: March 2000):

**Group 1**

Atlantic Pilotage Authority  
Great Lakes Pilotage Authority

**Group 2**

Canadian Race Relations  
Foundation  
Enterprise Cape Breton Corporation  
Laurentian Pilotage Authority  
Pacific Pilotage Authority

**Group 3**

Defence Construction (1951)  
Limited  
Federal Bridge Corporation Limited  
Freshwater Fish Marketing  
Corporation  
Standards Council of Canada

**Group 4**

Canadian Dairy Commission  
Canadian Film Development Corp

Canadian Museum of Nature  
National Arts Centre Corporation  
National Gallery of Canada  
Nat. Museum Science & Technol.  
Corp.

**Group 5**

Canada Council  
Canada Lands Company Limited  
Canadian Commercial Corporation  
Can. Museum of Civilization Corp.  
Marine Atlantic Incorporated  
National Capital Commission

**Group 6**

Canada Deposit Insurance  
Corporation  
Cape Breton Development  
Corporation  
Farm Credit Corporation  
International Dev. Research Centre

**Group 7**

Business Development Bank of  
Canada  
Export Development Corporation  
Royal Canadian Mint  
Via Rail Canada Incorporated

**Group 8**

Atomic Energy of Canada Limited  
Can. Mortgage and Housing Corp.

**Group 9**

Bank of Canada  
Canadian Broadcasting  
Corporation

**Group 10**

Canada Post Corporation  
Benchm. of Current Cash  
Compensation  
External Benchmarking

### Annex 8. Budget Estimate for 2005

#### NORTHWEST ATLANTIC FISHERIES ORGANIZATION Budget Estimate for 2005 (Canadian Dollars)

	Approved Budget for 2004	Projected Expenditures for 2004	Preliminary Budget Forecast for 2005	Budget Estimate for 2005
1. Personal Services				
a) Salaries	\$842,000	\$842,000	\$856,000	\$864,000
b) Superannuation and Annuities	78,000	80,000	83,000	92,000
c) Group Medical and Insurance Plans	88,000	72,500	89,000	87,000
d) Termination Benefits	50,000	50,000	25,000	30,000
e) Accrued Vacation Pay	1,000	1,000	1,000	5,000
f) Termination Benefits Liability	10,000	10,000	10,300	10,300
g) Clerical (CR) Retroactive Salary Liability	27,000	27,000	27,000	27,700
2. Travel	19,000	17,500	38,700	45,000
3. Transportation	1,000	1,000	1,000	1,000
4. Communications	30,000	29,000	30,000	30,000
5. Publications	20,000	30,000	20,000	25,000
6. Other Contractual Services	50,000	50,000	43,000	47,000
7. Additional Help	1,000	1,000	1,000	3,000
8. Materials and Supplies	30,000	30,000	30,000	30,000
9. Equipment	20,000	17,000	20,000	15,000
10. Meetings				
Annual General Meeting and Scientific Council Meetings	75,000	77,000	73,000	72,000
Inter-sessional Meetings	45,000	36,000	40,000	36,000
Scientific Council Special Session	5,000	5,000	-	-
Annual Meeting Reception	-	-	-	-
Hospitality Allowance	-	-	-	3,000
11. Computer and Web Services				
Computer and Web Services	33,000	33,000	25,000	31,000
Vessel Monitoring System	75,000	79,000	35,000	45,000
12. Recruitment and Relocation	-	-	-	-
	\$1,500,000	\$1,488,000	\$1,448,000	\$1,499,000

Notes on Budget Estimate 2005  
(Canadian Dollars)

Re Item 1(a)	<b>Salaries</b> Salaries budget estimate for 2005 includes a 2.5% economic increase. The actual increase will be based on the economic increases received in the equivalent classifications of the Public Service of Canada.		\$864,000
Re Item 1(b)	<b>Superannuation and Annuities</b> Employer's portion (includes employer normal cost, past service liability and early retirement provisions) and administration costs.		\$92,000
Re Item 1(d)	<b>Termination Benefits</b> This figure is for 2005 credits and conforms to NAFO Staff Rule 10.4(a).		\$30,000
Re Item 2	<b>Travel</b> Travel costs associated with the following:		\$45,000
	i) the Executive Secretary and the Chair of STACREC to the Co-ordinating Working Party on Fish Statistics (CWP), 21 <sup>st</sup> Session, and the Fisheries Resources Monitoring Systems (FIRMS) Steering Committee Meeting and Workshop, 2 <sup>nd</sup> Session, of the Food and Agriculture Organization of the United Nations (FAO), February/March 2005, Copenhagen, Denmark; and,	\$14,000	
	ii) the 26 <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,	6,000	
	iii) the Annual Meeting of North Atlantic Regional Fisheries Management Organizations (NARFMO), Rome, Italy; and,		
	vi) the Annual Meeting of the International Fisheries Commissions Pension Society, April 2005, Victoria, British Columbia, Canada; and,	6,500	
	v) the Review operations of the North-East Atlantic Fisheries Commission Secretariat; and,	9,000	
	vi) Miscellaneous and unforeseen travel; and,	5,000	
	vii) the Technical Working Group of Fisheries Resources Monitoring Systems (FIRMS).	4,500	
Re Item 4	<b>Communications</b> Postage Telephone Courier/Mail service Fax	\$13,000 12,800 3,200 1,000	\$30,000
Re Item 5	<b>Publications</b> Conservation and Enforcement Measures, Convention, Inspection Forms, Journal of Northwest Atlantic Fishery Science, Meeting Proceedings, Rules of Procedure, Scientific Council Reports, Scientific Council Studies, etc.		\$25,000

Re Item 6	<b>Other Contractual Services</b>		\$47,000
	Leases:		
	• Color laser printers (including buyout option)	\$9,400	
	• Photocopier	8,000	
	• Print department copier	7,900	
	• Postage meter	3,900	
	Maintenance Agreements:		
	• Photocopier, printers and telephones	4,000	
	Other Contracts:		
	• Audit	7,000	
	• Consulting & legal fees	4,000	
	• Fidelity bond and fire insurance	2,500	
	• P.O. box rental	300	
Re Item 7	<b>Additional Help</b>		
	Additional help required for Scientific Council recommendation to complete task of digitizing observer data.		\$3,000
Re Item 10	<b>Meetings</b>		
	i) Annual General Meeting and Scientific Council Meetings:		\$72,000
	This figure includes the cost for the 27 <sup>th</sup> Annual Meeting, September 2005, Tallinn, Estonia, the Scientific Council Meeting, June 2005 and the Scientific Council Shrimp Meeting, November 2005, to be held in Halifax/Dartmouth, Nova Scotia, Canada.		
	ii) Inter-sessional Meetings:		36,000
	General provision for inter-sessional meetings		
	iii) Scientific Council Special Session		-
	iv) Annual Meeting Reception		-
	v) Hospitality Allowance		3,000
Re Item 11	<b>Computer and Web Services</b>		
	Computer and Web Services:		\$31,000
	• Computer supplies and equipment	\$13,000	
	• Training and professional development	10,000	
	• Software updates	5,000	
	• Consulting and maintenance	2,000	
	• Web hosting	1,000	
	Vessel Monitoring System (VMS)		\$45,000
	• Annual Operating Expenses	\$37,000	
	• Possible recommendation to come from STACTIC during the Annual Meeting for programming changes to harmonize the VMS message format and reports by fishing vessels consistent with the formats used in NEAFC. The budget amount has been estimated and will be updated during the Annual Meeting.	8,000	

### Annex 9. Preliminary Calculation of Billing for 2005

Preliminary calculation of billing for Contracting Parties  
against the proposed estimate of \$1,499,000 for the 2005  
financial year (based on 13 Contracting Parties to NAFO).  
(Canadian Dollars)

Budget Estimate	\$1,499,000.00
Deduct: Amount from Accumulated Surplus Account	178,254.00
Funds required to meet 2005 Administrative Budget	<u>\$1,320,746.00</u>

60% of funds required =	\$792,447.65
30% of funds required =	396,223.75
10% of funds required =	132,074.60

Contracting Parties	Nominal Catches for 2002	% of Total Catch in the Convention Area	10%	30%	60%	Amount Billed
Bulgaria	-	-	-	\$30,478.75	-	\$30,478.75
Canada	507,877	54.04%	\$81,998.61	\$30,478.75	\$428,238.69	540,716.05
Cuba	-	-	-	\$30,478.75	-	30,478.75
Denmark (in respect of Faroe Islands and Greenland) (1,2)	143,532	15.27%	23,173.77	\$30,478.75	121,006.76	174,659.28
European Union (1)	68,935	7.33%	-	\$30,478.75	58,086.42	88,565.17
France (in respect of St. Pierre et Miquelon)	3,196	0.34%	516.01	\$30,478.75	2,694.33	33,689.09
Iceland	6,878	0.73%	-	\$30,478.75	5,784.87	36,263.62
Japan	3,256	0.35%	-	\$30,478.75	2,773.57	33,252.32
Republic of Korea	-	-	-	\$30,478.75	-	30,478.75
Norway (1)	14,362	1.53%	-	\$30,478.75	12,124.45	42,603.20
Russian Federation	28,412	3.02%	-	\$30,478.75	23,931.92	54,410.67
Ukraine	-	-	-	\$30,478.75	-	30,478.75
United States of America (1)	163,429	17.39%	26,386.21	\$30,478.75	137,806.64	194,671.60
	939,877	100.00%	\$132,074.60	\$396,223.75	\$792,447.65	<u>\$1,320,746.00</u>
Funds required to meet 1 January - 31 December 2005 Administrative Budget						<u>\$1,320,746.00</u>

(1) Provisional Statistics used when calculating 2002 nominal catches which have not been reported from Contracting Parties.

(2) Faroe Islands = 9,149 metric tons  
Greenland = 134,383 metric tons

## Annex 10. Preliminary Budget Forecast for 2006 and 2007

### NORTHWEST ATLANTIC FISHERIES ORGANIZATION

#### Preliminary Budget Forecast for 2006 and 2007

(Canadian Dollars)

	Preliminary Budget Forecast for 2006	Preliminary Budget Forecast for 2007
1. Personal Services		
a) Salaries	\$802,000	\$738,000
b) Superannuation and Annuities	79,000	74,000
c) Group Medical and Insurance Plans	85,300	76,000
d) Termination Benefits	38,000	25,000
e) Accrued Vacation Pay	5,000	1,000
f) Termination Benefits Liability	-	-
g) Clerical (CR) Retroactive Salary Liability	27,700	-
2. Travel	35,000	35,000
3. Transportation	1,000	1,000
4. Communications	30,000	30,000
5. Publications	25,000	25,000
6. Other Contractual Services	41,000	41,000
7. Additional Help	10,000 <sup>a</sup>	1,000
8. Materials and Supplies	30,000	30,000
9. Equipment	20,000 <sup>b</sup>	10,000
10. Meetings		
Annual General Meeting and Scientific Council Meetings	83,000 <sup>c</sup>	79,000 <sup>c</sup>
Inter-sessional Meetings	36,000	36,000
Scientific Council Special Session	5,000	5,000
Annual Meeting Reception	20,000	20,000
Hospitality Allowance	5,000	5,000
11. Computer and Web Services		
Computer and Web Services	31,000	31,000
Vessel Monitoring System	78,000 <sup>d</sup>	78,000 <sup>d</sup>
12. Recruitment and Relocation	44,000 <sup>e</sup>	-
	<b>\$1,531,000</b>	<b>\$1,341,000</b>

<sup>a</sup> Additional help 2006 forecast is a continuation of Scientific Council recommendation of digitizing observer data.

<sup>b</sup> Equipment 2006 forecast includes \$10,000 for office renovations.

<sup>c</sup> Forecasted costs associated with Annual Meetings, September 2006/2007 and Scientific Council Meetings June and November 2006/2007.

<sup>d</sup> Vessel Monitoring System forecasts for 2006/2007 include \$40,000 each year for programming changes, if required.

<sup>e</sup> Recruitment and Relocation costs forecast for 2006 are to replace the anticipated retirement of the Deputy Assistant Secretary.

## **PART III**

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

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

As the Chair Mr. Daniel Silvestre (France – on behalf of St. Pierre et Miquelon) was unable to attend, the Vice-Chair Ms. Nadia Bouffard (Canada) opened the meeting at 10 AM on 13 September 2004. The meeting was attended by representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), France (on behalf of St. Pierre et Miquelon), Iceland, Japan, Norway, the Russian Federation, and the United States of America (Annex 1).

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

Ms. Nathalie Girouard (Canada) was appointed rapporteur.

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

The agenda was adopted (Annex 2).

#### **4. Review of 2004 information on activities of Non-Contracting Party vessels in the Regulatory Area**

The Chair drew attention to the STACFAC Working Paper 04/7, the compilation of the correspondence with Non-Contracting Parties prepared by the Secretariat, and its addendum, a report from Canada on Non-Contracting Party vessels sighted in the NAFO Regulatory Area.

Canada indicated that the following eight Non-Contracting Party vessels were sighted fishing in Subarea 2 and Division 1F of the NAFO Regulatory Area: Oyra, Ostroe, Okhotino, Olchan, Ostrovets, Ozherelye, Lisa and Pavlosk. The first five of these vessels were sighted engaged in fishing activities in the NAFO Regulatory Area in 2003 flying the flag of Dominica and in 2002, flying the flag of Belize. The vessel Lisa is believed to be the Kadri, which has changed its name and its flag. Canada explained that in attempting to determine the flag and the registration of these vessels, it had encountered conflicting information from Lloyds registry, Cypriot officials and the masters of the 4 vessels that were contacted. Specifically, Okhotino, Orchan, Ostrovets and Ozherelye were initially believed to be registered in Dominican Republic, but during the 2004 annual meeting, the EU was able to confirm that all these vessels are actually flagged by Dominica.

Based on the area in which the vessels were sighted as well of the time of year they were fishing, it may be inferred that they were directing their fishery for oceanic redfish.

It was suggested that the General Council task the Secretariat to reformat the review of information on Non-Contracting Party vessels, including the history of specific Non-Contracting Party vessels fishing from year-to-year in the NAFO Regulatory Area, in a manner similar to that of the International Commission on the Conservation of Atlantic Tunas.

It was further suggested that Contracting Parties be reminded of their obligations to inspect the Non-Contracting Party vessels when they enter Contracting Party ports, and to prohibit landings and transshipment from these Non-Contracting Party vessels, where warranted. Information shall be sent without delay through the Secretariat to all NAFO Contracting Parties, with a view to tracking the activities of these Non-Contracting Party vessels.

### **5. Review of 2004 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area**

No information on transshipments and landings of fish by Non-Contracting Parties in the NAFO Regulatory Area was presented for 2004.

Iceland noted that the following cargo vessels, though not sighted in the process of transshipping, were seen in the NEAFC Regulatory Area, in the general area of Non-Contracting Party vessels that were later sighted by Canada in the NAFO Regulatory Area (as mentioned in item 4):

<b>Date</b>	<b>Name</b>	<b>Flag state</b>	<b>Vessel number</b>
26 April 2004	Razna-ELPI3	Liberia	6149N-2918JJ
27 May 2004	Sunny Jane	Belize	6147N-3050JJ
10 June 2004	Caribbean Lady-9HBG7	Malta	6208N-3112JJ

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

No information on imports was presented for 2004.

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

EU presented further information regarding the diplomatic demarches to Belize, Dominica and Dominican Republic as per the STACFAC Working Paper 04/7. Belize replied and indicated that it had deregistered the vessels in question. The Dominican Republic replied stating that they were not the flag states of the vessels: Seal, Ostroe, Okhotino, Olchan and Ostrovets, which were in fact flying the flag of Dominica when sighted in the NAFO Regulatory Area in 2003. It was noted that a demarche was subsequently delivered to the Commonwealth of Dominica on 23 February 2004. No reply has been received from Dominica.

STACFAC members agreed that another letter should be written to Dominica noting the lack of response to the initial letter of the 23 February 2004. The EU and Canada drafted the letter (Annex 3), which addresses again the concerns of NAFO members with the continuation of illegal fishing activities of these Dominica flagged vessels in the NAFO Regulatory Area. The letter requests Dominica authorities to investigate the reported activities by these Dominica-flagged vessels and to provide NAFO members feedback on the results of the investigation taken, as well on any administrative or legal actions that the Dominican authorities might have taken against these vessels.

The EU suggested that the letter be given to the Dominica representatives in Brussels as a diplomatic demarche. Canada and USA agreed to be part of the delivery of the letter. The EU also encouraged other Parties to participate in the delivery of this letter.

### **8. Continuation of intersessional discussion on a modification of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the CEM established by NAFO**

Noting the significant progress achieved at the June 2004 intersessional meeting of STACFAC in addressing concerns raised previously, the chair suggested that the group begin its work on the EU text (STACFAC Working Paper 04/3, version 4) (Annex 4) by first discussing the remaining bracketed text before proceeding to a clause by clause examination. Japan, who was unable to attend the intersessional meeting, provided additional comments to the text.

Japan requested further precision on Article 6, regarding the scope of the definition of *fish* in the paragraphs 1 and 2. Japan voiced concerns about whether these provisions would also apply to import restriction and asked that wording specify fish under NAFO conservation and enforcement measures. Other Parties felt that this would actually weaken gains of the existing scheme and the brackets remained in Articles 6(1) and 6(2).



In addition, square brackets remain on Articles 2(5), 7(5), 7(6) and 10(1), which relate to the Norwegian proposal regarding the process for the automatic listing of Non-Contracting Party vessels. Some STACFAC members questioned whether automatic listing would jeopardize the rights of Non-Contracting Party vessels to due process if they are listed simply because they have not responded to NAFO's request. It was suggested that transferring vessels from a provisional list to the IUU list should occur only as a result of a decision by the General Council. Several STACFAC members questioned whether an annual process for listing would render the IUU list less effective and provide ample time for vessels to reflag or change ownership. No consensus was reached; therefore, Iceland asked to retain the bracketed text for future discussion on this matter.

Japan has requested that given an IUU list of Non-Contracting Party vessels will be put on the NAFO public website, any similar list of Contracting Party problem vessels should in the future also be on the NAFO public website. Japan indicated that this would be required to prevent discrimination under the World Trade Organization rules.

There was no consensus on the inclusion of provisions relating to trade restricted measures in the revised scheme. Several STACFAC members were concerned that a scheme calling for the imposition of trade measures against Non-Contracting Parties without a similar scheme applicable to Contracting Parties could be inconsistent with World Trade Organization's requirements for fair and non-discriminatory treatment. Canada, supported by Japan, maintains a reservation on the entry into force of the trade provisions of Article 10 until such time as a similar scheme would be adopted for Contracting Parties. One Party believed that such measures are the only means of addressing non-cooperation by Non-Contracting Parties whereas a different mechanism exists in NAFO to address non compliance by its members. This Party expressed the view that the adoption of this scheme without trade measures would render it ineffective and were unable to agree to a text without the measures envisaged in Article 10(3), 10(4) and 10(5).

The suggestion for a prohibition of exports of fishing vessels from Contracting Parties to certain Non-Contracting Parties was considered to be related to trade issues and remains in brackets (10(X)).

Although extensive discussions took place during the meeting and progress was made on a number issues no consensus was reached on the remaining bracketed text during the STACFAC meeting (STACFAC Working Paper 04/10, version 2) (Annex 5).

## **9. Election of a Chair and Vice-Chair**

The Chair brought to the attention of the Committee that the terms of service of both the Chair and the Vice-Chair would soon expire. M s. Nadia Bouffard (Canada) was elected as Chair for the next two years. Mr. Gene S. Martin (USA) was elected as Vice-Chair for the next two years.

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

STACFAC recommends to the General Council that:

1. the General Council remind Contracting Parties of their obligations to inspect the Non-Contracting Party vessels when they enter Contracting Party ports, and to prohibit landings and transshipment from these Non-Contracting Party vessels, where warranted. Information shall be sent without delay through the Secretariat to all NAFO Contracting Parties, with a view to tracking the activities of these Non-Contracting Party vessels.
2. the General Council ask the Secretariat to compile a package on the history of Non-Contracting Party fishing vessels using a similar format as is used in the International Commission for the Conservation of Atlantic Tunas, to facilitate discussion at future STACFAC meetings;
3. the letter in response to the sightings of Dominica-flagged vessels engaged in IUU fishing activities be delivered by the EU to the Dominica representative in Brussels as a diplomatic demarche. Canada and USA have consented to participate and other NAFO Parties are encouraged to also be part of this demarche.

4. the General Council mandate STACFAC to review and continue discussions on the Norwegian proposal (STACFAC Working Paper 04/8) on joint NAFO and NEAFC scheme to promote compliance by Non-Contracting Party vessels at the next NAFO annual meeting.
5. the General Council task the Executive Secretary to draft a response to the Belizean letter inserting paragraphs developed by STACFAC regarding the issue of Co-operating Non-Contracting Party status in NAFO as well as availability of quotas.

## **11. Other Matters**

Norway presented a proposal for a joint scheme between NAFO and NEAFC (STACFAC Working Paper 04/8) (Annex 6) for Non-Contracting Party vessels to promote the compliance of these vessels present in both NAFO and NEAFC Regulatory Areas. STACFAC members agreed to communicate any preliminary comments to Norway during the intersessional period. Members agreed to recommend to General Council that STACFAC be mandated to review the proposal for a joint NAFO and NEAFC scheme at the next NAFO annual meeting.

The Chair also drew attention on the STACFAC Working Paper 04/9 (Annex 7), an email sent to NAFO by the International Merchant Marine Registry of Belize (IMMARBE) requesting information on the procedures for becoming a co-operating Non-Contracting Party. The group acknowledged that no such formal mechanism exists in NAFO. Further, it was suggested that a response be drafted and sent to Belize by the President of NAFO. It should acknowledge Belize's willingness to cooperate, fully elaborate the measures with which they must cooperate and invite Belize to join as a member. The current status of fishing opportunities would also be explained.

The US drafted the following text to be included in the response letter that will be sent to IMMARBE:

*"At this time, NAFO's rules and regulations do not offer any provision for granting a formal designation of Cooperating Non-Contracting Party. Non-Contracting Parties are not eligible for quotas of NAFO stocks. Nonetheless, NAFO encourages the cooperation and collaboration of non-contracting parties with NAFO's conservation and management regime. Whether flagged to a contracting party or non-contracting party, any vessels fishing for species covered by the NAFO Conservation and Enforcement Measures are expected to observe all applicable requirements. Many of these are elaborated below, but they also include rules regarding catch reporting, observer coverage, and the use of vessel monitoring systems.*

*Many NAFO stocks are in poor shape, and Contracting Party fishing opportunities for these species are very limited. However, we encourage Belize to consider becoming a contracting party to NAFO if there are Belizean vessels who are interested in fishing in the NAFO Regulatory Area."*

It was agreed that the General Council recommend the insertion of these two paragraphs in the reply letter that will be prepared by the Executive Secretary.

## **12. Adjournment**

The Committee adjourned at 2100 hrs on 15 September 2004.

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

Canada	Nadia Bouffard Nathalie Girouard Heather Olsen Kym Purchase
Denmark (in respect of Faroe Islands and Greenland)	Dorthe Lillelund Emanuel Rosing
European Union	Fuensanta Candela Castillo Monica Martinez-Castañeda
France (in respect of St. Pierre et Miquelon)	Alice Rozié
Iceland	Kolbeinn Arnason Gudridur Kristjansdottir
Japan	Miwako Takase
Norway	Jan Pieter Groenhof
Russia	Alexander Okhanov
USA	Deirdre Warner-Kramer Gene Martin

**Annex 2. Agenda**

1. Opening by Chairman, Daniel Silvestre (France-SPM)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 2004 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 2004 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. Continuation of intersessional discussion on a modification of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the CEM established by NAFO
9. Election of Chair and Vice-Chair
10. Report and Recommendations to the General Council
11. Other Matters
12. Adjournment

### **Annex 3. Letter to Dominica**

Mr Osbourne Riviere.  
Minister for Foreign Affaires, Trade and Marketing  
Government Headquarter, Kennedy Avenue  
Roseau  
Commonwealth of Dominica

Dear Mr. Minister:

I refer to my letter dated 24 February 2004 (attached in Annex 1) on the matter of certain vessels which have been sighted while engaging in fishing activities in the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO), and which, according to available information, are flagged to Dominica. I have once again been mandated by the members of NAFO to draw your attention to these activities.

In my previous letter, I referred to diverse reports that identified the vessels Seal, Oyra, Okhatino, Ostrovets, Olchan and Ostroe as sighted while engaging in fishing activities in the NAFO Regulatory Area during 2003. Reports concerning the vessel Kadri were also communicated. Relevant information regarding such reports was sent in attachment for your reference. Further, concern was expressed that these vessels were continuing their illegal fishing activities in the NAFO Regulatory Area under the flag of Dominica, thereby undermining the effectiveness of Conservation and Management Measures established by NAFO.

I wish to convey to you my displeasure and that of the NAFO Membership on account of the fact that your administration has not yet replied to my letter, in particular since our concerns have proven well-founded and new evidence pointing at the continuation of the illegal activities of Dominica-flagged vessels has been received and examined by NAFO during its 25<sup>th</sup> Annual Meeting held in Dartmouth, Canada, 13 to 17 September 2004.

In this respect, during the 2004 fishing season, a total of 8 vessels, which according to enquiries led by NAFO Members, are flagged to Dominica, were sighted while engaging in fishing activities in the NAFO Regulatory Area. The list of these vessels includes Oyra, Okhatino, Ostrovets, Olchan, Ostroe and Kadri, the latter under a new name, Lisa, all of which were reported last year, plus two further vessels, Pavlovsk and Ozherelye. Each of them was sighted at least twice in NAFO Division 1F during a period spanning July 27 to September 1 this year. Data retrieved from the Registry of Dominica internet site (Greece branch) identify all these vessels as flagged to Dominica, information effective May 2004. Information pertaining to these sightings and the registration data source is attached (Annex 2) for your convenience.

NAFO and its members note with concern that their efforts to ensure sustainable management of the fisheries resources placed under NAFO competence in the Northwest Atlantic are jeopardized by continued illegal, unreported and unregulated fishing activities (IUU fishing) carried out by vessels which do not submit to the Organization's rules. Under the current provisions of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Management Measures established by NAFO, it is required that instances such as those reported in relation to the vessels referred to above be brought to the attention of the flag state.

It is therefore with the utmost urgency that I once again ask of the Commonwealth of the Dominica to recognize the request of NAFO and its members to investigate the reported activities by Dominica-flagged vessels and to provide feedback on the results of such enquiries and investigations as well on any administrative or legal action the Dominica authorities might have taken to ensure that these vessels cease and desist from fishing activities that undermine the effectiveness of the NAFO Conservation and Management Measures.

In this respect, I would draw your attention, as in my previous letter, to the fact that 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 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 for 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 licenses 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 responsible flag states in pursuing the global approach needed to ensure sustainable fisheries. 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 Dominica 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.

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>. [I would particularly draw your attention to the text of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Management Measures established by NAFO as amended by the Organization during its 25th Annual meeting. The amended scheme will enter into force (---) and will as of then provide a basis for the establishment of a listing of vessels flying the flag of Non-Contracting Parties to NAFO that have been identified as engaging in IUU fishing in the NAFO Regulatory Area. Under these recently adopted provisions, NAFO Contracting Parties are called to take appropriate measures in respect of vessels included in the IUU list which may include, among others, refusal of landing, transshipment, refueling and re-supply and other operations in their ports, refusal of licenses to fish in waters under their jurisdiction and prohibition of chartering and re-flagging. Appearance on the list may result in trade restrictive measures in respect of the flag state. Finally, information relative to such vessels is shared with other Regional Fisheries Management Organizations for the purposes – as appropriate – of the implementation of similar Schemes that many among these other Organizations have also adopted.]

I thank you in advance for your earliest possible attention to these matters and I 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.

Sincerely,

David Bevan  
President of NAFO

cc: Caribbean Community (CARICOM)

**Annex 4. Working Paper presented by the EU on Modification of the NCP Scheme  
at STACFAC Meeting, June 2004 (STACFAC W.P. 04/3, Version 4)**

**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 purpose of this Scheme is to prevent, deter and eliminate fishing activities by non-Contracting Party vessels that undermine the effectiveness of the Conservation and Enforcement measures established by the Organization.]<sup>10</sup>
2. Nothing in this scheme shall affect the sovereign rights of Contracting Parties to impose additional measures to promote compliance by NCP vessels, in accordance with international law.
3. This Scheme shall be interpreted in a manner consistent with international law, including the principles, rights and obligations in WTO agreements, and be implemented in a fair and transparent manner.

**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 to a Contracting Party, including vessels for which there are reasonable grounds for suspecting them to be without nationality.

*TO BE DELETED AS ALREADY IN CEM*

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 fishing” means activities as defined in paragraph 3 of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.
5. “IUU List” means the list, established pursuant to Article 7 of Chapter VI, containing the particulars of vessels that have been found by the General Council to have engaged in IUU fishing.
6. “Provisional List” means the list, established pursuant to Article 7 of Chapter VI, containing the particulars of vessels that have been identified as having engaged in fishing activities, according to information received pursuant to Articles 3 to 6 or information received in reports pursuant to Article 8 of Chapter VI.

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<sup>10</sup> Draft proposed by the Chair, not yet discussed by the Committee.

### **Article 3**

#### **Sightings and identifications of non Contracting Party vessels / Presumption of NCP vessels undermining NAFO Conservation and Enforcement Measures**

1. A non-Contracting Party vessel that has been sighted or by other means identified by a Contracting Party as engaging in fishing activities in the Regulatory Area 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 that has engaged in such activities with that vessel.
2. Information regarding such sightings or identifications 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 Organizations 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 or identified engaging in fishing activities, 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 Management Organizations 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 that are sighted engaging 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 Organizations within one business day of receiving this information, and to the Flag State as soon as possible. The non-Contracting Party vessel that 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 Organizations through the NAFO Secretariat, and as soon as possible to the relevant flag State(s).



## Article 6

### Fishing activities

- [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. ]<sup>11</sup>
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, unless:
  - a) The vessel establishes that the fish were caught outside the Regulatory Area; or
  - b) The vessel establishes that it has applied all relevant Conservation and Enforcement Measures.
3. Contracting Parties denying landings or transshipments shall inform the vessel, the flag State of the vessel and the NAFO Secretariat of this decision.

## Article 7

### Notification of presumed IUU activities and establishment of a Provisional List

1. Upon receipt of information from Contracting Parties pursuant to Articles 3 to 6, the secretariat shall enter the flag State, vessel name and letters and numbers of registration, and other identifying features of the vessel as available, on a Provisional List. The Secretariat shall place the Provisional List on a secure section of the NAFO website.  
  
[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 in the Regulatory Area. ]<sup>12</sup>
2. At the same time, the Secretariat shall, in consultation with the Chair of STACFAC, advise relevant non-Contracting Parties of the vessels flying their flag that have been included in the Provisional List and provide the following information to the non-Contracting party:
  - a. the reasons for the inclusion on the Provisional List and all relevant evidence upon which inclusion of the vessel on the list is based;
  - b. a copy of the NAFO Conservation and Enforcement Measures, including this Scheme;
  - c. 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;
  - d. a reminder that trade restrictive measures may be imposed if the flag State does not take effective measures to ensure that the vessel or vessels in question desist from activities that undermine the effectiveness of the NAFO Conservation and Enforcement Measures;
  - e. a request to report back to NAFO [within 30 days from the date the letter is sent]<sup>13</sup> on the results of enquiries and/or measures it has taken in respect of the vessel or vessels concerned.; and,
  - f. the dates when STACFAC and the General Council will be considering recommendations with respect to the composition of the IUU List, and an invitation to the non-Contracting Party to attend the meeting of STACFAC and the General Council as an observer, with the opportunity to further respond to the request specified in sub-paragraph e).
3. The Secretariat shall promptly provide non-Contracting Parties concerned with any additional information received pursuant to Articles 3 to 6 in respect of vessels flying their flag that have already been included on the Provisional List.

<sup>11</sup> Language bracketed pending outcome of discussions on a) the possibility of prohibiting at sea transshipment from all NCP vessels (not just those sighted etc) and b) the possibility that a proposal is made to the Organisation to prohibit all transshipments at sea.

<sup>12</sup> The Committee agreed on the substance of this paragraph – Article 8(2) of the initial proposal. Language not yet discussed.

<sup>13</sup> Deadline subject to the outcome of discussion on the general cycling of the listing procedure and the cutoff date established in Article 8.2, still to be decided. Cf. footnote 5.

4. The Secretariat shall promptly distribute any information received from non-Contracting Parties to all Contracting Parties.
5. [If a non-Contracting Party that has received information regarding one of the vessels entitled to fly its flag pursuant to paragraph 2 does not object to a listing by the deadline established under paragraph 2, subparagraph e), the vessel concerned shall be transferred from the Provisional List to the IUU List.
6. Vessels that have been transferred from the Provisional List to the IUU List in this manner shall be retransferred to the Provisional List if the flag State at any date prior to X days before the Annual Meeting of STACFAC reacts in writing to the information received. If the vessel is retransferred to the Provisional List in this manner the decision whether to put the vessel on the IUU List shall be referred to STACFAC.]<sup>14</sup>

## Article 8

### Establishment of the IUU list

1. STACFAC shall consider the Provisional List and as appropriate recommend to the General Council that the vessels either:
  - a) be removed from the Provisional List;
  - b) be retained on the Provisional List pending the receipt of further information; or,
  - c) be transferred to the IUU List.
2. [STACFAC shall only consider vessels for inclusion on the IUU list if the period referred to in Article 7.2.e) has elapsed.]<sup>15</sup>
3. STACFAC shall undertake a review of the current IUU List and as appropriate recommend to the General Council that vessels are maintained thereon 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 provides satisfactory information to establish that:
  - a) it has taken effective action in response to the IUU fishing in question, including prosecution and imposition of sanctions of adequate severity;
  - 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;
  - c) the vessel has changed ownership and 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]<sup>16</sup>; or,
  - d) the vessel did not take part in IUU fishing.
4. The General Council shall review the recommendations made by STACFAC pursuant to this Article, and shall determine the composition of the IUU List.
5. The Secretariat shall place the IUU List on the NAFO website. This list shall include the name and flag state of the vessel and, where available, the previous name (s), the previous flag state (s), the radio call sign.
6. The Secretariat shall provide to relevant flag States the names of vessels on the IUU List flagged to that state.

<sup>14</sup> Reservations expressed with respect to automatic listing.

<sup>15</sup> Cutoff date to be determined and subject to the outcome of discussions on the general cycling of the procedure. Cf. footnote 3.

<sup>16</sup> Reservations expressed on preferences for more specific language.

## Article 9

### Follow-up action

CPs shall take all necessary measures to the extent possible in accordance with their applicable legislation, in order that:

- a) vessels appearing in the IUU List are not authorised to land, tranship, refuel or re-supply, engage in fish processing operations or in any other activity in preparation for or related to fishing in their ports or waters under their jurisdiction;
- 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 transshipment or any other activity in preparation for or related to fishing 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 prohibited;
- 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, non-Contracting Parties and other Regional Fisheries management Organisations with the aim of detecting, controlling and preventing false import/export certificates regarding fish from such vessels.

## Article 10

### Actions vis-a-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 that have not rectified their fishing activities.
3. <sup>17</sup>*[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.]*

OR:

3. *[Where the Flag State of a vessel identified in paragraph 2 has:*
  - (a) *failed or refused to exercise effective control over the vessel flying its flag so as to ensure that the vessel desists from undermining the effectiveness of the NAFO Conservation and Enforcement Measures; and,*
  - (b) *received reasonable notice of the consequences of its failure to take effective control and has been provided with an opportunity to respond;**the General Council may, where no other reasonable means are available to compel the Flag State to exercise effective control over the vessel, recommend that Contracting Parties adopt appropriate non-*

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<sup>17</sup> Two alternative languages proposed. In addition, reservations on the concept of trade sanctions against NCPs being included in the Scheme.

*discriminatory trade restrictive measures against the Flag State in question, consistent with their international obligations*

4. *Where trade measures are recommended pursuant to paragraph 3, the Chairman of the General Council shall inform the Flag State in question of the recommendation and again request the Flag State to exercise effective control over the vessel or vessels.*
5. *STACFAC shall review each year all trade restrictive measures that have been adopted and, where circumstances warrant, shall submit for the approval of the General Council, recommendations for the lifting of the measures. ]*

- [X. Where the flag State of a vessel identified in paragraph 2 has failed or refused to exercise control over the vessel entitled to fly its flag, Contracting Parties shall develop ways to ensure that the export and transfer of fishing vessels to such an identified flag State is prohibited.]<sup>18</sup>

**[Article 11]**  
**Entry Into Force**<sup>19</sup>

1. Contracting Parties shall adopt a comparable mechanism by no later than the close of the 2006 annual meeting of NAFO that includes additional measures to ensure that Contracting Parties fulfill their obligations not to undermine the NAFO Conservation and Enforcement Measures.
2. Article 10(3) of this Scheme shall not enter into force before the entry into force of the Contracting Party mechanism pursuant to 11(1).1].

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<sup>18</sup> Not yet discussed by the Committee.

<sup>19</sup> Reservations expressed as to the inclusion of this provision in the Scheme. Paragraph 2 linked to the outcome of discussions on Article 10(3), bracketed.

**Annex 5. Revisions on the EU Modification of the NCP Scheme Agreed  
during the 2004 NAFO Annual Meeting  
(STACFAC W.P. 04/10, Revision 2)**

**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 purpose of this Scheme is to promote compliance by non-Contracting Party vessels with recommendations established by NAFO and to prevent, deter and eliminate fishing activities by non-Contracting Party vessels that undermine the effectiveness of the Conservation and Enforcement measures established by the Organization.
2. Nothing in this scheme shall affect the sovereign rights of Contracting Parties to impose additional measures to promote compliance by NCP vessels, in accordance with international law.
3. This Scheme shall be interpreted in a manner consistent with international law, including the right of port access in case of force majeure or distress in accordance with the United Nations Convention on the Law of the Sea, and the principles, rights and obligations in WTO agreements, and be implemented in a fair and transparent manner.

**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 to a Contracting Party, including vessels for which there are reasonable grounds for suspecting them to be without nationality.

*TO BE DELETED AS ALREADY IN CEM*

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 fishing” means activities as defined in paragraph 3 of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.
5. “IUU List” means the list, established pursuant to [Article 8 of Chapter VI] or [Article 7 and 8 of Chapter VI], containing the particulars of vessels that have been found by the General Council to have engaged in IUU fishing.
6. “Provisional List” means the list, established pursuant to Article 7 of Chapter VI, containing the particulars of vessels that have been identified as having engaged in fishing activities, according to information received pursuant to Articles 3 to 6 or information received in reports pursuant to Article 8 of Chapter VI.

### **Article 3**

#### **Sightings and identifications of non Contracting Party vessels / Presumption of NCP vessels undermining NAFO Conservation and Enforcement Measures**

1. A non-Contracting Party vessel that has been sighted or by other means identified by a Contracting Party as engaging in fishing activities in the Regulatory Area 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 that has engaged in such activities with that vessel.
2. Information regarding such sightings or identifications 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 Organizations 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 or identified engaging in fishing activities, 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 Management Organizations 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 that are sighted engaging 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 Organizations within one business day of receiving this information, and to the Flag State as soon as possible. The non-Contracting Party vessel that 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.

### **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 authorized 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 Organizations through the NAFO Secretariat, and as soon as possible to the relevant flag State(s).

### **Article 6**

#### **Fishing activities**

1. Contracting Parties shall ensure that their vessels do not receive or deliver transshipments of **[fish]** to or 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, unless:

- a) The vessel establishes that the fish subject to the NAFO convention were caught outside the Regulatory Area; or
- b) The vessel establishes that it has applied all relevant Conservation and Enforcement Measures.

3. Contracting Parties denying landings or transshipments shall inform the vessel, the flag State of the vessel and the NAFO Secretariat of this decision.

#### **Article 7**

##### **Notification of presumed IUU activities and establishment of a Provisional List**

1. Upon receipt of information from Contracting Parties pursuant to Articles 3 to 6, the secretariat shall enter the flag State, vessel name and letters and numbers of registration, and other identifying features of the vessel as available, on a Provisional List. The Secretariat shall place the Provisional List on a secure section of the NAFO website.

In addition to information submitted from Contracting Parties pursuant to Articles 3 to 6, 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 in the Regulatory Area.

2. At the same time, the Secretariat shall, in consultation with the Chair of STACFAC, advise relevant non-Contracting Parties of the vessels flying their flag that have been included in the Provisional List and provide the following information to the non-Contracting party:

- a. the reasons for the inclusion on the Provisional List and all relevant evidence upon which inclusion of the vessel on the list is based;
- b. a copy of the NAFO Conservation and Enforcement Measures, including this Scheme;
- c. 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;

**[d. a reminder that trade restrictive measures may be imposed if the flag State does not take effective measures to ensure that the vessel or vessels in question desist from activities that undermine the effectiveness of the NAFO Conservation and Enforcement Measures;]**

e. a request to report back to NAFO within 30 days from the date the letter is sent on the results of enquiries and/or measures it has taken in respect of the vessel or vessels concerned.; and,

f. the dates when STACFAC and the General Council will be considering recommendations with respect to the composition of the IUU List, and an invitation to the non-Contracting Party to attend the meeting of STACFAC and the General Council as an observer, with the opportunity to further respond to the request specified in sub-paragraph e).

3. The Secretariat shall promptly provide non-Contracting Parties concerned with any additional information received pursuant to Articles 3 to 6 in respect of vessels flying their flag that have already been included on the Provisional List.

4. The Secretariat shall promptly distribute any information received from non-Contracting Parties to all Contracting Parties.

**[5. If a non-Contracting Party that has received information regarding one of the vessels entitled to fly its flag pursuant to paragraph 2 does not object to a listing by the deadline established under paragraph 2, subparagraph e), the vessel concerned shall be transferred from the Provisional List to the IUU List.**

**6. Vessels that have been transferred from the Provisional List to the IUU List in this manner shall be retransferred to the Provisional List if the flag State at any date prior to X days before the Annual Meeting of STACFAC reacts in writing to the information received. If the vessel is retransferred to the Provisional List in this manner the decision whether to put the vessel on the IUU List shall be referred to STACFAC.]**

## **Article 8**

### **Establishment of the IUU list**

1. STACFAC shall consider the Provisional List and as appropriate recommend to the General Council that the vessels either:

- a) be removed from the Provisional List;
- b) be retained on the Provisional List pending the receipt of further information; or,
- c) be transferred to the IUU List.

2. STACFAC shall only consider vessels for inclusion on the IUU list if the period referred to in Article 7.2.e) has elapsed.

3. STACFAC shall undertake a review of the current IUU List and as appropriate recommend to the General Council that vessels are maintained thereon 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 provides satisfactory information to establish that:

- a) it has taken effective action in response to the IUU fishing in question, including prosecution and imposition of sanctions of adequate severity;
- 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;
- c) the vessel has changed ownership and 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 does not have any legal, financial or real interest in, or exercise control over, a vessel that is on the IUU list or any equivalent type of list established by other Regional Fisheries Management Organizations; or,
- d) the vessel did not take part in IUU fishing.

4. The General Council shall review the recommendations made by STACFAC pursuant to this Article, and shall determine the composition of the IUU List.

5. The Secretariat shall place the IUU List on the NAFO website. This list shall include the name and flag state of the vessel and, where available, the previous name (s), the previous flag state (s), the radio call sign.

6. The Secretariat shall provide to relevant flag States the names of vessels on the IUU List flagged to that state.

## **Article 9**

### **Follow-up action**

CPs shall take all necessary measures to the extent possible in accordance with their applicable legislation, in order that:



- a) vessels appearing in the IUU List are not authorised to land, tranship, refuel or re-supply, engage in fish processing operations or in any other activity in preparation for or related to fishing in their ports or waters under their jurisdiction;
- 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 transshipment or any other activity in preparation for or related to fishing 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 prohibited;
- 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, non-Contracting Parties and other Regional Fisheries Management Organizations with the aim of detecting, controlling and preventing false import/export certificates regarding fish from such vessels.

#### **Article 10** **Actions vis-a-vis Flag States**

1. Contracting Parties shall jointly and/or individually request non-Contracting Parties whose vessels **appear on the IUU List** or **have been placed or retained on the IUU list by the General Council in accordance with Article 8** to co-operate fully with the Organization 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 that 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.]**

**OR:**

**3. Where the Flag State of a vessel identified in paragraph 2 has:**

**(a) failed or refused to exercise effective control over the vessel flying its flag so as to ensure that the vessel desists from undermining the effectiveness of the NAFO Conservation and Enforcement Measures; and,**

**(b) received reasonable notice of the consequences of its failure to take effective control and has been provided with an opportunity to respond; the General Council may, where no other reasonable means are available to compel the Flag State to exercise effective control over the vessel, recommend that Contracting Parties adopt appropriate nondiscriminatory trade restrictive measures against the Flag State in question, consistent with their international obligations**

4. Where trade measures are recommended pursuant to paragraph 3, the Chairman of the General Council shall inform the Flag State in question of the recommendation and again request the Flag State to exercise effective control over the vessel or vessels.

5. STACFAC shall review each year all trade restrictive measures that have been adopted and, where circumstances warrant, shall submit for the approval of the General Council, recommendations for the lifting of the measures.]

[X. Contracting Parties shall, to the extent possible in accordance with their applicable [laws] [legislation], prohibit the export and transfer of fishing vessels to non-Contracting Parties identified pursuant to paragraph 2.]

#### [Article 11 Entry Into Force

1. Contracting Parties shall adopt a comparable mechanism by no later than the close of the 2006 annual meeting of NAFO that includes additional measures to ensure that Contracting Parties fulfill their obligations not to undermine the NAFO Conservation and Enforcement Measures.

2. Article 10(3) of this Scheme shall not enter into force before the entry into force of the Contracting Party mechanism pursuant to 11(1).]

**Annex 6. Paper presented by Norway – Issues connected to a possible  
Joint NAFO/NEAFC scheme to promote compliance by non-contracting  
party vessels: An informal evaluation (STACFAC W.P. 04/8)**

Rationale and initial premises for evaluation

As a means of consolidating legal framework and furthering cooperation between RFMOs, the question is put whether it is possible for NAFO and NEAFC to adopt joint schemes, hereunder in particular a joint scheme to promote compliance by non-contracting party vessels. Such joint schemes could contribute to recognition of the role of RFMOs under the Law of the Sea, and could also be conducive towards furthering broader adoption of such schemes in other international bodies.

We will therefore investigate whether it is feasible within the existing legal framework to adopt such a joint scheme to apply for both Regulatory Areas. The merger of NAFO and NEAFC in terms of international law is well beyond the scope of this exercise, as are any changes that can not be accomplished within the framework of the Conventions.

The primary idea is to provide for a joint meeting of the General Council of NAFO and the NEAFC Commission and establish a joint scheme. An alternative would be to establish a Memorandum of Understanding between the two organizations for the purpose of interaction and mutual recognition or application of elements in the schemes. The joint scheme meeting is considered first and is the primary consideration of this paper. The MOU option has been added as an afterthought, and has not been given as much consideration. However, this may be equally feasible.

It is emphasised that this evaluation attempts to make a neutral analysis of the legal implications, and is not based on political or national preference for either outcome.

General Issues connected to any joint NAFO/NEAFC scheme

*Competence of NAFO and NEAFC decision-making authorities*

The competence of the decision-making authorities of NAFO and NEAFC is limited by convention frameworks. Thus, the adoption of a joint scheme can not lead to extension of authority beyond the scope of application. For instance, even if a joint scheme were to be adopted, the NEAFC secretariat would not have a mandate to concern itself with activities in the NAFO Regulatory Area, unless such a mandate was expressly granted by the NAFO parties. The implication is also that even if a joint scheme were adopted, both NAFO and NEAFC would *in principle* be free to change the substance of the scheme with regard to application under the respective conventions, in the ordinary manner those conventions prescribe. Neither NAFO nor NEAFC would *in principle* be tied to the scheme until such a time that a new joint meeting would change the substance.

It is difficult to see how a joint scheme formally could contain a requirement for both organizations not to change the substance of the joint scheme "unilaterally", without changing the substance of the conventions as such. Such a "clause of no return" would limit the competence of the decision-making bodies of both organizations, and this is outside our established intentions.

However, it is likely that a joint scheme, if adopted, would be respected in practice by parties to both organizations, and that requests for revision would be put to a new joint meeting rather than be changed "unilaterally" by one organization.

*Scope of application – geographical and by species*

NAFO and NEAFC scopes of application, geographically and by species, are defined in the respective conventions. It is expected that this would remain unchanged at the outset, however, depending on the substance of the scheme, some involvement beyond this could be envisaged. For instance, could inspectors from NAFO report to NEAFC on transshipments of NEAFC species in the NAFO area and vice versa? And could this information be applied by the other organization? This would of course require the consent of both organizations.

Some NAFO parties are not party to the NEAFC convention.

### *Definitions*

Special consideration must be used when employing specific definitions in a joint scheme.

In some cases definitions may be different in NAFO and NEAFC. In such cases definitions must be specified in a joint scheme to clarify the content of the scheme. In principle, definitions could be interpreted differently under the different conventions, but this would undermine the underlying idea of a joint scheme and should be avoided if possible.

In other cases, definitions may carry a different substance within the term. For instance, the term "non-contracting party vessel" in a joint non-contracting party scheme would be interpreted differently in the NAFO and the NEAFC area. A vessel from a contracting NAFO member state could therefore be a non-contracting party vessel in the NEAFC area. Particular care must then be taken when applying joint schemes, for instance with respect to joint redfish stocks.

An additional complicating element is that NEAFC recognizes cooperating non-contracting parties, and NAFO does not.

### *Chair*

In principle, under the NEAFC convention, the chair should be elected from the NEAFC members, and this could in the strictest sense be taken to mean that a NEAFC member must chair the joint meeting. However, it is hard to imagine that this matter would be pressed by any of the NEAFC members.

### *Voting and Adoption*

It follows from the basic premises in the introduction that adoption of a joint scheme must satisfy both the required majorities within the NAFO *and* the NEAFC conventions.

Any voting must therefore satisfy the requirements of both decision-making bodies.

The Rules of Procedure for voting differ in that the NEAFC Commission decides by a majority vote the method of voting (by show of hands, roll call etc.), whereas the NAFO Chair decides. This provides for a challenge in such a case that a majority of the NEAFC states require one specific method of voting and the NAFO Chair disagrees. Such an instance could occur, but is not likely, and could hopefully find its solution through a coffee break.

An objection placed by a member to one organization would not entail that the scheme would be invalidated for application in the other organization. However, it might well happen that the substance of a joint scheme does presume that the scheme is applied by both organizations, for instance in the case of some presupposed interaction.

### *Observers*

Provisions for observer presence, participation and (not) voting are similar for NAFO and NEAFC. However, the rules of procedure for the General Council of NAFO provides that observers must have an interest in the NAFO species and *vice versa* for the NEAFC Commission. The NAFO General Council rules of procedure do not provide that observers that only have an interest in NEAFC species may be present at a General Council meeting. However, this could be alleviated if parties could agree to a liberal interpretation of what constitutes a relevant interest in case of a joint meeting, and would only pose a problem if any state were to object to the inclusion of a specific observer delegation.

### *Revision*

In practice, a joint scheme would likely not be revised by either party until such a time that a new joint meeting could be held. This means that the need for new joint meetings could be necessary. A joint scheme should therefore not be undertaken lightly. It is possible to consider simplified rules of decision making, including electronic voting.

### *Other business*

A solution would have to be found for sharing the burden economically.

### 3 Issues connected specifically to a NAFO/NEAFC non-contracting party scheme

There could be several advantages to a joint non-contracting party scheme if such a scheme were to be adopted. Some tentative thoughts are presented below.

As stated, a vessel from a contracting NAFO party could constitute a non-contracting party vessel in the NEAFC area. Depending on the substance, a non-contracting party scheme may therefore need to distinguish between non-contracting vessels from parties outside both or outside only one organization. The most feasible solution is perhaps to focus such a scheme primarily on non-contracting party vessels outside both organizations.

### *Effects of IUU vessel lists*

It could be envisaged that a joint scheme could establish a joint IUU vessel list where the effects of being placed on the list would be sanctions from both organizations. There are varying means to do this with varying amount of safeguards involved in the process, either through establishment of a joint IUU vessel list in joint meetings at regular intervals, or through mutual recognition of IUU vessel lists from the other organization.

### *Fishing activities*

Similarly, the provisions of prohibition of landings and transshipment from non-contracting party vessels by contracting party vessels or in contracting party ports, could be applied mutatis mutandis by both organization with regard to stocks regulated under each Convention.

### *Inspectors*

It should be feasible to have a scheme involving inspections and/or inspectors from both organizations, if such a joint scheme were adopted by both organizations. Inspector reports from another body could in theory be accepted as evidence of IUU activities of vessels, for instance transshipments of NAFO species in the NEAFC area.

### NAFO/NEAFC MOU

As an afterthought, the question was posed whether or not an MOU established between NAFO and NEAFC might not accomplish the same as a joint scheme adopted by both organizations in a joint meeting. If so, this is likely a more economical approach.

The authority to coordinate the external relations of the Organization of NAFO lies with the General Council of NAFO and Commission of NEAFC. It is possible for those bodies to mandate a group of countries or the President to negotiate and/or adopt an MOU. A mandate can be very specific (with the risk of negotiating delegations not being able to reach a joint solution) or very broad (with the risk of producing a result which may be rejected if the MOU is to be adopted by the General Council and the Commission afterwards).

An MOU is in principle not a legally binding instrument. The question leaps to mind whether an MOU is sufficient in itself to provide for the mutual application, communication and recognition that might be desirable, or whether, depending on the substance contained in the MOU, each organization would have to make appropriate adjustments of their legal framework before an MOU could be finalized.

**Annex 7. Inquiry from the Internacional Merchant Marine  
Registry of Belize (IMMARBE)  
(STACFAC W.P. 04/9)**

From: Valerie Savery [valerie@immarbe.com] Sent: Fri 8/27/2004 7:08 PM  
To: Johanne Fischer  
Cc:  
Subject:  
Attachments:



**INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE  
"IMMARBE"**

Marina Towers, Suite 204, Newtown Barracks  
Belize City, Belize  
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email: [immarbe@btl.net](mailto:immarbe@btl.net)

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Dear Johanne:

I refer t your e-mil of July 12, 2004 regarding NAFO membership. You gave a very detailed breakdown on the financial contributions for Contracting party. However, what we require at this time is your confirmation on the following.

1. Information/process on becoming Co-operating Non-Contracting Party.
2. The relative cost of becoming Co-operating Non-Contracting Party and how it is assessed.
3. The types of species regulated by your Commission
4. Closed seasons for each species, if any
5. Are quotas granted to Co-operating Non-contracting parties and Contracting Parties?

We would appreciate receiving an early response by return.

Regards,

Valerie Savery  
Fishing Vessels Manager  
IMMARBE- Belize  
tel: 501-22-35026/35031/35047  
fax:501-22-35070/35048

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This email has been scanned at Immarbe Head Office.