

33rd ANNUAL MEETING – SEPTEMBER 2011

**General Council Decision regarding the establishment of NAFO General Council Working Group
on the Future of NAFO on the development of Plans of Action
necessary for the implementation of the Recommendations of the
NAFO Performance Review Panel**

1. Terms of Reference

A General Council Working Group is established to address the recommendations in the context in which they were made by the Performance Review Panel as outlined in Annex 1 to this document.

These recommendations shall be prioritized and Plans of Action and solutions be formulated.

The Working Group shall designate which recommendations can be addressed immediately and for which Plans of Action can be established in the short, medium and long-term. The Working Group shall also recommend concrete courses of action to implement the recommendations of the Performance Review Panel in particular for the areas identified as priority.

2. Composition and Chairing of the Working Group

The Working Group shall be composed of representatives of Contracting Parties and shall be chaired by the President. Chairs of the Fisheries Commission and Scientific Council shall serve as resource persons to the Working Group.

3. Timing and Venue of the Meeting

The meeting shall take place in late March of 2012 as appropriate at the NAFO Headquarters in Dartmouth, NS, Canada. The use of electronic means should be considered for the completion of its work if necessary.

4. Administration

The Secretariat shall provide the administrative and information support to the Working Group.

5. Report

The report from the Working Group shall be provided to the Secretariat for distribution to Contracting Parties at least 45 days before the 2012 Annual Meeting. The report shall be presented by the Chair at that meeting.

PA Report Chapter/Numbers	Recommendations for more than 1 body	NAFO body responsible				
		GC	FC	SC	SECR	CPs
Chapter 3, 3.2.5	Urges NAFO to consider policy measures to bolster its commitment to ensuring the compatibility of measures adopted for the conservation and management of straddling stocks within the Convention Area. Consideration should also be given to clarifying the respective responsibilities of the coastal State and the Fisheries Commission in coordinating their respective measures and actions, so as to ensure that compatibility.		✓			✓
Chapter 6, 6.4	Notes that the provisions addressed in Part VII of the UNFSA have not been taken into account in the 2007 NAFO Amended Convention. While recognizing that this has not been an issue for NAFO, NAFO should, as appropriate, take into account the special requirements of developing States, in accordance with relevant international instruments, including UNFSA. It is suggested that the General Council may wish to further reflect on the matter.	✓				
DATA						
Chapter 6, 6.3	Encourages NAFO to continue developing, strengthening and enhancing cooperation with other RFMOs and international organizations where appropriate.	✓				
Chapter 4	Notes that high priority should be given to encouraging the timely submission of data essential for stock assessment purposes. The PRP therefore urges Contracting Parties to ensure the accuracy of the data and information collected and the timeliness their submission to NAFO. In this regard, the potential introduction of sanctions for data submission infringements, including the denial or reduction of fishing opportunities until outstanding data submissions are supplied, should be considered.	✓				✓
Chapter 4	Careful consideration should be given to developing and consolidating NAFO fishery resources data-access and utilization rules. These should take into consideration intellectual property rights related to scientific analyses as well as industrial confidentiality provisions to be attached to certain categories of data (e.g. detailed fishing location).		✓	✓	✓	
Chapter 4	Encourages NAFO to continue to address the data requirements attached to implementation of UNGA Resolution 61/105, with some urgency. All efforts should be expended to encourage the timely submission of marine living resources information to expedite the comprehensive collection of essential data to improve knowledge of the benthos, and benthic environment, in the NAFO Convention Area as a whole.			✓		✓
MANAGEMENT						
Chapter 4, 4.2.2	Suggests that NAFO consider enhancing its application of risk-based assessment approaches (e.g. the <i>Greenland Halibut Management Strategy Evaluation</i> and <i>Kobe Matrix</i>) when evaluating management strategies.		✓	✓		

PA Report Chapter/Numbers	Recommendations for more than 1 body	NAFO body responsible				
		GC	FC	SC	SECR	CPs
Chapter 4, 4.2.3	Encourages NAFO to consolidate its policy to address ecosystem management considerations, including by compiling the information necessary for evaluating trends in the status of dependent, related and associated species specifically. A consolidated list of bycatch species, for instance, should be included in the NCEM to assist monitoring of bycatch during directed fishing.		✓	✓		
Chapter 4, 4.3	Recommends that NAFO consider augmenting its efforts to implement a more EAF friendly management approach as well as to embrace the PAF more widely. If bycatch continues to be a problem, then NAFO ecosystem-based management and its EAF may fall short of best practice.		✓	✓		
Chapter 4, 4.3	Strongly encourages the development, and consolidation, of the Scientific Council's <i>EAF Roadmap</i> . It also encourages NAFO as a whole to give strategic consideration as to how the <i>Roadmap</i> may assume a more holistic focus so that it addresses ecosystem components more widely, not just those for harvested, or associated, species alone. In these terms, NAFO should focus on the sustainable use of the entire ecosystem for which it is responsible rather than just fishery-target species.		✓	✓		
Chapter 4, 3. and 4.6.2	Endorses NAFO's continuing execution of its customary (target species-directed) management requirements and assessments for the stocks that it manages. It should also strive to address new challenges associated with further development of the EAF (Section 4.3) and increased formalization of the PAF (Section 4.6.2) etc. The use of standardized, well-understood and scientifically robust approaches must continue while the needs of fishery-directed and broader ecosystem management should remain balanced.		✓	✓		
Chapter 4, 4.6.3	Encourages NAFO to review the Exploratory Fisheries Protocol with a view to developing a strategic framework for conservation and management measures for all potential new and exploratory fisheries. In this respect, NAFO may wish to take account of the way in which CCAMLR has approached the issue in terms of developing a unified regulatory framework.		✓	✓		
Chapter 4, 4.6.6	Encourages NAFO to broaden consideration of MSE-type approaches to managing other fisheries for which it is responsible.		✓	✓		
Chapter 4, 4.6.4	Recognizes that a NAFO strategic imperative should be to articulate a specific plan aimed at developing ways to conserve biodiversity. NAFO, in general, and the Scientific Council in particular, are also encouraged to formally determine the potential effects that areas closed to fishing are likely to exert in terms of affecting fishing, protecting habitats and conserving biodiversity in the <i>NAFO Convention Area</i> .		✓	✓		
Chapter 4, 4.6.4	Encourages NAFO to consider whether activities other than fishing in the <i>NAFO Convention Area</i> may impact the stocks and fisheries for which NAFO is responsible as well as biodiversity in the <i>NAFO Regulatory Area</i> . Such activities might include oil exploration, shipping and recreational activities.		✓	✓		

PA Report Chapter/Numbers	Recommendations for more than 1 body	NAFO body responsible				
		GC	FC	SC	SECR	CPs
Chapter 4, 4.7	Urges the Fisheries Commission to further consider how the management of fishing, particularly of excess capacity, may augment stock sustainability and the meeting of the Convention's objectives.		✓	✓		
Chapter 4, 4.6.5	Urges NAFO to deal with lost or abandoned fishing gear in a more consistent manner. It should also consider efforts to introduce management measures to deal more widely with environmental protection issues (e.g. pollution, discarding of packaging bands etc.) likely to arise from fishing activities in the NAFO Convention Area.		✓	✓		
SCIENTIFIC ADVICE						
Chapter 4, 4.4.1	Recommends that the Fisheries Commission and the Scientific Council promptly resolve any discrepancies between STATLANT 21A catch estimates and those of STACFIS, if possible, or at least provide some guidance on how they arise, including underlying assumptions made and/or consequences anticipated.		✓	✓		✓
Chapter 4, 4.5	<p>Consideration should be given on how dialogue between the Scientific Council and the Fisheries Commission could be strengthened, while still maintaining the intended 'philosophical' separation between them. The content of any such dialogue should be considered in terms of providing both groups with the best information available so that decisions, or actions, are based on interpretable, unambiguous and informed understanding. The detailed recommendations in Section X outline two possible areas to be considered in the interests of improving the use of the Scientific Council's advice by the Fisheries Commission. These include:</p> <p>Tabular presentation of key management decisions to be taken rather than decisions being obscured in other documentation. This would serve as a 'targetted framework' and could extend the use of standardized management procedures by providing more risk-based, or risk-determined scientific advice.</p> <p>Developing consolidated descriptions of the scientific approaches models and underlying assumptions used by the Scientific Council. This could be in the form of a users' manual outlining, with attached lay explanations, the various assessment being undertaken.</p>		✓	✓		
Chapter 4, 4.5	Suggests that NAFO as a whole may wish to reflect on the use, and allocation, of its scientific capacity from time-to-time, although the burden of scientific input appears to be shared by all NAFO Contracting Parties in proportion to their respective fishery activities.		✓	✓		✓
COMPLIANCE AND ENFORCEMENT						
Chapter 5, 5.1	Notes that there is a need to further address the issues of equitable sharing between Contracting Parties of inspection coverage (and/or related costs - as was suggested at the 2003 Annual Meeting), as well as the timeliness and quality of data submitted by Contracting Parties. There is also a need to address the timely and effective follow-up of infringements.		✓			✓

PA Report Chapter/Numbers	Recommendations for more than 1 body	NAFO body responsible				
		GC	FC	SC	SECR	CPs
Chapter 5, 5.2	Recommends further harmonization of relevant NAFO rules with applicable provisions of the FAO Port States Measures Agreement. Considering that NEAFC is currently undertaking similar work, the PRP suggests that the NEAFC experience in this regard be taken into account by NAFO. To the extent possible, NAFO should also cooperate with other RFMOs to enhance the efficiency of its Port State Measures.	✓	✓			
Chapter 5, 5.1	Urges that the quality and timeliness of Contracting Party infringement follow-up reporting be improved so that Contracting Parties better meet their obligations under the Convention and NCEM. In this respect, the situation where reports are only available for 12 out of 88 citations between 2006 and 2010 is not only unsatisfactory, but should be urgently addressed.		✓			✓
Chapter 5, 5.5	Encourages NAFO to continue to cooperate with other RFMOs in the establishment and dissemination of the NAFO IUU fishing vessel list.	✓	✓			
Chapter 5, 5.5	Encourages Contracting Parties to further consider possible improvements to NAFO trade or market-related measures, in accordance with the requirements of international law. In the PRP's view this is crucial for the prevention, deterrence and elimination of IUU fishing in the NAFO Regulatory Area. To the extent possible, NAFO efforts for trade related measures should take into consideration similar measures being implemented elsewhere.		✓			✓
INTERNATIONAL COOPERATION						
Chapter 6, 6.3	Encourages NAFO to continue developing cooperative relationships with other RFMO/As and International Organizations, as appropriate, to achieve its objectives and facilitate its work.	✓	✓	✓	✓	✓
FINANCIAL AND ADMINISTRATIVE ISSUES						
Chapter 7, 7.1	Urges NAFO to apply the provision contained in Article XVI of the 1978 Convention, whereby a Contracting Party which has not paid its contributions for two consecutive years, shall not enjoy the right of casting votes and presenting objections until it has fulfilled its obligations.	✓				✓
Chapter 7, 7.1	Notes that although reimbursement of the budget surplus in one year to the following year's contributions is in keeping with many other international organizations, consideration should be given to withholding any reimbursement of budget surplus amounts to Contracting Parties which are in arrears of their full contributions.	✓				✓
Chapter 7, 7.5	Highlights the point that, reports should be as succinct as possible and confined to matters of substance only to improve documentation of meeting outcomes. Technical details can be provided in appendices and as far as possible reports should represent a distillation of collective views, unless otherwise decided for controversial/high priority subjects. Executive summaries of key conclusions and decisions should be provided if possible.	✓	✓	✓	✓	✓

PA Report Chapter/Numbers	Recommendations for more than 1 body	NAFO body responsible				
		GC	FC	SC	SECR	CPs
OTHER RECOMMENDATIONS						
Chapter 4, 4.4.1	The PRP noted the potential utility of VMS information in verifying stock assessment input data. It suggested that this potential should be further investigated and, in particular, possible rules should be considered to govern the use of VMS data. Such rules would be in the interests of reaching a common understanding on how and why VMS data should be used as well as on avoiding overly-restrictive usage conditions.		✓	✓		
Chapter 4, 4.4.3	From the information available, the PRP noted that it was largely unable to determine to what extent Contracting Parties directly share fishing and research vessel data. However, the manner in which such data are used by the Scientific Council for assessment purposes strongly suggests close cooperation and significant sharing/ exchanging of such data by the NAFO body corporate.			✓		✓
Chapter 4, 4.6.4	NAFO's efforts to address potential threats to biodiversity in the <i>Convention Area</i> are largely linked to the management of relevant fisheries and their likely impacts. In this respect, NAFO has not articulated any specific plans aimed at developing ways to conserve biodiversity. The PRP sees the development of such plans as a strategic imperative for NAFO.		✓	✓		
Chapter 4, 4.6.4	The PRP notes that NAFO has not yet attempted to formally determine the potential effects that areas closed to fishing are likely to exert in terms of affecting fishing, protecting habitats and conserving biodiversity in the <i>Convention Area</i> . NAFO in general, and the Scientific Council in particular, are encouraged to consider such matters.		✓	✓		
Chapter 4, 4.6.4	The PRP encourages NAFO to consider whether activities other than fishing in the Convention Area may impact the stocks and fisheries for which NAFO is responsible as well as biodiversity in the <i>NAFO Regulatory Area</i> . Such activities might include oil exploration, shipping and recreational activities.		✓	✓		