

Northwest Atlantic Fisheries Organization



Report of the GC Working Group on the
Development of Plans of Action
for the Implementation of the Recommendations of
the NAFO Performance Review Panel

20-22 March 2012
Halifax, Nova Scotia, Canada

NAFO
Dartmouth, N.S., Canada
2012

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1. Opening

The meeting was opened by the Chair, Veronika Veits, European Union, at 1000 hrs on Tuesday, 20 March 2012 at the Four Points by Sheraton Hotel, in Halifax, NS, Canada. The Chair welcomed representatives from the following Contracting Parties to the meeting: Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), Norway, Russian Federation and the United States of America (USA) (Annex 1). The Secretariat was in attendance.

2. Appointment of Rapporteur

The Executive Secretary, Dr. Vladimir Shibanov was appointed the rapporteur.

3. Adoption of Agenda

The provisional agenda was adopted without change. (Annex 2)

4. Prioritization of Performance Review Panel (PRP) Recommendations

Regarding the timeframe in the table, the WG agreed that they be designated as short term (ST) – one to two years, medium term (MT) – two to three years and long term (LT) – more than three years and that the ST in general should be considered high priority items.

The WG also recognized that timing and priority were each unique variables and some high priority issues might take more than a year to accomplish.

It was the understanding of the WG that the recommendations must be approved by the General Council at the Annual Meeting, however the GC may decide to commence work on addressing some particularly urgent recommendations inter-sessionally, such as resolving the catch discrepancy issue identified by the PRP.

5. Determination of Actions for the Implementation of PRP Recommendations

The Chair presented GCWG WP 12/1. The WG reviewed the document, and following extensive discussion, refined and developed proposed actions.

6. Working Group Recommendations to be forwarded to the General Council

The WG adopted a draft plan of actions to be presented to General Council for adoption at the Annual Meeting in 2012 (Annex 3).

7. Other Matters

Presentation of the GCWG WP 12/2 by the FC Chair (Sylvie Lapointe, Canada)

In accordance with FC decision (FC Doc. 11/38, item 21) the FC Chair presented a draft action plan prepared inter-sessionally. The WG discussed the document. In cases of Panel recommendations addressed to FC which overlapped with the recommendations addressed by this WG it was agreed that the text should be consistent between both documents.

8. Adoption of Report

The report was adopted by the WG at the conclusion of the Meeting.

9. Adjournment

The meeting was adjourned on 22 March, 2012, 10:55 am. The Chair thanked the participants for a successful meeting and thanked the Secretariat for their excellent assistance.

Annex 1. List of Participants

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Annex 2. Agenda

1. Opening by the Chair, NAFO President (Veronika Veits, EU)
2. Appointment of Rapporteur
3. Adoption of the Agenda
4. Prioritization of Performance Review Panel (PRP) Recommendations
5. Determination of Actions for the implementation of PRP recommendations
6. Recommendations to be forwarded to the General Council
7. Other Matters
8. Adoption of Report
9. Adjournment

**Annex 3. Draft Action Plan for the Implementation of the Performance Review Recommendations
Concerning Several NAFO Bodies (as approved by the GC WG)**

Number/ PA Report Chapter	Recommendations	NAFO body responsible					Priority ¹	Proposed way forward
		GC	FC	SC	SECR	CPs		
1 Chapter 3, 3.2.5 #2, p. 22 Also Chapter 4, 4.8 #1, p. 114	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.		✓			✓	ST	The WG recommends that: <ul style="list-style-type: none"> FC clarify the requirement laid down in Article XI.3 (1978 Convention) with regard to the scope and deadline for coastal State reporting. FC develop mechanisms for the application of Article VI.11 of the 2007 NAFO Amended Convention which ensure consistency of measures adopted for the conservation and management of straddling stocks within the Convention Area following the Amended Convention's entry into force.
2 Chapter 3, 3.2.13 #1, p. 43	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.	✓					LT	The WG recommends that the GC keep this issue under review and consider developing mechanisms, as appropriate, to assist any developing State Contracting Party to participate fully in NAFO.
3 Chapter 3, 3.2.13 #1, p. 42	Encourages NAFO to continue developing, strengthening and enhancing cooperation with other RFMOs and international organizations where appropriate.	✓					ST	The WG recommends to GC to continue developing and strengthening cooperation with other RFMOs and international organizations in line with Article XVII of the NAFO amended convention. <i>See also recommendation 4</i>

¹

ST: short term or high priority (1-2 years)

MT: medium term or medium priority (2-3 years)

LT: long term or lower priority (beyond 3 years)

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4 Chapter 6, 6.3 #1, p. 132	Encourages NAFO to continue developing cooperative relationships with other RFMO/As and International Organizations, as appropriate, to achieve its objectives and facilitate its work.	✓	✓	✓			ST	<i>See recommendation 3</i>
5 Chapter 4, 4.4.1 #3, p. 86 4.4.1 #7, 8 & 9 p. 87	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.	✓	✓			✓	ST MT MT MT	The WG urges CPs to comply with data submission obligations in terms of timing and quality. (ST) The WG recommends that: (MT) • The Secretariat compile a comprehensive overview of the various data reporting requirements (e.g. who, what, when); • FC assess the overall submission of data and identify problem areas (e.g. type of data, nature of shortcoming, scope – i.e. one CP or broad); and • FC consider options to address gaps including a system of monitoring compliance with data submission obligations and introducing sanctions if appropriate. <i>See also recommendation 6</i>
6 Chapter 5, 5.1 #4, p. 119	The timeliness and quality of data submitted by Contracting Parties		✓			✓	ST	<i>See recommendation 5</i>
7 Chapter 4, 4.4.3 #5, p. 92	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).		✓	✓	✓		ST	The WG recommends that: • FC, possibly upon input from the SC/STACREC, develops and consolidates rules to facilitate access and utilization of data hosted by the Secretariat including in particular, VMS data, for scientific purposes; • FC encourages the SC to use VMS data

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								<p>for preparation of advice</p> <ul style="list-style-type: none"> FC strengthens rules on secure and confidential treatment of data taking into consideration intellectual property rights and commercial sensitivity of information taking into account experiences in other RFMOs. <p><i>See also recommendations 8 and 9</i></p>
8 Chapter 4, 4.4.1 #6 p. 87	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.		✓	✓			MT	<i>See recommendation 7</i>
9 Chapter 4, 4.4.3 #2, p. 91	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 and significant sharing/exchanging of such data by the NAFO body corporate.			✓		✓	ST	<i>See recommendation 7</i>
10 Chapter 4, 4.4.2 3 & 4 p. 90	<p>Encourages NAFO to continue to address the data requirements attached to implementation of UNGA Resolution 61/105, with some urgency.</p> <p>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.</p>		✓	✓		✓	<p>MT</p> <p>ST</p>	<p>Taking into account the progress made in 2011 the WG recommends that:</p> <ul style="list-style-type: none"> FC, upon recommendation of the SC and the FC WGFMS-VME, reviews data requirements for the implementation of UNGA Resolution 61/105 on a regular basis and at the latest in 2014 as foreseen by NAFO CEM (Article 21), once the information from the NEREIDA project is available (MT); <p>In addition the WG urges CPs to comply with reporting requirements as laid down in</p>

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								Chapter II of NAFO CEM (ST).
11 Chapter 4, 4.2.2 #1, p. 74	Suggests that NAFO consider enhancing its application of risk-based assessment approaches (e.g. the Greenland Halibut Management Strategy Evaluation and Kobe Matrix) when evaluating management strategies.		✓	✓			MT	The WG recommends that the FC mandates the FC WGFMS-CPRS to consider the broader use of the PA framework, extension of management strategy evaluation and/or other risk-based management approaches (e.g. Kobe matrix) including conservation plans and rebuilding strategies, as appropriate. <i>See also recommendation 12</i>
12 Chapter 4, 4.6.6 #3, p. 110	Encourages NAFO to broaden consideration of MSE-type approaches to managing other fisheries for which it is responsible.		✓	✓			MT	<i>See recommendation 11</i>
13 Chapter 4, 4.2.3 #5 & 3 4.2.4 #1, p. 76	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.		✓	✓			MT MT MT ST	The WG recommends that: <ul style="list-style-type: none">• SC prepares recommendations on how to implement the next steps of the Roadmap for Developing an Ecosystem Approach to Fisheries for NAFO based on its ToR and in line with the recommendations of the Performance Review Report and that it examines the application of the Ecosystem Approach to Fisheries in other RFMOs to that end;• SC consider the usefulness and practicability of identifying the different types of ecosystems present in the NAFO area;• SC continues to take into account environmental factors impacting on NAFO fisheries;• FC and SC jointly develop the definition of bycatch, compile a consolidated list of the main relevant bycatch species

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							MT	<p>(commercial, non-commercial, targeted, non-targeted, VMEs, ...) and consider the issue of bycatches in the framework of conservation plans and rebuilding strategies, management plans and other management measures; (ST)</p> <ul style="list-style-type: none"> The SC, as appropriate, adjusts the data collection requirements to include the information necessary for evaluating trends in the status of dependent, related and associated species to address ecosystem management considerations. <p><i>See also recommendations 14, 15 and 16</i></p>
14 Chapter 4, 4.3 #6, p. 81	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.		✓	✓			MT	<i>See recommendation 13</i>
15 Chapter 4, 4.3 #7, p. 81	Strongly encourages the development, and consolidation, of the Scientific Council's EAF Roadmap. It also encourages NAFO as a whole to give strategic consideration as to how the Roadmap 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.		✓	✓			MT	<i>See recommendation 13</i>
16 Chapter 4, 4.6.2 #5, p. 97	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		✓	✓			MT	<i>See recommendation 13</i>

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	approaches must continue while the needs of fishery-directed and broader ecosystem management should remain balanced.							
17 Chapter 4, 4.6.3 #3 p. 107	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.		✓	✓			MT	The WG recommends that, the FC mandates the WGFMS-VME 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.
18 Chapter 4, 4.6.4 #2, 3 & 4 p. 108	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 NAFO Convention Area.		✓	✓	✓		LT	Taking into account the recommendations on the Ecosystem Approach and the mandate of the 2007 NAFO amended Convention, the WG recommends that the FC mandates the WGFMS-VME to analyse, based on an overview provided by the Secretariat, the way other RFMOs address the need to conserve biodiversity as a basis for discussions in the FC on a possible strategy for biodiversity. <i>See recommendation 19</i>
19 Chapter 4, 4.6.4 #2, p. 108	NAFO's efforts to address potential threats to biodiversity in the Convention Area 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.		✓	✓			MT	<i>See recommendation 18</i>
20 Chapter 4, 4.6.4 #3, p. 108	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 Convention Area. NAFO in general, and the Scientific Council in particular, are encouraged to consider such matters.			✓			LT	<i>See recommendations 19 and 21</i>

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21 Chapter 4, 4.6.4 #4, p. 108	Encourages NAFO to consider whether activities other than fishing in the NAFO Convention Area may impact the stocks and fisheries for which NAFO is responsible as well as biodiversity in the NAFO Regulatory Area. Such activities might include oil exploration, shipping and recreational activities.		✓				LT	The WG recommends that the FC considers the need to gather information on activities other than fishing that may impact the stocks and fisheries in the NAFO Area. <i>See also recommendation 20</i>
22 Chapter 4, 4.7 #2, p. 112	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.		✓				MT	The WG recommends that the FC continues to examine the need for effort/capacity management measures to ensure that effort is commensurate with available resources.
23 Chapter 4, 4.3 #9, p. 81 and 4.6.5 #2, p. 109	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.		✓				ST	The WG recommends that the FC, following advice from STACTIC, considers establishing rules for retrieving lost gear and adopting management measures to deal with environmental pollution, in particular to minimise waste and garbage.
24 Chapter 4, 4.4.1 #4, p. 87	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.	✓	✓	✓		✓	ST	The WG recommends that GC submits the issue of catch discrepancy between STATLANT 21A catch estimates and those of STACFIS to an external peer review process.
25 Chapter 4, 4.5 #1, p. 96	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 below 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:		✓	✓			ST	The WG recommends that: <ul style="list-style-type: none">• FC considers more regular inter-sessional meetings between managers and scientists for issues requiring discussion (e.g via WebEx or teleconference),• a joint meeting of the FC and SC be held at the upcoming Annual Meeting or as soon as possible thereafter, to discuss the appropriate means to address, amongst other issues, broader implementation of the PAF, updating the framework for provision of advice, updating the template for the

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4.5 #3, p. 96	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>presentation of advice and recommendations, and the improvement of the process to develop questions to the SC.</p> <ul style="list-style-type: none"> FC develop a framework for the presentation of key management decisions.
4.5 #4, p. 96	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.							
26 Chapter 4, 4.5 #7, p. 98	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.		✓	✓		✓	MT	The WG recommends the FC and SC analyse the availability of and the need for scientific capacity and identifies possibilities to extend scientific expertise by specific schemes (e.g. scholarship, meeting participation fund, etc).
27 Chapter 5, 5.1 #4, p. 119	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).		✓			✓	ST	<p>The Working Group recommends that:</p> <ul style="list-style-type: none"> STACTIC continues to identify ways to ensure equitable sharing between Contracting Parties of inspection coverage as launched at the 2003 Annual Meeting, and that, CPs cooperate in the deployment of inspectors and the coordination of areas and vessels to be inspected.
	There is also a need to address the timely and effective follow-up of infringements.		✓			✓	ST	<p>The WG encourages CPs to follow-up timely and effectively on infringements and to report regularly on the action taken as foreseen by Article 37 of NCEM.</p> <p><i>See recommendation 28</i></p>
28 Chapter 5, 5.4 #1, p. 126	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		✓			✓	ST	<i>See recommendation 27</i>

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	urgently addressed.* * It was noticed that the Panel has inadvertently taken the statistics in an opposite context. Actually, 12 citations did not have follow-up reports on infringement, i.e. 76 out 88 have follow-up reports.							
29 Chapter 5, 5.2 #4 & 5, p. 121 Also 3.2.8 #2, p. 27	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.	✓	✓				ST	The WG recommends that: <ul style="list-style-type: none"> • STACTIC assess the consistency of NAFO CEM with the FAO PSM Agreement, and develop any necessary amendments, taking into account PSM measures adopted by NEAFC as appropriate. • FC should cooperate with other RFMOs to enhance the efficiency of its PSM.
30 Chapter 5, 5.5 #3, p. 128	Encourages NAFO to continue to cooperate with other RFMOs in the establishment and dissemination of the NAFO IUU fishing vessel list.	✓	✓				ST	The WG notes that NAFO cooperates with NEAFC on compatible IUU lists and exchanges information with CCAMLR and SEAFO. WG encourages the continuation of this cooperation, extending it to other RFMOs as necessary and appropriate. If necessary, Article 51.6 of the NAFO CEM may be amended to this end.
31 Chapter 5, 5.5 #4 & 5 p. 128	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.		✓			✓	MT	The WG recommends the FC consider trade related measures, including considering approaches in other RFMOs.
32 Chapter 7, 7.1 #5, p. 140	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.	✓				✓	ST	The WG considers this recommendation implemented, and recommends that the GC continue 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

Number/ PA Report Chapter	Recommendations	NAFO body responsible					Priority ¹	Proposed way forward
		GC	FC	SC	SECR	CPs		
								not enjoy the right of casting votes and presenting objections until it has fulfilled its obligations, when necessary.
33 Chapter 7, 7.1 #9, p. 140	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.	✓				✓	MT	The WG recommends that the GC requests STACFAD to consider amending Rule 4.6 of the NAFO Financial Regulations
34 Chapter 7, 7.5 #2, p. 148	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.	✓	✓	✓	✓	✓	ST	The WG recommends that all NAFO bodies strive for clear and succinct reporting as recommended by the review panel and that the Secretariat provides proper guidance to rapporteurs and Chairs to that end.
35 Chapter 4, 4.9 #3, p. 115	If the situation should evolve, the PRP suggests that the above Resolution conditions may need to be reviewed in respect of NAFO addressing all the explicit provisions of UNFSA Article 11 that need to be taken into account when allocating fishing opportunities to new Members.		✓	✓			LT	The WG recommends that NAFO reconsider previous work undertaken by the Working Group on the Allocation of Fishing Rights to Contracting Parties of NAFO and review the Resolution to Guide the Expectations of Future New Members with Regard to Fishing Opportunities in the NAFO Regulatory Area (NAFO GC Doc. 99/8), should new members join the organization or new fisheries come under NAFO management.