

## **Report of the Working Group on the Reform of NAFO**

(GC Doc. 06/1)

**25-28 April 2006  
Montreal, Quebec, Canada**

### **1. Opening by the Chairperson (Staffan Ekwall, EU)**

Delegates from all Contracting Parties except Bulgaria, Cuba and Republic of Korea were in attendance (Annex 1). Canada, Norway, the EU, USA, Russia, Ukraine, Iceland, France (in respect of St. Pierre et Miquelon) and Denmark (in respect of Faroe Islands and Greenland) addressed the meeting outlining their expectations for the reform process and thanking the Chairperson for the useful working paper submitted earlier (Annexes 2-7).

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

The Executive Secretary of NAFO, Johanne Fischer, was appointed rapporteur of the meeting.

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

It was agreed that while the draft agenda identified the main issues in the Terms of Reference, other issues might have to be addressed during a detailed examination of the Convention. With that understanding, the agenda was adopted (Annex 8).

### **4. Organization of the Meeting and Review of Terms of Reference**

It was understood that the mandate of the Working Group was mainly to review and, if appropriate, revise the NAFO Convention. Other issues related to the reform of the monitoring, control and surveillance scheme should therefore be discussed by STACTIC whereas management issues should be discussed by the Fisheries Commission.

The Chairperson welcomed the Chairpersons of the Scientific Council, the Fisheries Commission and STACFAD who had been asked to participate in this meeting to give input to the discussion from their perspective and to bring back to their bodies any issues identified by the meeting. The chairperson of STACTIC did not attend the meeting.

Following an initial exchange of views on the main issues in the agenda, it was agreed that a Working Paper prepared by the chairperson (Reform WG WP 06/1) should form the basis for a more detailed discussion. Some parties explained that while not having any objections to base the discussion on this Working Paper, they needed to reserve their position since they had not yet received the necessary instructions from their authorities and they were therefore not in a position to give any detailed comments at this stage.

It was explained by the chairperson that this Working Paper had been prepared on his own initiative in order to stimulate debate and did therefore not constitute a proposal from any Contracting Party.

It was further explained that this Working Paper had been inspired by a Working Paper by Norway (GC WP 05/1 - The NAFO Convention in the context of recent developments concerning ocean governance) in light of recent developments elsewhere, in particular within the framework of the North East Atlantic Fisheries Commission (NEAFC), the South East Atlantic Fisheries Organisation (SEAFO), the South Indian Ocean fisheries Agreement (SIOFA), the Inter American Tropical Tuna Convention (IATTC) and the Western and Central Pacific Fisheries Convention (WCPFC), whose Conventions or Agreements had all been negotiated or were in the process of being reviewed following the UN Fish Stocks Agreement of 1995 (UNFSA).

In addition, the Chairperson had taken into account the discussions of the Working Group on Dispute Settlement of NAFO contained in GC Doc 01/4 (Report of the Working Group on Dispute Settlement Procedures), and GC WP 03/1 (Report of Consultations between Canada, EU, Latvia and the US).

Much of the discussion summarised below took place during a detailed review of the Chairperson's Working Paper. The present report focuses on the substantial issues identified by participants during these discussions.

## 5. Ocean Management Issues

Delegates agreed that NAFO should move towards a more integrated ocean policy and that there was a need to take into account more modern concepts of fisheries management. This could be achieved by redefining the objective of the Organization, introducing definitions of terms, articulating the Organization's fundamental principles and identifying the mandate and functions of the Commission. The main issues for discussion were:

- Redefining the objective of the Convention: Some delegates felt that the term "optimum utilization" should be maintained as one of the objectives of an amended NAFO Convention. Other delegates felt that this term was a concept of the past and preferred that the objective should refer to conservation and sustainable use. It was agreed that this matter needed further consideration. A proposal by DFG was circulated towards the end of the meeting but was never discussed due to lack of time (Annex 9).
- Species under NAFO management: Participants considered the species to which the Convention applies should be reviewed, especially with regard to possible overlaps with other Regional Fisheries Management Organizations. An important distinction was made between fishery resources that NAFO should manage (defined as fisheries resources) and other species that need to be taken into account by NAFO when moving towards a more integrated oceans policy (defined as living marine resources). The discussion specifically addressed how to deal with sharks, sedentary species and seals. Some delegates felt that it might be desirable to include a mandate for seals for NAFO in the context of improved ecosystem considerations. The issue of seals was discussed at length but remained inconclusive.
- Ecosystem Considerations: Although participants agreed that a future fisheries management regime should explicitly take ecosystem considerations and the precautionary approach into account, reservations were voiced against the use of the term "Ecosystem Approach" as an international standard definition of this term does not yet exist. Other participants found that the term "Ecosystem Approach" should nonetheless be referenced in the NAFO Convention as it has been included in other international contexts (e.g. Johannesburg Plan of Implementation). The Russian delegation offered to explore the possibility of providing a possible definition for the term "Ecosystem Approach" in consultation with the Chair of Scientific Council.
- Sanctions: It was proposed to include in the Convention a basic principle to the effect that sanctions applicable to infringements are adequate in severity to effectively secure compliance.

## 6. Structure of NAFO

Participants agreed that there is a need to re-structure and streamline the Organization. The discussion focused on the following elements:

- It was agreed that a merger of the General Council and the Fisheries Commission into one Commission would be a desirable step. Such a merger would entail a redefinition of the mandate and functions of the new Commission in the Convention.
- There was broad support to merge the Standing Committee on International Control (STACTIC) and the Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC), since many of the issues dealt with by these bodies were very similar by nature. Some concerns were however expressed raised about the added work load to the resulting Committee. The participants deferred this matter to STACTIC for consideration at its meeting in June 2006. Also, it was recognized that the mandate of the resulting committee would have to be defined in the Rules of Procedures where the mandates of current committees are described.

- Participants also proposed that the question of any re-structuring and redefinition of the functions of the Scientific Council should be discussed at the next Scientific Council meeting in June 2006.

## 7. Decision Making Process

Delegates agreed that the decision making process needs to be modernised but recognized that the matter will require further consideration to ensure that the whole process (including provisions for dispute settlement) is coherent. Several delegates expressed the view that the relevant provisions in the SEAFO Convention could serve as an inspiration in this regard. The main issues for discussion were the following:

- Majority voting vs consensus: Delegates concurred that a decision making process should in general be based on consensus. This should not exclude the possibility of a voting procedure if consensus cannot be reached which would reflect the current practise in NAFO and could therefore constitute a feasible option.
- Objection procedure: Some delegates felt that the objection procedure was a concept of the past and could be replaced with more modern concepts such as panel reviews. The delegation of Canada tabled a proposal, based on the WCPFC model for decision-making, whereby a Contracting Party that has voted against a decision, could request a panel to review the Commission's decision (Annex 10 - Reform WG WP 06/5). With respect to the objection procedure, some Parties felt that it remained a necessary instrument to safeguard the interests of all Parties. It was nevertheless agreed that if the objection procedure was to be maintained, the procedures and the post-objection behaviour of the objecting Party would have to be circumscribed to avoid that such objections undermine the objectives of the Convention.
- Review meeting: Some parties suggested that a review meeting of the Commission after an objection could constitute a way to improve dialogue regarding the disputed measure among Parties. DFG proposed a specific procedure for "mandatory conciliation", as contained in WG WP 06/10 (Annex 11) Other parties expressed doubts about the practicability of such a meeting and fears that such a meeting would only prolong the process towards a peaceful settlement of the dispute. The delegation of Canada tabled a proposal that would considerably reduce the time period for the use of the objection procedure and the settlement of disputes (Annex 12 – Reform WG WP 06/12).

## 8. Dispute Settlement Procedures

There was a general understanding that the introduction of dispute settlement procedure in the NAFO Convention is desirable. It was recognized that such a procedure would be intrinsically linked to the decision-making process. While several options were discussed, the meeting felt that results of the consultations between the EU, Canada, USA and Latvia (WP 03/1 referred to above) could represent a possible solution with some minor modifications. Under this item, the meeting also considered draft rules of procedure for the proposed ad hoc panel which are attached as an annex in the working paper by the chairperson.

## 9. Other matters pertaining to the Convention.

- **Budget**: A proposal to amend Article XVI of the current Convention by changing the word "Convention Area" in paragraph 3.c to "Regulatory Area" was discussed. Such a change would result in significant changes to the financial contributions by individual Contracting Parties to the Organization (see Annex 13).

While several delegates expressed doubts about this specific proposal, delegates in general expressed an open mind to review the current contribution formula although concerns were voiced with regard to the amount of time required for this. It was agreed that the proponents of the proposal would work with other delegations and the Secretariat to explore feasible options before the next meeting.

- **Species forming the basis for the contribution formula**: The species whose catches are used for the calculation of financial contributions by Contracting Parties are currently listed in Annex I of the Convention. The meeting proposed to take this list out of the Convention and instead introduce it in the Financial Regulations thus providing NAFO with more flexibility for future developments. Canada

proposed to eliminate Atlantic mackerel, Atlantic butterfish, and river herring from the current list. The Scientific Council was asked to verify if the list reflects the fishery resources which are being found in NAFO Convention Area.

- **Review clause:** It was proposed to include a review clause in the NAFO Convention in order to ensure reviews at regular intervals. This concept was generally supported by the participants. Some delegates suggested that the draft performance review prepared by NEAFC could serve as an inspiration in this regard.
- **Statistical information:** The Scientific Council Chairperson expressed the need to discuss the quality and timeliness of statistical information used by the SC for their assessments. He stressed that sometimes there are substantial differences in catch reports from different sources. He also pointed out that not all information is made available to the SC.
- **Allocation of quotas:** Regarding Article XI, paragraph 4 of the current Convention, the wording in paragraph 3 was queried with regard to “... *the Commission shall give special consideration to the Contracting Party whose coastal communities are primarily dependent on fishing for stocks related to these fishing banks ...*”. For the record, Denmark (in respect of Faroe Islands and Greenland) and France (in respect of St. Pierre et Miquelon) proposed the use of “*Contracting Parties*” (plural) instead of “*Contracting Party*” whereas Canada wishes to maintain the singular.
- **Contracting Party/Flag States/Port State Duties.** Participants saw a need to improve the definition of obligations of Contracting Parties, Flag States and Port States in the Convention. The delegate of Canada tabled a proposal for changes and additional text to the duties of Contracting Parties and Flag States (Annex 14 – Reform WG WP 06/3). While some delegates generally expressed satisfaction with the Chair’s text, other delegates felt that these duties could be merged into one article to avoid repetition. Some delegates also felt that the relevant provisions on port state duties needed to be more general and the details should be left for secondary legislation. It was suggested that STACTIC review the draft text on port State duties at its June 2006 meeting.
- **Cooperation with Non-Contracting Parties and other organizations:** Delegates concurred that a more detailed provision to cooperate with Non-Contracting Parties as well as a provision to cooperate with other organizations would be desirable in the Convention. Other organizations could include those that have mandates outside fisheries, e.g. for marine ecosystems.
- **Headquarters Agreement:** It was proposed to include a requirement for a Headquarters Agreement in the Convention as this is the standard for more recent multilateral organizations. Canada stated that it could not commit to such an agreement until it received the required authority.
- **Maritime Claims:** Some delegations pointed out that the provisions on maritime claims in Article I, paragraph 5 of the current Convention may be obsolete since the United Nations Convention on the Law of the Sea entered into force in 1994. However, other delegations reserved their positions on this issue.

### **Main conclusions of the Meeting**

- It was agreed that the current 1979 NAFO Convention needed to be updated on many aspects. Delegates felt that the preferred course of action to avoid lengthy procedures was to amend the current Convention rather than develop a new Convention to replace the current one.
- It was agreed that the amended Convention should take account of the ongoing international efforts for more sustainable use of fisheries resources and improved protection of the ecosystems in which they occur.
- It was agreed that NAFO should move towards a more integrated oceans policy that considers other marine living resources inhabiting the same ecosystem as the fishery resources managed by NAFO.

- Participants saw a need for streamlining NAFO's structure by in particular merging General Council and Fisheries Commission into one Commission.
- A need for a modernization of the decision-making process (possibly inspired by the SEAFO Convention) was recognized.

### **Follow-up Actions**

The Meeting decided to draw this report to the attention of other NAFO bodies which are meeting in 2006 and seek their views in particular on the following issues:

#### **Issues referred to STACTIC:**

- What would be the position of STACTIC on the proposal that STACTIC assumes the responsibilities of STACFAC which would represent a merge of STACTIC and STACFAC?
- Reform WG Delegates expressed a wish to define the concept of transshipment but considered that this definition should appear in the NAFO Conservation and Enforcement Measures (NCEM) rather than in the Convention. Against this background, does STACTIC consider that the definition of transshipment contained in the initial version of the Working Paper of the Chairperson constitute a suitable definition of transshipment in the NCEM or should any other definition be considered in this regard?
- Reform WG Delegates expressed a wish that a definition of fishing activities be included in the amended NAFO Convention but some delegates expressed doubts if the definition of fishing activities in the NCEM is still adequate. STACTIC was therefore requested to review and if necessary revise this definition.

#### **Issues referred to Scientific Council:**

- Are the provisions on the Scientific Council currently found in the Convention still adequate and are there any overlaps with the proposed functions of the new Commission?
- Review the proposal by Ukraine (Annex 15).
- Are the species listed in Annex 1 to the Convention still relevant in terms of the fishery resources currently found in the NAFO Convention Area (Canada proposed to delete Atlantic mackerel, Atlantic butterfish, and river herring from the current list)? Do any species need to be deleted or added to this list in the view of the Scientific Council?
- Are the duties of Contracting Parties regarding the collection and exchange of scientific, technical and statistical data pertaining to the Convention Area covered satisfactorily in the relevant paragraph of the Chairperson's Working Paper?

#### **Issues referred to STACFAD**

- Is it feasible to incorporate the list of species for the contribution formula into the financial regulations?
- Is it feasible to include a stipulation that financial auditors should be changed at regular intervals in the financial regulations?

#### **Other issues**

- With reference to Article XXI paragraph 3 of the current Convention, the meeting asked that Canada as the Depositary clarify as to whether Contracting Parties following an amendment procedure will have to deposit an instrument of ratification to mark their approval to the relevant amendments or whether another form of notifying their consent would be sufficient.

- Contracting Parties will have to consider whether they are willing to apply any amendments on a provisional basis.

### **Further Work**

Several delegations expressed the view that the Working Group should meet again as soon as possible in order to keep up the momentum towards completion of the task. Options included a second meeting either in connection with the STACTIC meeting in June 2006 or just before the Annual Meeting in September 2006. The possibility of continuing to work on the Working Paper of the chairperson through electronic means was also mentioned. Participants were invited to consult with their delegations and let the Secretariat and/or the Chairperson know as soon as possible what their preferences would be.

A revised version of the Chairperson's Working Paper based on the discussion at this meeting is attached (Annex 16). This revised Chairperson's Working Paper was circulated after the adjournment of the meeting and was therefore not discussed. It was understood by meeting participants that it still represents a document produced by the Chairperson and not a document agreed by participants nor reflecting the views of all Parties.

The Chairperson also undertook to elaborate a proposal for new Rules of Procedures for the new Commission, which was to be circulated as soon as possible.

The meeting was adjourned at 16:00 hours on Friday 28 April 2006.

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## **Annex 2. Opening Statement by Canada**

Mr. Chairman, distinguished Representatives, Ladies and Gentlemen,

It is a pleasure for Canada to host this Working Group meeting on NAFO Reform in Montreal. I will keep my comments brief and make a few statements on Canada's priorities for NAFO reform. To begin though, I would like to thank you, Mr. Chairman, for preparing the working paper which will be the basis of our discussions.

The current NAFO Convention, ratified in 1979, was the product of an earlier era. Over the years, NAFO has faced a number of challenges some of which we've successfully addressed and resolved. The consolidation of the NAFO Measures, the Greenland Halibut Rebuilding Plan and the annual review of compliance are a few noteworthy examples.

Other challenges, however, are fundamental. This week we begin to address these through open discussions and constructive drafting of Convention amendments aimed at modernizing NAFO to incorporate the most recent international legal commitments such as the UN Fish Stocks Agreement.

The commitments in the St. John's Conference Ministerial Declaration served as a catalyst for governments to begin reforming a number of regional fisheries management organizations, including NAFO, to improve governance of high seas areas. More recently, the Task Force on IUU Fishing concluded its work with a suite of follow-up actions announced in early March in Paris. These actions aim at eliminating overfishing and increasing the efficiency of RFMOs.

The reform of NAFO is very important for Canada. As a Coastal State, a strong international organization that ensures healthy straddling stocks is vital.

Some policy changes have begun in NAFO with the pilot implementation of the Precautionary Approach. We have also begun to look at the ecosystem approach and NAFO decided last year to begin collecting scientific data on a number of sensitive seamounts in the NAFO Regulatory Area. All Parties recognize the importance of rules-based decision-making. There is a growing focus on "sustainable use", the importance of adhering to the best available scientific advice, applying the precautionary approach and incorporating ecosystem considerations into fisheries management decisions.

Canada will be looking for a decision-making process that provides for resolution of disagreements and that prevents the unilateral behaviour that has compromised conservation in the past and resulted in overfishing.

Parties need to have a fair process whereby their reasons for objecting can be heard and decisions can be taken expeditiously to address their concerns, and rules are required to govern the use of objections to ensure the conservation and management of the fish stocks for which we are responsible.

Part and parcel with this, Canada places importance on having an efficient dispute-settlement procedure in NAFO that fits well with the decision-making process and the overall framework of international governance instruments.

We believe that it is also in NAFO Contracting Parties' interest to further improve the MCS scheme to curb non-compliance and achieve effective enforcement and meaningful sanctions. While a review of sanctions will be undertaken at the June STACTIC meeting, Canada feels it is important to address sanctions as a follow-up to the St. John's Declaration by explicitly providing a role for the Commission in their development and administration.

There are a few other items that are beyond the scope of this week's meeting but are part of an integrated suite of NAFO reforms that we wish to highlight. Canada will pursue the issue of capacity management at the September annual meeting. We would also like to incorporate a requirement for a NAFO Performance Review into the NAFO Convention, similar to NEAFC, as a way to address international pressures for improved accountability.

Mr. Chairman, Canada is looking forward to a constructive and positive dialogue at this meeting – one that builds confidence and advances the interests of this Organization. We are also looking forward to providing you with fine samples of Canadian and Québec hospitality later this evening. Thank you.

### **Annex 3. Opening Statement by the EC**

Good morning,

May I firstly thank Canada for hosting this meeting. The reform is very important for the EC. In 2005, it was decided to initiate a reform process of the organisation to improve its effectiveness as a regional fisheries management organisation.

The main objective of the revision is to ensure that NAFO has a mandate to manage the fishery resources in this ecosystem in a sustainable manner and consistent with modern standards of international fisheries management. The picture has clearly changed in the Northwest Atlantic since the NAFO Convention entered into force in 1979. We need to update the Convention and review the objectives and management goals of the Convention. This revision will also be an opportunity to review the structure of the NAFO Organisation and improve the decision making procedure. We need to have an open discussion on the main issues.

I would like to thank the Chairman for his Working paper. It will be very useful to stimulate the debate on the main issues identified in the Terms of Reference of the Working Group. We look forward to working with you, Chair, and other Delegations during this session.

#### **Annex 4. Opening Statement by the United States of America**

Mr. Chairman, and colleagues among the member delegations:

On behalf of the United States let me say how pleased we are to be in Montreal. We are looking forward to a series of interesting and important discussions this week, and it is our hope that the work of this group will result in positive changes in this Organization.

We have spent a considerable amount of time since the 2005 Annual Meeting discussing the future role of the United States in NAFO and how we can contribute to these discussions. Although I could easily relay to you any number of specific U.S. goal relative to the mandate of this working group, our internal consultations have continuously brought us back to three broad principles that we would like to see addressed by this group. Although we refer here to these principles in the NAFO setting, we feel that they are in many ways universally applicable in any RFMO.

It should come to no surprise that the first of these principles is that Contracting Parties should be treated fairly in terms of the costs and benefits of membership in NAFO. This is not just an issue of comparing assessed dues and other less tangible contributions to allocations (although these are certainly considerations that should be addressed). It includes how decision-making takes place and the degree to which all Contracting Party needs are considered by the Organization. Additionally, it is clear that until NAFO stocks recover to some degree, fishing opportunities in the NAFO RA will be limited. Thus, Contracting Parties that currently enjoy allocations have a responsibility to ensure that their vessels act in accordance with NAFO conservation and enforcement measures to achieve the rebuilding necessary to allow other members to enjoy the benefits of NAFO fisheries.

The second principle is that of managing NAFO fisheries sustainably. In particular, NAFO needs to address the data gathering and report processes, procedures, and scope to ensure that resulting data is sufficiently robust to support management of sustainable fisheries. Once data flow and quality are enhanced, the Organization should do everything within its power to ensure that adopted conservation and management measures are based as closely as possible on the scientific advice. In addition, conservation and management measures must be given effect with procedures to review and support an acceptable level of compliance. MCS processes and procedures are clearly vital to this effort. However, sustainable fisheries in NAFO can only be achieved if Contracting Parties demand compliance from their vessels and follow up with sanctions to deter future violations.

Finally, the United States strongly supports the principle that science and management in NAFO should evolve in concert, consistent with both the precautionary and ecosystem approaches to management. As we examine possible ways to improve NAFO, we must look both at existing and new approaches to addressing conservation and management challenges. Globally, awareness of the complex and dynamic nature of ocean ecosystems is increasing. So too is the call for RFMOs to expand their mandates to address these ecosystems. In its discussions on reform, NAFO should consider how it can effectively begin addressing the ecosystems within its Convention Area and how such considerations should begin playing into conservation and management decisions.

As one of the first RFMOs to enter into a reform process, NAFO is being looked at carefully by the international community. It is our hope that what we do here and at future meetings will not only improve NAFO, but will be useful to all regional fisheries management organizations. We have much work to do.

Thank you, Mr. Chairman.

## **Annex 5. Opening Statement by Ukraine**

Mr. Chairman, distinguished Delegates, Ladies and Gentlemen,

The Ukrainian delegation greets all the participants of the meeting devoted to the issue of NAFO reforming.

It is symbolic that our Working Group starts this meeting in Montreal, the town famous for its history without serious historical crises and which constantly makes the best changes in architecture and constructions, changing its face and content.

Ukraine, being the historical user of the region's resources since the ICNAF foundation as the USSR successor, supports the process of the organisation reforming. Ukraine is interested in conservation of marine living resources of this region. Ukraine welcomes the reforming process which could guarantee a fair access and distribution of the resources between NAFO Contracting Parties as well as Non-Contracting Parties in accordance with the 1982 UN Convention on the Law of the Sea.

No doubt, the text of the present NAFO Convention plays an important role in the measures on conservation of marine living resources in the NAFO Convention Area and in the waters under the jurisdiction of Coastal States. The rights of these States were guaranteed during the difficult historical period of the transition from poorly managed marine fishery to the implementation of the principles of the UN Convention on the Law of the Sea covering deep sea fishing and ensuring the rights of Coastal States in their EEZs.

For the past quarter of the century many provisions of the NAFO Convention have no longer corresponded to the new demands of the international law of the sea and international fishery practice as well as an actual state of marine living resources.

We are ready to discuss all the issues and proposals directed towards the modernisation and development of NAFO.

Ukraine is dissatisfied with the present status of the country, the quotas for which are allocated on the remainder basis and also taking account some historical periods of their distribution when the Ukrainian fleet didn't work in this region due to the economic crisis in the country. Ukraine supports particular rights, interests, advantages coastal and developing states but we are against the possibility of creation of conditions for a single or a group of States which would allow to monopolize the influence in NAFO.

The Ukrainian delegation expresses thanks to the Chair of the Working Group Staffan Ekwall and his team for the great work already done on proposing draft amendments. It is difficult to quickly take into account all the contemporary regulations and principles of the world fishery, adopted by the world community and wishing to apply them to the interests of NAFO. It is not easy to propose universal schemes and principles of approaches and decisions for the unconflict provision of sufficient conservation and sustainable fishery measures of each Contracting Party and other interested fishery States and RFMOs such as NEAFC.

There is a temptation and possibility of the direct adoption of the texts of the existent conventions (SEAFO, NEAFC, etc.). This will surely be hampered by NAFO historical traditions and the contradiction of interests of its Contracting Parties.

The aim of our Working Group is a proper consideration of all of these peculiarities breaking the stereotypes, and which is much more difficult, making compromises, which do not always correspond to one's strategic and current interests. This requires certain courage, correctness, tolerance and willingness to make unpopular decisions regarding certain interests and public opinion.

Finally, the Ukrainian delegation wishes all the participants the fruitful and constructive work within the framework of the meeting.

## **Annex 6. Opening Statement by France (in respect of St. Pierre et Miquelon)**

Mr Chairman, distinguished Delegates, Ladies and Gentlemen,

Let us first express our warmly thanks to the Canadian Authorities for their kind invitation in this nice city of Montreal.

This working group exercise about reform offers us the opportunity to initiate, in the specific NAFO context, a process which aims to address the need of a better management of fish stocks and their ecosystems in a sustainable way.

This review process conducted in the aftermath of the last FAO-COFI ministerial meeting and of the ministerial conference held in Saint-John must be considered, in our view, as a way to preserve the leading role of NAFO of the RFMO in general concerning the fisheries management.

In that updating exercise, we are of the opinion, taking into account the specificity of the area we are talking about, to integrate some drafting elements coming from the newly negotiated texts, i.e SEAFO and SIOFA, which, in our view, offer a balanced perspective of the different interests an RFMO has to deal with.

For sure, many issues are to be considered in the draft distributed by the chair. Among these, I just want, at this stage, to put the stress on some particularly important topics, in our view.

Firstly, we do consider that there's a real need to integrate in an amended convention the last developments resulting from various international texts in terms of ecosystem approach. This element could give NAFO a solid basis to address the issue of protection of some restricted areas with fragile ecosystem from all kinds of destructive fishing practice without any discrimination.

The second point relates to the control and enforcement issues. As it was stated in the terms of reference, this issue must remain, as much as possible, in the hands of the STACTIC committee. In that respect, the developments about that issue in the text of the convention must be as brief as possible so that we could integrate some new elements about that issue without new amendments to the convention. This pragmatic approach is a guarantee that NAFO will be able to tackle the control and enforcement such as the IUU fishing problem in an accurate and efficient way in the coming years.

Finally, we want to reiterate our attachment to the objection procedure. Having said that, we are ready to examine possible improvements to make it works in a way that do not undermine the conservation measures decided and so the credibility of the organisation.

In that respect, we are ready to play a constructive role and look forward with optimism for the outcomes of this working group.



**Annex 7. Opening remarks by Denmark in respect of  
the Faroe Islands and Greenland (DFG)**

DFG thanked Canada for hosting the meeting and the WG Chair for the preparation of the Working Paper as a basis for discussion. As other Contracting Parties to NAFO who were also Contracting Parties to NEAFC, DFG had been involved with the recent process to modernise the NEAFC Convention and broaden its scope to take account of modern principles of resource management.

DFG also expected this WG meeting to provide an opportunity to examine more closely other aspects of NAFO's work where there was room for improvement and which may also require amendments to the Convention. DFG was not in favour of removing the existing option to object to conservation and management decisions in NAFO. It was, however, obvious that the decision-making process in NAFO was in need of review, given the tendency for objections to be simply repeated from year to year without serious efforts being made to resolve outstanding differences.

DFG supported the wording in the Chair's WP that consensus should be the general rule and aim. When consensus is not possible, however, more thought needs to be given as to how to promote a more active dialogue between Contracting Parties to review decisions to which some Contracting Parties continue to feel obliged to object. DFG had developed some specific ideas on this question which would be shared with other delegations during the meeting (WP 06/10).

**Annex 8. Agenda**

1. Opening by Chair (Staffan Ekwall, EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Organization of the meeting and review of Terms of Reference\*
5. Ocean management issues
6. The Structure of NAFO
7. The decision making process of NAFO
8. Dispute settlement provisions
9. Other matters pertaining to the Convention
10. Report and Recommendations
11. Adjournment

**Annex 9. Proposal from Denmark (in respect of the Faroe Islands and Greenland)**  
(Reform WG WP 06/14)

**Preamble 3 & 4**

Recognising the economic and social benefits deriving from the sustainable utilisation of fisheries resources in the Northwest Atlantic.

Desiring, through international cooperation and consultation on conservation and management, to ensure the long-term optimum and sustainable utilisation of the fishery resources of the Northwest Atlantic and in so doing, to safeguard the marine ecosystems in which they occur.

**Article 2            Objective**

The Objective of this Convention is, through international cooperation and consultation on conservation and management, to ensure the long-term optimum and sustainable utilisation of the fishery resources of the Convention Area in order to provide economic and social benefits while safeguarding the marine ecosystems in which the resources occur.

*(NEAFC: .. to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits)*

**Annex 10. Alternative Proposal regarding objection procedure and  
dispute settlement (paper by Canada)**  
(Reform WG WP 06/5)

**ARTICLE XVII – Implementation and Review of Commission Decisions**

1. Each proposal adopted by the Commission shall become a measure binding on all Contracting Parties to enter into force on a date determined by the Commission.
2. A Contracting Party which has voted against a decision may within 30 days of the adoption of the decision by the Commission, seek a review of the decision by a review panel constituted in accordance with the procedures set out in Annex II to this Convention on the grounds that:
  - (a) the proposal is inconsistent with the provisions of this Convention, the Agreement or the 1982 Convention; or
  - (b) the proposal unjustifiably discriminates in form or in fact against the member concerned.
3. Pending the findings and recommendations of the review panel and any action required by the Commission, the Contracting Parties shall apply the decision adopted by the Commission.
4. Where a review panel has provided findings and recommendations on a decision of the Commission, no Contracting Party may in future seek review of the same proposal involving the same Contracting Parties unless, as a preliminary matter, it establishes before a review panel that there has been a material change in circumstance.
5. If the review panel recommends that the decision be modified, amended or revoked, the Commission shall, at its next annual meeting, modify or amend its decision in order to conform with the findings and recommendations of the review panel or it may decide to revoke the decision, provided that, if so requested in writing by a majority of the Contracting Parties, a special meeting of the Commission shall be convened within 60 days of the date of communication of the findings and recommendations of the review panel.

**ARTICLE XVIII – Settlement of Disputes**

1. Contracting Parties shall cooperate in order to prevent disputes.
2. The provisions relating to the settlement of disputes set out in Part VIII of the 1995 Agreement apply, mutatis mutandis, to any dispute between members of the Commission, whether or not they are also Parties to the 1995 Agreement.
3. A court, tribunal or panel to which any dispute has been submitted under this Article shall apply the relevant provisions of:
  - a) this Convention;
  - b) the 1982 Convention;
  - c) in addition to the above instruments, where the dispute concerns one or more straddling stocks, the 1995 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 long-term sustainability of the fishery resources concerned.
4. Provided, however:
  - (1) where a party to a dispute is a State Party to the 1982 Convention, 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 1982 Convention against any other State Party to the 1982 Convention; and
  - (2) where a party to a dispute is a State Party to the 1995 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 Agreement as against any other State Party to that Agreement.

**Annex 11. Suggestion for discussion from DFG –  
Mandatory Conciliation**  
(Reform WG WP 06/10)

- Objective – both the CO objecting and setting unilateral measures, and the majority adopting a decision are obliged to engage in a dialogue and provide comprehensive arguments to support their respective views. The practice today is that the previous year's objection is simply reiterated.
- The organization shall call a meeting of Parties if the objection and unilateral measures have been in place on the same general basis for two years.
- Participation in the meetings is not obligatory (but the assumption is that CPs would participate).
- The meeting will not make decisions (to avoid delegations having inflexible mandates), but can discuss possible solutions.
- Discussions are fully reflected in the report of the meeting, which is distributed in the same way as other NAFO reports (also accessible on the website).
- The meeting can deal with more than one issue of contention.
- The meeting should not be held back to back with the Annual Meeting (in order to allow time for national consultation in relation to any new proposals), but can be organized in relation to other WG meetings to rationalize time and travel costs.
- A new meeting shall be held every year until a solution is reached.
- The meeting process is abandoned if the issue is raised under the Dispute Settlement Mechanism.
- The process can be formalized as a provision in the Convention, but can apply provisionally if there is consensus to do so.

**Annex 12. Proposed Revisions by Canada to  
Reform WG WP 06/1, Rev. 1**  
(Reform WG WP 06/12, Rev. 1)

Article XVIII – Implementation of Commission Decisions

1. Each proposal adopted by the Commission pursuant to Article VI shall become binding on the Contracting Parties in the following manner:
  - a. the Executive Secretary shall within 5 working days transmit each proposal to all Contracting Parties, specifying the date of transmittal for the purposes of paragraph 2.
  - b. Subject to the provisions of paragraph 2, the proposal shall become binding upon all Contracting Parties 30 days following the date of transmittal pursuant to subparagraph a) unless otherwise specified in the proposal.
2. If any Contracting Party presents to the Executive Secretary an objection to a proposal within 30 days of the date of transmittal specified in the notification of the proposal by the Executive Secretary, the proposal shall not become a binding measure until the expiration of 20 days following the date of transmittal specified in the notification of that objection to the Contracting Parties. There upon any other Contracting Party may similarly object prior to the expiration of an additional 20-day period or within 15 days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that 20-day period, whichever shall be the later. The proposal shall then become a measure binding on all Contracting Parties, except those which have presented objections, at the end of the extended period or periods for objecting. If, however, at the end of such extended period or periods, objections have been presented and maintained by a majority of Contracting Parties, the proposal shall not become a binding measure, unless any or all of the Contracting Parties nevertheless agree as among themselves to be bound by it on an agreed date.
3. Any Contracting Party which has objected to a proposal may at any time withdraw that objection and the proposal immediately shall become a measure binding on such a member, subject to the objection procedure provided for in this Article.
4. Any commission member which has presented an objection to a proposal under paragraph 2 shall at the same time provide an explanation for its reasons for taking this action. This explanation shall specify whether the reasons for taking this action is that the Contracting Party considers that the proposal is inconsistent of the provisions of this Convention, that the Contracting Party cannot practically comply with the proposal, or that the measure unjustifiably discriminates in form or in fact against a Contracting Party. The explanation shall also include a declaration of its intentions following the objection or notice, including a description of the alternative measures it intends to take or has taken for the conservation, management and control of the relevant fishery resources in accordance with the objectives of this Convention.
5. The Executive Secretary shall immediately transmit to each Contracting Party:
  - a) notice of receipt of each objection and withdrawal of objection under paragraphs 2 and 3;
  - b) the date on which any proposal becomes a binding measure under the provisions of paragraph 1;
  - c) the explanation and alternative measures of the objective party under paragraph 4.
6. Subject to Article XVIII, any Contracting Party may request an ad hoc panel established in accordance with Annex I to make recommendations of any interim measures which may be necessary, following the invocation of the procedures pursuant to paragraphs 2 and 4, to ensure that the sustainability of the fishery resources covered by this Convention is not undermined. Subject to paragraph 7, such interim measures shall be binding on all Contracting Parties if all Contracting Parties agree (other than those who have indicated that they are unable to accept the measure, pursuant to sub-paragraphs 2 and 4)."
7. This Article is without prejudice to the right of any other Contracting Party to invoke the dispute settlement procedures set out in Article XVIII in respect of a dispute concerning the interpretation or application of this Convention, including the explanation, declaration and measures referred to in paragraph 4 of Article XVII as well as any actions taken by a Contracting party further to its application of paragraphs 2 and 4.

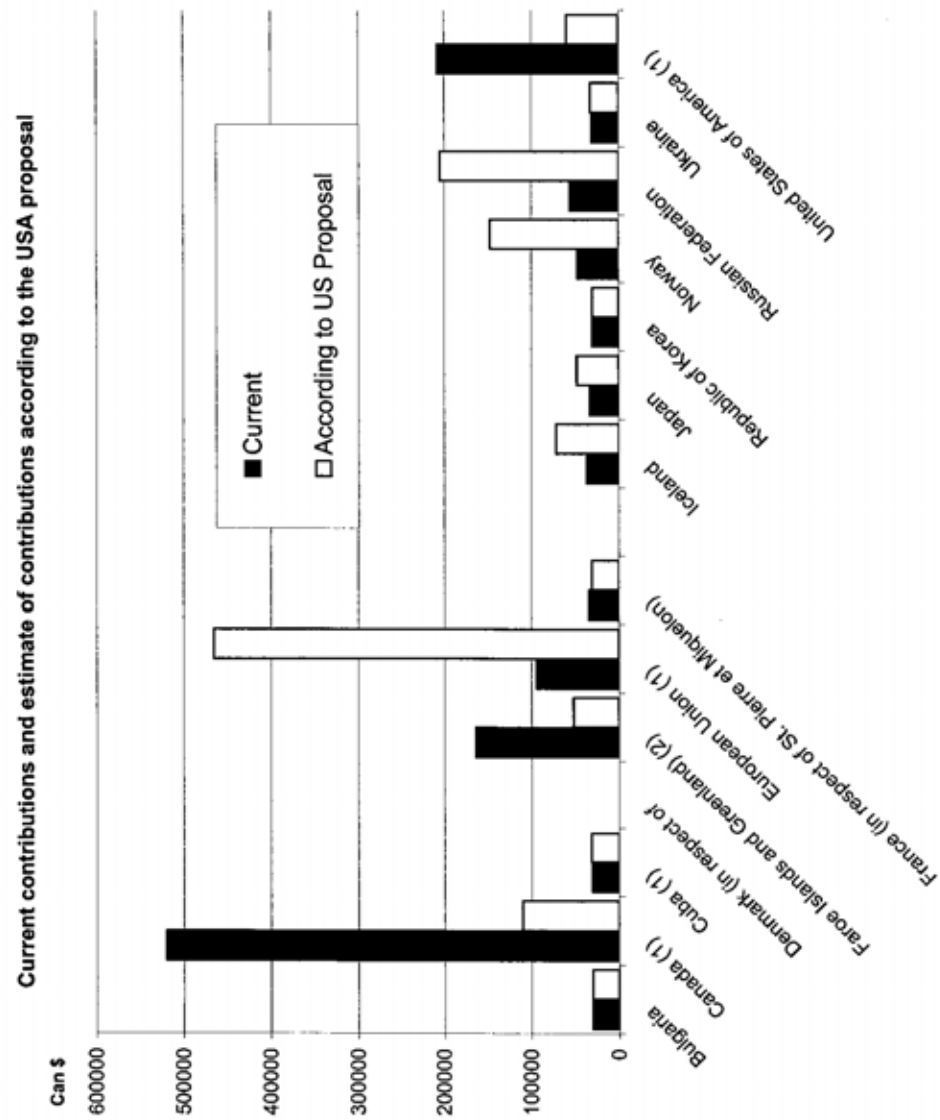
Annex I

Add to the end paragraph 7 – “Where the Panel has been struck under Article XVII (6), the panel shall have 10 working days to make its recommendations on interim measures.”

**Annex 13. Comparison between the current contributions and  
estimated contributions according to the USA proposal**

The estimate is based on the assumption that Coastal States do not fish in the NAFO Regulatory Area and that non Coastal States only fish in the NAFO Regulatory Area.

| <b>Contracting Parties</b>                                 | <b>Nominal<br/>Catches for<br/>2003</b> | <b>Amount billed<br/>in 2006</b> | <b>Estimate according<br/>to the USA<br/>Proposal</b> |
|--|---|----------------------------------|---|
|  |   |                                  |   |
| Bulgaria   | -                                       | 30,327                           | 30,327  |
| Canada (1)   | 488,467                                 | 519,831                          | 110,281   |
| Cuba (1)   | 227                                     | 30,485                           | 31,629  |
| Denmark (in respect of<br>Faroe islands and Greenland) (2) | 133,199                                 | 163,782                          | 52,129  |
| European Union   | 75,879                                  | 94,038                           | 465,474   |
| France (in respect of St. Pierre et<br>Miquelon)           | 3,652                                   | 34,000                           | 30,925  |
| Iceland  | 7,210                                   | 36,399                           | 71,675  |
| Japan  | 3,091                                   | 32,929                           | 48,053  |
| Republic of Korea  | -                                       | 30,327                           | 30,327  |
| Norway   | 20,308                                  | 47,359                           | 146,788   |
| Russian Federation   | 30,394                                  | 55,796                           | 204,629   |
| Ukraine  | 387                                     | 30,643                           | 32,546  |
| United States of America                                   | 177,557                                 | 208,260                          | 59,390  |
|  |   |                                  |   |
| <b>Total</b>   | <b>940,371</b>                          | <b>1,314,175</b>                 | <b>1,314,173</b>                                      |





**Annex 14. Proposed Changes to Articles XII and XIV (paper by Canada)**  
(Reform WG WP 06/3)

**Article XIII – Contracting Party Duties**

In the chapeau, change “Convention” to “Regulatory”.

Keep XIII 1) a) and b)

Then replace c) with: “c) take all necessary measures in order to ensure the effectiveness of the conservation, management and enforcement measures agreed by the Commission and shall enforce such measures irrespective of where violations occur.”

Add XIII (1) e):

“(e) provide information concerning its fishing activities, including catch of target and non-target species, fishing areas, fishing vessels and fishing gear as may be required by the Commission in order to facilitate the compilation of reliable catch and effort statistics and of any vessel register established and maintained by the Commission ”

Change para 2 to read:

“Each Contracting Party shall make available, in the manner and at such intervals as may be agreed by the Commission, but at least bi-annually, a statement of actions taken to make effective the provisions of the Convention and to implement the conservation, management and enforcement measures agreed by the Commission, including the outcome of investigations of violations of such measures and the imposition of adequate sanctions for such violations.”

Delete reference to coastal states reports. The report of coastal state measures is already covered under Article VI (2).

Keep para. 3 but change reference from Convention Area to Regulatory Area.

Para. 4: delete and replace with:

Each Contracting Party shall, to the greatest extent possible, investigate immediately, expeditiously and fully any alleged violation of the conservation, management and enforcement measures agreed by the Commission by its nationals or fishing vessels owned or operated by its nationals, and report promptly to the State alleging the violation and to the Executive Secretary on the progress and outcome of the investigation, in the manner required by the Commission;

**Article XIV – Flag State Duties**

Para. 1: In the chapeau, remove the words “take such measures as may be necessary to ensure that”. Replace with “Each CP shall ensure that:”

Keep para. 1 a) and b) and add c):

c) transshipment on the high seas by vessels flying its flag is regulated to ensure that the effectiveness of the conservation, management and enforcement measures adopted by the Commission is not undermined.

Keep para. 2

Para. 3: keep a) and b), delete c) and add the following:

- “(d)investigate immediately, expeditiously and fully any alleged violation of the conservation, management and enforcement measures agreed by the Commission by fishing vessels flying its flag and report promptly to the State alleging the violation and to the Executive Secretary on the progress and outcome of the investigation;
- (e) require any vessel flying its flag to give information to the investigating authority regarding vessel position, catches, fishing gear, fishing operations and related activities in the area of an alleged violation;
- (f) if satisfied that sufficient evidence is available in respect of an alleged violation, refer the case to its authorities with a view to instituting proceedings without delay and expeditiously in accordance with its laws and, where appropriate, detain the vessel concerned; and ensure that, where it has been established, in accordance with its laws, that a vessel has been involved in the commission of a serious violation of the conservation, management and enforcement measures agreed by the Commission, the vessel does not engage in fishing operations on the high seas until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with; and
- (g) impose sanctions in respect of violations that are adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and that deprive offenders of the benefits accruing from their illegal activities;

The specific manner in which the above obligations are to be carried out shall be provided in measures adopted by the Commission.”

Add para. 4: “Each Contracting Party shall, to the greatest extent possible, adopt measures applicable in respect of masters and other officers of fishing vessels that are nationals of that Contracting Party, that allow refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels.”

Add para. 5: “Each Contracting Party shall ensure that measures they impose on vessels flying their flag are compatible with the control and enforcement measures adopted by the Commission.”

**Annex 15. Proposal by Ukraine**  
**(in relation to the Chair's working paper)**  
(Reform WG WP 06/7)

Changes to Article VII, paragraph 1

a) ...

b) to compile biostatistics and maintain permanent monitoring for the state of stocks of fishery resources by means of scientific expeditions and scientific observation on board of fishing vessels;

c) to publish and disseminate reports, information and materials pertaining to the fisheries of the Convention Area, including environmental and ecological factors affecting these fisheries;

d) ~~e~~ ...

e) ~~d~~ ...

**Annex 16. Revised Chair's Working Paper**  
(Reform WG WP 06/1, Revision 2)

**Explanatory Note**

**Article I**

The definitions are now in alphabetical order. A definition of contracting parties has been introduced and the definition on code of conduct has been deleted since it is not used later on in the text.

In relation to the definition of fishery resources, my understanding is that seals fall outside the proposed definition (since they are neither a fish, molluscs or crustacean) and would therefore not be subject to any potential management measures by NAFO. Seals fall however into the definition of living marine resources, and therefore could be taken into account in the work of NAFO, including scientific.

In relation to sharks, those that are included in Annex 1 to the 1982 Convention would not fall under the direct mandate of NAFO. If that Annex includes all shark species that are relevant for NAFO waters, is another question, but potentially some shark species which are not listed in the said Annex 1 would still be under the mandate of NAFO.

**Article II**

Given some divergent views on this matter, I've tried to keep the wording relating to management of fishery resources close to the wording of the corresponding Article in the UN Fish stocks Agreement (Article 2). It seems also that recently negotiated Conventions or Agreements, at least those I am aware of, is following this line<sup>1</sup>. Very similar wording is also used in the St Johns declaration<sup>2</sup> which of course is of direct relevance to us since the mandate of the working Group is based on that declaration. One possible exception in this regard are the proposed amendments to the NEAFC Convention which were circulated during the meeting<sup>3</sup> but I understand from the Secretary of NEAFC that this amendment has not yet been adopted by NEAFC, and might therefore still be subject to change.

**Article III**

I've also tried to keep the wording of this Article close to the corresponding Article 5 of the UN fish stocks Agreement (insofar it is relevant for NAFO), and thereby inter alia tried to cater for those who wished to maintain a reference to optimum utilisation. I hope that the preamble read together with Articles 2 and 3 reflects this balance.

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<sup>1</sup> Article 2 of the SEAFO convention reads: the objective of this convention is to ensure the long term conservation and sustainable use of the fishery resources in the convention area through the effective implementation of this convention. Article 2 of the South Indian oceans fisheries Agreement (SIOFA) (which will be opened to signature in July 2006 at the premises of FAO) reads: The objectives of this agreement are to ensure the long term conservation and sustainable use of fishery resources in the Area through co-operation among parties, and to promote sustainable development of fisheries in the area, taking into account the needs of developing states... Article II of the IATTC Convention reads: the objective of this Convention is to ensure the long term conservation and sustainable use of the fish stocks covered by this Convention. Article 2 of the WCPFC Convention reads: The objective of this convention is to ensure, through effective management, the long term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean in accordance with the 1982 convention and 1995 agreement.

<sup>2</sup> See preamble.

<sup>3</sup> The proposed amendment to Article 2 of the NEAFC convention reads: The objective of this convention is to ensure the long term conservation and optimum utilisation of the fishery resources in the Convention area, providing sustainable, economic, environmental and social benefits.

The main reason for keeping this article and not moving the content to the functions of the new Commission is that some of the functions of the new Commission are limited to the Regulatory Area. These principles in Article 3 would thus apply in the entire area of application. I also see a benefit in fixing a number of fundamental principles up front in the Convention (in particular for outside readers, since this organisation often is subject to external scrutiny) even if that to a certain extent creates some repetition later on in the text.

#### **Article IV**

I've incorporated a paragraph on statistical and scientific sub-areas, which was previously elsewhere in the text. The simplified procedure to amend the related Annex has been placed in the article on amendments.

I've also redone the last paragraph on maritime claims following concerns by Russia. The new wording is inspired by the SEAFO convention.

#### **Article VI**

This is the result of the proposal by Norway to merge two previous Articles.

In relation to paragraphs 4 and 5, I've tried to regroup the issues as to whether they deal with management control or administration. I've made a separate paragraph with more scientific functions which will require some co-ordination with the scientific council.

I believe however that some further work will be needed on these paragraphs, in particular to ensure that there is no overlap in the functions of the Commission and the Scientific Council (see article VII.4). You might recall that the initial wording of these paragraphs came from the SEAFO Convention following the suggestion by the EU. In SEAFO however, the scientific committee is a subsidiary body to the Commission which is not the case in NAFO.

#### **Article VII**

This is the result of the proposal of Norway to merge all Article of relevance to the Scientific Council into one Article. The substance has however not changed to a great extent compared to the previous version of the working paper.

#### **Articles X-XI**

I have at the end of the day maintained a separate Article for the duties of the flag state (which refers to authorisation to fish, monitoring of activities, and follow up to any infringements) inspired by the SEAFO Convention, but eliminated identified areas of repetition between the article on contracting party duties. Even if the purposes of Article 10.3 and 11.4 may at first hand seem very similar, the scope of Article 10.3 is broader in the sense that it is not limited to the activities of vessels flying its flag but also creates an obligation to keep an eye on its nationals more in general.

#### **Article XII**

I have maintained a separate article on port states duties because of the very nature of these duties, which per definition creates duties outside the Convention area. Port state duties has for the very same reason been kept in a separate section in the Conservation and enforcement measures.

These provisions have also been made more general to allow for evolution within this field, for example port closures.

#### **Article XIV**

The main structure of this article remains more or less the same as in the previous version since parties needed more time to consider this matter.

#### **Article XIX**

There are three new provisions in this article, of which two already existed elsewhere in the text. Since there is a fast track procedure to change one of the annexes, I thought that such a procedure could apply also to other annexes.

**Convention on  
Cooperation in the Northwest  
Atlantic Fisheries**

The CONTRACTING PARTIES,

NOTING that the coastal States of the Northwest Atlantic have established areas of national jurisdiction in accordance with the United Nations Convention on the Law of the Sea of 20 December 1982, and general principles of international law within which they exercise sovereign rights for the purpose of exploring and exploiting, conserving and managing living marine resources;

RECOGNISING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982; the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993, taking into account the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organisation of the United Nations in October 1995 and relevant Action Plans adopted by the Food and Agriculture Organization of the United Nations;

RECOGNISING the economic and social benefits deriving from the sustainable use of fishery resources;

DESIRING to promote the long term conservation and sustainable use of the fishery resources of the Northwest Atlantic area, and accordingly to encourage international cooperation and consultation with respect to these resources;

CONSCIOUS of the need to safeguard the marine environment of the Northwest Atlantic area, to preserve its biodiversity and to minimise the risk of long term or irreversible effects of fishing operations in that area;

COMMITTED to responsible fisheries as well as to combat Illegal, Unreported and Unregulated (IUU) fishing activities;

HAVE AGREED as follows:

*Article I – Definitions*

1. For the purpose of this Convention, the following definitions apply:
  - (a) “1982 Convention” means the United Nations Convention on the law of the Sea of 10 December 1982;
  - (b) “1995 Agreement” means the Agreement for the implementation of the Provisions of the United Nations Convention on the law of the Sea of 10 December 1982 relating to the conservation and management of Straddling fish Stocks and Highly Migratory Fish Stocks, 1995;
  - (c) “Coastal State” means a Contracting Party exercising fisheries jurisdiction in waters forming part of the Convention Area;
  - (d) “Contracting Party” means any State or regional economic integration organisation which has consented to be bound by this Convention, and for which the convention is in force;
  - (e) “Convention Area”, means the Area to which this Convention applies, as prescribed in Article IV;
  - (f) “Fishery resources” means all resources of fish, molluscs and crustaceans within the Convention Area excluding:
    - (i) sedentary species subject to the exclusive sovereign rights of Coastal States pursuant to Article 77 of the 1982 Convention; and

- (ii) in so far as they are managed by other international Conventions or Agreements, anadromous, catadromous stocks as well as highly migratory species listed in Annex I of the 1982 Convention;
- (g) "Fishing activities" means fishing, fish processing operations, the transshipment of fish or fish products, and any other activity in preparation for or related to fishing;
- (h) "Fishing vessel" means any vessel which is or has been engaged in fishing activities, including fish processing vessels and vessels engaged in transshipment or any other activity in preparation for or related to fishing, including experimental or exploratory fishing;
- (i) "Flag State" means, unless otherwise indicated:
  - (i) a state whose vessels are entitled to fly its flag; or
  - (ii) a regional economic integration organisation in which vessels are entitled to fly the flag of a member State of that regional economic integration organisation;
- (j) "Living marine resources" means all living components of the marine ecosystems;
- (k) "Marine biological diversity" means the variability among marine living organisms and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (l) "Nationals" mean both natural and legal persons;
- (m) "Port state" means any Contracting Party receiving fishing vessels in their ports including offshore terminals and other installations for landing, transshipping, refuelling or re-supplying;
- (n) "Regional economic integration organisation" means a regional economic integration organisation to which its member States have transferred competence over matters covered by this Convention, including the authority to make decisions binding on its member States in respect of those matters;
- (o) "Regulatory Area" means the part of the Convention Area which lies beyond the areas in which Coastal States exercise fisheries jurisdiction;

### *Article II - Objectives*

The objectives of this Convention are to ensure the long term conservation and sustainable use of the fishery resources in the Convention Area and to safeguard the marine ecosystems in which these resources occur.

### *Article III – Basic Principles*

In giving effect to the objectives of this Convention in particular the following principles shall apply:

- (a) measures shall ensure the long-term sustainability of fisheries resources and promote the objective of their optimum utilisation;
- (b) measures shall be based on the best scientific advice available and be designed to maintain fishery resources at levels capable of producing maximum sustainable yield, and to rebuild depleted fishery resources to the said levels;
- (c) measures shall be based on the precautionary approach;
- (d) measures shall take due account of the impact of fishing activities on other species and marine ecosystems and in doing so, measures shall be adopted to address the need to minimize harmful impact living marine resources and marine ecosystems;
- (e) measures shall take due account of the need to conserve marine biological diversity;
- (f) measures shall be taken to prevent or eliminate overfishing and excess fishing capacity, and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of the fishery resources;

- (g) measures shall be taken to ensure that complete and accurate data concerning the fishing activities within the area of application is collected and shared in a timely manner among the Contracting Parties to this Convention.
- (h) measures shall be taken to ensure effective compliance with management measures and that sanctions for any infringements are adequate in severity; and
- (g) measures shall take due account of the need to minimise pollution and waste originating from fishing vessels as well as minimise discards, catch by lost or abandoned gear, catch of species not subject to a directed fishery and impacts on associated or dependent species, in particular endangered species.

#### *Article IV – Area of application and maritime claims*

1. This Convention applies to the waters of the Northwest Atlantic Ocean north of 35°00' north latitude and west of a line extending due north from 35°00' north latitude and 42°00' west longitude to 59°00' north latitude, thence due west to 44°00' west longitude, and thence due north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10' north latitude.
2. The Convention Area shall be divided into scientific and statistical subareas, divisions and subdivisions, the boundaries of which shall be those defined in Annex I to this Convention. This Annex forms an integral part of this Convention.
3. Nothing in this Convention shall constitute recognition of the claims or positions of any Contracting Party concerning the legal status and extent of waters and zones claimed by any such Contracting Party.

#### *Article V – the Organisation*

1. Contracting Parties agree to establish, maintain and strengthen the Northwest Atlantic Fisheries Organisation, herein "NAFO" which shall carry out the functions set forth in this Convention in order to achieve the objectives of this Convention.
2. NAFO shall consist of:
  - a) a Commission and any subsidiary bodies and sub-committees that the Commission establishes to assist it in its work;
  - b) a Scientific Council and any subsidiary bodies and sub-committees that the Scientific Council establishes to assist it in its work; and
  - c) a Secretariat.
3. NAFO shall have legal personality and shall enjoy in its relations with other international organisations and in the territories of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which NAFO and its officers shall enjoy in the territory of a Contracting Party shall be subject to agreement between NAFO and the Contracting Party where the Headquarters is established, including, in particular, a Headquarters agreement between NAFO and the host Contracting Party.
4. The Chairperson of the Commission shall be the President of NAFO and shall be its principal representative.
5. The headquarters of NAFO shall be at the regional municipality of Halifax, Nova Scotia, Canada, or at such other place as may be decided by the Commission.



*Article VI – The Commission*

1. Each Contracting Party shall be a member of the Commission and shall appoint one representative to the Commission who may be accompanied by alternative representatives, experts and advisers.
2. The Commission shall elect a Chairperson and a Vice-Chairperson, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. The Chairperson and Vice-Chairperson shall be representatives of different Contracting Parties.
3. The Chairperson of the Commission shall convene a regular annual meeting of NAFO at a place decided upon by the Commission. Any meeting of the Commission, other than the annual meeting, may be called by the Chairperson at such time and place as the Chairperson may determine, upon the request of a Contracting Party.
4. The Commission shall in accordance with the principles set out in Article III exercise the following functions:
  - a) formulate and adopt proposals for conservation and management measures to achieve the objectives of this Convention within the Regulatory Area;
  - b) establish total allowable catches and/or levels of fishing effort and determine the nature and extent of participation in fishing;
  - c) adopt, where necessary, proposals for conservation and management measures to minimise the impact of fishing activities on marine living resources belonging to the same ecosystem or associated with or dependent upon the fishery resources subject to a directed fishery;
  - d) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement of the conservation and management measures adopted by the Commission. Those mechanisms shall include:
    - (i) provision for reciprocal rights of boarding and inspection by the Contracting Parties within the Regulatory Area and for flag State prosecution and sanctions on the basis of evidence resulting from such boardings and inspections,
    - (ii) controls in ports where fishery resources originating from the Convention Area are being landed;
  - e) adopt proposals for measures to promote compliance by vessels flying the flag of non-Contracting Parties to this Convention with the measures agreed by the Commission;
  - f) supervise the organisational, administrative, financial and other internal affairs of NAFO, including the relations among its constituent bodies;
  - g) direct the external relations of NAFO;
  - h) approve the budget of NAFO pursuant to Article IX; and
  - i) exercise any other authority or function as is conferred upon it by this Convention.
5. The Commission shall exercise the following functions in collaboration with the Scientific Council:
  - a) identify conservation and management needs;
  - b) keep under review the status of stocks and gather, analyse and disseminate relevant information on stocks;
  - c) assess the impact of fishing, other human activities and environmental factors on stocks subject to a directed fishery and species belonging to the same ecosystem or associated with a dependent upon the stocks subject to a directed fishery;
  - d) develop measures for the conduct of fishing for scientific purposes;

- e) develop rules for the collection, submission, verification of, access to and use of data;
- 6. In the exercise of its functions under paragraphs 4 and 5, the Commission shall seek to ensure consistency between:
  - a) any proposal that applies to a stock or group of stocks occurring both within the Regulatory Area and within an area under the fisheries jurisdiction of a Coastal State, or any proposal that would have an effect through species interrelationships on a stock or group of stocks occurring in whole or in part within an area under the fisheries jurisdiction of a Coastal State; and
  - b) any measures or decisions taken by the coastal State for the management and conservation of that stock or group of stocks with respect to fishing activities conducted within the area under its fisheries jurisdiction.

The appropriate Coastal State and the Commission shall accordingly promote the coordination of such proposals, measures and decisions. Each Coastal State shall keep the Commission informed of its measures and decisions for the purpose of this Article.

- 7. Proposals adopted by the Commission for the allocation of fishing opportunities in the Regulatory Area shall take into account the interests of Contracting Parties whose vessels have traditionally fished within that Area, and, in the allocation of fishing opportunities from the Grand Bank and Flemish Cap, the Commission shall give special consideration to the Contracting Party whose coastal communities are primarily dependent on fishing for stocks related to these fishing banks and which has undertaken extensive efforts to ensure the conservation of such stocks through international action, in particular, by providing surveillance and inspection of international fisheries on these banks under an international scheme of joint enforcement.
- 8. The Commission may refer to the Scientific Council any question pertaining to the scientific basis for the decisions it may need to take concerning fishery resources, the impact of fishing on living marine resources, and the conservation of the ecosystem in which they occur.
- 9. The Commission shall adopt, and amend as occasion may require, rules for the conduct of its meetings and for the exercise of its functions as well as financial regulations.
- 10. The Commission may establish such Committees and subcommittees as it considers desirable for the exercise of its duties and functions.
- 11. The Commission shall adopt rules to provide for the participation as observers of representatives from inter-governmental organisations and non-governmental organisations to the meetings of the Organizations. The Commission shall also adopt rules to provide for the participation of representatives of non-contracting Parties as observers or in any other status as it may decide to meetings of NAFO. The rules shall not be unduly restrictive and shall provide for timely access to reports and records of NAFO, subject to the procedural rules that the Commission may adopt.

#### *Article VII – the Scientific Council*

- 1. Each Contracting Party shall be a member of the Scientific Council and shall appoint to the Council its own representatives who may be accompanied at any of its meetings by alternates, experts and advisers.
- 2. The Scientific Council shall elect a Chairperson and a Vice-Chairperson, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than four years in succession. The Chairperson and Vice-Chairperson shall be representatives of different Contracting Parties.
- 3. Any meeting of the Scientific Council, other than the annual meeting convened pursuant to Article VI paragraph 3, may be called by the Chairperson at such time and place as the Chairperson may determine,

upon the request of a Coastal State or upon the request of a Contracting Party with the concurrence of another Contracting Party.

4. The functions of the Scientific Council shall be:
  - a) to provide a forum for consultation and cooperation among the Contracting Parties with respect to the study, appraisal and exchange of scientific information and views relating to the fisheries of the Convention Area and their ecosystem, fishery resources status and their forecast including environmental and ecological factors affecting these fisheries, and to encourage and promote cooperation among the Contracting Parties in scientific research designed to fill gaps in knowledge pertaining to these matters;
  - b) to compile and maintain statistics and records and to publish or disseminate reports, information and materials pertaining to the fisheries of the Convention Area, including environmental and ecological factors affecting these fisheries;
  - c) to provide scientific advice to coastal States, where requested to do so pursuant to paragraph 8; and
  - d) to provide scientific advice to the Commission, pursuant to paragraph 7 or on its own initiative as required for the purposes of the Commission.
5. The functions of the Scientific Council may, where appropriate, be carried out in cooperation with other public or private organisations having related objectives.
6. The Contracting Parties shall furnish to the Scientific Council any available statistical and scientific information requested by the Council for the purpose of this Article.
7. The Scientific Council shall consider and report on any question referred to it by the Commission pertaining to the scientific basis for the management and conservation of fishery resources and the ecosystems in which they occur within the Regulatory Area, and shall take into account the terms of reference specified by the Commission in respect of that question.
8. The Scientific Council shall, at the request of a Coastal State, consider and report on any question pertaining to the scientific basis for the management and conservation of fishery resources and the conservation of the ecosystem in which they occur in waters under the fisheries jurisdiction of that Coastal State.
9. The Coastal State shall, in consultation with the Scientific Council, specify terms of reference for the consideration of any question referred to the Council pursuant to paragraph 8. These terms of reference shall include, along with any other matters deemed appropriate, such of the following as are applicable:
  - a) a statement of the question referred, including a description of the fisheries and area to be considered;
  - b) where scientific estimates or predictions are sought, a description of any relevant factors or assumptions to be taken into account; and
  - c) where applicable, a description of any objectives the Coastal State is seeking to attain and an indication of whether specific advice or a range of options should be provided.
10. Scientific advice to be provided by the Scientific Council pursuant to this Convention shall be determined by consensus. Where consensus cannot be achieved, the Council shall set out in its report all views advanced on the matter under consideration.
11. Decisions of the Scientific Council with respect to the election of officers, the adoption and the amendment of rules and other matters pertaining to the organisation of its work shall be taken by a majority of the votes of all Contracting Parties present and casting affirmative or negative votes, and for these purposes each Contracting Party shall have one vote. No vote shall be taken unless there is a quorum of at least two-thirds of the Contracting Parties.

12. The Scientific Council shall adopt, and amend as occasion may require, rules for the conduct of its meetings and for the exercise of its duties and functions.
13. The Commission may establish such Committees and subcommittees as it considers desirable for the exercise of its duties and functions.

*Article VIII - the Secretariat*

1. The Secretariat shall provide services to NAFO in the exercise of its duties and functions.
2. The chief administrative officer of the Secretariat shall be the Executive Secretary, who shall be appointed by the Commission according to such procedures and on such terms as it may determine.
3. The employees of the Secretariat shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined by the Commission.
4. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over employees and employee-related issues of the Secretariat and shall perform such other functions as the Commission shall prescribe.

*Article IX -Budget*

1. Each Contracting Party shall pay the expenses of its own delegation to all meetings held pursuant to this Convention.
2. The Commission shall establish the contributions due from each Contracting Party under the annual budget on the following basis:
  - a) 10% of the budget shall be divided among the Coastal States in proportion to their nominal catches in the Convention Area in the year ending two years before the beginning of the budget year;
  - b) 30% of the budget shall be divided equally among all the Contracting Parties; and
  - c) 60% of the budget shall be divided among all Contracting Parties in proportion to their nominal catches in the Convention Area in the year ending two years before the beginning of the budget year.

The nominal catches referred to above shall be the reported catches of the fishery resources specified in the financial regulations adopted by the Commission pursuant to Article VI.

3. The Executive Secretary shall notify each Contracting Party of the contribution due from that Party as calculated under paragraph 2, and as soon as possible thereafter each Contracting Party shall pay to NAFO its contribution.
4. Contributions shall be payable in the currency of the country in which the headquarters of NAFO is located, except if otherwise authorized by the Commission.
5. The Executive Secretary shall for each financial year submit drafts of the annual budget to each Contracting Party together with a schedule of contributions, not less than sixty days before the annual meeting of NAFO at which the budgets are to be considered.
6. A Contracting Party acceding to this Convention during the course of a financial year shall contribute in respect of that year a part of the contribution calculated in accordance with the provisions of this Article that is proportional to the number of complete months remaining in the year.

7. A Contracting Party which has not paid its contributions in full for two consecutive years shall not enjoy any right of casting votes and presenting objections under this Convention until it has fulfilled its obligations, unless the Commission decides otherwise.
8. The financial affairs of NAFO shall be audited annually by external auditors to be selected by the Commission.

*Article X – Contracting Party Duties*

1. Each Contracting Party shall:
  - (a) promptly implement this Convention and any conservation, management and enforcement measures or matters which may be adopted by the Commission and by which they are bound;
  - (b) co-operate in furthering the objective of this convention;
  - (c) take appropriate measures, in accordance with the measures adopted by the Commission, in order to ensure the effectiveness of the measures adopted by the Commission;
  - (d) collect and exchange scientific, technical and statistical data pertaining to the Convention Area with respect to the fishery resources in accordance with Annex 1 of the 1995 Agreement and ensure that:
    - (i) complete and detailed information on commercial catches and fishing effort is collected
    - (ii) appropriate measures are taken to verify the accuracy of such data;
    - (iii) biological sampling on the commercial catches is performed;
    - (iv) they contribute to the scientific knowledge of the living resources and their ecosystem;
    - (v) information is made available in a timely manner to fulfil the requirements of the Scientific Council;
  - (e) ensure that information on steps taken to implement the conservation, management and enforcement measures adopted by the Commission is provided in a timely manner.
2. Each Contracting Party shall make available to the Commission a statement of implementing and compliance measures, including the outcome of the proceedings referred to in Article XI paragraph 4, it has taken in accordance with this article and, in the case of coastal States that are Contracting Parties to this Convention, as regards the conservation, management and enforcement measures they have taken for straddling stocks occurring in waters under their jurisdiction in the Convention Area.
3. Without prejudice to the primacy of the responsibility of the flag State, each Contracting Party shall, to the greatest extent possible, take measures, or cooperate, to ensure that its nationals and fishing vessels owned or operated by its nationals fishing in the Convention Area comply with the provisions of this Convention and with the conservation, management and enforcement measures adopted by the Commission.
4. Each Contracting Party shall, to the greatest extent possible, and when provided with the relevant information, immediately investigate and fully report on actions taken in response to any alleged serious infringement by its nationals, or fishing vessels owned or operated by its nationals, of the provisions of this Convention or any conservation, management and enforcement measure adopted by the Commission.

*Article XI – Flag State Duties*

1. Each Contracting Party shall ensure that:
  - (a) fishing vessels flying its flag operating in the Convention Area comply with the provisions of this Convention and the conservation, management and enforcement measures adopted by the Commission

and that such vessels do not engage in any activity which undermines the effectiveness of such measures;

- (b) fishing vessels flying its flag do not conduct unauthorized fishing within waters under national jurisdiction of a coastal State within the Convention Area.
- 2. No Contracting Party shall allow any fishing vessel entitled to fly its flag to be used for fishing in the Regulatory Area unless it has been authorised to do so by the appropriate authorities of that Contracting Party.
- 3. Each Contracting Party shall:
  - (a) authorize the use of vessels flying its flag for fishing in the Regulatory Area only where it is able to exercise effectively its responsibilities in respect of such vessels under this Convention and in accordance with international law;
  - (b) maintain a record of fishing vessels entitled to fly its flag and authorized to fish for the fishery resources, and ensure that, for all such vessels, such information as may be specified by the Commission is entered in that record. Contracting Parties shall exchange this information in accordance with such procedures as may be adopted by the Commission;
- 4. Each Contracting Party shall, in accordance with measures adopted by the Commission, investigate immediately and report fully on actions taken in response to an alleged violation by a vessel flying the flag of measures adopted by the Commission.
- 5. Each Contracting Party shall ensure that appropriate measures are taken, including administrative action or criminal proceeding in conformity with their national legislation against the nationals responsible for the vessel flying its flag where the measures adopted by the Commission have not been respected.
- 6. The proceeding initiated pursuant to paragraph 5 shall be capable, in accordance with the relevant provisions of national law, of effectively depriving those responsible of the economic benefit of the infringements and of producing results proportionate to the seriousness of such infringements, effectively discouraging further offence of the same kind.

#### *Article XII – Port State Duties*

- 1. Measures taken by a port State Contracting Party in accordance with this Convention shall take full account of the right and the duty of a port State to take measures, in accordance with international law, to promote the effectiveness of conservation, management and enforcement measures. When taking such measures, a port State Contracting Party shall not discriminate in form or in fact against the fishing vessels of any State.
- 2. Each port State Contracting Party shall in accordance with the conservation, management and enforcement measures adopted by the Commission:
  - (a) inspect fishing vessels, if such vessels enters in its ports or at its offshore terminals;
  - (b) adopt regulations empowering the relevant national authorities to take dissuasive measures where it has been established that the catch of fishery resources covered by this Convention has been taken in a manner which undermines the effectiveness of the conservation, management and enforcement measures adopted by the Commission; and
  - (c) provide assistance to flag State Contracting Parties, as reasonably practical and in accordance with its national law and international law, if a fishing vessel enters in its ports or at its offshore terminals and the flag State of the vessel requests it to provide assistance in ensuring compliance with the provisions of this Convention and with the conservation, management and enforcement measures adopted by the Commission.

3. In the event that a port State Contracting Party determines that a vessel of another Contracting Party making use of its ports or offshore terminals has violated a provision of this Convention or a conservation, management and enforcement measure adopted by the Commission, it shall draw this to the attention of the flag State concerned and of the Commission. The port State Contracting Party shall provide the flag State and the Commission with full documentation of the matter, including any record of inspection.
4. Nothing in this Article affects the exercise by Contracting Parties of their sovereignty over ports in their territory in accordance with international law.

*Article XIII – Decision making of the Commission*

1. As a general rule, decision-making in the Commission shall be by consensus. For the purposes of this Article, “consensus” means the absence of any formal objection made at the time the decision was taken.
2. If the Chairperson considers that all efforts to reach a decision by consensus have been exhausted, decisions of the Commission shall, except where otherwise provided, be taken by a majority of the votes of all Contracting Parties present and casting affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two-thirds of the Contracting Parties. Each Contracting Party shall have one vote in the voting proceedings of the Commission.

*Article XIV - Implementation of Commission Decisions*

1. Each proposal adopted by the Commission pursuant to Article VI shall become binding on the Contracting Parties in the following manner:
  - a) the Executive Secretary shall within five working days transmit each proposal to all Contracting Parties, specifying the date of transmittal for the purposes of paragraph 2.
  - b) Subject to the provisions of paragraph 2, the proposal shall become binding upon all Contracting Parties sixty days following the date of transmittal pursuant to subparagraph a) unless otherwise specified in the proposal.
2. If any Contracting Party presents to the Executive Secretary an objection to a proposal within sixty days of the date of transmittal specified in the notification of the measure by the Executive Secretary, the proposal shall not become a binding measure until the expiration of forty days following the date of transmittal specified in the notification of that objection to the Contracting Parties. There upon any other Contracting Party may similarly object prior to the expiration of the additional forty day period, or within thirty days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that additional forty-day period, whichever shall be the later. The proposal shall then become a binding measure on all Contracting Parties, except those which have presented objections, at the end of the extended period or periods for objecting. If, however, at the end of such extended period or periods, objections have been presented and maintained by a majority of Contracting Parties, the proposal shall not become a binding measure, unless any or all of the Contracting Parties nevertheless agree as among themselves to be bound by it on an agreed date.
3. Any Contracting Party which has objected to a proposal may at any time withdraw that objection and the proposal immediately shall become a binding measure on such a Contracting Party, subject to the objection procedure provided for in this Article.
4. At any time after the expiration of one year from the date on which a measure enters into force, any Contracting Party may give to the Executive Secretary notice of its intention not to be bound by the measure, and, if that notice is not withdrawn, the measure shall cease to be binding on that Contracting Party at the end of one year from the date of receipt of the notice by the Executive Secretary. At any time after a measure has ceased to be binding on a Contracting Party under this paragraph, the measure shall cease to be binding on any other Contracting Party upon the date a notice of its intention not to be bound is received by the Executive Secretary.

5. Any Contracting Party which has presented an objection to a proposal under paragraph 2 or given notice of its intention not to be bound by a measure under paragraph 4 shall at the same time provide an explanation for its reasons for taking this action. This explanation shall specify whether the reasons for taking this action is that the Contracting Party considers that the proposal or measure is inconsistent of the provisions of this Convention, that the Contracting Party can not practically comply with the proposal or measure, that the measures unjustifiably discriminates in form or in fact against a Contracting party or whether other circumstances apply. The explanation shall also include a declaration of its intentions following the objection or notice, including a description of the alternative measures it intends to take or has taken for the conservation, management and control of the relevant fishery resources in accordance with the objectives of this Convention.
6. The Executive Secretary shall immediately notify each Contracting Party of:
  - a) the receipt of each objection and withdrawal of objection under paragraphs 1 and 2;
  - b) the date on which any proposal becomes a binding measure under the provisions of paragraph 1;
  - c) the receipt of each notice under paragraph 3 and 4; and
  - d) each explanation received under paragraph 5.
7. In the event that any Contracting Party invokes the procedure set out in paragraphs 2, 4 and 5, the Commission shall meet at the request of any other Contracting Party to review the measure. At the time of such a meeting and within 30 days following the meeting, any Contracting Party shall have the right to notify the Commission that it is no longer able to accept the measure, in which case that Contracting Party shall no longer be bound by the measure.
8. Pending the conclusions of a review meeting called in accordance with paragraph 7, any Contracting Party may request an ad-hoc expert panel established in accordance with Article XV to make recommendations on any interim measures following the invocation of the procedures pursuant to paragraphs 2, 4 and 5 which may be necessary in respect of the measure to be reviewed. Subject to paragraph 9, such interim measures shall be binding on all Contracting Parties if all Contracting Parties (other than those who have indicated that they are unable to accept the measure, pursuant to paragraphs 2 and 5) agree that the long-term sustainability of the stocks of the fishery resources covered by this Convention will be undermined in the absence of such measures.
9. This Article is without prejudice to the right of any other Contracting Party to invoke the dispute settlement procedures set out in Article XV in respect of a dispute concerning the interpretation or application of this Convention, in the event that all other methods to settle the dispute, including the procedures set out in this Article, have been exhausted.

#### *Article XV – Settlement of Disputes*

1. Contracting Parties shall co-operate in order to prevent disputes.
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 5 of Article XIV as well as any actions taken by a Contracting Party further to its application of Article XIV (2) or (4), 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.
3. Where a dispute concerns the interpretation or application of a proposal adopted by the Commission pursuant to Article VI or matters related thereto, including the statement, declaration and measures referred to in paragraph 5 of Article XIV as well as any actions taken by a Contracting Party further to its application of Article XIV (2) or (4), the parties to the dispute may submit the dispute to a non binding ad hoc panel constituted in accordance with the procedures laid down in Annex II of this Convention.



Where a dispute has been submitted to *ad hoc* panel procedures, the panel shall at the earliest possible opportunity confer with the Contracting Parties concerned and shall endeavour to resolve the dispute expeditiously. The panel shall present a report to the Contracting Parties concerned and through the Executive Secretary to the other Contracting Parties. The report shall as far as possible include any recommendations which the panel considers appropriate to resolve the dispute.

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 Commission, in accordance with the appropriate NAFO procedures.

Where a dispute has not been resolved through agreement between the Contracting Parties following the recommendations of the *ad hoc* panel it may be referred, on request of one of the Contracting Parties, to a binding dispute settlement procedure as provided in paragraph 5.

4. Where the parties to a dispute have agreed to submit the dispute to *ad hoc* panel procedures, they may agree at the same time to apply provisionally the relevant proposal adopted by the Commission until the recommendations of the panel are presented, unless the parties have settled the dispute beforehand by other means.
5. If the Contracting Parties do not agree to any other peaceful means to resolve a dispute, or no settlement has been reached by recourse to these means, the dispute shall be referred, if one of the Contracting Parties concerned so requests, to binding dispute settlement procedures set out in Part XV of the 1982 Convention or, where the dispute concerns one or more straddling stocks, the 1995 Agreement.

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 Commission.

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.

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 1982 Convention;
  - c) in addition to the above instruments, where the dispute concerns one or more straddling stocks, the 1995 Agreement,

as well as generally accepted standards for the conservation, management and enforcement as regards living marine resources and other rules of international law not incompatible with the said instruments, with a view to meet the objectives of the Convention as set out in Article II.

7. Provided, however:
  - (1) where a party to a dispute is a State Party to the 1982 Convention, 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 1982 Convention as against any other State Party to that Convention; and

- (2) where a party to a dispute is a State Party to the 1995 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 Agreement as against any other State Party to that Agreement.

*Article XVI - Co-operation with non-Contracting Parties*

1. The Commission shall request non-*Contracting* Parties to this Convention whose vessels fish in the Regulatory Area to cooperate fully with NAFO either by becoming a Party to the Convention or by agreeing to apply the conservation, management and enforcement measures adopted by the Commission with a view to ensuring that such measures are applied to all NAFO regulated activities in the Regulatory Area.
2. Contracting Parties shall exchange information on the fishing activities of fishing vessels flying the flags of non-*Contracting* Parties to this Convention which are engaged in fishing activities in the Regulatory Area and of any action taken in response to fishing activities by non-parties to this Convention.
3. Contracting Parties shall take measures consistent with this Convention, the 1982 Convention, the 1995 Agreement and other relevant international law to deter the activities of vessels flying the flags of non-*Contracting* Parties to this Convention which undermine the effectiveness of conservation, management and enforcement measures adopted by the Commission.
4. Contracting Parties shall draw the attention of any non-*Contracting* Party to this Convention to any activity undertaken by its nationals or vessels flying its flag which, in the opinion of the Contracting Party, undermines the effectiveness of conservation, management and enforcement measures adopted by the Commission.
5. Contracting Parties shall when needed seek co-operation with any non-*Contracting* Party to this Convention which has been identified as importing, exporting or re-exporting fishery products deriving from fishing activities in the Convention Area.

*Article XVII - Co-operation with other organisations*

1. NAFO shall cooperate, as appropriate, with the Food and Agriculture Organisation of the United Nations and with other specialised agencies and organisations on matters of mutual interests.
2. NAFO shall seek to develop cooperative working relationships with other intergovernmental organisations which can contribute to their work and which have an interest in ensuring the long-term conservation and sustainable use of living marine resources in the Convention area or have competence regarding the ecosystems where they occur.
3. The Commission may enter into agreements with the organisations referred to in this article and with other organisations as may be appropriate. The Commission may invite such organisations to send observers to its meetings, or to the meetings of any subsidiary bodies of the Organisation. The Commission may also seek participation in meetings of such organisations as appropriate.
4. In the application of Articles 2 and 3 of this Convention to fishery resources, NAFO shall cooperate with other relevant fisheries management organisations and take account of their of their conservation and management measures applicable in the region.

*Article XVIII –Review*

The Commission shall, at appropriate intervals, initiate reviews and assessments of the adequacy of provisions of this Convention and, if necessary, propose means of strengthening the substance and methods of implementation of those provisions in order to better address any continuing problems in meeting the objectives of this Convention as set out in Article II.

*Article XIX – Amendments to the Convention*

1. Any Contracting Party may propose amendments to this Convention to be considered and acted upon by the Commission at an annual or a special meeting. Any such proposals shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and the Executive Secretary shall immediately transmit the proposal to all Contracting Parties.
2. The adoption of a proposed amendment to the Convention by the Commission shall require a three-fourth majority of the votes of all Contracting Parties. The text of any amendments so adopted shall be transmitted by the Depositary to all Contracting Parties.
3. An amendment shall take effect for all Contracting Parties one hundred and twenty days following the date of transmittal specified in the notification by the Depositary of receipt of written notification of approval by three-fourths of all Contracting Parties unless any other Contracting Party notifies the Depositary that it objects to the amendment within ninety days of the date of transmittal specified in the notification by the Depositary of such receipt, in which case the amendment shall not take effect for any Contracting Party. Any Contracting Party which has objected to an amendment may at any time withdraw that objection. If all objections to an amendment are withdrawn, the amendment shall take effect for all Contracting Parties one hundred and twenty days following the date of transmittal specified in the notification by the Depositary of receipt of the last withdrawal.
4. Any Party which becomes a Contracting Party to the Convention after an amendment has been adopted in accordance with paragraph 2 shall be deemed to have approved the said amendment.
5. The Depositary shall promptly notify all Contracting Parties of the receipt of notifications of approval of amendments, the receipt of notifications of objection or withdrawal of objections, and the entry into force of amendments.
6. Notwithstanding the provisions of paragraph 1-5, the Commission may, on the request of the Scientific Council, by a two-thirds majority vote of all Contracting Parties, if deemed necessary for scientific or statistical purposes, modify the boundaries of the scientific and statistical subareas, divisions and subdivisions set out in Annex I, provided that each coastal State exercising fisheries jurisdiction in any part of the area affected concurs in such action.
7. Notwithstanding the provisions of paragraph 1-5, the Commission may, after having consulted the Scientific Council, by a two-thirds majority vote of all Contracting Parties, if deemed necessary for management purposes, divide the Regulatory Area into appropriate regulatory divisions and subdivisions. These may subsequently be modified in accordance with the same procedure. The boundaries of any such divisions and subdivisions shall be defined in Annex I.
8. Notwithstanding the provisions of paragraphs 1-5, the Commission may by two thirds majority vote modify the rules concerning the panel procedures pursuant to Article XV, which forms an integral part of this Convention.

*Article XX - Signature, ratification, acceptance and approval*

1. This Convention shall be open for signature at Ottawa until 31 December 1978, by the Parties represented at the Diplomatic Conference on the Future of Multilateral Cooperation in the Northwest Atlantic Fisheries, held at Ottawa from 11 to 21 October 1977. It shall thereafter be open for accession.
2. This Convention shall be subject to ratification, acceptance or approval by the Signatories and the instruments of ratification, acceptance or approval shall be deposited with the Government of Canada, referred to in this Convention as "the Depositary".
3. This Convention shall enter into force upon the first day of January following the deposit of instruments of ratification, acceptance or approval by not less than six Signatories; at least one of which exercises fisheries jurisdiction in waters forming part of the Convention Area.
4. Any party which has not signed this Convention may accede thereto by a notification in writing to the Depositary. Accessions received by the Depositary prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Accessions received by the Depositary after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary.
5. The Depositary shall inform all Signatories and all Contracting Parties of all ratifications, acceptances or approvals deposited and accessions received.

*Article XXI - Withdrawal*

1. Any Contracting Party may withdraw from the Convention on 31 December of any year by giving notice on or before the preceding 30 June to the Depositary, which shall communicate copies of such notice to other Contracting Parties.
2. Any other Contracting Party may thereupon withdraw from the Convention on the same 31 December by giving notice to the Depositary within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1.

*Article XXII - Registration*

1. The original of the present Convention shall be deposited with the Government of Canada, which shall communicate certified copies thereof to all the Signatories and to all the Contracting Parties.
2. The Depositary shall register the present Convention with the Secretariat of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Ottawa, this 24th day of October, 1978, in a single original, in the English and French languages, each text being equally authentic.

FOR BULGARIA:

FOR CANADA:

FOR CUBA:

FOR DENMARK (IN RESPECT OF THE FAROE ISLANDS):

FOR THE EUROPEAN ECONOMIC COMMUNITY:

FOR THE GERMAN DEMOCRATIC REPUBLIC:

FOR ICELAND:

FOR JAPAN:

FOR NORWAY:

FOR POLAND:

FOR PORTUGAL:

FOR ROMANIA:

FOR SPAIN:

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

FOR THE UNITED STATES OF AMERICA:

The Under-Secretary of State for External Affairs certifies that this is a true copy of the original deposited in the Treaty Archives of the Government of Canada.

Under-Secretary of State for External Affairs

### Annex I to the Convention – Scientific and Statistical Subareas, Divisions and Subdivisions

The scientific and statistical subareas, divisions and subdivisions provided for by Article XXIII of this Convention shall be as follows:

**1(a) Subarea 0**

That portion of the Convention Area bounded on the south by a line extending due east from a point at 61°00' north latitude and 65°00' west longitude to a point at 61°00' north latitude and 59°00' west longitude, thence in a southeasterly direction along a rhumb line to a point at 60°12' north latitude and 57°13' west longitude; thence bounded on the east by a series of geodisic lines joining the following points:

| Point No. | Latitude | Longitude | Point No. | Latitude | Longitude | Point No. | Latitude | Longitude |
|-----------|----------|-----------|-----------|----------|-----------|-----------|----------|-----------|
| 1         | 60°12'0  | 57°13'0   | 40        | 67°28'3  | 57°55'3   | 79        | 71°31'8  | 62°32'0   |
| 2         | 61°00'0  | 57°13'1   | 41        | 67°29'1  | 57°56'1   | 80        | 71°32'9  | 62°33'5   |
| 3         | 62°00'5  | 57°21'1   | 42        | 67°30'7  | 57°57'8   | 81        | 71°44'7  | 62°49'6   |
| 4         | 62°02'3  | 57°21'8   | 43        | 67°35'3  | 58°02'2   | 82        | 71°47'3  | 62°53'1   |
| 5         | 62°03'5  | 57°22'2   | 44        | 67°39'7  | 58°06'2   | 83        | 71°52'9  | 63°03'9   |
| 6         | 62°11'5  | 57°25'4   | 45        | 67°44'2  | 58°09'9   | 84        | 72°01'7  | 63°21'1   |
| 7         | 62°47'2  | 57°41'0   | 46        | 67°56'9  | 58°19'8   | 85        | 72°06'4  | 63°30'9   |
| 8         | 63°22'8  | 57°57'4   | 47        | 68°01'8  | 58°23'3   | 86        | 72°11'0  | 63°41'0   |
| 9         | 63°28'6  | 57°59'7   | 48        | 68°04'3  | 58°25'0   | 87        | 72°24'8  | 64°13'2   |
| 10        | 63°35'0  | 58°02'0   | 49        | 68°06'8  | 58°26'7   | 88        | 72°30'5  | 64°26'1   |
| 11        | 63°37'2  | 58°01'2   | 50        | 68°07'5  | 58°27'2   | 89        | 72°36'3  | 64°38'8   |
| 12        | 63°44'1  | 57°58'8   | 51        | 68°16'1  | 58°34'1   | 90        | 72°43'7  | 64°54'3   |
| 13        | 63°50'1  | 57°57'2   | 52        | 68°21'7  | 58°39'0   | 91        | 72°45'7  | 64°58'4   |
| 14        | 63°52'6  | 57°56'6   | 53        | 68°25'3  | 58°42'4   | 92        | 72°47'7  | 65°00'9   |
| 15        | 63°57'4  | 57°53'5   | 54        | 68°32'9  | 59°01'8   | 93        | 72°50'8  | 65°07'6   |
| 16        | 64°04'3  | 57°49'1   | 55        | 68°34'0  | 59°04'6   | 94        | 73°18'5  | 66°08'3   |
| 17        | 64°12'2  | 57°48'2   | 56        | 68°37'9  | 59°14'3   | 95        | 73°25'9  | 66°25'3   |
| 18        | 65°06'0  | 57°44'1   | 57        | 68°38'0  | 59°14'6   | 96        | 73°31'1  | 67°15'1   |
| 19        | 65°08'9  | 57°43'9   | 58        | 68°56'8  | 60°02'4   | 97        | 73°36'5  | 68°05'5   |
| 20        | 65°11'6  | 57°44'4   | 59        | 69°00'8  | 60°09'0   | 98        | 73°37'9  | 68°12'3   |
| 21        | 65°14'5  | 57°45'1   | 60        | 69°06'8  | 60°18'5   | 99        | 73°41'7  | 68°29'4   |
| 22        | 65°18'1  | 57°45'8   | 61        | 69°10'3  | 60°23'8   | 100       | 73°46'1  | 68°48'5   |
| 23        | 65°23'3  | 57°44'9   | 62        | 69°12'8  | 60°27'5   | 101       | 73°46'7  | 68°51'1   |
| 24        | 65°34'8  | 57°42'3   | 63        | 69°29'4  | 60°51'6   | 102       | 73°52'3  | 69°11'3   |
| 25        | 65°37'7  | 57°41'9   | 64        | 69°49'8  | 60°58'2   | 103       | 73°57'6  | 69°31'5   |
| 26        | 65°50'9  | 57°40'7   | 65        | 69°55'3  | 60°59'6   | 104       | 74°02'2  | 69°50'3   |
| 27        | 65°51'7  | 57°40'6   | 66        | 69°55'8  | 61°00'0   | 105       | 74°02'6  | 69°52'0   |
| 28        | 65°57'6  | 57°40'1   | 67        | 70°01'6  | 61°04'2   | 106       | 74°06'1  | 70°06'6   |
| 29        | 66°03'5  | 57°39'6   | 68        | 70°07'5  | 61°08'1   | 107       | 74°07'5  | 70°12'5   |
| 30        | 66°12'9  | 57°38'2   | 69        | 70°08'8  | 61°08'8   | 108       | 74°10'0  | 70°23'1   |
| 31        | 66°18'8  | 57°37'8   | 70        | 70°13'4  | 61°10'6   | 109       | 74°12'5  | 70°33'7   |
| 32        | 66°24'6  | 57°37'8   | 71        | 70°33'1  | 61°17'4   | 110       | 74°24'0  | 71°25'7   |
| 33        | 66°30'3  | 57°38'3   | 72        | 70°35'6  | 61°20'6   | 111       | 74°28'6  | 71°45'8   |
| 34        | 66°36'1  | 57°39'2   | 73        | 70°48'2  | 61°37'9   | 112       | 74°44'2  | 72°53'0   |
| 35        | 66°37'9  | 57°39'6   | 74        | 70°51'8  | 61°42'7   | 113       | 74°50'6  | 73°02'8   |
| 36        | 66°41'8  | 57°40'6   | 75        | 71°12'1  | 62°09'1   | 114       | 75°00'0  | 73°16'3   |

|    |         |         |    |         |         |     |        |        |
|----|---------|---------|----|---------|---------|-----|--------|--------|
| 37 | 66°49'5 | 57°43'0 | 76 | 71°18'9 | 62°17'5 | 115 | 75°05' | 73°30' |
| 38 | 67°21'6 | 57°52'7 | 77 | 71°25'9 | 62°25'5 |     |        |        |
| 39 | 67°27'3 | 57°54'9 | 78 | 71°29'4 | 62°29'3 |     |        |        |

and thence due north to the parallel of 78°10' north latitude; and bounded on the west by a line beginning at 61°00' north latitude and 65°00' west longitude and extending in a northwesterly direction along a rhumb line to the coast of Baffin Island at East Bluff (61°55' north latitude and 66°20' west longitude), and thence in a northerly direction along the coast of Baffin Island, Bylot Island, Devon Island and Ellesmere Island and following the meridian of 80° west longitude in the waters between those islands to 78°10' north latitude; and bounded on the north by the parallel of 78°10' north latitude.

1(b) **Subarea 0 is composed of two Divisions:**

Division 0–A

That portion of the Subarea lying to the north of the parallel of 66°15' north latitude;

Division 0–B

That portion of the Subarea lying to the south of the parallel of 66°15' north latitude.

2(a) **Subarea 1**

That portion of the Convention Area lying to the east of Subarea 0 and to the north and east of a rhumb line joining a point at 60°12' north latitude and 57°13' west longitude with a point at 52°15' north latitude and 42°00' west longitude.

2(b) **Subarea 1 is composed of six Divisions:**

Division 1A

That portion of the Subarea lying north of the parallel of 68°50' north latitude (Christianshaab);

Division 1B

That portion of the Subarea lying between the parallel of 66°15' north latitude (5 nautical miles north of Umanarsugssuak) and the parallel of 68°50' north latitude (Christianshaab);

Division 1C

That portion of the Subarea lying between the parallel of 64°15' north latitude (4 nautical miles north of Godthaab) and the parallel of 66°15' north latitude (5 nautical miles north of Umanarsugssuak);

Division 1D

That portion of the Subarea lying between the parallel of 62°30' north latitude (Frederikshaab Glacier) and the parallel of 64°15' north latitude (4 nautical miles north of Godthaab),

Division 1E

That portion of the Subarea lying between the parallel of 60°45' north latitude (Cape Desolation) and the parallel of 62°30' north latitude (Frederikshaab Glacier);

Division 1F

That portion of the Subarea lying south of the parallel of 60°45' north latitude (Cape Desolation).

3(a) **Subarea 2**

That portion of the Convention Area lying to the east of the meridian of 64°30' west longitude in the area of Hudson Strait, to the south of Subarea 0, to the south and west of Subarea 1 and to the north of the parallel of 52°15' north latitude.

3(b) **Subarea 2 is composed of three Divisions:**

Division 2G

That portion of the Subarea lying north of the parallel of 57°40' north latitude (Cape Mugford);

Division 2H

That portion of the Subarea lying between the parallel of 55°20' north latitude (Hopedale) and the parallel of 57°40' north latitude (Cape Mugford);

Division 2J

That portion of the Subarea lying south of the parallel of 55°20' north latitude (Hopedale).

4(a) **Subarea 3**

That portion of the Convention Area lying south of the parallel of 52°15' north latitude, and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line commencing at 39°00' north latitude, 50°00' west longitude and extending in a northwesterly direction to pass through a point at 43°30' north latitude, 55°00' west longitude in the direction of a point at 47°50' north latitude, 60°00' west longitude until it intersects a straight line connecting Cape Ray, 47°37.0' north latitude; 59°18.0' west longitude on the coast of Newfoundland, with Cape North, 47°02.0' north latitude; 60°25.0' west longitude on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray, 47°37.0' north latitude, 59°18.0' west longitude.

4(b) **Subarea 3 is composed of six Divisions:**

Division 3K

That portion of the Subarea lying north of the parallel of 49°15' north latitude (Cape Freels, Newfoundland);

Division 3L

That portion of the Subarea lying between the Newfoundland coast from Cape Freels to Cape St. Mary and a line described as follows: beginning at Cape Freels, thence due east to the meridian of 46°30' west longitude, thence due south to the parallel of 46°00' north latitude, thence due west to the meridian of 54°30' west longitude, thence along a rhumb line to Cape St. Mary, Newfoundland.

Division 3M

That portion of the Subarea lying south of the parallel of 49°15' north latitude and east of the meridian of 46°30' west longitude;

Division 3N

That portion of the Subarea lying south of the parallel of 46°00' north latitude and between the meridian of 46°30' west longitude and the meridian of 51°00' west longitude;

Division 3O

That portion of the Subarea lying south of the parallel of 46°00' north latitude and between the meridian of 51°00' west longitude and the meridian of 54°30' west longitude;



### Division 3P

That portion of the Subarea lying south of the Newfoundland coast and west of a line from Cape St. Mary, Newfoundland to a point at 46°00' north latitude, 54°30' west longitude, thence due south to a limit of the Subarea;

Division 3P is divided into two Subdivisions:

3Pn – Northwestern Subdivision – That portion of Division 3P lying northwest of a line extending from 47°30.7' north latitude; 57°43.2' west longitude Newfoundland, approximately southwest to a point at 46°50.7' north latitude and 58°49.0' west longitude;

3Ps – Southeastern Subdivision – That portion of Division 3P lying southeast of the line defined for Subdivision 3Pn.

### 5(a) Subarea 4

That portion of the Convention Area lying north of the parallel of 39°00' north latitude, to the west of Subarea 3, and to the east of a line described as follows:

beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point at 44°46' 35.346" north latitude; 66°54' 11.253" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°24'27.24" west longitude; thence along a geodetic line in a southwesterly direction to a point at 42°53'14" north latitude and 67°44'35" west longitude; thence along a geodetic line in a southeasterly direction to a point at 42°31'08" north latitude and 67°28'05" west longitude; thence along a geodetic line to a point at 42°20' north latitude and 67°18'13.15" west longitude;

thence due east to a point in 66°00' west longitude; thence along a rhumb line in a southeasterly direction to a point at 42°00' north latitude and 65°40' west longitude and thence due south to the parallel of 39°00' north latitude.

### 5(b) Subarea 4 is composed of six Divisions:

#### Division 4R

That portion of the Subarea lying between the coast of Newfoundland from Cape Bauld to Cape Ray and a line described as follows: beginning at Cape Bauld, thence due north to the parallel of 52°15' north latitude, thence due west to the Labrador coast, thence along the Labrador coast to the terminus of the Labrador-Quebec boundary, thence along a rhumb line in a southwesterly direction to a point at 49°25' north latitude, 60°00' west longitude, thence due south to a point at 47°50' north latitude, 60°00' west longitude, thence along a rhumb line in a southeasterly direction to the point at which the boundary of Subarea 3 intersects the straight line joining Cape North, Nova Scotia with Cape Ray, Newfoundland, thence to Cape Ray, Newfoundland;

#### Division 4S

That portion of the Subarea lying between the south coast of Quebec from the terminus of the Labrador-Quebec boundary to Pte. des Monts and a line described as follows: beginning at Pte. des Monts, thence due east to a point at 49°25' north latitude, 64°40' west longitude, thence along a rhumb line in an east-southeasterly direction to a point at 47°50' north latitude, 60°00' west longitude, thence due north to a point at 49°25' north latitude, 60°00' west longitude, thence along a rhumb line in a northeasterly direction to the terminus of the Labrador-Quebec boundary;

#### Division 4T

That portion of the Subarea lying between the coasts of Nova Scotia, New Brunswick and Quebec from Cape North to Pte. des Monts and a line described as follows: beginning at Pte. des Monts, thence due east to a point at 49°25' north latitude, 64°40' west longitude, thence along a rhumb line in a southeasterly direction to

a point at 47°50' north latitude, 60°00' west longitude, thence along a rhumb line in a southerly direction to Cape North, Nova Scotia;

#### Division 4V

That portion of the Subarea lying between the coast of Nova Scotia between Cape North and Fourchu and a line described as follows: beginning at Fourchu, thence along a rhumb line in an easterly direction to a point at 45°40' north latitude, 60°00' west longitude, thence due south along the meridian of 60°00' west longitude to the parallel of 44°10' north latitude, thence due east to the meridian of 59°00' west longitude, thence due south to the parallel of 39°00' north latitude, thence due east to a point where the boundary between Subareas 3 and 4 meets the parallel of 39°00' north latitude, thence along the boundary between Subareas 3 and 4 and a line continuing in a northwesterly direction to a point at 47°50' north latitude, 60°00' west longitude, and thence along a rhumb line in a southerly direction to Cape North, Nova Scotia;

Division 4V is divided into two Subdivisions:

4Vn – Northern Subdivision – That portion of Division 4V lying north of the parallel of 45°40' north latitude;

4Vs – Southern Subdivision – That portion of Division 4V lying south of the parallel of 45°40' north latitude,

#### Division 4W

That portion of the Subarea lying between the coast of Nova Scotia from Halifax to Fourchu and a line described as follows: beginning at Fourchu, thence along a rhumb line in an easterly direction to a point at 45°40' north latitude, 60°00' west longitude, thence due south along the meridian of 60°00' west longitude to the parallel of 44°10' north latitude, thence due east to the meridian of 59°00' west longitude, thence due south to the parallel of 39°00' north latitude, thence due west to the meridian of 63°20' west longitude, thence due north to a point on that meridian at 44°20' north latitude, thence along a rhumb line in a northwesterly direction to Halifax, Nova Scotia;

#### Division 4X

That portion of the Subarea lying between the western boundary of Subarea 4 and the coasts of New Brunswick and Nova Scotia from the terminus of the boundary between New Brunswick and Maine to Halifax, and a line described as follows: beginning at Halifax, thence along a rhumb line in a southeasterly direction to a point at 44°20' north latitude, 63°20' west longitude, thence due south to the parallel of 39°00' north latitude, and thence due west to the meridian of 65°40' west longitude.

### 6(a) **Subarea 5**

That portion of the Convention Area lying to the west of the western boundary of Subarea 4, to the north of the parallel of 39°00' north latitude, and to the east of the meridian of 71°40' west longitude.

### 6(b) **Subarea 5 is composed of two Divisions:**

#### Division 5Y

That portion of the Subarea lying between the coasts of Maine, New Hampshire and Massachusetts from the border between Maine and New Brunswick to 70°00' west longitude on Cape Cod (at approximately 42° north latitude) and a line described as follows: beginning at a point on Cape Cod at 70° west longitude (at approximately 42° north latitude), thence due north to 42°20' north latitude, thence due east to 67°18'13.15" west longitude at the boundary of Subareas 4 and 5, and thence along that boundary to the boundary of Canada and the United States;

#### Division 5Z

That portion of the Subarea lying to the south and east of Division 5Y.

Division 5Z is divided into two Subdivisions: an eastern Subdivision and a western Subdivision defined as follows:

5Ze – Eastern Subdivision – That portion of Division 5Z lying east of the meridian of 70°00' west longitude;

5Zw – Western Subdivision – That portion of Division 5Z lying west of the meridian of 70°00' west longitude.

7(a) **Subarea 6**

That part of the Convention Area bounded by a line beginning at a point on the coast of Rhode Island at 71°40' west longitude, thence due south to 39°00' north latitude, thence due east to 42°00' west longitude, thence due south to 35°00' north latitude, thence due west to the coast of North America, thence northwards along the coast of North America to the point on Rhode Island at 71°40' west longitude.

7(b) **Subarea 6 is composed of eight Divisions:**

Division 6A

That portion of the Subarea lying to the north of the parallel of 39°00' north latitude and to the west of Subarea 5;

Division 6B

That portion of the Subarea lying to the west of 70°00' west longitude, to the south of the parallel of 39°00' north latitude, and to the north and west of a line running westward along the parallel of 37°00' north latitude to 76°00' west longitude and thence due south to Cape Henry, Virginia;

Division 6C

That portion of the Subarea lying to the west of 70°00' west longitude and to the south of Subdivision 6B;

Division 6D

That portion of the Subarea lying to the east of Divisions 6B and 6C and to the west of 65°00' west longitude;

Division 6E

That portion of the Subarea lying to the east of Division 6D and to the west of 60°00' west longitude;

Division 6F

That portion of the Subarea lying to the east of Division 6E and to the west of 55°00' west longitude;

Division 6G

That portion of the Subarea lying to the east of Division 6F and to the west of 50°00' west longitude;

Division 6H

That portion of the Subarea lying to the east of Division 6G and to the west of 42°00' west longitude.

## **Annex II to the Convention – Rules concerning the panel procedure pursuant to Article XVIII**

1. The Executive Secretary shall establish and maintain a list of experts who are willing and able to serve as panellists. Each Contracting Party shall be entitled to nominate up to five experts whose competence in the legal, scientific or technical aspects of fisheries covered by the Convention is established. The nominating Contracting Party shall provide information on relevant qualifications and experience of each of its nominees.
2. The Parties to the dispute shall notify the Executive Secretary of their intention to submit a dispute to an ad hoc panel. The notification shall be accompanied by a full description of the subject matter of the dispute as well as the grounds invoked by each Party. The Executive Secretary shall promptly transmit a copy of the notification to all Contracting Parties.
3. Where another Contracting Party wishes to become Party to a dispute, it may join the process of constituting a panel, unless the original Parties to the dispute disagree. The Contracting Party wishing to become a party to the dispute should notify this intention within 15 days after having received the notification referred to in paragraph 2.
4. No sooner than 30 days and no later than 45 days after the notification referred to in paragraph 2, the Parties to the dispute shall notify the Executive Secretary of the constitution of the panel, including the names of the panellists and the time schedule for its work. Unless the Parties agree otherwise, the following shall apply:
  - a) the panel shall consist of three members;
  - b) the Parties to the dispute shall each select one panellist and agree on the third panellist;
  - c) the third panellist shall chair the panel;
  - d) the third panellist shall not be a national of either Party and shall not be of the same nationality as either of the first two panellists; and
  - e) in case of a dispute between more than two Contracting Parties, Parties of the same interest shall select one panellist jointly. If the Parties to the dispute can not agree on the nomination of the third panellist, the President of the International Tribunal of the Law of the Sea shall make the appointment, unless the Parties agree that the appointment be made by another person or a third state.

The Executive Secretary shall promptly transmit a copy of the notification to all Contracting Parties.

5. Any Contracting Party, which is not a Party to the dispute, may attend all hearings of the panel, make written and oral submissions to the panel and receive the submissions of each Party to the dispute.
6. At the request of a Party to the dispute, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the Parties to the dispute so agree.
7. Unless the Parties to the dispute otherwise agree, the panel shall, within 90 days from the constitution of the panel, make its report and recommendations referred to in paragraph 3 of Article 18 of the Convention. The report and recommendations shall be confined to the subject matter of the dispute and state the reasons on which they are based. The report and recommendations shall be communicated promptly, through the Executive Secretary, to all Contracting Parties.
8. The panel shall aim at reaching a consensus in its conclusions. If this is not possible the panel shall reach its conclusions by a majority of its members, who may not abstain from voting.
9. The panel may adopt any rules of procedure, which it deems necessary to accelerate the proceedings.
10. Costs of the panel shall be borne by the Parties to the dispute in equal parts.