

PART III

Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1. Opening by Chair

The Chair, Ms. Nadia Bouffard (Canada) opened the meeting at 14 00 hrs on 19 September 2005. The meeting was attended by representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union, France (on behalf of St. Pierre et Miquelon), Iceland, Japan, Norway, Russia and the United States of America (Annex 1). The Chair reviewed the documents for the session and reminded participants of the agenda items and the tasks associated with it.

2. Appointment of Rapporteur

Ms. Marta Farsang (Canada) was appointed rapporteur.

3. Adoption of Agenda

The agenda was adopted (Annex 2).

4. Review of 2005 information on activities of Non-Contracting Party vessels in the Regulatory Area

The Chair requested that Canada briefly present its findings summarized in the STACFAC W.P. 05/2 (Annex 3).

Canada indicated that it sighted by aerial surveillance the following seven NCP vessels which were all flagged to Dominica (see item 7 on further information on flag of vessels):

1. Pavlovsk
2. Olchan
3. Ostroe
4. Oyra
5. Okhotino
6. Lisa
7. Ostrovets

No other Party had sighted NCP vessels in the NAFO Regulatory Area.

NAFO sightings information was forwarded to the NEAFC Secretariat. The Chair informed that no information had been received from NEAFC by the NAFO Secretariat to date. She remarked that information sharing in this informal way is useful.

It was agreed that NAFO should establish a practice whereby it would automatically and formally share NAFO NCP sighting information with other RFMOs and the FAO. A specific list of items agreed to by delegates should be compiled by the NAFO Secretariat in a table format based upon STACFAC WP 05/1 which will be provided to other RFMOs with a cover letter signed by the President of NAFO starting this year with the sighting information provided by Canada (sample letter in Annex 4 and table entitled "Information to be transmitted to RFMOs (date/year)" in Annex 5). Both documents were recommended for adoption pending editorial changes to this year's documents.

The following pieces of information are to be disclosed to other RFMOs when available:

1. Name of vessel & previous names
2. Flag state & previous flag state
3. Registry and/or Call sign number and/or IMO number

4. Time, date and coordinates of sighting
5. Apparent activity
6. Ownership of vessel (name & address)
7. Chartering information (name & address)
8. Historical timelines (flag-hopping)
9. NAFO action taken.

The information compiled on the 7 NCP vessels sighted in the NRA in 2005 has been prepared for transmission under cover of a template letter signed by the President of NAFO. The template of this letter will also be used for this purpose in future years.

It was agreed that based on the information obtained, Contracting Parties will follow up with nationals who are owners and charterers and report back at subsequent annual meetings on their actions.

5. Review of 2005 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area

No information on transshipments and landings of fish by Non-Contracting Parties in the NAFO Regulatory Area was presented for 2005.

There were however transshipment activities by Non-Contracting Party vessels sighted in the NEAFC Regulatory Area. Iceland reported that it had sighted a transshipment on 27 May 2005 in the NEAFC regulatory area from vessel Okhotino to the Belize flagged vessel Sunny Jane. Sunny Jane denied this activity, however, stated that it had taken fish from Ostroe, Oyra and Olchan which were flagged to Dominica and are on NEAFC's provisional IUU list (B-list). These fishing vessels were believed to be the same as those sighted in the NAFO Regulatory Area.

6. Review of information on imports of species regulated by NAFO from Non-Contracting Parties whose vessels have fished in the Regulatory Area

No information on imports was presented for 2005.

7. Reports by Contracting Parties on diplomatic contacts with Non-Contracting Party Governments concerning fishing in the Regulatory Area

Canada presented information regarding the diplomatic demarches to Dominica. As recommended at the annual meeting last year, the US, Canada and the EU undertook to deliver demarche to Dominica regarding the eight NCP vessels sighted in 2004, seven of which were the same ones sighted fishing in 2005. Iceland joined the group. Canada further engaged Dominica through numerous diplomatic demarches between January and August 2005.

The Chair informed that Dominica cancelled the registration of the seven vessels on September 14, 2005 as stated in the letter sent by Dominica to the NAFO Secretariat (STACFAC WP 05/3). The copies of Certificates of Deletion of Vessel Registration had also been provided to the Secretariat by Dominica (STACFAC WP 05/3 Addendum). It was agreed that a letter be sent to Dominica in acknowledgement of the action taken, as well as enquiring whether any other action had been taken prior to deregistration and requesting cooperation in the future (letter Annex 6).

8. Compendium of NCP activity, NAFO actions and NCP responses

Delegates were pleased with the table found in STACFAC WP 05/1 and suggested to use it as a basis for disseminating information to other RFMOs (see item 4). This table was updated to reflect the information received during the 2005 annual meeting (STACFAC WP 05/3 and addendum)

9. Continuation of intersessional discussion on a modification of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the CEM established by NAFO

The group discussed the remaining bracketed text of the EU proposal (STACFAC W.P. 04/10, revision 2).

Article 2

It was agreed to delete subparagraphs 2 and 3.

With the removal of the brackets in the new 3. (previously 5.) the text reads as follows: “(These definitions would be inserted in Article 2 of the CEM Overhaul, where those of ‘Fishing activities’ and ‘Inspectors’ are already included, pending final adoption of the Overhaul.)

1. (previously 1) “non-Contracting Party vessel” means any vessel not flagged to a Contracting Party , including vessels for which there are reasonable grounds for suspecting them to be without nationality.
2. (previously 4) “IUU fishing” means activities as defined in paragraph 3 of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.
3. (previously 5) “IUU List” means the list, established pursuant to Articles 7 (5) and 8 of Chapter VI containing the particulars of vessels that have been found by the General Council to have engaged in IUU fishing.
4. (previously 6) “Provisional List” means the list, established pursuant to Article 7 of Chapter VI, containing the particulars of vessels that have been identified as having engaged in fishing activities, according to information received pursuant to Articles 3 to 6 or information received in reports pursuant to Article 8 of Chapter VI. “

Article 6

It was agreed that the brackets around “fish” be deleted in 6(1) and 6(2), and the qualification “referred to in Article 3” for non-Contracting Party vessels be inserted in 6(2).

Article 7

At the suggestion of Norway, in 7 (5), the phrase “does not object” was replaced by “agrees” and “by the deadline established by paragraph (2)” were deleted. Article 7(6) was also deleted.

Article 9

“CPs” should read “Contracting Parties”.

Article 10

In 10 (1), it was agreed that brackets around the words “appear on the IUU list” be removed and the second bracketed text be deleted.

The modified text of Article 10 (3) read as follows and remains in brackets:

[Pursuant to the adoption of procedures of transparency and due process for trade sanctions consistent with World Trade Organization rules, the General Council shall decide appropriate measures to be taken in respect of non-Contracting Parties identified under paragraph 2. In this respect, Contracting Parties may co-operate to adopt appropriate multilaterally agreed trade related measures, consistent with the World Trade Organization (WTO) that may be necessary to prevent, deter, and eliminate the IUU fishing activities identified by the General Council. Multilateral trade measures may be used to support co-operative efforts to ensure that trade of fishing products from the Regulatory Area does not in any way encourage IUU fishing or otherwise undermine the effectiveness of NAFO Conservation and Enforcement Measures which are consistent with the United Nations convention on the Law of the Sea 1982.]

Article 10 X

Text was agreed to read as follows and will be new 10 (4):

“Contracting Parties should - to the extent possible, consistent with their international obligations and in accordance with applicable legislation - restrict the export and transfer of their formerly licensed fishing vessels to non-contracting parties identified in paragraph 2.”

Article 11

The text was modified as follows and remains in brackets:

[Articles 7.2.d and 10(3) of this Scheme shall not enter into force before the entry into force of a comparable Contracting Party mechanism.] Article 11(1) was deleted.

Text relating to the issues of trade measures and entry into force contained in Articles 7.2(d), 10 (3) and 11 remains in brackets due to differences in stances between the EU on the one hand and Japan, the US and Canada on the other, and will be submitted to the General Council for discussion.

10. Proposal for a Joint Scheme between NAFO and NEAFC (WP 04/8)

Due to time constraints, the item could not be discussed and Norway requested that Contracting Parties consider the proposal prior to the next annual meeting with regards to participation and other issues should such scheme come into realization.

11. Report and Recommendations to the General Council

STACFAC recommends to the General Council that:

1. a letter signed by the President of NAFO with a table listing information on NCP vessels sighted in the NRA be provided to RFMOs on an annual basis as appropriate;
2. a letter signed by the President of NAFO be provided to RFMOs with the table listing information on the seven NCP vessels sighted in 2005 in the NRA;
3. a letter signed by the President of NAFO be sent to Dominica enquiring about steps taken before deregistration;
4. the General Council review bracketed text in Articles 7.2(d), 10 (3) and 11;
5. Norway's proposal be moved up on the agenda next year.

12. Other Matters

There were no other matters.

13. Adjournment

The Committee adjourned at 21 00 hrs on September 21, 2005.

Annex 1. List of Participants

Chair: Nadia Bouffard, Canada
Rapporteur: Marta Farsang, Canada

Delegates:

Kym Purchase, Canada
Arni Olafssen, Denmark (in respect of Faroe Islands & Greenland)
Monica Martinez Castañeda, EU
Steinar I. Matthiasson, Iceland
Hiroki Tokunaga, Japan
Miwako Takase, Japan
Jan Pieter Groenhof, Norway
Alexander Okhanov, Russia
Patrick Moran, USA

Annex 2. Agenda

1. Opening by the Chair, Nadia Bouffard (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 2005 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 2005 information on landings and transshipments of fish caught by non-Contracting Party vessels in the Regulatory Area
6. Review of information on imports of species regulated by NAFO from non-Contracting Parties whose vessels have fished in the Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party Governments concerning fishing in the Regulatory Area
8. Compendium of NCP activity, NAFO actions and NCP responses
9. Continued discussion on a modification of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the CEM established by NAFO
10. Joint NAFO and NEAFC scheme to promote compliance by NCP vessels (continued discussion on Norwegian proposal – STACFAC W.P. 04/8)
11. Report and Recommendations to the General Council
12. Other Matters
13. Adjournment

**Annex 3. Report of Non-Contracting Party Fishing Activity in the
Regulatory Area 2000 – 2005 (August 31) (by Canada)
(STACFAC W.P. 05/2)**

Explanatory Note

All information on Non-Contracting Party activity (vessel registry, crew nationality, estimated catch) is based on best available information. Given the location and nature of this activity (1F/2J), it is often difficult to obtain accurate in-fishery information on a regular basis.

Non-Contracting Party Activity – Regulatory Area

Table 1 lists total Non-Contracting Party vessels, by nation of registry, that were observed fishing in the Regulatory Area by Canada during the 2000 to 2005 (to August 31) period.

Table 1: Non-Contracting Party Vessels 2000–2005						
	2000	2001	2002	2003	2004	2005
Belize	0	0	6	0	0	0
Dominican Republic	0	0	0	2	2	0
Dominica	0	0	0	4	6	7
NCP Total	0	0	6	6	8	7
Overall Total	42	73	71	88	8	7

Table 2 lists Non-Contracting Party vessels, by name and nation of registry that were observed fishing in the Regulatory Area by Canada in 2005 (to August 31).

Table 2 : Non-Contracting Party Vessels 2005	
Dominica	PAVLOSK LISA OLCHAN OSTROE OYRA OSTROVETS OKHOTINO

Table 3 outlines a Canadian estimate of possible effort and catch by these vessels for 2005. In 2005 these 7 vessels fished exclusively for oceanic redfish in Divisions 1F/2J.

Table 3: Estimated Groundfish Effort and Catch – 2005				
Nation	Vessels	Estimated Effort	Estimated Catch	Estimated C/R
Dominica	7	175	3500t	20mt/day
Overall Total	7	175	3500t	20mt/day

Table 4 outlines Non-Contracting Party activity and Canadian-estimated catch of oceanic redfish for the 2000-2005 period.

Table 4: Estimated Groundfish Effort and Catch 2000 to 2005						
Year	2000	2001	2002	2003	2004	2005
Different Vessels			6	6	8	7
Estimated Effort (days)			200	130	205	175
Estimated Catch (t)			6,000	2600	4100	3500
Estimated Catch Rate			30	20	20	20

**Annex 4. Possible text for letter to other Organizations from President of NAFO; updated
compendium STACFAC WP 05/1**

RFMO addressee

Dear X,

On behalf of the Northwest Atlantic Fisheries Organization (NAFO), please find enclosed information collected with respect to non-contracting party vessel(s) sighted in the NAFO Regulatory Area in 2005. Where available and appropriate, additional information relating to such vessel(s) has been included for your information. This information has been collected in accordance with the *Scheme to Promote Compliance by Non-Contracting Party Vessels*. This scheme may be found as part of the NAFO Conservation and Enforcement Measures. For further detail please consult the NAFO website at www.nafo.int.

Best Regards,

David Bevan

Annex 5. Information to be transmitted to RFMOs in 2005

Vessel Name (+ known previous name)	Current Flag State (know previous Flag State)	Call Letter	Registration Number	IMO Number	Sighting Information Summary	Owner (Name/Address)	Charterer (Name/Address)	Additional information
OKHOTINO	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC2	50013	8522169	NAFO division 1F; multiple sightings (July – Aug. 31, 2005) Fishing	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept 14, 2005
OLCHAN	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC7	50018	8422838	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered Bareboat charter; De-registered by Dominica Sept. 14, 2005by Dominica Setp. 14, 2005
OSTROE	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC5	50016	8522042	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept. 14, 2005
OSTOVETS	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC3	50014	8522030	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept. 14, 2005
OYRA	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC4	50015	8522119	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept. 14, 2005
LISA (PREV. KADRI)	Unknown – Dominica (2004-2005) Belize prior to Oct 2003	J7AG4	50052	8606836	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	GLOBAL INVEST LTD. S.A. Calle 1, La Loma Edificio Peach Tree Apt. 3-A Panama		Permanent; De-registered by Dominica Sept. 14, 2005
PAVLOSK	Unknown – Dominica (2004-2005)	J7AJ1	50079	8326319	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	CELEBURTON MARKETINGS LLC 2130 SW Beaverton Hillsdale Hwy Portland, Oregon 97225 USA		Permanent; De-registered by Dominica Sept. 14, 2005

Annex 6. Draft Letter to Dominica 20.09.2005

Mr Osbourne Riviere.
Minister for Foreign Affaires, Trade and Marketing
Government Headquarter, Kennedy Avenue
Roseau
Commonwealth of Dominica

Dear Mr. Minister:

I am writing on behalf of the Northwest Atlantic Fisheries Organisation (NAFO) further to correspondence dated September 14, 2005 from the Deputy Maritime Administrator for Marine Affairs, Commonwealth of Dominica, regarding the de-registration of the fishing vessels Okhotino, Olchan, Ostroe, Ostrovets, Oyra, Lisa and Pavlovsk, previously flying the flag of the Commonwealth of Dominica.

NAFO members wish to acknowledge the de-registration of these vessels by Dominica. The de-registration action taken by the Deputy Maritime Administrator for Marine Affairs followed a previous request made by NAFO, and diplomatic demarches delivered by members of NAFO. These demarches were undertaken further to the sighting of these vessels while engaging in fishing activities in the NAFO Regulatory Area in 2004, and more recently in July and August 2005.

In a previous letter to you, we had suggested that while de-registration is an appropriate action that can be taken to address this type of activity which undermines the NAFO measures, other actions could be taken by the flag State to control the activities of fishing vessels flying its flag. In this regard, we would appreciate receiving any information of any actions that Dominica may have taken respecting these vessels prior to removing them from the Dominican vessel registry.

I thank you for your cooperation and look forward to your reply.

Sincerely,

David Bevan
President of NAFO
cc: Caribbean Community (CARICOM)