



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:

NAFO/18-153

18 June 2018

Mr. Miguel de Serpa Soares
Under- Secretary-General for Legal Affairs
and United Nations Legal Counsel
Office of Legal Affairs
Division for Ocean Affairs and the Law of the Sea
Room No. DC2-0433A
New York, NY USA 10017
Email: doalos@un.org

Dear Mr. Miguel de Serpa Soares,

Subject: NAFO Contribution to the report of the Secretary-General on oceans and the law of the sea, pursuant to United Nations General Assembly resolution 72/73 of 05 December 2017, entitled "*Oceans and the law of the sea*"

Further to your correspondence of 11 May 2018, please find enclosed the **contribution of the Northwest Atlantic Fisheries Organization (NAFO)** to the report of the Secretary-General on oceans and the law of the sea, pursuant to United Nations General Assembly resolution 72/73 of 05 December 2017, entitled "*Oceans and the law of the sea*".

Yours sincerely,

Fred Kingston
Executive Secretary

FK:ll
Enclosed: NAFO Contribution (08 pgs.)

Contribution of the Northwest Atlantic Fisheries Organization (NAFO) to the report of the Secretary-General on oceans and the law of the sea, pursuant to United Nations General Assembly resolution 72/73 of 5 December 2017, entitled “Oceans and the law of the sea”

The subsequent list of updates from the Northwest Atlantic Fisheries Organization (NAFO), pursuant to the United Nations General Assembly resolution 72/73 of 5 December 2017, entitled “*Oceans and the law of the sea*,” is as follows:

- NAFO is currently completing its second Performance Review, which was agreed at 2017 Annual Meeting, 18 -22 September 2017 in Montréal, Québec, Canada. This performance review will be completed by the next Annual Meeting in September 2018 and will address: conservation and management; compliance and enforcement; governance; science; international cooperation; financial and administrative issues. The previous NAFO performance review took place in 2011, with all of its recommendations having been addressed.
- NAFO has contracted MRAG Americas, Inc. to complete a Catch Data Methodology Study. This study will conclude later this year and provide a documented description of the methodologies in place by all actors involved in the process of obtaining tow catch estimates in the four data-gathering processes identified (differences in estimates of the tow catch found in different sources such as logbooks data, scientific observer's data, compliance observer's data and inspection on board reports data). The contracted study group will provide NAFO a summary document regarding the development of common best practices to estimate catches.

Marine Environment and marine resources

- NAFO adopted an Action Plan in the Management and Minimization of Bycatch and Discards. The Action Plan ([NAFO/COM Doc. 17-26](#)) will ensure that there is a systematic consideration of the overarching objectives set out below across NAFO bodies. The Action Plan has the following overarching objectives:
 1. Effective management and the minimization of by-catch and discards, and improvement of selectivity, in fisheries of the NRA.
 2. Accurate reporting of target, non-target and incidental catch.
 3. Account for total catch (retained and non-retained) in scientific assessments and management measures.
 4. Management measures are adaptive and address changing fishery conditions over time, or differences among areas and fleets.
 5. Management measures reflect the precautionary and ecosystem approaches to fisheries management.
 6. Identify priority areas for by-catch management, in particular areas where there is a risk of causing serious harm to by-catch species.
 7. Ensure linkage to other NAFO bodies doing work related to by-catch management.

Marine Biodiversity

- NAFO agreed to protect the entire New England Seamount chain in international waters, amending the boundary of the area closed to bottom fishing to include all peaks in the chain. The protection of the entire chain as a whole will help in sustaining the biological connectivity and function of seamount communities at all depths. In addition, procedures leading to these closures were further streamlined.
- The NAFO Secretariat continued its involvement in the Sustainable Ocean Initiative (SOI) Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies on Accelerating Progress Towards the Aichi Biodiversity Targets and Sustainable Development Goals, convened by the Secretariat of the Convention on Biological Diversity (CBD) in Seoul, Republic of Korea, 10 – 13 April 2018.

Appended is NAFO's previous submission from 07 June 2017 (NAFO/17-147)



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:

NAFO/17-147

07 June 2017

Mr. Stephen Mathias
Assistant Secretary-General
Office of Legal Affairs
Division for Ocean Affairs and the Law of the Sea
Room No. DC2-0433A
New York, NY USA 10017
Email: doalos@un.org

Dear Mr. Mathias,

Subject: NAFO Contribution to the second part of the report of the Secretary-General on oceans and the law of the sea, pursuant to United Nations General Assembly resolution 71/257 of 23 December 2016, entitled "Oceans and the law of the sea"

Further to your correspondence of 04 May 2017, please find enclosed the **contribution of the Northwest Atlantic Fisheries Organization (NAFO)** to the second part of the report of the Secretary-General on oceans and the law of the sea, pursuant to United Nations General Assembly resolution 71/257 of 23 December 2016, entitled "Oceans and the law of the sea".

Yours sincerely,

Fred Kingston

Executive Secretary

FK:ll

Enclosed: NAFO Response (05 pgs.)

Contribution of the Northwest Atlantic Fisheries Organization (NAFO) to the UN Secretary-General's Report on oceans and the law of the sea, pursuant to UNGA Resolution 71/257

Executive Summary

The Northwest Atlantic Fisheries Organization (NAFO) is an intergovernmental fisheries science and management body. NAFO was founded in 1979 as a successor to ICNAF (International Commission for the Northwest Atlantic Fisheries). NAFO has twelve (12) Contracting Parties, namely four (4) coastal States Canada, United States of America, France (in respect of St. Pierre et Miquelon) and Denmark (in respect of the Faroe Islands and Greenland), as well as Cuba, the European Union, Iceland, Japan, Republic of Korea, Norway, the Russian Federation and Ukraine. The international fisheries managed by NAFO take place outside the 200-mile Exclusive Economic Zones (EEZs) of the four coastal State Contracting Parties and Bermuda.

NAFO's constituent bodies are the Commission, Scientific Council and the Secretariat. The NAFO Scientific Council supplies scientific advice to the NAFO Commission, which adopts conservation measures for the commercial species under its mandate. NAFO's mandate does not include highly migratory species such as tunas and marlins, salmon, marine mammals and sedentary species. The NAFO Commission also manages external relations and finance and administrative matters of the Organization.

In 2007, NAFO amended its Convention to modernize NAFO, particularly by incorporating an ecosystem approach to fisheries management. This approach includes safeguarding the marine environment, conserving marine biodiversity and minimizing the risk of long term adverse effects of fishing activities on the marine ecosystem. The amendments also streamline NAFO's decision-making process, strengthen the obligations of Contracting Parties, Flag States and Port States, and institute a formal dispute settlement mechanism. These amendments came into force on 18 May 2017. In practice, however, many of the obligations arising from these 2007 amendments had already been applied provisionally, allowing NAFO, for instance, to put in measures to protect vulnerable marine ecosystems.

NAFO has implemented a framework for applying the precautionary approach to fisheries management and is developing risk-based management approaches for a number of stocks.

NAFO also has a comprehensive set of regulations to monitor, survey and control the fishery, including a Joint International Scheme of Inspection, a Vessel Monitoring System (VMS) and port State control measures, which have been aligned to the FAO Port State Measures Agreement. In addition, NAFO has developed a range of tools to protect VMEs, including a prohibition on bottom fishing in 21 areas to protect areas identified as being home to indicator species of vulnerable marine ecosystems, such as corals and sponges, and a number of seamounts. Currently about 14% or 380,272 square km of the NAFO Regulatory Area is closed to bottom fishing. NAFO also maintains a list of vessels presumed to have engaged in illegal, unreported and unregulated (IUU) fishing and shares this list with other regional fishery management organizations (RFMOs).

NAFO cooperates extensively with other international organizations, and routinely shares information with other fishery organizations and UN bodies such as FAO and the UN Division for Ocean Affairs and the Law of the Sea. (UN-DOALOS).

IV. Peaceful settlement of disputes

Article XIII (1) of the NAFO Convention provides that, as a general rule, decision making within the Commission shall be by consensus. However, if all efforts to reach consensus have been exhausted, then decisions of the Commission shall, except where otherwise provided, be taken by a two-thirds majority.

Article XV (1) establishes the general duty of NAFO Contracting Parties to co-operate to prevent disputes. However, where a dispute arises between two or more Contracting parties, Article XV (2) requires them to settle it by peaceful means of their choice, including, but not limited to, negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or *ad hoc* panel proceedings. Article XV (3) provides that a dispute concerning the interpretation or application of a measure adopted by the Commission may be submitted to non-binding *ad hoc* panel proceedings. The *ad hoc* panel will present a report with recommendations to resolve the dispute. If no settlement has been reached following the recommendations of the *ad hoc* panel, any of the parties to the dispute may submit the dispute to compulsory proceedings entailing binding decisions pursuant to Section 2 of Part XV of UNCLOS or Part VIII of the UNFSA (Article XV (6)). The parties are then required to provisionally apply any recommendation made by the *ad hoc* panel until a court or tribunal renders a decision.

VIII. Maritime safety and security and flag State implementation

Article 13 of the NAFO Conservation and Enforcement Measures (NCEM) requires fishing masters to report lost or abandoned gear. The information is relayed to other Contracting Parties without delay.

Article 29 of the NAFO Conservation and Enforcement Measures (NCEM) allows Contracting Parties the use of the confidential NAFO VMS data for search and rescue purposes or for maritime safety.

IX. Marine environment and marine resources

The NAFO Scientific Council has a Standing Committee of Fisheries Environment (STACFEN) whose tasks are to:

- develop and recommend to the Scientific Council policies and procedures for the collection, compilation and dissemination of environmental information from oceanographic investigations;
- provide reviews of environmental conditions and advise the Scientific Council on the effects of the environment on fish stocks and fisheries in the Convention Area; and
- encourage and promote cooperation among Contracting Parties in scientific research designed to fill the gaps in knowledge pertaining to the effects of the environment on fish stocks and fisheries as identified by the Scientific Council.

STACFEN climate summaries are presented annually to scientific meetings where stock assessment is being undertaken. Scientific advice and management decisions use both the adopted precautionary approach and the ecosystem approach to fisheries management.

In 2014, the NAFO Fisheries Commission and Scientific Council established a joint working group on risk-based management strategies to, *inter alia*, further enhance the development and application of the Precautionary Approach Framework to fisheries management in line with Annex II of the 1995 UN Fish Stock Agreement. This working group is currently working on the application of management strategy evaluation to the Greenland halibut stock.

In 2014, the NAFO Fisheries Commission and Scientific Council established a joint working group on its ecosystem approach framework to fisheries management to, *inter alia*, promote the understanding of the functioning and dynamics of NAFO marine ecosystems including species interactions. This Working Group, supported by advice from the Scientific Council developed through the ongoing work of its working group on ecosystem science assessment (WG-ESA), provides the primary guidance and recommendations to Fisheries Commission regarding the implementation of an Ecosystem Approach to the management of fisheries. The Working Group's responsibilities include the development and application of the Ecosystems Approach to Fisheries (EAF) Roadmap and recommendations on mitigation strategies and measures to avoid significant adverse impacts of bottom fishing activities on vulnerable marine ecosystems, including the evaluation of associated risks.

NAFO also has a Standing Committee on Research Coordination (STACREC) whose activities include:

- develop and recommend to the Scientific Council policies and procedures for the collection, compilation, and dissemination of statistical and sampling information on the living resources and fisheries in the Convention Area;
- coordinate the compilation and maintenance of statistics and records and their dissemination, including liaison with Coastal States in the Convention Area;
- coordinate the planning and execution of international cooperative research in cooperation with Coastal States in the Convention Area;
- encourage and promote cooperation among the Contracting Parties in scientific research designed to fill gaps in knowledge pertaining to fisheries matters identified by the Scientific Council; and
- review and evaluate data and information and advising the Scientific Council on advances in knowledge of biology relevant to the Convention Area.

In recent years, the NEREIDA expedition, a multinational project, conducted multidisciplinary research on sensitive habitats and fishing activities, as well as providing analysis of the fishing resources, in the NAFO Regulatory Area. The surveys took place in 2009 and 2010. Data collected on these surveys are now being analyzed by Contracting Party scientists and this work is being used to provide valuable scientific advice for the study and protection of vulnerable marine ecosystems.

NAFO is one of the active RFMO collaborating partners in the development of the FAO Vulnerable Marine Ecosystem Database project which was established in response to the UN General Assembly Resolution 61/105.

A 2008 Resolution that was agreed to by Contracting Parties, follows the 2007 amendments to the NAFO Convention, which came into force on 18 May 2017. This Resolution calls on Contracting Parties to *“take due account of the impact of fisheries on other species and marine ecosystems, and in doing so adopt measures to minimize harmful impacts on living marine resources and marine ecosystems; and take due account of the need to preserve marine biological diversity”*.

X. Marine biodiversity

Since 2008, NAFO has been closing areas to bottom fishing to protect, corals, sponges, sea pens and seamount ecosystem. In total, 21 areas have been closed. In addition, work is on-going to review other potential areas and all closed areas will be reviewed in 2020. NAFO has also developed a

comprehensive list of VME indicator species. The FAO Guidelines were used extensively in the identification of candidate areas of vulnerable marine ecosystems.

The “*Roadmap for Developing an Ecosystem Approach to Fisheries for NAFO*” lays out the organizing framework to develop an Ecosystem Approach Framework. The “*Roadmap*” is proceeding but there are still gaps that need to be addressed. An extensive agenda along with limited human and resource capacity will require a practical and effective implementation based on priorities and short, medium and long-term objectives.

Work is also on-going by NAFO to identify spatial management units as well as multispecies assessments.

NAFO Secretariat participated in the Sustainable Ocean Initiative Global Dialogue with Regional Seas Organizations and Regional Fisheries Bodies on Accelerating Progress towards the Aichi Biodiversity Targets, convened by the Secretariat of the Convention on Biological Diversity in Seoul from 26 to 28 September 2016. The meeting was aimed at facilitating the exchange of experiences in order to further strengthening the complementary roles of regional fishery bodies and regional seas conventions in supporting national implementation of the Strategic Plan for Biodiversity 2011-2020 towards achieving the Aichi Biodiversity Targets and the relevant Sustainable Development Goals.

XI. Marine science

NAFO Contracting Parties continue to collaborate to try to improve understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities. Many NAFO Contracting Parties take part in scientific research and analyses of fisheries data through various NAFO Committees. NAFO has established a framework to manage a fund to continue to support research on Vulnerable Marine Ecosystems (VMEs) in the NAFO Regulatory Area (NAFO Potential Vulnerable Marine Ecosystems-Impacts of Deep-sea Fisheries — NEREIDA).

In respect to human-related threats, NAFO is an international fisheries management organization with a remit to ensure the long-term conservation and sustainable use of the fishery resources in its Convention Area and, in so doing, to safeguard the marine ecosystems in which these resources are found. As a result, the harmful effects of plastic debris, particularly discarded fishing gears, is a cause for concern. NAFO has implemented measures (Articles 13.10 to 13.14 of NAFO’s Conservation and Enforcement Measures) requiring vessels to make efforts to retrieve lost gears and report any which cannot be recovered to the Secretariat.

NAFO has implemented an “*ecosystem approach to fisheries management*” in support of UN General Assembly Resolution 61/105, under which consideration is given to activities, other than fishing, which may impact upon commercial fish stocks of the northwest Atlantic. In 2013, NAFO’s Scientific Council made some steps to consider the impact of microplastics, however these were judged to be of minor significance at present, relative to other anthropogenic impacts.

Measures dealing with lost and abandoned gears stipulated in Article 13.10-14 of the NAFO Conservation and Enforcement Measures (NCEM) were adopted by the Fisheries Commission and came into force in 2013.

These measures outline basic protocol when the gears are entangled, lost or abandoned. Fishing masters are required to immediately report the incident, indicating the location and the

circumstances to the flag State Contacting Party. The fishing masters must also include in the report their efforts in retrieving the fishing gear. Contracting Parties are required to notify the NAFO Secretariat about the incident. The Secretariat is required to post the information on the secure part of the NAFO website.

XV. Coordination and cooperation

NAFO cooperates in general with UN and FAO WGs and their consultative processes (e.g. CWP, ASFA, FIRMS, COFI), Regional Fishery Body Secretariats Network (RSN), other RFMO meetings in an observer capacity, conducts joint scientific Symposia and has recently established a joint working group with its sister organization, Northeast Atlantic Fisheries Commission (NEAFC) on data management.

NAFO has committed itself to supporting the five-year ABNJ Deep Seas Project, led by FAO and UNEP-WCMC, with a significant in-kind contribution over the course of the initiative. NAFO has also been exploring mechanisms for dialogue and engagement with other international organizations that may have interests in the northwest Atlantic. NAFO has also been involved, in an observer capacity, in the Preparatory Committee under UNCLOS to develop an internationally legally binding agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) and the preparatory process for the UN Conference to support the implementation of Sustainable Development Goal 14 (05 – 09 June 2017).