

**SCIENTIFIC COUNCIL MEETING – JUNE 2006****Revisions by SC to the "Chair's NAFO Reform Working Paper"**

The following has been undertaken to address: "PROVISIONAL AGENDA SCIENTIFIC COUNCIL MEETING, 1-15 JUNE 2006" XII. Other Matters. Item 5. **NAFO reform**.

The Scientific Council Chair has been asked by Scientific Council to formally send NAFO SCS Doc. 06/21 to the Chair of the Reform Working Group and ask that the revisions contained in this document be considered for inclusion in the new Convention (SC Report, June 2006, p. 55).

Please refer to the following:

Annex 1. Letter of 16 May 2005 circulated to Scientific Council Participants by Executive Secretary, NAFO Secretariat.

Annex 2. Revision of species list in Annex 1 to the Convention.

Annex 3. *Revisions to the Reform W.G. W.P. 06/1 Revision 2* (Clean copy containing revisions by SC).

Annex 4. *Revisions to the Reform W.G. W.P. 06/1 Revision 2* (Annotated copy containing revisions by SC).

ANNEX 1. Letter of 16 May 2005 circulated to Scientific Council Participants by Executive Secretary, NAFO Secretariat.



Northwest Atlantic Fisheries Organization

P.O. Box 638 • Dartmouth • Nova Scotia • B2Y 3Y9 • Canada
Telephone (+1-902) 468-5590 • Fax (+1-902) 468-5538
Email: info@nafo.int • Website: www.nafo.int

In all correspondence,
please refer to:

GFS/06-208

May 16, 2006

TO: Scientific Council Participants

Dear Colleagues,

Subject: NAFO Reform

The Secretariat hereby updates GFS/06-190 sent to Scientific Council participants on May 05, 2006. The draft report of the Working Group meeting in April 2006 has now been circulated among participants. While not final (comments by WG participants still outstanding), we still believe that the slightly revised text regarding issues deferred to the Scientific Council (Attachment 1) could be helpful in your preparations for the reform discussion by Scientific Council at the upcoming meeting. We also attach text from the second revision of the Chair's working paper related to functions and structure of the Scientific Council (Attachment 2). The proposal by Ukraine mentioned in the issues deferred to the Scientific Council was accidentally overlooked in our previous circulation and is now available as Attachment 3. For your convenience we also attach the list of species in Annex 1 of the current Convention (Attachment 4). Finally, we attach text from the WG Chair's Working Paper (2nd revision) related to Contracting Parties' duty of making available information to the Scientific Council (Attachment 5).

The Secretariat hopes that the final Report of the WG on NAFO Reform will become available on June 5th or 6th. We have to reiterate that the attached wording of issues deferred to the Scientific Council by the WG Reform as well as text cited from the second revision of the WG Chair's working paper have not yet been adopted and should not be used for other purposes than your preparation for SC discussions.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'J. Fischer', is written over the typed name.

Dr. Johanne Fischer
Executive Secretary

JF:bjm

Encl.

Text provided to SC participants to facilitate their preparation for the June Meeting - Please note that this text is not yet adopted and should not be circulated.

From the Draft Report of the WG on Reform

Issues deferred 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 (*Attachment 3*)
- 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?

ANNEX 2. Revision of species list in Annex 1 to the Convention.

With respect to the two questions deferred to the Scientific Council from the Draft Report on the NAFO Working Group on Reform regarding the species listed in Annex 1 to the Convention, viz.

Are the species listed in Annex 1 to the Convention still relevant in terms of the fishery resources currently found in the NAFO Convention? Do any species need to be deleted or added to this list in the view of the Scientific Council?

the Scientific Council notes the following:

1. All of the species listed in Annex 1 to the Convention still occur in the NAFO Convention Area.
2. There are several species currently regulated under the Convention - or for which advice or scientific information is provided by the Scientific Council - that are not included on the list in Annex 1. These species include:

White hake.....	<i>Urophycis tenuis</i>
Thorny skate.....	<i>Amblyraja radiata</i>
Deepwater redfish.....	<i>Sebastes mentella</i>
Acadian redfish.....	<i>Sebastes fasciatus</i>
Greenland cod.....	<i>Gadus ogac</i>
Atlantic wolffish.....	<i>Anarhichas lupus</i>
Spotted wolffish.....	<i>Anarhichas minor</i>
Lumpsucker.....	<i>Cyclopterus lumpus</i>
Roughhead grenadier.....	<i>Macrourus berglax</i>
Roundnose grenadier.....	<i>Coryphaenoides rupestris</i>
Spiny dogfish.....	<i>Squalus acanthias</i>
Black dogfish.....	<i>Centroscyllium fabricii</i>

ANNEX 3. Revisions to the Reform W.G. W.P. 06/1 Revision 2 (Clean copy containing revisions by SC).

Northwest Atlantic



Fisheries Organization

Reform W.G. W.P. 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 line¹. Very similar wording is also used in the St Johns declaration² 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

¹ 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.

² See preamble.

proposed amendments to the NEAFC Convention which were circulated during the meeting³ 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.

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 principals 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.

³ 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.

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.

Northwest Atlantic



Fisheries Organization

Reform W.G. W.P. 06/1 Revision 2

Working Paper by the Chair

**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 protect 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 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 on living marine resources and marine ecosystems;
- (e) measures shall take due account of the need to protect 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 are 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
- (i) 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 the Commission 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 living marine resources and marine ecosystems;
 - 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, and consult with Scientific Council as appropriate;
 - 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, and other human activities where appropriate on living marine resources and marine ecosystems;
 - d) 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 and/or a Coastal State shall, in consultation with the Scientific Council, specify terms of reference for the consideration of any question referred to the Council. 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 Commission or Coastal State is seeking to attain and an indication of whether specific advice or a range of options should be provided.

9. 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 safeguarding of the ecosystems in which these resources occur.

10. 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.

11. The Commission may establish such Committees and subcommittees as it considers desirable for the exercise of its duties and functions.
12. 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 Commission. 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 Commission. The rules shall not be unduly restrictive and shall provide for timely access to reports and records of Commission, 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.
3. Any meeting of the Scientific Council may be called by the Chairperson at such time and place as the Chairperson may determine.
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 fishery resources of the Convention Area and their ecosystems, and to encourage and promote cooperation among the Contracting Parties in scientific research;
 - b) to compile and maintain statistics and records and to publish or disseminate reports, information and materials pertaining to the fishery resources of the Convention Area and their ecosystems,;
 - c) to provide scientific advice to the Commission, pursuant to paragraph 7 or on its own initiative pursuant to the objectives of Article II;
 - d) to provide scientific advice to coastal States, where requested to do so pursuant to paragraph 8 or on its own initiative pursuant to the objectives of Article II;
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 required 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 living marine resources and their ecosystems.
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 living marine resources and their ecosystems.
9. Scientific advice to be provided by the Scientific Council pursuant to this Convention shall be determined by consensus.
10. 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.

11. 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.
12. The Scientific Council 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 in consultation with Scientific Council as appropriate..
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 living marine resources and their ecosystems of the Convention Area, and with respect to the fishery resources ensure that in accordance with Annex 1 of the 1995 Agreement 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 marine resources and their ecosystem;
 - (v) information is made available in a timely manner to fulfil the requirements of the Scientific Council and Commission;
 - (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 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 and Scientific Council may invite such organisations to send observers to its meetings, or to the meetings of any of their subsidiary bodies. The Commission and Scientific Council 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 conservation and management measures applicable in the region.

Article XVIII – Review

The Commission and Scientific Council 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 1FT

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
(correct ?) maybe XV**

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.

ANNEX 4. . Revisions to the Reform W.G. W.P. 06/1 Revision 2 (Annotated copy containing revisions by SC).

Northwest Atlantic



Fisheries Organization

Reform W.G. W.P. 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.

Deleted: or

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 line¹. Very similar wording is also used in the St Johns declaration² 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

Deleted: is

¹ 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.

² See preamble.

proposed amendments to the NEAFC Convention which were circulated during the meeting³ 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.

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 principals 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.

³ 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.

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.

Northwest Atlantic



Fisheries Organization

Reform W.G. W.P. 06/1 Revision 2

Working Paper by the Chair

**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 protect 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;

Comment [MS1]: To make it consistent with UN Fish Agreement Article 5 (g)

Deleted: preserve

- (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;

Formatted: Highlight

Comment [MS2]: OK, but ask Scientific Council

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.

Comment [MS3]: What does this mean?

Formatted: Highlight

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 ~~fishery resources to~~ the said levels; Deleted: depleted
- (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 on living marine resources and marine ecosystems;
- (e) measures shall take due account of the need to protect marine biological diversity; Comment [MS4]: To make it consistent with UN Fish Agreement Article 5 (g)
Deleted: conserve
- (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 are collected and shared in a timely manner among the Contracting Parties to this Convention. Deleted: is
- (h) measures shall be taken to ensure effective compliance with management measures and that sanctions for any infringements are adequate in severity; and
- (i) 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. Deleted: g

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 the Commission 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 living marine resources and marine ecosystems;
 - 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, and consult with Scientific Council as appropriate;
 - 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.

Deleted: NAFO

Comment [MS5]: This is in accordance with Article III (d)

Deleted: living

Deleted: belonging to the same ecosystem or associated with or dependent upon the fishery resources subject to a directed fishery

Deleted: including the relations among its constituent bodies

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, and other human activities where appropriate, on living marine resources and marine ecosystems;
- d) develop rules for the collection, submission, verification of, access to and use of data;

Deleted: 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

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.

Deleted: d) . develop measures for the conduct of fishing for scientific purposes;¶
e

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 safeguarding of the ecosystems in which these resources occur.

Deleted: conservation

Deleted: they

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 Commission. 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 Commission. The rules shall not be unduly restrictive and shall provide for timely access to reports and records of Commission, subject to the procedural rules that the Commission may adopt.

Formatted: Justified

Deleted: Organizations

Deleted: NAFO

Deleted: NAFO

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 from different Contracting Parties.
3. Any meeting of the Scientific Council may be called by the Chairperson at such time and place as the Chairperson may determine.
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 fishery resources of the Convention Area and their ecosystems, and to encourage and promote cooperation among the Contracting Parties in scientific research;
 - b) to compile and maintain statistics and records and to publish or disseminate reports, information and materials pertaining to the fishery resources of the Convention Area and their ecosystems;
 - c) to provide scientific advice to the Commission, pursuant to paragraph 7 or on its own initiative pursuant to the objectives of Article II;
 - d) to provide scientific advice to coastal States, where requested to do so pursuant to paragraph 8 or on its own initiative pursuant to the objectives of Article II;
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 required 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 living marine resources and their ecosystems.
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 living marine resources and their ecosystems.
9. The Commission and/or a Coastal State shall, in consultation with the Scientific Council, specify terms of reference for the consideration of any question referred to the Council. 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 Commission or 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

Comment [MS6]: Take this sentence out from the Convention text and place it in the Rules of Procedure of Scientific Council

Deleted: representatives of

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

Comment [MS7]: The ad hoc group discussed different options: (a) only Sc C Chair available at the Annual Meeting, (b) Sc C meets only on Monday of the Annual Meeting and (c) take out the sentence "other ... paragraph 3"

Deleted: , other than the annual meeting convened pursuant to Article VI paragraph 3,

Deleted: fisheries

Deleted: fishery resources status and their forecast including environmental and ecological factors affecting these fisheries,

Deleted: designed to fill gaps in knowledge pertaining to these matters

Deleted: fisheries

Deleted: including environmental and ecological factors affecting these fisheries

Deleted: c

Deleted: ; and

Deleted: ¶
d) to provide scientific advice to the Commission, pursuant to paragraph 7 or on its own initiative as required for the ... [1]

Formatted: Bullets and Numbering

Deleted: requested

Deleted: in which they occur within the Regulatory Area ... [2]

Deleted: fishery

Deleted: conservation of the

Deleted: in which they occur in waters under the fisheries ... [3]

Deleted: fishery

Deleted: pursuant to paragraph 8

Comment [MS8]: Should go out of VII and inserted in VI

Comment [MS9]: Take out here, put to Rules of Procedure ... [4]

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.

Comment [MS10]: Out of Convention, move to Rules of Procedure

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 Scientific Council may establish such Committees and subcommittees as it considers desirable for the exercise of its duties and functions.

Deleted: Commission

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 in consultation with Scientific Council as appropriate.
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 living marine resources and their ecosystems of the Convention Area, and with respect to the fishery resources ensure that in accordance with Annex 1 of the 1995 Agreement 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 marine resources and their ecosystem;
 - (v) information is made available in a timely manner to fulfil the requirements of the Scientific Council and Commission;
 - (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.

Deleted: and ensure

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 is action is that the Contracting Party considers that 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 and Scientific Council may invite such organisations to send observers to its meetings, or to the meetings of any of their subsidiary bodies. The Commission and Scientific Council 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 conservation and management measures applicable in the region.

Deleted: of the Organisation

Deleted: Commission

Deleted: of their

Article XVIII – Review

1. The Commission and Scientific Council 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.

Deleted: i

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 1FT

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
(correct ?) maybe XV

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.

