



Northwest Atlantic Fisheries Organization

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In all correspondence,
please refer to:

GFS/14-163

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Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel
Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs
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Dear Miguel de Serpa Soares:

Thank you for your correspondence of 03 April 2014 inviting contributions 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 68/70.

Please find enclosed the contribution of the Northwest Atlantic Fisheries Organization (NAFO). Please note, the contribution only covers the sections of UNGA Resolution 68/70 that are relevant to NAFO. The contribution follows the sections in the order in which they appear in that Resolution.

Sincerely yours,

Fred Kingston
Executive Secretary

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Enclosed: NAFO Contribution (5 pages)

Contribution of the Northwest Atlantic Fisheries Organization (NAFO) to the UN Secretary-General's Report on developments in the field of ocean affairs and the law of the sea pursuant to UNGA Resolution 68/70 on Sustainable Fisheries.

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 Contracting Parties including the 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 EEZs of the four coastal States.

NAFO's Scientific Council supplies scientific advice to NAFO's Fisheries Commission which adopts conservation measures for the commercial species under its mandate. NAFO's mandate does not include tunas, marlins, salmon, marine mammals or sedentary species. NAFO also has a General Council, which manages the external relations and the finance and administrative side of the Organization, and a Secretariat.

In 2007 NAFO amended its Convention to adopt an ecosystem approach to fisheries management. The amended Convention commits to protecting the associated marine ecosystems from adverse fisheries effects. The Convention, while adopted by the Organization, has not yet been ratified by the required $\frac{3}{4}$ of Contracting Parties in their respective Parliaments. The amended Convention also incorporates dispute settlement procedures when a Contracting Party cannot agree with a specific NAFO measure.

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. In addition NAFO has developed a range of tools to protect VMEs, including the restrictions to bottom fishing in 19 areas in order to protect areas identified as being home to indicator species of vulnerable marine ecosystems such as corals and sponges, and a number of seamounts.

NAFO cooperates with other international organizations, such as the North East Atlantic Fisheries Commission and the International Council for the Exploration of the Sea, and routinely shares information with other fishery organizations and UN bodies such as FAO.

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IV Peaceful settlement of disputes

In 2007 NAFO adopted an amended Convention. In order for the Convention to come into force three-quarters of Contracting Parties (or 9 out of 12 Contracting Parties) must ratify the amendments. To-date 6 Contracting Parties have completed the ratification process in their respective Parliaments.

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

Article XV establishes the general duty of NAFO Contracting Parties to co-operate in order to prevent disputes, and where a dispute arises, to settle it by peaceful means of their choice including but not limited to by 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 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 the purpose of 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.

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 will provide 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 whose activities include:

- developing and recommending 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;
- coordinating the compilation and maintenance of statistics and records and their dissemination, including liaison with Coastal States in the Convention Area;
- coordinating the planning and execution of international cooperative research in cooperation with Coastal States in the Convention Area;
- encouraging and promoting cooperation among the Contracting Parties in scientific research designed to fill gaps in knowledge pertaining to fisheries matters identified by the Scientific Council; and
- reviewing and evaluating data and information and advising the Scientific Council on advances in knowledge of biology relevant to the Convention Area.

In recent years, the NERIEDA 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 amendments to the NAFO Convention, adopted in 2007 but not yet ratified. 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 in order to protect, corals, sponges, sea pens and seamount ecosystem. In total, 19 areas have been closed. In addition work is on-going to review other potential areas and all closed areas will be reviewed in 2014. 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.

The Scientific Council supported a participant’s attendance to the recent North-West Atlantic Regional Workshop to Facilitate the Description of Ecologically or Biologically Significant Marine Areas (EBSAs), convened by the Convention on Biological Diversity Secretariat and hosted by Canada in Montreal. The Workshop will help facilitate the description of areas that that may fall under the criteria for Ecologically Significant Biological Areas in the Northwest Atlantic.

The need for management measures for fishing adjacent to the Sargasso Sea may be reviewed by NAFO later this year.

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).

XV Coordination and cooperation

NAFO cooperates in general with UN and FAO WG's 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 organisation, NEAFC.

NAFO has committed itself to supporting the five-year ABNJ Project lead by FAO, with a significant in-kind contribution over the course of the initiative.