

**ANNUAL MEETING – SEPTEMBER 2005****Reform of NAFO**

The General Council and Fisheries Commission of NAFO:

Noting the conclusions of the St. John's Conference in May 2005 (Annex 1) and the Fisheries Ministerial Meeting of COFI in March 2005 in Rome and other recent developments in ocean governance as outlined in GC Working Paper 05/1;

Anxious that NAFO, a regional fisheries organization (RFO) of long standing, should as a matter of priority address the concerns and issues contained in those recent political declarations;

Conscious that if these issues are to be addressed efficiently, consideration should be channeled through existing mechanisms within NAFO, where possible:

Decides on the following course of actions to address the reform of NAFO:

1. An ad hoc Working Group on NAFO Reform (WG Reform) shall be established to review and, where appropriate, develop recommendations to modify and/or complete the provisions of the NAFO Convention. A four-day WG session shall be hosted by Canada on April 25-28, 2006 under the Chairmanship of the European Union and Canada¹. The WG's report and recommendations shall be submitted to the 2006 Annual Meeting for decision. One further meeting of the WG could be necessary in 2007, should that be required by the workload.

The Terms of Reference of the WG Reform shall be as follows:

- (i) Evaluate and recommend the changes to the NAFO Convention to reform the decision-making process as outlined in paragraphs 4A and B of the St. John's Declaration;
 - (ii) Examine the current structure of NAFO (constituent bodies and their subsidiary bodies) and recommend changes to streamline the structure and operation of the NAFO in order to make it a more effective RFO;
 - (iii) Deliberate on any other matter relating to the provisions of the Convention, as NAFO Members deem appropriate.
2. The Fisheries Commission directs STACTIC to devote its Intersessional Meeting in mid 2006 to review, in accordance with paragraphs 4 C and D of the St. John's Declaration, on the effectiveness of the existing NAFO monitoring, control and surveillance (MCS) regime to determine the changes needed to be introduced to strengthen such instruments and make them more effective and efficient, in terms of operation, results and costs. Most notably, but not limited to, STACTIC will review and provide recommendations on establishment of guidelines for sanctions, role of observers and follow-up on infringements.
 3. The Fisheries Commission will address at its Annual Meetings the issues outlined in paragraph 5 of the St. John's Declaration.

¹Chair: EU; Vice-Chair: Canada

Conference on the Governance of High Seas Fisheries and the UN Fish Agreement – Moving from Words to Action

St. John's, Newfoundland and Labrador, Canada
May 1-5, 2005

We, the Ministers at the St. John's Conference on the Governance of High Seas Fisheries and the UN Fish Agreement (UNFA):

Recognizing the need to ensure the long-term conservation and sustainable use of fish stocks through the effective implementation of the obligations of States in this respect;

Acknowledging that the sustainable use of fish stocks is a significant and replenishable source of healthy food for large parts of the world's population, and that continued sustainable use provides for increased food security on a global basis;

Expressing concern that in many parts of the world certain fish stocks are overfished;

Expressing concern with the significant adverse impacts that such overfishing has had on the state of fisheries resources and their ecosystems, and on the economies of States and coastal communities around the world that depend on these resources for their livelihood;

Reiterating our commitment to responsible fisheries;

Recognizing that all States have the right for their nationals to engage in fishing on the high seas subject to their treaty obligations, to the rights, duties and interests of coastal States, inter alia in the conservation and management of straddling fish stocks and highly migratory fish stocks, to the duty of States to cooperate with each other in their conservation and management, as well as the duty of States to control the activities of vessels flying their flag, in accordance with UNCLOS¹ and UNFA²;

Recognizing the need for conservation and management measures for straddling fish stocks and highly migratory fish stocks adopted for the high seas and those adopted for areas under national jurisdiction to be compatible, and the obligation of States fishing on the high seas and coastal States to cooperate to this end;

Recognizing that sub-regional and regional fisheries management organizations and arrangements (RFMO/As) have played a significant role with regard to the governance of high seas fisheries and are the most effective means of cooperating in the conservation and management of high seas fish stocks and that good governance and management by these RFMO/As contribute to ensuring the effective long-term conservation and sustainable use of high seas fish stocks, including curbing overfishing;

Recognizing that RFMO/As today face new challenges and responsibilities, and while the governance of some RFMO/As has been improved by incorporating the principles and provisions of newly developed international instruments and tools, including, inter alia, those related to ecosystem considerations in fisheries management, other RFMO/As remain to be so improved and, to that end, there is a need for political will to further strengthen and modernize RFMO/As to ensure that such challenges and responsibilities are effectively addressed;

[1]United Nations Convention on the Law of the Sea of 10 December 1982.

[2]Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995.

Reaffirming the importance of universal compliance with the existing international legal framework for the governance of high seas fisheries;

Acknowledging the need to ensure that there is a genuine link between flag States and their vessels and that the responsibilities deriving therefrom are fulfilled;

Reaffirming our commitment to the implementation of the relevant parts of Agenda 21 and to the Johannesburg Plan of Implementation agreed at the World Summit on Sustainable Development in 2002 in relation to achieving sustainable fisheries;

Commending the results of the March 2005 COFI Meeting, as well as the 2005 Rome Ministerial Declaration on Illegal, Unreported and Unregulated (IUU) fishing where the desire was expressed "to move from words to action through full implementation of various international instruments for sustainable fisheries adopted or enacted in the past decades";

Acknowledging the ongoing work of the High Seas Task Force in the area of IUU Fishing,

We declare that we will move from words to the following actions:

1. We urge all States that have not already done so, to become parties to UNCLOS, UNFA and the FAO Compliance Agreement³, and call on States and entities to effectively implement all provisions of these international agreements directly and within each RFMO/A of which they are a member.
2. Ministers representing States or Regional Economic Integration Organizations (REIOs) that are parties to UNFA commit to writing to Non-parties urging them to become party to UNFA at the earliest opportunity.
3. We will implement in a timely fashion the Johannesburg Plan of Implementation agreed at the World Summit on Sustainable Development in 2002 in relation to achieving sustainable fisheries
4. We will work within RFMO/As of which the State or REIO we respectively represent is a member, to review and strengthen them, where necessary, in a manner that does not overlap or duplicate the mandate of other existing RFMO/As, to:

A. Implement a decision-making process which:

- i) relies on the best scientific information available;
- ii) incorporates the precautionary approach;
- iii) incorporates ecosystem considerations in fisheries management with due consideration to the work of relevant scientific bodies and initiatives;
- iv) uses criteria for allocations which properly reflect the interests and needs of coastal States and developing States, including small island developing States, in whose areas of national jurisdiction the fish stocks also occur, as well as those of fishing States; and,
- v) achieves compatibility between conservation and management measures established for the high seas and those established for areas under national jurisdiction;

[3]Food and Agriculture Organization Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993.

B. Ensure that the decision-making processes of these RFMO/As support the conservation and sustainable use of fish stocks they manage by:

- i) strengthening or developing dispute settlement procedures to provide for the review of fisheries conservation and management decisions and of behavior following opting out of such decisions that may undermine conservation and management of the fish stocks concerned;
- ii) strengthening or developing procedures for the settlement of disputes in accordance with UNCLOS and UNFA;

C. Establish or strengthen the monitoring, control and surveillance (MCS) regimes of RFMO/As including as needed joint MCS systems, the dissemination of collected data as may be agreed and regular compliance review mechanisms, ensuring that the costs of MCS systems are shared in a fair and transparent manner;

D. Establish regional guidelines for States to use in establishing sanctions for non-compliance by their flag vessels and nationals that are adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits accruing from their illegal activities.

5. We agree that in order to prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources:

- A. Where a RFMO/A has established a total allowable catch (TAC) and allocations, members should ensure that their fishing effort does not result in catches that exceed their fishing possibilities;
- B. Where a RFMO/A has established an overall TAC, but has not yet set allocations, members and the RFMO/A should monitor catches and fishing effort to ensure that the TAC is not exceeded;
- C. Where the scientific advice regarding an unregulated stock indicates that conservation and management measures are necessary, RFMO/A members should, as a matter of priority, agree on appropriate measures and, in the interim, exercise restraint with regard to their fishing effort for that stock in accordance with the precautionary approach;
- D. States, REIOs and entities, individually and through RFMO/As of which they are a member, should cap and then reduce excess fishing capacity to be commensurate with the status of fish stocks;
- E. States, REIOs and entities should avoid the transfer of fishing capacity to other fisheries or areas including, but not limited to those areas where fish stocks are overexploited or in a depleted condition.

6. We will work together, including within RFMO/As of which the State or REIO we respectively represent is a member, to implement measures to further mitigate by-catch, particularly of vulnerable non-target marine species such as seabirds as well as sea turtles and to adopt measures to conserve and manage shark stocks in directed and non-directed fisheries and to minimize waste and discards, in accordance with the FAO Guidelines and International Plans of Action for these species.

7. We will work together, including within RFMO/As of which the State or REIO we respectively represent is a member, to ensure that States that fish on the high seas do not engage in unsustainable fishing practices, including those that adversely affect coastal developing States.

8. We call upon States to cooperate in establishing new RFMO/As or arrangements, where necessary, with sufficiently comprehensive mandates, to facilitate cooperation in respect of fish stocks or areas of the high seas not currently managed by any RFMO/As taking due account of the commitments made in this Declaration.

9. We call upon all States and entities fishing in areas of competence of RFMO/As but that are not a member of those RFMO/As to immediately join or agree to apply the conservation and management measures established by such RFMO/As in accordance with UNCLOS and UNFA. Efforts need also be made to allow developing States to

achieve legitimate development goals pertaining to poverty alleviation and improvement of the lives of fishermen.

10. We recognize that States, REIOs or entities that are neither members of RFMO/As nor have agreed to apply their conservation and management measures shall not have access to the fisheries resources to which those measures apply and any catches of such fishery resources should be denied market access in accordance with international law.

11. We urge all States Parties and other States to work together to prepare for the UNFA Review Conference to be held in May 2006 in accordance with Article 36 of the Agreement, which will inter alia assess the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks, including but not limited to the functions of RFMO/As as defined in Article 10 of UNFA.

12. We will follow up on commitments made at the FAO 2005 Rome Ministerial Declaration on IUU Fishing and will work within RFMO/As to establish or strengthen measures to prevent, deter and eliminate IUU fishing and other fishing activities by States, REIOs or entities that undermine the effectiveness of the conservation and management measures of the RFMO/As.

13. We will work to address possible gaps which may include those related to:

A. the sustainable management of discrete high seas fisheries (including deep sea fisheries),

B. the conservation and sustainable use of marine biodiversity and sensitive marine ecosystems,

C. defining the genuine link between flag states and the fishing vessels flying their flag,

D. the obligations of port States and the development and implementation of stronger port state measures in accordance with international law,

and that further steps should be taken in this direction.

14. We recognize the need to assist developing States in implementing relevant agreements, instruments and tools for the conservation and management of fish stocks, including through existing funds such as the UNFA Part VII Developing States Fund.

15. We will actively seek the cooperation of other States to join us in achieving our objectives set out in this Declaration.

16. We agree that officials identify practical ways to move forward on the commitments of Ministers as set out in this Declaration