PART I

Report of the General Council Meeting (GC Doc. 03/3)

(GC Doc. 03/3)

25th Annual Meeting, September 15-19, 2003 Dartmouth, Nova Scotia, Canada

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

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

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

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

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

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

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

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

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

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

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

7. a) The membership of NAFO is 17 Contracting Parties, they are members of the General Council and Scientific Council. The membership of the Fisheries Commission (those members participating in fishery in the NAFO Regulatory Area) is 16 as Bulgaria did not participate in a NAFO fishery.

b) Bulgaria had notified the Secretariat that it would not be able to send a Representative to the 2003 NAFO Annual Meeting. The Executive Secretary informed participants that Bulgaria had paid their first installmentdebt repayment for 2001-2002 and their general voting rights within NAFO were thus re-instated. She further explained that Bulgaria had informally expressed interest in receiving fishing rights in the NAFO Regulatory Area. There was some confusion about whether Bulgaria had automatically achieved full membership in the Fisheries Commission or whether this needed to be agreed upon separately by General Council. The Executive Secretary was asked to check into this matter and found after consulting the NAFO Convention (Article XIII.1) that there exists a requirement for separate approval of General Council. In the absence of a formal application of Bulgaria, this matter was postponed.

- 8. Item 8 "Administrative Report" was referred to STACFAD. At the closing session, on the advice of the Chair of STACFAD, the Report was adopted by the General Council.
- 9. The item "Headquarters Agreement of NAFO" was introduced by the European Union with the purpose to explore the existence of such an Agreement in the light of Article II, paragraph 3 of the NAFO Convention The Secretariat made available the "Order-in-Council" of 1980 which established the NAFO Secretariat in Canada. The EU was concerned whether the "Order-in-Council" adequately establishes NAFO as a legal body and grants full diplomatic status to the Executive Secretary. Most other Fishery Bodies operate under Headquarter Agreements. Upon a proposal from Canada, the matter was referred to STACFAD for review.
- 10. At the end of the meeting, Mr. David Bevan (Canada) was elected new Chair and Mr. Terje Lobach (Norway) new Vice Chair of General Council. Mr. Enrique Oltuski congratulated Mr. Bevan and Mr. Lobach. Participants thanked Mr. Oltuski for his excellent services as NAFO President during the past four years.
- 11. Ms. Barb Marshall, the NAFO Secretariat's Information and Web Manager, introduced participants to the new NAFO Website (www.nafo.int). The EU and Canada applauded the Secretariat for the informative and attractive WebPages.
- 12. a) The Executive Secretary delivered a Powerpoint presentation on the "Goals, Strategies, and Requirements" of the NAFO Secretariat. She identified 3 goals: (1) Modernization (specifically electronic communication), (2) Improvement of cost efficiency, and (3) Expansion of services (specifically to the Fisheries Commission). Her strategy included: (a) continuous IT training, (b) enhancing electronic publications, (c) acquisition of Meeting Server, (d) additional resources for compilation and preliminary assessment of information for the Joint Compliance Review by STACTIC, (e) review of Secretariat's human resources requirements, and (f) Staff Committee. When implementing all suggested measures, costs of running the Secretariat should decrease within 3 years in the order of \$ 30,000 to 40,000 per year. In addition, depending on the results of human resource requirements, the Secretariat might be able to operate with reduced staff starting in 2005 or 2006. The presentation was received with interest and general approval.

b) The Executive Secretary explained that the proposed Staff Committee (see STACFAD Report, Annex 6) would have the mandate to advise and mediate in the rare event of conflicts within the Secretariat that cannot be solved internally. The idea was endorsed in principle. The details of implementation, however, were left for discussion to STACFAD at the next Annual Meeting.

III. Coordination of External Relations (item 13)

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

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

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

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

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

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

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

V. Finance (items 17-18)

- 17. Items 17 18 were referred to the Standing Committee on Finance and Administration (STACFAD). Chair of STACFAD, Mr. Fred Kingston (EU), presented the STACFAD report (Part II of this Report) to General Council with the following recommendations:
 - a) the 2002 Auditors' Report be adopted.
 - b) new Auditors be retained to audit the Financial Records of NAFO for the year 2003.
 - c) approval of \$35,000 for estimated costs to be incurred in 2004 related to the ongoing operations of changes to the Automated Hail/VMS System.
 - d) approval of \$40,000 for estimated costs to be incurred in 2004 to update the VMS.
 - e) the issue of applying the Canadian Pay Equity Settlement to NAFO employees in the clerical category be withdrawn from further consideration.
 - f) the salary scales of four Secretariat employees in the CR category be adjusted to reflect current pay levels as per the Canadian Federal Public Service, effective 1 January 2004.
 - g) approval of back payment plus interest to those four employees, as a result of the postponement of salary adjustments, for the period 29 July 1998 to 31 December 2003.
 - h) for budgeting purposes, back payment and interest to the four employees will be distributed equally, over a three year period, commencing in 2004.
 - i) the Secretariat develop clearer and more detailed rules and procedures for the assessment, classification and ongoing review of NAFO Secretariat staff. STACFAD further recommended that the Secretariat engage a Human Resources consultant to ensure that these rules and procedures are compatible with the system of the Public Service of Canada with an estimated cost to NAFO's budget of \$5,000.
 - j) recruitment take place to find a replacement for an employee anticipated to retire in May 2005 with an overlap period of four months in order to ensure the requirements of this position as mandated would be met. STACFAD also recommend that the Secretariat hire in 2004 a part-time employee to help in the compilation, analysis and presentation of compliance data.
 - k) without prejudice to the results of the overall review of the NAFO Secretariat staff, reclassification of a NAFO employee's position from category CR-6 to IS-3, to take effect 1 January 2004.
 - 1) without prejudice to the results of the overall review of the NAFO Secretariat staff, reclassification of a NAFO employee's position CR-5 to CR-6, to take effect 1 January 2004.
 - m) establishment of a Staff Committee with a mandate to provide advice and mediation in the event that a conflict within the Secretariat cannot be solved internally.
 - n) issue regarding a Headquarters Agreement be deferred until the next Annual Meeting.
 - o) the minimum balance in the Accumulated Surplus Account be increased from \$75,000 to \$125,000 in order to fulfil NAFO's financial obligations in early 2004. STACFAD further recommended that if any of the outstanding contributions are received by the end of 2003, the minimum balance in the Accumulated Surplus Account shall be reduced by the amount of that contribution until it reaches \$75,000.
 - p) at each annual meeting of NAFO, STACFAD and the Executive Secretary should identify specific goals which, in conjunction with the general duties as described in her work description, shall form the basis for evaluating eligibility for this performance pay allowance for the coming year.

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

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

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

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

VI. Closing Procedures

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

Scientific Council:	08 – 17 September 2004
Fisheries Commission:	13 – 17 September 2004
General Council:	13 – 17 September 2004.

- 20. No other business was discussed.
- 21. The Executive Secretary presented a draft Press Release which was accepted by Contracting Parties following minor amendments by Canada and the EU (Annex 11).
- 22. The meeting adjourned at 14:00, September 19, 2003.

Annex 1. List of Participants

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

Mr. Chairman, distinguished representatives, ladies and gentlemen.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank You.

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

Mr. Chairman, Distinguished delegates,

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

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

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

1. Japan has a long history of fishing in this northwest region of the Atlantic Ocean. We had 23 trawlers until early 80's when this important RFMO started its functions. But the number of our fishing vessels was reduced to four in 1990, three in 1995, and is just two from 1996. In other words, our fishing fleet is minimal existence in this region. We are like a candle in the wind. We cannot take another violent blow, which may well be fatal to our fleet.

2. The second point is a fundamental question on why we are still facing the difficult situation of poor resource conditions after twenty-five years of the hard and sometimes painful work of this Commission. Despite the great effort, out of the twenty stocks assessed by the Scientific Council, ten stocks are under a fishery moratorium. And this year we received a shocking scientific recommendation on another important stock, which requires a 60 % reduction from the current harvest level. Is something fundamentally wrong? However hard we worked under this forum to take conservation and management measures, recovery of the stocks has never been realized. Are the measures fully respected? Or were the past decisions by this Commission wrong? There must be various reasons for this plight. Above all, however, compliance with the measures is a very serious question. Our fishing vessels are subject to both boarding and landing inspection by Canadian and EU inspectors. Equitable level of enforcement is needed to all the fishing fleets operating in the region. And in case of alleged violation, all the flag states should conduct prompt investigation and if necessary, impose a penalty in a timely fashion.

3. Thirdly, it is of critical importance for NAFO to shut the backdoor. IUU fishing operations are multinationally organized activities. Those operators are closely watching a move of RFMOs. If NAFO drastically reduces a TAC for a certain stock without effective control of catches by non-parties, such reduction would just benefit the IUU fishing operators. In fact, after the Scientific Council meeting in June, the price of Greenland halibut already started to increase because of speculation in Japan, the world largest market of this species. The IUU operators will not overlook this chance of business. We are very concerned over this sort of backdoor spending of the resources under jurisdiction of NAFO.

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

Thank you.

Annex 4. Opening Statement by the Representative of the European Union

(J. Spencer)

Good afternoon Ladies and Gentlemen,

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

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

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

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

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

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

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

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

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

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

Thank you.

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

Mr. Chairman, dear Colleagues!

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

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

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

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

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

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

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

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

Thank you for attention.

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

Mr. Chairman, distinguished delegates,

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

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

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

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

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

Thank you.

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

Thank you Mr. Chairman and good afternoon.

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

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

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

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

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

Thank you very much, Mr. Chairman.

Annex 8. Opening Statement by the Representative of Estonia

(A. Soome)

Thank you Mr. Chairman.

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

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

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

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

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

Mr. Chairman, Distinguished Delegates,

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

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

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

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

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

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

Thank-you.

Annex 10. Agenda

I. Opening Procedure

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

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

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

III. Coordination of External Relations

- 13. a) Report of Executive Secretary on North Atlantic Regional Fisheries Management Organizations (NARFMO) Meeting in 2003
 b) NAFO cooperation with ICES
 - IV. Fishing Activities in the Regulatory Area Adverse to the

Objectives of the NAFO Convention

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

V. Finance

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

VI. Closing Procedure

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

Annex 11. Press Release

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

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

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

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

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

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

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

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

- 6. The General Council, under the chairmanship of Enrique Oltuski (Cuba), considered a number of substantive issues regarding NAFO's finances and internal and external policy, in the following way:
 - the Standing Committee on Non-Contracting Party Fishing Activity in the Regulatory Area (STACFAC) was asked to continue, in conjunction with STACTIC where necessary, its work to implement the International Plan of Action on Illegal, Unreported and Unregulated (IUU) Fishing in the NAFO Regulatory Area and to explore adoption of more stringent measures to combat IUU fishing;
 - to convey the concern expressed by NAFO members about the Non-Contracting Party fishing activities in the NAFO Regulatory, the President of NAFO will write to the flag states involved (Belize and the Dominican Republic) with a request that they take all appropriate actions to halt the undermining of NAFO conservation and management measures. STACFAC was requested to continue monitoring this activity.
- 7. The following elections of NAFO officers took place:

President of NAFO and Chair of General Council Vice-Chair of General Council	David Bevan (Canada)Terje Lobach (Norway)
Chair of Fisheries Commission (re-elected) Vice-Chair of Fisheries Commission (re-elected)	Dean Swanson (USA)Boris Prischepa (Russian)

Chair of Scientific Council Vice-Chair of Scientific Council

Chair of the Standing Committee on Finance and Administration (STACFAD) (re-elected) Vice-Chair of STACFAD (re-elected)

Chair of the Standing Committee on International Control (STACTIC) Vice-Chair of STACTIC

Chair of the Standing Committee on Fisheries Science (STACFIS) Chair of the Standing Committee on Research Coordination (STACREC) Chair of the Standing Committee on Fisheries Environment (STACFEN) (re-elected) Chair of the Standing Committee on Publications (STACPUB) (re-elected)

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- Federation)
- Joanne Morgan (Canada)
- Antonio Vazquez (EU-Spain)
- Fred Kingston (EU) -
- Deirdre Warner-Kramer (USA)
- Martin Newman (EU)
- Mads Trolle Nedergaard (Denmark in respect _ of the Faroe Islands and Greenland)
- Hilario Murua (EU-Spain)
- Antonio Vazquez (EU-Spain)
- Eugene Colbourne (Canada)
- Manfred Stein (EU-Germany)

NAFO Secretariat Dartmouth, N.S. Canada

Attachment 1 - Annex I.A Annual Quota Table

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

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

- * Ban on fishing in force The provisions of Article 8, paragraph 3 shall apply.
- ^{1.} Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded.

Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.

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

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

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

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

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

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

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

Annex 12. Decisions and Actions by the General Council

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

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

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

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

XII.4

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

Paragraph 2

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

Subparagraph 3.1

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

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

Subparagraph 3.3

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

The old subparagraph 3.3 would become subparagraph 3.4

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

Subparagraph 4.1 would remain as is and 4.2 would be deleted

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

Subparagraph 5.2:

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

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

Subparagraph 5.3

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

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

Paragraph 6

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

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

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

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

Paragraph 7

Provided, however:

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

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

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