Serial No. N5311 NAFO/GC Doc. 06/6

Northwest Atlantic Fisheries Organization

Report of the General Council

28th Annual Meeting, 18-22 September 2006
Dartmouth, Nova Scotia, Canada

NAFO
Dartmouth, N.S., Canada
2006

Report of the General Council and its Subsidiary Bodies (STACFAD and STACFAC)
28th Annual Meeting, September 18-22, 2006
Dartmouth, Nova Scotia, Canada

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Report of the General Council

28th Annual Meeting, 18-22 September 2006
Dartmouth, Nova Scotia, Canada

I. Opening Procedure *(Agenda items 1-7)*

1. Opening by the Chair

The Meeting was opened by the Chair of the General Council, David Bevan (Canada). (Annex 1)

The Representatives of eleven Contracting Parties were present: Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), the European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and the United States of America (Annex 2).

The Heads of Delegations from the European Union, Canada, USA, Denmark (in respect of Faroe Islands and Greenland), France (in respect of St. Pierre et Miquelon), Republic of Korea, Russia, Japan, Ukraine, and Iceland addressed the General Council with their opening statements (Annexes 3-11).

2. Appointment of Rapporteur

The Executive Secretary of NAFO, Johanne Fischer, was appointed as Rapporteur whose duties included maintaining a record of decisions agreed upon by the General Council (Annex 12).

3. Adoption of Agenda

The adopted agenda is attached in Annex 13.

4. Admission of Observers

The Executive Secretary reported that invitations had been transmitted to the Food and Agriculture Organization of the United Nations (FAO), International Commission for the Conservation of Atlantic Tunas (ICCAT), International Council for the Exploration of the Sea (ICES), North Atlantic Marine Mammal Commission (NAMMCO), North Atlantic Salmon Conservation Organization (NASCO), North East Atlantic Fisheries Commission (NEAFC) and North Pacific Anadromous Fish Commission (NPAFC). In response to these invitations, FAO was represented by Mr. Hiromoto Watanabe (Fishery Liaison Officer, Fishery Policy and Planning Division) and NAMMCO by Ms. Kate Sanderson (Denmark in respect of Faroe Islands and Greenland). A statement to the General Council by the FAO observer is attached (Annex 14).

An application for observer status from the World Wildlife Fund (WWF) was received by the Executive Secretary which was granted pursuant to Rule 9 of the Rules of Procedure. Ms. Andrea Carew from WWF Canada gave a statement at the beginning and the end of the meeting. (Annex 15)

5. Publicity

Participants agreed that no statements should be made to the media until after the conclusion of the meeting, when the NAFO Secretariat would issue a Press Release (Annex 16). The NAFO Media Policy foresees that the opening and closing sessions of NAFO bodies are public as well as additional sessions designated by participants at the meeting. For this meeting, no additional session was declared to be open for media attendance. Journalists from a TV station in St. Pierre et Miquelon were accredited to this meeting and were present for the reception hosted by France in respect of St. Pierre et Miquelon in celebration of their 10th anniversary at NAFO.

6. Guidance to STACFAD necessary for them to complete their work

STACFAD was asked to proceed with their deliberations as outlined in their agenda

7. Guidance to STACFAC necessary for them to complete their work

STACFAC was asked to include the elaboration of a NAFO IUU List as its agenda item 6b).

II. New Initiatives *(Agenda item 8)*

8. Reform of NAFO

The Chair of the Working Group on Reform summarized the results of the two meetings of this group in April (GC Doc 06/1) and in September (GC Doc 06/3). He concluded that the group had come very close to an overall agreement on an

amended Convention text and that only a few matters were still outstanding as outlined in the September report of the meeting.

The WG on Reform had proposed that STACFAC should be incorporated into STACTIC and both committees agreed. General Council decided to approve this merger. It was noted that this decision entailed a change of the Rules of Procedure and a proposal in this respect put forward by the Working Group on Reform was adopted (GC WP 06/3). It was noted that this merger also required adaptations of the Conservation and Enforcement Measures. The Executive Secretary was asked to update these Rules and Measures accordingly. Also, General Council decided that for the time being, the new STACTIC should report to a joint meeting of General Council and Fisheries Commission.

The outstanding issues identified by the Working Group on Reform were addressed by the General Council (with the understanding that all amendments of the Convention constitute a package and that nothing is formally agreed until all elements have been agreed upon):

a) Regarding some details of a **decision making process** for the new Commission that the Working Group on Reform could not fully resolve, discussions and consultations during the Annual Meeting concluded that GC Working Paper 06/6 (Annex 17) could constitute an agreeable text of the amended Convention.

b) Contracting Parties discussed a possible change of formula for **budget contributions** but long discussions and consultations did not result in an agreement during the meeting. Canada was asked to draft a new proposal, based on guiding principles, in close cooperation with other Contracting Parties that could be used as a basis for future discussions.

c) General Council concluded a new text for Article VI, Paragraph 7 (GC WP 06/7) (Annex 18) of the amended Convention (as drafted by the Chair of the Working Group on Reform) could constitute an agreeable text of an amended Convention. This new text provides that the Commission will take into account the interests of the relevant Coastal States when deciding on **allocation of catches**.

d) General Council could not agree to **re-define the boundaries of NAFO Subareas 3M and 3L** as proposed by Scientific Council.

e) General Council could not fully resolve the question whether the term "**entity**" should be used in the amended Convention when defining "Contracting Party" and "Flag State". Russia had voiced concerns and requires internal consultations to come to a final conclusion with regard to this matter.

Delegates then agreed that an intersessional meeting of General Council would be necessary to find a new formula for calculating budget contributions, to discuss some concerns of the Scientific Council (SC Working Paper 06/35), to decide whether or not to include the term "entity" in the new Convention, and to agree on any other Convention-related issues that might still be identified. After such a meeting it is foreseen that technical editing of the amended Convention text will ensure that a final draft can be presented to the next Annual Meeting in 2007 for adoption.

General Council also discussed in conjunction with Fisheries Commission a number of reform-related matters regarding the future NAFO Monitoring, Control and Surveillance scheme. Decisions taken for such matters are reported in the Fisheries Commission proceedings.

III. Supervision and Coordination of the Organizational, Administrative and other Internal Affairs *(Agenda items 9-13)*

9. Review of Membership

The membership of the General Council and Scientific Council is currently thirteen (13) Contracting Parties, and Fisheries Commission has twelve (12) members.

Notification of Bulgaria's withdrawal from the Convention (effective 31 December 2006) was circulated by the Depositary (Canada) to the Diplomatic Missions concerned and the NAFO Secretariat on 28 June 2006 (Circulation Note No. JLAB-0040). A letter was then circulated by the Executive Secretary to all Contracting Parties on 12 July 2006 (GFS/06-291).

Regarding the right of casting votes and presenting objections (Convention, Article XVI.9) the Executive Secretary stated that two Contracting Parties had not or only partially paid their contributions in 2005 and 2006 and were therefore in danger of losing their rights in 2007 if sufficient payment is not received by December 2006. General Council clarified at this meeting that partial payments will be treated as non-payment for the purpose of voting rights. Therefore, a Contracting Party that has not paid fully for two consecutive years loses its voting rights. This decision will not affect the voting rights of present Contracting Parties as the two consecutive years are not over yet.

10. Administrative Report

Discussion of the Administrative Report was referred to STACFAD. At the closing session, on the advice of the Chair of STACFAD, the Report (GC Doc. 06/2, Revised) was adopted by the General Council.

11. Progress Report of the Secretariat

The Executive Secretary presented a status report of the Secretariat (GC WP 06/4). She stated that in comparison with the early 2000s, the services rendered by the Secretariat were increased and that modern communication and information technologies were implemented. This development went hand in hand with a new structure of the Secretariat including new job descriptions and a human resources strategy based on transparency, team work, and enhanced participation. She showed that in spite of the expansion of services and the introduction of a VMS in 2001, it had been possible to reduce the overall NAFO expenses since 2006.

12. Review and adoption of the new contract for the Executive Secretary

The new contract of the Executive Secretary was reviewed and adopted.

13. Any matters regarding Staff Rules

This item was deferred to STACFAD.

IV. Coordination of External Affairs *(Agenda items 14-15)*

14. Report of the Executive Secretary on Meetings of FIRMS and CWP

The Executive Secretary briefly reported on the meetings of CWP and FIRMS in 2006 (GC WP 06/2).

15. a) United Nations General Assembly

General Council supported the recommendations of the UN Review Conference in May 2006 and the resolution of UNGA 59/25 on Sustainable Fisheries and expressed its intention to incorporate these UN recommendations in the MCS scheme of NAFO. This is reflected in the updated MCS regulations as documented in the Fisheries Commission report.

b) NAMMCO

Under this agenda item General Council noted that NAFO has for several years had formal observer relations with the North Atlantic Marine Mammal Commission (NAMMCO), which includes the regular participation of representatives from both organizations at their respective annual meetings and the exchange of information on relevant activities. With reference to Fisheries Commission discussions related to ecosystem considerations, the General Council agreed to encourage the Scientific Council to explore formal working relations with the NAMMCO Scientific Committee in addressing requests for advice and information on issues related to the role of marine mammals in the ecosystem.

V. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention *(Agenda items 16-17)*

16. Consideration of NCP Activity in the NRA and agreement on the task of STACFAC at the current meeting

This item was addressed under agenda item 7.

17. Report of STACFAC at the Annual Meeting and decision on actions

STACFAC Chair Gene Martin (USA) presented the recommendations of this Committee to the General Council:

a) the five vessels listed in the Provisional List be moved to the IUU List as presented in Annex 4 of STACFAC report;

b) a letter (annex 6 of STACFAC Report) signed by the President of NAFO be sent to Georgia to inform the authorities of the inclusion of the five vessels in the IUU List;

c) the General Council review and adopt the proposed amendments to 46.3, 47.5 and, if necessary, 48 a) of the CEM (listed under agenda item 6bis of STACFAC report);

d) the General Council review and adopt the proposed amendments of the CEM as listed in Annex 5 of STACFAC report;

e) amendments to the Rules of Procedures and the CEM be adopted to reflect the merging of STACFAC and STACTIC;

f) the General Council review and approve the recommendations made to the Secretariat as listed under agenda item 6bis of STACFAC Report;

g) the Secretariat report to the next STACTIC meeting the feasibility of obtaining access to the Lloyds Registry and the advantages of such access;

h) the General Council review and adopt the proposed amendments of the CEM as listed in Annex 9 of STACFAC report, provided bracketed text is resolved.

All recommendations were adopted, some with minor revisions. Regarding Annex 9 to the STACFAC report, General Council agreed to accept the text including the bracketed text and, in the case of two brackets, the bolded text.

VI. Finance *(Agenda items 18-19)*

18. Report of STACFAD at the Annual Meeting and decision on actions

STACFAD Chair Fred Kingston (EU) presented the recommendations of this Committee to the General Council:

a) STACFAD recommended that the accounting policy for uncollectible accounts be that an allowance for uncollectible accounts be recorded for contributions that are two payments in arrears.

b) STACFAD recommended that the 2005 Auditor's Report be adopted.

c) STACFAD recommended that Contracting Parties take immediate action to meet their financial obligations and bring financial stability to the Organization.

d) Because Bulgaria will no longer be a Contracting Party of NAFO next year, STACFAD recommended that the outstanding contribution from Bulgaria ($30,419) be deemed uncollectible and that this amount be applied against the accumulated surplus.

e) In addition, STACFAD recommended that outstanding contributions from Ukraine ($31,175) and USA ($86,368) for the year 2005 should also be deemed uncollectible at the end of the current fiscal year if payments are not received by 31 December 2006.

f) STACFAD was of the opinion that the current cash flow situation be considered an emergency in accordance with Rule 4.4 of the Financial Regulations. As a consequence, STACFAD recommended that an amount representing 20% of the proposed 2007 budget, namely $291,800, be maintained as the minimum balance in the Accumulated Surplus Account. STACFAD stresses that this extraordinary recommendation be considered as an interim measure pending the resolution of the current financial situation.

g) STACFAD also recommended that the Secretariat bill Contracting Parties in two instalments to encourage part of the contributions to be paid earlier and thus enable the Secretariat to have sufficient cash flow to operate in early 2007.

h) STACFAD recommended amending Rule 9.5a) of the Staff Rules to read: "In the event of separation from service with the Secretariat, members of the Secretariat shall be compensated an indemnity equivalent to the rate of two (2) weeks current salary for every year of service, free of all deductions except statutory deductions, limited to a maximum of 40 weeks;" STACFAD could not come to a consensus on the issue of eliminating Staff Rule 9.5 (b) and (c) in conjunction with the Executive Secretary's proposal for a repatriation grant and deferred these items to the next Annual Meeting.

i) STACFAD recommended that a new rule be included in the NAFO Staff Rules as follows: "The Executive Secretary may appoint a Coordinator to be the Deputy Executive Secretary for the term of one or two years (renewable). This appointment will be compensated with 10% of the Coordinator's annual salary." However, the implementation of this rule should be deferred until the financial crisis has been overcome.

j) STACFAD recommended that Staff Rule 8.6 e) be amended as follows: "An installation allowance of up to two months net salary plus up to two months salary advance to be repaid within one year without interest in the case of internationally relocating members of the Secretariat".

k) STACFAD recommended the reclassification of the position of "Personal Assistant to the Executive Secretary" to "Senior Personal Assistant to the Executive Secretary" take effect on 1 January 2007.

l) STACFAD recommended that General Council commit to fully funding any necessary expenses related to a possible change of the VMS service provider pending a STACTIC evaluation of tenders.

m) STACFAD also recommended that General Council urge Fisheries Commission to base its decision not only on technical specifications but to also ensure that financial considerations are taken into account.

n) STACFAD recommended that that costs associated with delegation rooms during NAFO Meetings should be the responsibility of the individual Contracting Party, not the Organization.

o) STACFAD recommended that the budget for 2007 of $ 1,459,000 be adopted.

p) STACFAD recommended that General Council appoint the three Staff Committee nominees. (Jim Baird, Bill Brodie, Fred Kingston).

q) STACFAD recommended that the dates of the 2008 Annual Meeting (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

- Scientific Council - 22 September - 1 October
- General Council - 22 - 26 September
- Fisheries Commission - 22 - 26 September

The dates of the 2009 Annual Meeting (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

- Scientific Council - 21 - 25 September
- General Council - 21 - 25 September
- Fisheries Commission - 21 - 25 September

19. Adoption of Budget and STACFAD Recommendations for 2007

The proposed budget for 2007 was accepted.

General Council adopted all STACFAD recommendations with the exception of recommendation (j) (amendment of Staff Rule 8.6e).

VII. Closing Procedure *(Agenda items 20-23)*

20. Time and Place of the Next Annual Meeting

The 29th Annual Meeting will be held in Lisbon, Portugal, European Union, at the following dates:

Scientific Council	-	24 September – 3 October 2007
General Council	-	24-28 September 2007
Fisheries Commission	-	24-28 September 2007

21. Other Business

A number of Contracting Parties and observers addressed General Council with closing remarks. Canada thanked all delegates as well as the colleagues from the Reform WG last week for the excellent cooperation and concluded that. NAFO had shown strong leadership with regard to governance and the MCS scheme and that the Convention reform was well on its way. Canada thanked France for its reception in celebration of its 10th anniversary in NAFO. It was also pleased with the presence of WWF-Canada during the meeting and thanked WWF-Canada for the reception offered on Monday. Russia and EU joined Canada's remarks. Korea thanked the Secretariat and the Canadian delegates, and the Ukraine thanked all participants, Chairs, Secretariat and French reception. WWF-Canada addressed the General Council with its viewpoints on the decisions taken at this Annual Meeting, and the FAO observer said a few words expressing his appreciation for the good cooperation with NAFO.

22. Press Release

The Executive Secretary drafted a Press Release that reflects the changes by the NAFO President and interested Contracting Parties (Annex 16).

23. Adjournment

The meeting adjourned at 12:00, September 22, 2006.

Annex 1. Opening Statement by the Chair (David Bevan – Canada)

Distinguished delegates, ladies and gentlemen,

It is an honour and a pleasure for me to serve as your Chair at this year's annual meeting.

I wish to thank the Executive Secretary and the Secretariat for the excellent arrangements for this meeting.

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

At the 2005 annual meeting, NAFO agreed to a process of reform to modernize the Organization and incorporate the most recent international legal instruments such as the UN Fish Stocks Agreement, to strengthen and improve the current monitoring, control and surveillance regimes in NAFO, and to begin addressing possible solutions to address fishing overcapacity in NAFO.

As a result, two meetings of the Working Group on Reform have been held this year. In addition, STACTIC met in June to discuss proposed improvements on monitoring, control and surveillance issues. I expect that NAFO reform will be our priority and focus at this meeting.

As all regional fisheries management organizations, NAFO will need to strengthen its management and governance structure to manage the ocean resources of the NAFO Regulatory Area in a sustainable and profitable way. NAFO members will need to continue their close cooperation and collaboration to achieve our shared objectives of stock recovery.

I am hopeful that NAFO will continue the momentum towards reform that has build over the last year. I am confident that NAFO will respond to and meet these significant challenges.

Thank you.

Annex 2. List of Participants

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Annex 3. Opening Statement by the Representative of the European Union

We are happy to return once more to the Province of Nova Scotia for this Annual Meeting which, in our view, constitutes one of the most significant meetings this organisation has held in recent years.

Last year we agreed that it was important that NAFO should take the lead following the St Johns Conference to launch a comprehensive reform process of the organisation. We agreed that the reform process would be three-pronged

– a revision of the Convention Text to reflect modern principles of international fisheries law and to make the organisation more efficient in its working methods and structure. We are encouraged by the progress made so far in the working group on the revision of the NAFO Convention and we look forward to the report from the WG Chair during this meeting. NAFO must become a modern and efficient organisation that can serve as a model for other regional fisheries organisations and for that it requires a modern fisheries convention.

- we entrusted STACTIC with reviewing the current control and enforcement measures, and where required proposing modifications. We recognise both that this is a key task but also a very difficult one since we are dealing with international waters and different legal regimes. The issue of control and enforcement of course will always be in the forefront of our evaluation of the effectiveness of NAFO. In order to progress in this field, we consider necessary to identify the weakness of the actual scheme, to resolve misunderstandings, to take into account the cost efficiency of the measures and to ensure the definition of a coherent and balanced scheme of inspection; In this context we consider necessary to identify concrete actions and to decide on the list of priorities such as a more targeted definition of serious infringements, making clearer the steps the flag State has to follow in the follow-up of infringements and to ensure the application of deterrent sanctions against vessels committing serious infringements.

And finally, we agreed that reform relating to our management of the stocks would find its rightful forum here in the Fisheries Commission.

On other related issues, the EC is in favour of enhanced measures to combat IUU activities by Non-Contracting Party vessels. We believe that recent measures adopted in the framework of NEAFC also could be introduced in NAFO. That would entail in particular the closure of ports for IUU vessels. The EC will also support the reinforcement of the cooperation between the Contracting Parties by the establishment of the Joint Inspection Patrols in the NAFO Area. It would contribute to overcoming misunderstandings and build confidence, but would also make the deployment of inspections more effective and cost efficient. The Joint Canada-EU Inspection Patrols in the NAFO Area in July were a concrete step towards real reform of control and enforcement in NAFO.

.In terms of Status of Stocks, and in particular the implementation of the Greenland Halibut Recovery Plan, we need to take into account the difficulties to reduce the fishing effort and the sacrifices made by several fleets. The adjustments demanded of the EC fleet have been very significant from the outset of this Recovery Plan. Improvement in the stock will be a slow process – we estimated 14 years when we adopted the Plan.

The EC has reduced dramatically its fishing effort in the NAFO Area; some vessels were scrapped, and some vessels have re-directed their fishing activities to other areas. It is to the great credit of those vessels that they have adjusted in such a short time. There are few examples of such radical adjustments ever being so successfully introduced in measures adopted by Coastal States in their EEZs. So NAFO should be justifiably proud of the courage it displayed in adopting this Rebuilding Plan.

We welcome WWF. We have noted an increased interest in NAFO from Non-Governmental Organisations. The involvement of WWF in the NAFO debate is something that we welcome since we consider that NGO's have an important role to play in our deliberations on fisheries management issues.

Finally, let me assure you that we look forward to working with all of you in the days ahead and are pleased to be able to invite NAFO to celebrate its 2007 Annual Meeting in Portugal.

Annex 4.Opening Statement by the Representative of Canada

Mr. Chairman, distinguished Representatives, Ladies and Gentlemen,

It is a pleasure for Canada to participate at this twenty-eighth annual meeting of NAFO.

Mr. Chairman, NAFO has the duty and responsibility to ensure the sustainability of resources and, therefore must also have the necessary instruments to fill its mandate.

NAFO members have recognized that NAFO pre-dates many of the important instruments that have been developed over the past decade to improve international fisheries governance, including the United Nations Fish Stocks Agreement. To bring this organization fully into the 21st century, we agreed last year to incorporate and implement these instruments within NAFO governance.

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

Canada is pleased with the discussions that have taken place in the two meetings of the Working Group on NAFO Reform, as well as by STACTIC on proposals for improving NAFO's MCS regimes.

These discussions have brought us very close to elements of reform that would strengthen NAFO and address overfishing in the Northwest Atlantic. We will be looking for ways to resolve areas of disagreement on an amended Convention and to agree on next steps.

Another key element of this week's meeting is to discuss the ongoing threats to specific fish stocks and their ecosystems and how to stop their continuing decline.

As we will hear later, we again witnessed another setback in the recovery of the Greenland halibut stocks. Catches in 2005 were 22% higher than the TAC of 19,000t. The stock is at its lowest observed biomass level and again has been fished at unsustainable levels. If this continues, the objectives in the Rebuilding Plan will be compromised.

Mr. Chairman, NAFO cannot afford to lose the last remaining groundfish stocks under its jurisdiction. We need to ensure effective implementation of the Rebuilding Plan including reducing fishing effort commensurate with available quotas. We also need to agree on monitoring, control and surveillance measures that are effective in eliminating incentives to cheat and that allow us to eliminate IUU fishing.

Overcapacity is an issue in fisheries all over the globe and NAFO is no exception. Reducing capacity is a major part of ensuring sustainable fishing activity. In this regard, Canada has circulated a discussion paper on Capacity Management to help guide our discussions on this subject. Our objective would be to agree on a process to address this subject intersessionally.

Mr. Chairman, Canada as well as other NAFO Parties, expect strong action to protect and rebuild stocks.

We look forward to working with all of you in this regard,

Thank you.

Annex 5. Opening Statement by the Representative of the USA

Mr. Chairman, distinguished delegates, ladies and gentlemen:

The United States is pleased to join our colleagues once again here in beautiful Nova Scotia for the 28th NAFO Annual Meeting. We look forward to an interesting exchange of views this week on abroad number of topics.

Of particular interest to the United States is continuing to build on the work of the last two intersessional meetings of the Reform Working Group. Frank discussions and able chairmanship during these meetings has resulted in considerable progress. Although further work is necessary on a number of important issues, among them achieving more fairness and equity in the formula for determining assessed contributions, there appears to be general agreement on many of the key principles under review. It is our hope that the momentum of the last two Working Group meetings can be maintained this week so that progress can continue beyond the annual meeting. We must carry out this initiative with the same boldness with which we announced it.

In terms of the fisheries management issues before us this week, the United States remains gravely concerned about the status of the rebuilding plan for Greenland halibut. This stock has become somewhat of a symbol for NAFO and we must act decisively to halt further biomass declines and to reduce fishing mortality. With regard to bycatch (particularly of moratoria species), we would like to have further dialogue on how to close loopholes in the existing scheme to ensure that bycatch is true bycatch and that it is minimized to the greatest extent possible. Additionally, we must maintain and improve monitoring and data collection efforts for unregulated species, including elasmobranchs.

By now you will surely have noted that the United States will once again be seeking a national allocation of the Division 3LNO yellowtail flounder stock. This request is made in combination with a call to raise the harvest rate for this stock to a level that will permit a greater level of participation in the fishery while not reducing any single national allocation. This stock is unique among others in NAFO. It is the only NAFO-managed stock to recover fully from moratorium protection, and it is entirely appropriate to manage it with a less conservative but scientifically justified harvest strategy. Another U.S. proposal of note provides a draft NAFO resolution on sea turtles. This proposal seeks to respond to a recent communication from the sea turtle conservation community requesting that NAFO implement the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations. The U.S. draft resolution commits NAFO to this (to the extent possible) and calls for a compilation of information on sea turtle interactions in NAFO fisheries and the types of mitigation measures that may be currently in place among NAFO Contracting Parties. We join others in welcoming WWF-Canada as an observer. We believe NGOs have an important role to play in the NAFO process, and we are glad that the rules of procedure developed a few years ago to facilitate this participation are being used. We look forward to a productive dialogue on these and many other issues in the coming week.

Thank you Mr. Chairman.

Annex 6. Opening Statement by the Representative of Denmark in respect of the Faroe Islands and Greenland

Mr Chairman, distinguished delegates and observers,

The Faroes and Greenland are pleased to be attending the 28th Annual Meeting of NAFO.

Reform is the key issue on our agenda this year. Considerable progress has been made during the two meetings we have had, most recently last week in the beautiful and relaxing surroundings of Oak Island here in Nova Scotia. We look forward to further discussions both in the Council and on the sidelines of this week's meeting on the unresolved issues. In such a process, however, nothing is agreed until everything is agreed. We are dealing with amendments to our very Convention, which, once approved in this body, will have to be approved in the respective parliaments of Greenland and the Faroes. So we need to allow ourselves the time needed to ensure that the major changes we adopt are consistent with our over-riding international commitments and political objectives, and that we have a strong consensus among all Parties. We believe this can in fact be achieved very soon.

The main priority for our delegation in the reform exercise has been to provide NAFO with a modern mandate to propose joint management measures that also take account of ecosystem considerations, as we have recently done within NEAFC. The aim of course is to improve and strengthen the very basis of our decisions and thus also optimise our utilisation of the resources. Ensuring the greatest possible benefits for both present and future generations is after all what we mean when we talk about sustainable fisheries.

When it comes to decision-making, in the light of our own experiences in this organisation in recent years, it will be no surprise to other delegations that we strongly support mechanisms that can help to strengthen the ability of this organisation to resolve outstanding issues in a fair and transparent way, on a multilateral basis, with a clear understanding of legitimate conflicting views and interests.

I must stress, however, that we do not share the view that the objection procedure *per se* undermines the effectiveness of regional fisheries management. Regional management can work and actually does work, and we all share the goal of making it stronger, where needed. What really undermines the effectiveness of regional fisheries cooperation is lack of political will, mistrust and bad faith. Since late 2004, for nearly 2 years, Canada has had its ports closed to all Faroese and Greenlandic vessels, due to our legitimate objection to the temporary division of 3L shrimp and our establishment of reasoned alternative measures. This unilateral, politically-motivated reaction – we would say over-reaction – by Canada, taken outside the context of this organisation and rarely mentioned inside it, prevents a balanced and constructive dialogue and is counter-productive to finding an appropriate multilateral solution to this unresolved issue within NAFO.

This aside, Mr Chairman, there are many other issues on our agenda this year to which we wish to make our contribution. These include on-going discussions on measures to combat IUU activities, where we support stronger coordination across the North Atlantic between NAFO and NEAFC. When it come to the details of our "Green Bible", the CEM, we also feel strongly that technical regulations with respect to specific fisheries should be consistent, adaptable and sensitive to the daily practicalities of our fisheries sectors, within the over all conservation and management framework in which they are implemented. Our delegation will be raising some specific issues in this regard in the Fisheries Commission.

Finally, on behalf of all members of our delegation, we once again look forward to working constructively with all delegations during this year's meeting.

Annex 7. Opening Statement by the Representative of France (in respect of St. Pierre et Miquelon)

Mister Chairman, delegates, ladies and gentlemen,

It is an honor and a pleasure for me to be here attending this NAFO meeting for the first time.

I would like to thank the Canadians authorities and the secretariat for providing us a high level of logistical support for this meeting.

Under your guidance chairman, significant progress has been achieved during the recent years, and I hope this meeting will be as fruitful as expected.

This year, as everyone knows, we have several important issues for consideration.

At this stage, I would like to formulate the following comments about those different issues.

The first concerns the reform of this organisation which has concentrated most of the attention of the contracting parties during the past 6 months.

Decided in the aftermath of the Saint John ministerial context, a consensus was found on the need to modernize quickly this organisation in order to get a better governance of this part of this Atlantic Ocean.

NAFO has for a long time played a leading role among the RFMO and we consider that this process is a way to preserve it.

The changes introduced in that new text are significant and it's probably true to say that this exercise was not an updating amendment and that if we decide to ratify these elements our organisation will work on new basis.

Under the efficient guidance of the chairman's working group, a common view was found on most of the issues this working group had to deal with. Still, there remain few items we will have to discuss about in order to find a balanced approach of this new text. As far as France is concerned, we will be of the view to keep the momentum on that issue and to proceed as fast as possible on those pending issues.

Among them, we consider as a priority to achieve the debate on decision making which aims at improving the efficiency with tool such as an ad hoc panel expert and in the same way preserve the sovereign right of one Party to object. The new mechanism strikes a balanced compromise between these two elements and we hope it could be finalised.

Concerning the work of the Commission it self, we share most of the views expressed in the chairman's text but we would also like to add some wordings about the allocation criteria regarding the contracting parties, and I insist on the plural, whose communities are primarily dependant on fishing for stocks in the NAFO area. Indeed, we consider it reflects the reality as it is now.

Regarding the debate about the budget, we do not see it as priority to be dealt with in the context of that reform, even if we can understand the concern raised by the US and we are ready to discuss it further if needed.

From a procedural point of view, given the substantial elements integrated in the text, the French authorities will have to go through a long ratification procedure with Parliament debate. Nevertheless, given the significant changes introduced, we consider as useful to apply at least some of these elements on a voluntary basis as far as possible.

Regarding, the rest of the issues which will be discussed during these 5 days to come, we have some concerns about the state of the Greenland halibut stock and we will have to start thinking about some long term solutions to be implemented when the multi-annual management plan will be over.

On the other hand, the news is not too bad on some other stocks such as shrimp or yellow tail flounder and there probably room for manoeuvre in that regard.

Having said that, and as we stressed it before, we, like some others coastal state around the table are highly dependent on that fishing resources and will always consider as a priority to preserve a minimum allocation share even if small.

Last, we do not forget in the context of the discussions to come in the UN concerning bottom trawling, that NAFO as a responsible organisation must continue to progress on the issue of data collection and criteria which could be used in order to close some areas to some fishing gears. We would insist to conduct such an exercise on solid scientific elements.

So, France in respect of Saint-Pierre-et-Miquelon, with due regard to what I mentioned before, approaches its work in that important meeting with an open mind as regards to what will be the final outcomes.

Annex 8. Opening Statement by the Representative of the Republic of Korea

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is a great honor and pleasure for me to participate in this 28th Annual Meeting of the Northwest Atlantic Fisheries Organization, and to meet all of you here in this beautiful city of Dartmouth.

On behalf of Korean delegation, I would like to express our special gratitude to the government of Canada and the NAFO Secretariat for the devotion and endeavor in organizing and preparing this important meeting.

Mr. Chairman,

Let me take this opportunity to mention that the Republic of Korea is actively participating in global efforts to achieve sustainable fisheries as one of world's large-scaled fishery states in terms of both production and consumption.

In this regard, I am pleased to inform you that the Korean government has recently decided to ratify the UN Stock Agreement in an effort to further strengthen its responsibility and widen its role for the management and conservation of fisheries resources.

It is expected that the government's plan for the ratification of the agreement will be implemented through the approval of the National Assembly, hopefully, by the beginning of next year.

Korea has also actively involved in efforts for the conservation and management for fish stocks in the Northwest Atlantic in close cooperation with other NAFO member states since it joined the organization in 1993.

However, as you are well aware of, Korean fishing vessels could have not actually made any fishing activity in the NAFO waters up until now, due to the economically insufficient quota allocated to Korea.

Mr. Chairman,

It is Korean government's constant and rational view that all members of an organization should share the responsibilities and benefits of concerned membership.

In this regard, I would like to kindly request that the Korean fishing quota be favorably revised in due consideration of historical fishing records and actual contribution to the organization or other possible arrangements be made for joining fishing activity even in minimum scale.

Closing my remarks, Korea welcomes the initiative for organization's reform and hopes that the NAFO's mandate and function will be updated in conformity with other related international instruments for the conservation and management of fish stocks in efficient manner.

And we hope to see that good progress for the reform will be made during this meeting by elaborating more tangible and broadly accepted contents, and by fairly reflecting interests of each member states to achieve our eventual goal, the harmonization between conservation and use of resources, ensuring sustainable fisheries.

Thank you.

Annex 9. Opening Statement by the Representative of the Russian Federation

Mr. Chairman, distinguished delegates, ladies and gentlemen,

We all are witnesses and participants of one of the most important events in the history of NAFO. Problems accumulated for years have entailed the necessity to reform he Organization. Russia takes an active part from the very beginning of this not simple process having put forward a number of constructive proposals. By now, the most topical issues have been identified and mutual understanding between Contracting Parties on how to resolve many of them has been reached. This gives grounds for a sound optimism and strong belief in the success of the NAFO reform, which in the result will greatly contribute to the management of living marine resources in the Northwest Atlantic for the benefit of the present and future generations.

One more important issue I would like to touch upon is harmonization of mesh size regulations within and outside the 200-mile limit of the Canadian Zone in the target redfish fishery in Div.3O. The current mesh sizes used in the Canadian Zone, NEAFC Zone and NAFO Regulatory Area are 90 mm, 100 mm and 130 mm, respectively. Russian Federation is interested in harmonization of mesh size in all three aforementioned areas and one of the ways to do it is to establish a unified 90-100 mm mesh size in the target redfish fishery in Division 3O and Subareas 1-3. I am convinced that both scientific data available and just common sense evidence in favor of making such a decision.

In conclusion let me wish the 28th Annual Meeting of NAFO to attain a success and express a hope that decisions to be made during this meeting will be balanced and meet both mutual and national interests of all Contracting Parties.

Thank you for your attention.

Annex 10. Opening Statement by the Representative of Japan

Mr. Chairman, distinguished delegates and observers,

It is a pleasure for Japan to participate in this twenty-eight annual meeting of NAFO in Dartmouth and I wish to thank the Canadian government and the Secretariat for all the arrangements.

At the last year's annual meeting, the organization made an important decision for reform of NAFO. Japan appreciates the remarkable progress of discussion for the reform including the amendments of the Convention and support the direction the organization is heading since last year. Japan believes that, it is essential for NAFO to review and improve its objectives and functions to accommodate it to the modern standards and needs that the regional fisheries organization is required, including ecosystem approach, MCS measures in provided in the UN stock agreement, of which Japan became a Contracting Party just last month .

Many stocks managed by NAFO are still in low status now and Japan has only one vessel engaging in fishery in NAFO Convention area. Japan would like to express our commitment to the work for rebuilding those stocks, in particular Greenland halibut and strengthening monitoring and control for ensuring sustainable fisheries in NAFO Convention area as well as the fundamental review of the Organization.

Thank you.

Annex 11. Opening Statement by the Representative of Ukraine

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is a pleasure for the Ukrainian delegation to greet all the participants of the 28th Annual Meeting of NAFO. We are enjoying staying in Halifax and we would like to thank the Canadian Government and NAFO Secretariat for hosting the meeting.

The Ukrainian Party encourages all the processes aimed at modernizing the Organization in relation to the improvement of conservation and recovery of fish stocks, fair allocation of quotas, decision-making process and other important issues.

Our delegation is looking forward to working with the participants on the constructive and friendly basis and we wish success to the meeting.

Thank you

Annex 12. List of Actions and Agreed Decisions of General Council

Agenda item:	**Action/Decision:**
Item 9	General Council clarified that partial payments will be treated as non-payment for the purpose of voting rights. Therefore, a Contracting Party that has not paid fully for two consecutive years loses its voting rights.
Item 8	General Council agreed to incorporate STACFAC into STACTIC and changing the Rules of Procedure - GC WP 06/3
Item 8	General Council agreed on a text for the decision-making procedures for the new Commission - GC WP 06/6
Item 8	General Council agreed on a new text for Article VI – Paragraph 7 GC WP 06/7 (adopted)
Item 8	Agreed on an intersessional meeting of the General Council regarding reform issues

Annex 13. Agenda

I. Opening Procedure

1. Opening by the Chair, David Bevan (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity
6. Guidance to STACFAD necessary for them to complete their work (Monday)
7. Guidance to STACFAC necessary for them to complete their work (Monday)

II. New Initiatives

8. Reform of NAFO
    - Report from the Working Group on NAFO Reform (Chair of the WG)
    - Assessment and Next Steps
    - Guidance to STACTIC necessary for them to define the priorities in order to strengthen the monitoring, control and surveillance (MCS) regimes

III. Supervision and Coordination of the Organizational, Administrative and other Internal Affairs

9. Review of Membership of the General Council and Fisheries Commission
10. Administrative Report (STACFAD)
11. Progress Report of the Secretariat (by the Executive Secretary)
12. Review and Adoption of the New Contract for the Executive Secretary
13. Any matters regarding Staff Rules

IV. Coordination of External Affairs

14. Report of Executive Secretary on meetings of FIRMS and CWP
15. United Nations General Assembly
    - May 2006 Review Conference on 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
    - UNGA Resolution 59/25 on Sustainable Fisheries – para 66

V. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention

16. Consideration of non-Contracting Party activity in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
17. Report of STACFAC at the Annual Meeting and decisions on actions

VI. Finance

18. Report of STACFAD at the Annual Meeting
19. Adoption of the Budget and STACFAD recommendations for 2007

VII. Closing Procedure

20. Time and Place of Next Annual Meeting
21. Other Business
22. Press Release
23. Adjournment

Annex 14. FAO Statement to the 28th Annual Meeting of NAFO

Mr. Chairman, distinguished delegates and observers:

FAO is very grateful for the invitation extended by the Secretariat of the Northwest Atlantic Fisheries Organization (NAFO), to observe Twenty-eighth Annual Meeting. FAO has been keeping a close and effective working relationship with NAFO and desires to continue such collaboration.

FAO appreciates, in particular, the cooperativeness of the NAFO Secretariat in responding to FAO's periodic requests for information relating to NAFO's activities. Such collaboration greatly assists FAO in meeting its global fisheries reporting responsibilities.

The important role of regional fishery bodies (RFBs) in contributing to ensure sustainable and responsible fisheries management all over the world has been increasingly recognized. The Twenty-sixth Session of the FAO Committee on Fisheries (COFI) and the Ministerial Meeting on Fisheries held in March 2005 in Rome underscored the importance of RFBs, in particular, Regional Fisheries Management Organizations (RFMOs) and expressed their expectation that these organizations would take the lead as we move toward more responsible fisheries. The Fourth Meeting of Regional Fishery Bodies held just after the COFI also reconfirmed the important role of RFBs in sustainable fisheries. We are now in the mid of preparation for the next session of COFI and the meeting among Secretariats of RFBs both scheduled to be held in March 2007 and expect active participation of NAFO in those meetings as it has done so far.

RFMOs were recognized as the primary mechanism for international cooperation in conserving and managing straddling fish stocks and highly migratory fish stocks during the Review Conference on the UN Fish Stock Agreement held in May 2006. It was widely agreed that the improvement of regional organizations' functioning and alignment of their conventions and adopted measures with the Agreement's standards should be a priority. The implementation of precautionary and ecosystem-based approaches to fisheries management and strengthening of monitoring, control and surveillance regimes were underscored among others in order to modernize RFMOs. The need for performance reviews based on transparent criteria was also underscored. NAFO was listed as one of RFMOs undertaking comprehensive reviews with respect to the provisions of the Agreement.

There are significant diversity existing among RFBs. Some do not have mandate to manage fisheries. Some are new and need more experiences of collaborative and collective regional fishery governance. There are a couple of initiatives going on in establishing new RFMOs. Among those RFBs, NAFO is one of the world's leading RFMOs having a long history and much experience in the management of sustainable fisheries and expected, as a model for other RFMOs, to continue playing a significant role in regional action to secure sustainable and more responsible fisheries management in the Northwest Atlantic Ocean.

Mr. Chairman,

I will carefully observe the proceedings of this meeting and report back to the management of FAO's Fisheries Department.

Let me conclude, Mr Chairman, by saying that I bring to the meeting greetings from FAO's Assistant Director-General for Fisheries, Mr Ichiro Nomura. He wishes the meeting's every success in its deliberations.

Thank you very much, Mr. Chairman, for the opportunity to make this statement on behalf of FAO.

Annex 15. Closing Remarks by the WWF Observer

Thank you Mr. Chairman and again WWF extends appreciation to NAFO and the Contracting Parties for welcoming us as observers of your Annual Meeting.

We would like to acknowledge the interventions by select Contracting Parties in not only welcoming WWF to this Annual Meeting, but also in recognizing the important contributions a global conservation organization such as WWF can make to the NAFO process - now and in future. I personally wish to acknowledge that select Heads of Delegation have taken the time during this Annual Meeting to speak with me directly about WWF and our continuing role in this regard. These exchanges have been welcome, constructive – and very candid.

With a view to long-term participation in the NAFO process - it is in this same spirit of candor and constructiveness that WWF will offer a few reflections on what we have observed during your deliberations this week.

On NAFO Reform:

The intense effort and investment many have committed to this important initiative is not lost on WWF – and we are pleased to broadly - yet cautiously - welcome the package of reform measures. We congratulate NAFO on strengthening its Convention in key areas –including commitment to ecosystem considerations. However some concerns remain.

Nonetheless - It is our hope for NAFO that the measures you have agreed to will prove effective in time when tested – as they surely will be.

On WWFs expectations for reform and this Annual Meeting

At the WWF hosted reception Monday night – delegates will recall that we outlined some of our key measures of success for NAFO which we fully expected progress to be made against during this annual meeting. These included:

- Commitment to recovery planning for all stocks under moratoria;
- Commitment to significantly reducing bycatch;
- Commitment to protect sensitive habitats such as seamounts and corals.

On the first point, as indicated in Fisheries Commission Working Paper 06/22, we are encouraged by the request of the Fisheries Commission to Scientific Council on informing how to rebuild stocks outside of safe biological limits.

However, NAFO has not yet fully met expectations under the second point; namely bycatch reduction. We view this as a set back to your reform process particularly in reference to your revised Objective of long term conservation and sustainable use of fishery resources. However, we can but look to the future and to WWF's role in continuing to monitor and, where possible, influence NAFO onto a more sustainable path in this regard.

Yet we are very encouraged at progress made on protecting critical habitat such as seamounts and corals in the NW Atlantic - and acknowledge the leadership demonstrated by Canada in tabling this proposal – and to the Contracting Parties in agreeing in principle to its implementation.

While we remain somewhat concerned over the detail in this proposal, including allowing for exploratory fishing on such critical habitat, we are encouraged by these important first steps. We hope that in the process of refinement that will follow, that the strengths of the proposal are not negotiated or defined out.

I look forward to reporting back to colleagues in the global WWF network, whom I have been privileged to represent this week. I will report both on NAFO's success during this Annual Meeting, as well as its setbacks.

It is our hope that WWF can also look forward to being part of the NAFO process in future.

Thank you.

Annex 16. 2006 Annual Meeting Press Release

NAFO Reform in Full Swing

DARTMOUTH, NS, CANADA –The Northwest Atlantic Fisheries Organization (NAFO) made great progress with its ground-breaking reform agenda during the annual meeting from 18-22 September 2006. About 200 delegates from 12 member countries were able to resolve a number of issues related to an integrated oceans management approach, strengthened decision-making processes and improved control of the fisheries in the international waters of the Northwest Atlantic.

NAFO Moving Towards an Ecosystem Approach

NAFO is committed to an ecosystem approach to fisheries management which will be reflected in the Convention. The new provisions include an expansion of NAFO's mandate to minimize harmful impact on living marine resources and marine ecosystems, and that preserve marine biological diversity.

NAFO Toughens Monitoring, Control and Surveillance

NAFO adopted measures to strengthen the follow-up of infringements and to ensure the application of sanctions against vessels committing serious infringements. Other important provisions restrict port access for vessels that engage in illegal, unreported and unregulated (IUU) fishing. These measures go hand in hand with the new blacklist for IUU vessels that NAFO will publish for the first time on its website.

NAFO Will Improve Decision-Making

NAFO is developing an improved decision making process within the Organization. A new objection procedure is being considered to place extra burden on individual parties that do not want to implement Commission decisions. The planned provisions foresee a mechanism for impartial review panels and dispute settlement procedures.

NAFO Undertakes Important Efforts to Protect Seamounts

NAFO takes an important first step to protect sensitive deepwater habitats such as seamounts and corals. Delegates decided to impose a ban on bottom trawling on seamounts in the Northwest Atlantic. In addition, Scientific Council has been requested to assess corals in the NAFO Convention Area which will allow their future protection.

NAFO Adopts a Resolution to Reduce Sea Turtle Mortality

NAFO adopted a resolution that will contribute to the protection of sea turtles and expand our knowledge of these vulnerable animals in the Northwest Atlantic. Measures in this regard will include reducing the bycatch of sea turtles in fishing operations, extensive scientific data collection programmes, and the sharing of data with other international organizations.

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Additional highlights of the meeting can be found in the attached backgrounder.

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2006 Annual Meeting (18 – 22 September 2006)

Backgrounder

France (in respect of St. Pierre et Miquelon) celebrated the 10th Anniversary of joining NAFO and invited all to a beautiful reception on Wednesday evening. During this occasion the Préfet de Saint-Pierre et Miquelon, Monsieur Yves Fauquer, addressed NAFO delegates, stressing the importance of fishery resources for the population of Saint Pierre et Miquelon.

The **General Council** was chaired by David Bevan (Canada). It discussed the new Convention text and reviewed administrative matters.

Under the chairmanship of Antonio Vázquez (EU) the **Scientific Council** conducted assessments of fish stocks in the NAFO Convention Area during its three meetings over the last 12 months and reported its recommendations to Fisheries Commission. Highlights included that shrimp stocks continue to be strong in the Northwest Atlantic together with yellowtail flounder that has been on a recovery path since 1997. Thorny skate biomass continues to be stable but at a lower level than during the mid-1990s. On the other hand, many other stocks are at low levels and the Scientific Council had to advise that a moratorium for nine stocks needed to be maintained.

The Scientific Council noted a continuous warming of the sea in the Northwest Atlantic since the mid-1990s.

The meeting was preceded by an international **Symposium entitled "Environmental and Ecosystem Histories in the Northwest Atlantic – What Influences Living Marine Resources?"** 58 participants reviewed climatic, physical and biological factors, dynamics and comparisons of the ecosystems, as well as social and economic consequences of change throughout the Northwest Atlantic area.

The next NAFO symposium will be held in October 2007 and is entitled "Reproductive and Recruitment Processes in Exploited Marine Fish Stocks". The objective of the symposium is to review the reproduction, early life history, and recruitment in exploited fish. It will take place in Lisbon, Portugal after the Annual Meeting 2007.

NAFO Fisheries Commission, chaired by Vladimir Shibanov (Russian Federation) discussed and adopted a number of fishery measures for the NAFO Regulatory Area. Attached is the table of Total Allowable Catches (TAC) and quotas agreed at this session.

Meetings

Prior to the Annual Meeting, the following NAFO meetings were held during 2006: (1) Working Group on Reform (Montreal, Canada, 25-28 April); (2) Scientific Council Regular Meeting (Dartmouth, N.S., Canada, 1-15 June); (3) Standing Committee on International Control (STACTIC) (Copenhagen, Denmark, 12-15 June). (4) Working Group on Reform (Lunenburg County, NS, Canada, 12-15 September).

The meeting was attended by about 200 delegates from twelve Contracting Parties - Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and United States of America.

NAFO Executive Secretary

22 September 2006, Dartmouth, NS, Canada

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Annex I.A of NAFO CEM - Annual Quota Table

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2007 of particular stocks in Subareas 1-4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Species	Cod			Redfish				American plaice		Yellowtail	Witch	
Division/Contracting Party	3L	3M	3NO	3LN	3M	3O	Sub-Area 2 and Div. 1F+3K	3LNO	3M	3LNO	3L	3NO
Canada		0	0	0	500	6000	520[2,4]	0	0	15112[5]		0
Cuba		0	-	0	1750		520[2,4]	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69		13010[2,3]	-	-	-		-
European Union		0[11]	0[11]	0[11]	7813[12]	7000	13010[2,3] 3383[2,15]	0	0[11]	-		0[11]
France (St. Pierre et Miquelon)		-	-	-	69		520[2,4]	-	-	310[5]		-
Iceland		-	-	-	-		13010[2,3]	-	-	-		-
Japan		-	-	-	400	150	520[2,4]	-	-	-		-
Korea		-	-	-	69	100	520[2,4]	-	-	-		-
Norway		0	-	-	-		13010[2,3]	-	-	-		-
Russia		0	0	0	9137	6500	13010[2,3]	-	0	-		0
Ukraine						150	520[2,4]					
United States of America		-	-	-	69		520[2,4]	-	-	-		-
Others		0	0	0	124	100	-	0	0	78[5]		0
TOTAL ALLOWABLE CATCH	*	*[16]	*	*	5000[8]	20000	16914[10,17]	*	*[16]	15500[9]	*	*[16]

Species	White hake	Capelin	Skates	Greenland halibut	Squid (Illex)[1]	Shrimp	
Division/Contracting Party	3NO	3NO	3LNO	3LMNO	Sub-areas 3+4	3L	3NO
Canada	2500	0	2250	1778	N.S. [6]	18325	
Cuba		0		-	510	245	
Denmark (Faroe Islands and Greenland)		-		206	-	245	
European Union	5000	0[11]	8500	6951[18]	N.S. [6] 611[13]	1225[14]	
France (St. Pierre et Miquelon)		-		194	453	245	
Iceland		-		-	-	245	
Japan		0		1215	510	245	
Korea		-		-	453	245	
Norway		0		-	-	245	
Russia	500	0	2250	1512	749	245	
Ukraine				-		245	
United States of America		-		-	453	245	
Others	500	-	500	0[7]	794	0	
TOTAL ALLOWABLE CATCH	8500	*	13500	11856	34000	22000	*

* Ban on fishing in force – The provisions of Article 9, paragraph 1.b) shall apply.

1. Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.
2. The Contracting Parties shall notify the Executive Secretary every second week of catches taken by its vessels from this allocation until accumulated reported catch reaches 50%, after which time weekly notification shall apply. The Executive Secretary shall notify without delay all Contracting Parties the dates on which accumulated reported catch taken by vessels of Contracting Parties estimated equal to 50% and then 100% of that allocation.
3. Quota to be shared by vessels from Denmark (Greenland and Faroe Islands), European Union, Iceland, Norway and Russia. Catches in the NAFO Convention Area shall be deducted from the quotas allocated in the NEAFC Convention Area.
4. Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.
5. Contracting Parties shall inform the Executive Secretary before 1 December 2006 of the measures to be taken to ensure that total catches do not exceed the levels indicated.
6. The allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC (= 29.458 tons).

7. In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.
8. Each Contracting Party shall notify the Executive Secretary every second week of catches taken by its vessels from this stock until accumulated reported catch reaches 50%, after which time weekly notification shall apply. Not more than 2500 tons may be fished before July 1, 2007. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 50% and then 100% of the TAC.
9. The provisions of Article 9, paragraph 1.b) of the Conservation and Enforcement Measures shall apply.
10. In the case of the NEAFC decision which modifies the level of TAC in 2007 as compared with 2006, these figures shall be accordingly adjusted by NAFO and formalized through a mail vote.
11. Including fishing entitlements of Estonia, Latvia, and Lithuania following their accession to the European Union and in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7).
12. Including allocations of 1571 tonnes each for Estonia, Latvia and Lithuania out of a sharing of 20,000 tonnes, following their accession to the European Union.
13. Allocations of 128 tonnes each for Estonia, Latvia and Lithuania as well as 227 tonnes for Poland out of a TAC of 34,000 tonnes, following their accession to the European Union.
14. Including allocations of 245 tonnes each for Estonia, Latvia, Lithuania and Poland out of a TAC of 22000 tonnes, following their accession to the European Union
15. Allocation of 3019 tonnes for Lithuania and 364 tonnes to Latvia following their accession to the European Union.
16. Applicable to 2007 and 2008.
17. The quota shares in footnotes 4 and 15 can only be fished in the NAFO Regulatory Area. If an increase in the overall TAC as defined in footnote 10 leads to an increase in these shares, the first 500 tonnes of that increase shall be added to the quota share referred to in footnote 4.
18. Including an allocation of 389 tonnes for Estonia, Latvia, and Lithuania following their accession to the European Union.

Annex I.B of NAFO CEM
Effort Allocation Scheme for Shrimp Fishery in the NAFO Regulatory Area Div. 3M, 2007

CONTRACTING PARTY	NUMBER OF FISHING DAYS	NUMBER OF VESSELS
Canada	456	16
Cuba	100	1
Denmark 1) - Faroe Islands 2) – Greenland	 1606 515	 8 14
European Union	3293[1]	33[1]
France (in respect of St Pierre et Miquelon)	100	1
Iceland	N/A	N/A
Japan	100	1
Korea	100	1
Norway	1985	32
Russia	2100	N/A
Ukraine	100	1
USA	100	1

[1] Including fishing entitlements transferred from Poland (100 fishing days with one vessel), Estonia (1667 fishing days with 8 vessels), Latvia (490 fishing days with 4 vessels) and Lithuania (579 fishing days with 7 vessels) following their accession to the European Union.

Annex I.C of NAFO CEM
Rebuilding Plan for 3LMNO Greenland Halibut

Species	**Greenland halibut**	**Greenland halibut**	**Greenland halibut**	**Greenland halibut**
Division/ Contracting Party	**3LMNO 2004**	**3LMNO 2005**	**3LMNO 2006**	**3LMNO 2007**
Canada	2223	2112	2056	1778
Cuba	-	-	-	-
Denmark (Faroe Islands and Greenland)	-	244	238	206
European Union	8203	8254[3]	8038[4]	6951[5]
France (St Pierre et Miquelon)	-	230	224	194
Iceland	-	-	-	-
Japan	1519	1443	1405	1215
Korea	-	-	-	-
Norway	-	-	-	-
Russia	1890	1796	1748	1512
Ukraine	-	-	-	-
United States of America	-	-	-	-
Others	985[1]	0[2]	0[2]	0[2]
TOTAL ALLOWABLE CATCH	**14820**	**14079**	**13709**	**11856**

[1] Of which no more than 60% may be fished before 1 May in each year.

[2] In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.

[3] Including an allocation of 461 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

[4] Including an allocation of 450 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

[5] Including an allocation of 389 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

Annex 17. Article XIV – Implementation of Commission Decisions (GC WP 06/6)

(changes are either underlined or in bold)

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, any other Contracting Party may similarly object prior to the expiration of the additional twenty day period, or within fifteen days after the date of transmittal specified in the notification to the Contracting Parties of any objection presented within that additional twenty-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 shall then become a binding measure on such a Contracting Party.

4. At any time after the expiration of one year from the date on which a measure enters into force, any Contracting Party may give to the Executive Secretary notice of its intention not to be bound by the measure, and, if that notice is not withdrawn, the measure shall cease to be binding on that Contracting Party at the end of one year from the date of receipt of the notice by the Executive Secretary. At any time after a measure has ceased to be binding on a Contracting Party under this paragraph, the measure shall cease to be binding on any other Contracting Party upon the date a notice of its intention not to be bound is received by the Executive Secretary.

5. Any Contracting Party which has presented an objection to a proposal under paragraph 2 or given notice of its intention not to be bound by a measure under paragraph 4 shall at the same time provide an explanation for its reasons for taking this action. This explanation shall specify whether the reasons for taking this action is that the Contracting Party considers that the proposal or measure is inconsistent with the provisions of this Convention, or that the proposal or measure unjustifiably discriminates in form or in fact against it. 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 Article II.

6. The Executive Secretary shall immediately notify each Contracting Party of:
a) the receipt of each objection and withdrawal of objection under paragraphs 2 and 3;
b) the date on which any proposal becomes a binding measure under the provisions of paragraph 1;
c) the receipt of each notice under paragraph 4; and
d) each explanation and description of alternative measures received under paragraph 5

7. In the event that any Contracting Party invokes the procedure set out in paragraphs 2, 4 and 5, <u>it may at the same time request that an ad hoc expert Panel be convened in accordance with Annex II.</u>

8. <u>Should an ad hoc expert Panel not be requested pursuant to paragraph 7,</u> the Commission <u>shall</u> decide, on the basis of a majority mail vote, <u>whether</u> to convene an ad hoc expert Panel in accordance with Annex II.

9. <u>Where, pursuant to paragraph 8, the Commission decides not to convene an ad hoc Panel,</u> any Contracting Party may request a meeting of the Commission to review the proposal or measure of the Commission and the alternative measures.

10. Any ad hoc expert Panel established pursuant to paragraph 7 or 8 shall review the alternative measures and the proposal or measure of the Commission and make recommendations to the Commission on:
(a) whether the alternative measures proposed in paragraph 5 are in accordance with Article II and preserve the rights of all Contracting Parties, and
(b) whether the explanation pursuant to paragraph 5 is well founded, and whether the proposal or measure of the Commission should be ~~**maintained,**~~ modified~~**, or**~~ amended**, and if so, how, or maintained** or revoked.

11. Thirty days following the procedures set out in paragraph 10, the Commission shall meet, to consider the recommendations of the ad hoc panel.

12. Where the procedures set out in paragraphs 7 to 11 have been concluded, any Contracting Party may invoke the dispute settlement procedures set out in Article XV.

Article XV

5. If the Contracting Parties to the dispute 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 to the dispute so requests, to binding dispute settlement procedures set out in Part XV of the 1982 Convention or Part VIII of the 1995 Agreement.

If binding dispute settlement procedures are invoked in accordance with this paragraph, the Contracting Parties to the dispute, unless they agree otherwise, shall apply provisionally any recommendation made by the ad hoc panel pursuant to paragraph 3, or, where applicable, Article XIV (10). Such provisional application of the panel's recommendation shall cease when the Contracting Parties to the dispute 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.

Addition to Annex II

11. In relation to the ad hoc Panel established pursuant to Article XIV, paragraphs 7 and 8, the Parties shall be deemed to be the Commission and the objecting Contracting Party and the provisions of this Annex shall apply, with the exception of paragraphs 3 and 4(e).

Annex 18. Amendment to Article VI – Paragraph 7
(GC WP 06/7)

Article VI – Paragraph 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 ***the interest of the relevant Coastal States***. In the allocation of catches 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 activities 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.

PART II

Report of the Standing Committee on Finance and Administration (STACFAD)

28th Annual Meeting, September 18-22, 2006 Dartmouth, Nova Scotia, Canada

1. Opening by the Chair

The first session of STACFAD was opened by Fred Kingston (EU) on 18 September 2006.

The Chair welcomed delegates and members of the NAFO Secretariat to the meeting.
Present were delegates from Canada, European Union, France (in respect of St. Pierre et Miquelon), Norway, Russia, and the United States of America (Annex 1).

2. Appointment of Rapporteurs

Stan Goodick (NAFO Secretariat) was appointed Rapporteur.

3. Adoption of Agenda

The provisional agenda was adopted as amended (Annex 2).

4. Auditor's Report for 2005

The Auditor's Report was circulated to the Heads of Delegation of the General Council and STACFAD delegates in advance of the Annual Meeting.

Delegates were advised that the auditing firm of Grant Thornton LLP, Chartered Accountants had been engaged to audit the financial statements of the Organization. The Senior Finance and Staff Administrator for NAFO presented the Auditor's Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the year ended 31 December 2005.

It was noted in the Auditor's Report that the Organization has a policy not to capitalize capital assets and has not recorded a liability for retroactive salary adjustments. The Committee was informed that the third and final payment of the retroactive salary liability was paid during 2006 and therefore this item will not appear in future reports. It should be noted that in order to assist with the Organization's cash flow situation the respective employees had voluntarily accepted a deferred payment plan over a three-year period.

Other than the failure to record the liabilities and capital assets referred to in the preceding paragraph, the audit determined the financial affairs of the Organization had been conducted in accordance with the Financial Regulations and budgetary provisions of NAFO and presented a fair and accurate accounting of the financial affairs of the Organization.

The Auditors noted the Organization's accounting policy for uncollectible accounts states contributions that are one year in arrears will be deemed uncollectible for the purposes of the current financial budget year as approved by the General Council. However, in practice outstanding contributions are not considered in the financial statements until they are two years in arrears. **STACFAD recommended that the accounting policy for uncollectible accounts be that an allowance for uncollectible accounts be recorded for contributions that are two payments in arrears**.

STACFAD recommended that the 2005 Auditor's Report be adopted.

5. Administrative and Financial Statements for 2006

The Committee reviewed the Administrative Report and Financial Statements for 2006 provided in document GC Doc. 06/2, Revised.

Under Membership, the Secretariat stated that it had received from Canada (Depositary) notification of Bulgaria's withdrawal from the NAFO Convention which will become effective 31 December 2006. Regarding fishery statistics, concerns were again expressed regarding the timeliness and accuracy of submissions of Catch Reports that are needed, not only for the scientific assessment of fisheries activities, but also in the calculation of Contracting Party contributions. **Delegates were urged to convey this message to their respective authorities and ensure future compliance with this NAFO requirement.**

STACFAD noted that two NAFO staff members will retire later this year. STACFAD expressed its appreciation to Ferne Perry, Senior Publications Manager, who served NAFO for 32 years and Dorothy Auby, Office Manager, for her 25 years of service. STACFAD thanks them for their dedication to the Organization and wishes them all the best on their retirement.

The Senior Finance and Staff Administrator for NAFO presented the Financial Statements for the fiscal year ending 31 December 2006. As a result of postponing the hiring of staff, delaying projects and cancelling expenditures, the Secretariat predicts that it will be able to reduce its appropriations by approximately $250,000. He noted that the unprecedented outstanding contributions by Contracting Parties had forced the Secretariat to reduce expenditures because of cash flow concerns and the possibility of not being able to meet its financial obligations. These outstanding contributions are as follows:

	2005	2006
BULGARIA		**$ 30,419**
CUBA		**30,577**
KOREA		**30,419**
UKRAINE	**$ 31,175**	**30,735**
USA	**86,368**	**208,889**
TOTAL	**$117,543**	**$331,039**

Concern was expressed regarding the unprecedented level of outstanding contributions.

The Delegates from the USA indicated that they did not yet know the level of funds that will be available to pay its 2007 contribution. STACFAD noted the existing practice of applying payments received from Contracting Parties with outstanding contributions towards their oldest debt.

STACFAD recommended that the Contracting Parties take immediate action to meet their financial obligations and bring financial stability to the Organization.

Because Bulgaria will no longer be a Contracting Party of NAFO next year, STACFAD recommended that the outstanding contribution from Bulgaria ($30,419) be deemed uncollectible and that this amount be applied against the accumulated surplus. Annex 3 outlines total outstanding contributions from Bulgaria which includes previous arrears. **In addition, STACFAD recommended that outstanding contributions from Ukraine ($31,175) and USA ($86,368) for the year 2005 should also be deemed uncollectible at the end of the current fiscal year if payments are not received by 31 December 2006 and that this amount be applied against the accumulated surplus.** The USA emphasized that it did not consider that deeming its outstanding 2005 contribution uncollectible for the purposes of the 2007 financial year cancelled its obligation to pay all assessed contributions. STACFAD requested that the Secretariat provide background information regarding the possibility of collecting interest on outstanding contributions.

6. Review of the Accumulated Surplus Account

The Committee reviewed the Statement of Accumulated Surplus for the Year Ending 31 December 2006 (estimated from 31 July 2006) as reflected in Statement IV of the Financial Statements contained in NAFO/GC Doc 06/2 (revised).

A discussion arose based on STACFAD Working Paper 06/1 (revised) presented by the Secretariat concerning accumulated surplus and cash flow. As a result of outstanding contributions, the Secretariat may once again be faced with the possibility of not being able to meet its financial obligations in early 2007. In particular, the Executive Secretary was concerned that the $250,000 in savings NAFO had achieved in 2006 would not be credited to the operations of the Organization if the normal

practice of maintaining a $125,000 accumulated surplus for the following year was followed. Moreover the deeming of any 2005 outstanding contributions as uncollectible, while helpful, was still insufficient to resolve the current cash flow problem.

The Committee considered various options that would allow the Secretariat to function sufficiently in 2007. A combination of raising the accumulated surplus account to the maximum limit of 20% (according to Rule 4.4 of the Financial Regulations) and deeming uncollectible the amounts owed in 2005 was considered to be the best way forward. In addition, voluntary payment of the contributions in 2007 in two instalments, as recommended in 2005, was supported.

As a result, **STACFAD was of the opinion that the current cash flow situation be considered an emergency in accordance with Rule 4.4 of the Financial Regulations. As a consequence, STACFAD recommended that an amount representing 20% of the proposed 2007 budget, namely $291,800, be maintained as the minimum balance in the Accumulated Surplus Account. STACFAD stresses that this extraordinary recommendation be considered as an interim measure pending the resolution of the current financial situation**. **STACFAD also recommended that the Secretariat bill Contracting Parties in two instalments to encourage part of the contributions to be paid earlier and thus enable the Secretariat to have sufficient cash flow to operate in early 2007.** STACFAD also advised the Executive Secretary to prioritize and align resources when authorizing expenses.

STACFAD expressed its deep concern about this ongoing situation and felt that additional instruments were needed to help the Organization to manage this type of situation. In this regard, STACFAD asked the Secretariat to develop proposals for the next Annual Meeting concerning possible additional instruments. These include the establishment of a contingency reserve fund, charging interest on outstanding contributions, the authorization to borrow funds from private institutions, and the possibility of private sponsorship.

7. Reform of NAFO

a) Amendment of Financial Regulations

The following questions have been referred to STACFAD by the W.G. on Reform:

- Is it feasible to incorporate the list of species for the contribution formula into the financial regulations?

  The Committee was not able to come to a consensus on this question. While such a provision was unproblematic to most participants, some were concerned that a simple majority would suffice to alter this important financial instrument. It was discussed whether a qualified majority, be it two third or three quarters, would address this concern. Russia , however, expressed the view that the species list should be maintained in the Convention to allow for greater stability and predictability.

- Is it feasible to include a stipulation that financial auditors should be changed at regular intervals in the financial regulations?

  STACFAD participants agreed in principle that a provision in the Financial Regulation to change auditors at regular intervals is feasible. The Committee felt, however, that it was not necessary to stipulate a fixed term. In this regard the Committee proposed adding a new Rule 7.10 to the Financial Regulations as follows: “The Auditors shall be changed at regular intervals”.

b) Headquarters Agreement

STACFAD had already addressed the lack of a formal Headquarters Agreement in previous years without resolution. This year, the Secretariat submitted STACFAD Working Paper 06/02 with additional information. STACFAD stated that a Headquarters Agreement appears to be the desirable form of arrangement with the host country. However, the item was not discussed in depth, as the Reform Working Group had already agreed on a provision for a Headquarters Agreement in an amended NAFO Convention.

8. Staff Rules

The Committee discussed the possibility of amending some provisions of the NAFO Staff Rules as follows:

a) Consideration of Staff Rule 3.1 – Ceiling on renewal of contract of the Executive Secretary. The item had been deferred to Heads of Delegations who decided to maintain the current provision.

b) New Rule 9.6(e) for a proposed repatriation grant. STACFAD was unable to reach a consensus on a repatriation grant as proposed in STACFAD WP 06/3. Some Delegates expressed concern that the lack of a repatriation grant is not in conformity with the practice in many other international organizations. Delegates agreed to defer this item to the next Annual Meeting.

c) Separation Indemnity (Staff Rule 9.5). **STACFAD recommended amending Rule 9.5(a) of the Staff Rules to read: *"In the event of separation from service with the Secretariat, members of the Secretariat shall be compensated an indemnity equivalent to the rate of two (2) weeks current salary for every year of service, free of all deductions except statutory deductions, limited to a maximum of 40 weeks;"*** STACFAD could not come to a consensus on the issue of eliminating Staff Rule 9.5 (b) and (c) and deferred the item to the next Annual Meeting.

d) Compensation for the term appointment of a Deputy Executive Secretary (when applicable). **STACFAD recommended that a new rule be included in the NAFO Staff Rules as follows: *"The Executive Secretary may appoint a Coordinator to be the Deputy Executive Secretary for the term of one or two years (renewable). This appointment will be compensated with 10% of the Coordinator's annual salary."*** However, the implementation of this rule should be deferred until the financial crisis has been overcome.

e) Installation allowance. **STACFAD recommended that Staff Rule 8.6 (e) be amended as follows: *"An installation allowance of up to two months net salary plus up to two months salary advance to be repaid within one year without interest in the case of internationally relocating members of the Secretariat"***

9. Classification and Salaries

The Executive Secretary introduced STACFAD W.P. 06/7 proposing to reclassify the Personal Assistant to the Executive Secretary to the level of Senior Personal Assistant to the Executive Secretary. **STACFAD recommended the reclassification of this position to take effect on 1 January 2007**.

The performance of the Executive Secretary was deferred to Heads of Delegations who decided on the level of at-risk pay to be awarded to the Executive Secretary for 2006. Heads of Delegation also decided to renew the contract with the Executive Secretary without an at-risk salary component. That means the performance evaluation of the Executive Secretary and the drafting of criteria for this purpose will not be necessary in the future.

10. Results of the Call for Tender for VMS Service Provider

In September 2005, the General Council, upon the endorsement of STACFAD, requested the Secretariat to consider a re-tendering process for the VMS service provider. In June 2006, the VMS re-tendering process was discussed at the STACTIC meeting and it was decided that STACTIC would review the proposals from interested VMS providers. The Call for Tender (closing 31st August 2006) was circulated to the Contracting Parties and was posted at the NAFO website after the STACTIC June 2006 meeting.
The Secretariat received tenders from nine (9) different companies, which were forwarded to STACTIC for evaluation and decision.

STACFAD recommended that General Council commits to funding fully any necessary expenses related to a possible change of the VMS service provider pending a STACTIC evaluation of tenders. STACFAD also recommended that General Council urge Fisheries Commission to base its decision on the new VMS provider not only on technical specifications but also on ensuring that financial considerations are taken into account.

11. Renewal of Lease for NAFO Headquarters

The lease for NAFO Headquarters comes up for renewal in 2007. The Secretariat is satisfied with the present accommodations and has conveyed this to the Public Works and Government Services Canada (PWGSC). STACFAD expressed appreciation to Canada for the good accommodations. Canada confirmed at the meeting that the lease will be renewed for an additional 5-year term. It was requested that NAFO be informed officially of the terms of renewal.

12. Budget Estimate for 2007

STACFAD reviewed the budget estimate presented by the Secretariat (GC WP 06/1). **STACFAD recommended that that costs associated with delegation rooms during NAFO Meetings should be the responsibility of the individual Contracting Party, not the Organization.**

Points of note are the following:

- the addition of a possible term appointment of a Deputy Executive Secretary – see the recommendation under agenda item 8(d)
- provision for an installation allowance – see the recommendation under agenda item 8(e)
- the provision for the Annual Meeting reception may not have to be used as the next Annual Meeting will be hosted by Portugal.
- the details concerning the provisions for public relations are contained in STACFAD WP 06/8.

After deliberations on the various budget items, the budget proposal was accepted in full. **STACFAD recommended that the budget for 2007 of $1,459,000 (Annex 4) be adopted.**

A preliminary calculation of billings for the 2007 financial year is provided in Annex 5.

13. Budget Forecast for 2008 and 2009

STACFAD reviewed the preliminary budget forecast for 2008 ($1,476,000) and 2009 ($1,513,000) (Annex 6) and approved the forecast in principle. It was noted that the budget for 2008 will be reviewed in detail at the next Annual Meeting. Russia expressed its expectation that the work of an IT Manager should have the effect of further reducing expenses related to his duties and reducing proposed future budgets.

14. Adoption of 2007 Staff Committee Appointees

The Secretariat nominated three individuals to become members of the Staff Committee for the next year. They are: Jim Baird, Bill Brodie, and Fred Kingston. The Secretariat expressed their gratitude to outgoing members. **STACFAD recommended that General Council appoint the three nominees.**

15. Time and Place of 2007 - 2009 Annual Meetings

The dates of the 2007 Annual Meeting in Lisbon (Portugal) are as follows:

Scientific Council	-	24 September- 3 October
General Council	-	24 – 28 September
Fisheries Commission	-	24 – 28 September

STACFAD recommended that

The dates of the 2008 Annual Meeting (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

Scientific Council	**-**	**22 September - 1 October**
General Council	**-**	**22 - 26 September**
Fisheries Commission	**-**	**22 - 26 September**

The dates of the 2009 Annual Meeting (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

Scientific Council	**-**	**21 - 25 September**
General Council	**-**	**21 - 25 September**
Fisheries Commission	**-**	**21 - 25 September**

For budgetary planning purposes, STACFAD urged that any invitations by a Contracting Party to host an Annual Meeting be issued as early as possible.

16. Other issues including any questions referred from the General Council during the current Annual Meeting

Upon request of the General Council, STACFAD reviewed the new draft contract for the Executive Secretary and provided the General Council with its comments in this regard.

The Secretariat is requested to provide information for the next Annual Meeting on the practice in other international organizations concerning termination of duties of Members of the Secretariat.

STACFAD requested that the Executive Secretary present on an annual basis a report on the state of the Organization.

Upon request of the Chair of the Scientific Council to have a formal Scientific Council representative in STACFAD, the Committee suggested that the Scientific Council provide a formal request.

17. Adjournment

The final session of the STACFAD meeting adjourned on 21 September 2006.

Annex 1. List of Participants

Name	Contracting Party
Bob Steinbock	Canada
Fred Kingston	European Union
Manfred Stein	European Union
Patrick Brenner	France (in respect of St. Pierre et Miquelon)
Turid B. Rodrigues Eusébio	Norway
Leonid Kokovkin	Russian Federation
Deirdre Warner-Kramer	United States of America
Pat Moran	United States of America
Johanne Fischer	NAFO Secretariat
Stan Goodick	NAFO Secretariat
Bev McLoon	NAFO Secretariat

Annex 2. Agenda

1. Opening by the Chair, Fred Kingston (EU)

2. Appointment of Rapporteur

3. Adoption of Agenda

4. Auditor's Report for 2005

5. Administrative and Financial Statements for 2006

6. Review of Accumulated Surplus Account

7. Reform of NAFO
   - Amendment of Financial Regulations:
     i. Review of list of species for the contribution formula
     ii. regular change of financial auditors
   - Headquarters Agreement

8. Staff Rules
   - Consideration of Staff Rule 4.1 – Ceiling on renewal of Contract of the Executive Secretary
   - Repatriation grant
   - Compensation for the term appointment of the Deputy Executive Secretary (when applicable)
   - Separation Indemnity
   - Installation Allowance

9. Classification and Salaries

10. Results of the Call for Tender for VMS Service Provider

11. Renewal of Lease for NAFO Headquarters

12. Budget Estimate for 2007 (including items discussed under separate agenda items in previous years, such as Pension, Public Relations, Translation, Digitization)

13. Budget Forecast for 2008 and 2009

14. Adoption of 2007 Staff Committee Appointees

15. Time and Place of 2007 - 2009 Annual Meetings

16. Other issues including any questions referred from the General Council during the current Annual Meeting

17. Adjournment

Annex 3. Schedule of Outstanding Contributions from Bulgaria

The following is a summary of outstanding contributions from Bulgaria:

1 January – 31 December 1993	$ 18,109.12
1 January – 31 December 1994	14,893.10
1 January – 31 December 1995	16,614.28
1 January – 31 December 1996	15,944.93
1 January – 31 December 1997	15,002.75
1 January – 31 December 1998	16,121.90
1 January – 31 December 1999	16,267.88
1 January – 31 December 2000	16,842.79
1 January – 31 December 2003	21,479.52
1 January – 31 December 2004	24,266.74
1 January – 31 December 2005	31,175.41
1 January – 31 December 2006	30,418.75
	$237,137.17

Annex 4. Budget Estimate for 2007
(Canadian Dollars)

	Approved Budget 2006	Projected Expenditures 2006	Preliminary Budget Forecast 2007	Budget Estimate 2007
1. Personal Services				
a) Salaries	$792,000	$738,000	$762,000	$781,000
b) Superannuation and Annuities	86,000	72,000	82,000	82,000
c) Group Medical and Insurance Plans	93,300	78,300	87,000	73,000
d) Termination Benefits	32,000	24,000	28,000	33,000
e) Accrued Vacation Pay	1,000	1,000	3,000	1,000
f) Clerical (CR) Retroactive Salary Liability	27,700	27,700	-	-
g) Overtime Pay	12,000	6,000	12,000	12,000
2. Additional Help	15,000	-	15,000	30,000
3. Communications	30,000	24,000	30,000	25,000
4. Computer and Web Services				
Computer and Web Services	21,000	16,000	21,000	30,000
Vessel Monitoring System	76,000	65,000	67,000	81,000
5. Contractual Services	43,000	52,000	41,000	43,000
6. Equipment	10,000	5,000	10,000	10,000
7. Materials and Supplies	31,000	16,000	31,000	35,000
8. Meetings				
Annual General Meeting and Scientific Council Meetings	81,500	71,500	75,000	71,000
Inter-sessional Meetings	30,000	13,000	30,000	30,000
Scientific Council Special Session	7,500	2,500	7,500	5,000
Annual Meeting Reception	20,000	-	20,000	20,000
Hospitality Allowance	5,000	1,000	5,000	5,000
9. Professional Development	20,000	-	10,000	25,000
10. Publications	20,000	15,000	20,000	20,000
11. Public Relations	7,000	-	10,000	10,000
12. Recruitment and Relocation	28,000	27,000	-	-
13. Travel	30,000	10,000	35,000	37,000
	$1,519,000	$1,265,000	$1,401,500	$1,459,000

Notes on Budget Estimate 2007
(Canadian Dollars)

Re Item 1(a)	**Salaries** Salaries budget estimate for 2007. Through retirement and the reorganization of duties, staffing levels will be reduced by one full time employee for 2007.		$781,000
Re Item 1(b)	**Superannuation and Annuities** Employer's portion (includes employer normal cost, past service liability and early retirement provisions) and administration costs.		$82,000
Re Item 1(c)	**Group Medical and Insurance Plans** Employer's portion of Canada Pension Plan, Employment Insurance, Group Life Insurance, Long Term Disability Insurance and Medical Insurance.		$73,000
Re Item 1(d)	**Termination Benefits** This figure is for 2007 credits and conforms to NAFO Staff Rule 9.5.		$33,000
Re Item 2	**Additional Help** Digitization and translation of NAFO Observer Program data for Scientific Council		$30,000
Re Item 3	**Communications**		$25,000
	Telephone and fax	$11,000	
	Postage	10,000	
	Courier/Mail service	4,000	
Re Item 4	**Computer and Web Services**		
	Computer and Web Services:		$30,000
	• Computer supplies and equipment	$16,000	
	• Software updates	10,000	
	• Consulting and maintenance	3,000	
	• Web hosting	1,000	
	Vessel Monitoring System (VMS)		$81,000
	• Replacement of VMS Server to include the purchase of new hardware, configuration, installation, transferring existing data and testing.	$46,000	
	• Annual Operating Expenses	35,000	
Re Item 5	**Contractual Services**		$43,000
	Leases:		
	• Print department printer	$10,500	
	• Photocopier	6,300	
	• Postage meter	5,200	
	Maintenance Agreements:		
	• Photocopier and printers	5,000	
	Other Contracts:		
	• Audit	8,000	
	• Consulting and legal fees	5,000	
	• Fidelity bond and fire insurance	2,700	
	• P.O. box rental	300	

Re Item 8	**Meetings**		
	i) Annual General Meeting and Scientific Council Meetings: This figure includes the cost for the 29th Annual Meeting, September 2007 and the Scientific Council Meeting, June 2007, both to be held in Halifax/Dartmouth, Nova Scotia, Canada, and the Scientific Council Shrimp Assessment Meeting, November 2007, venue to be determined.		$71,000
	ii) Inter-sessional Meetings (General provision)		30,000
	iii) Annual Meeting Reception		20,000
	iv) Scientific Council Special Session		5,000
	v) Hospitality Allowance		5,000
Re Item 9	**Professional Development** Training and internships		$25,000
Re Item 10	**Publications** Conservation and Enforcement Measures, Convention, Inspection Forms, Journal of Northwest Atlantic Fishery Science, Meeting Proceedings, Rules of Procedure, Scientific Council Reports, Scientific Council Studies, etc.		$20,000
Re Item 13	**Travel** Travel costs associated with the following:		$37,000
	i) the Co-ordinating Working Party on Fish Statistics (CWP) 22nd Session, and the Fisheries Resources Monitoring Systems (FIRMS) Steering Committee 4th Session, of the Food and Agriculture Organization (FAO) of the United Nations (UN), February 2007, at FAO Headquarters, Rome, Italy; and,	$13,000	
	ii) Miscellaneous and unforeseen travel; and,	10,000	
	iii) the Scientific Council Coordinator's home leave to Sweden; and,	7,000	
	iv) the UN Consultative Process on the Oceans and Law of the Sea at UN Headquarters, June 2007, New York, USA; and,	5,000	
	v) the Annual Meeting of the International Fisheries Commissions Pension Society, April 2007, Ottawa, Ontario, Canada.	2,000	

Annex 5. Preliminary Calculation of Billing for 2007

Preliminary calculation of billing for Contracting Parties against the proposed estimate of $1,459,000 for the 2007 financial year (based on 12 Contracting Parties to NAFO). (Canadian Dollars)

Budget Estimate	$1,459,000.00
Deduct: Amount from Accumulated Surplus Account	162,630.00
Funds required to meet 2007 Administrative Budget	$1,296,370.00

60% of funds required =	$777,822.00
30% of funds required =	388,911.00
10% of funds required =	129,637.00

Contracting Parties	Nominal Catches for 2004	% of Total Catch in the Convention Area	10%	30%	60%	Amount Billed
Canada (1)	565,991	52.63%	$75,018.15	$32,409.25	$409,367.72	$516,795.12
Cuba (1)	1,114	0.10%	-	32,409.25	777.82	33,187.07
Denmark (in respect of Faroe Islands and Greenland) (2)	180,771	16.81%	23,959.93	32,409.25	130,751.88	187,121.06
European Union (1)	56,019	5.22%	-	32,409.25	40,602.31	73,011.56
France (in respect of St. Pierre et Miquelon) (1)	5,534	0.51%	733.49	32,409.25	3,966.89	37,109.63
Iceland	7,588	0.71%	-	32,409.25	5,522.54	37,931.79
Japan	1,861	0.17%	-	32,409.25	1,322.30	33,731.55
Republic of Korea	-	-	-	32,409.25	-	32,409.25
Norway	12,430	1.16%	-	32,409.25	9,022.74	41,431.99
Russian Federation	17,684	1.64%	-	32,409.25	12,756.28	45,165.53
Ukraine	579	0.05%	-	32,409.25	388.91	32,798.16
United States of America (1)	225,779	21.00%	29,925.43	32,409.25	163,342.61	225,677.29
	1,075,350	100.00%	$129,637.00	$388,911.00	$777,822.00	$1,296,370.00
Funds required to meet 1 January - 31 December 2007 Administrative Budget						$1,296,370.00

(1) Provisional Statistics used when calculating 2004 nominal catches which have not been reported from Contracting Parties.

(2) Faroe Islands = 6,944 metric tons
Greenland = 173,827 metric tons

Annex 6. Preliminary Budget Forecast for 2008 and 2009 (Canadian Dollars)

	Preliminary Budget Forecast for 2008	Preliminary Budget Forecast for 2009
1. Personal Services		
a) Salaries	$822,000	$855,000
b) Superannuation and Annuities	86,000	89,000
c) Group Medical and Insurance Plans	75,000	80,000
d) Termination Benefits	36,000	34,000
e) Accrued Vacation Pay	1,000	1,000
f) Overtime Pay	12,000	13,000
2. Additional Help	15,000 [a]	15,000 [a]
3. Communications	25,000	25,000
4. Computer and Web Services		
Computer and Web Services	25,000	25,000
Vessel Monitoring System	70,000 [c]	70,000 [c]
5. Contractual Services	43,000	45,000
6. Equipment	10,000	10,000
7. Materials and Supplies	33,000	33,000
8. Meetings		
Annual General Meeting and Scientific Council Meetings	78,000 [b]	72,000 [b]
Inter-sessional Meetings	30,000	30,000
Scientific Council Special Session	5,000	5,000
Annual Meeting Reception	20,000	21,000
Hospitality Allowance	5,000	5,000
9. Professional Development	15,000	15,000
10. Publications	20,000	20,000
11. Public Relations	10,000	10,000
12. Travel	40,000	40,000
	$1,476,000	$1,513,000

[a] Additional help forecast is a continuation of Scientific Council recommendation of digitizing observer data.

[b] Forecasted costs associated with Annual Meetings, September 2008/2009 and Scientific Council Meetings June and November 2008/2009.

[c] Vessel Monitoring System forecasts for 2008/2009 include $35,000 each year for programming changes, if required.

PART III

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

28th Annual Meeting, September 18-22, 2006
Dartmouth, Nova Scotia, Canada

1. Opening by Vice-Chair

The Vice-Chair, Mr. Gene Martin (United States) opened the meeting at 14 30 hrs on Monday September 18, 2006. The meeting was attended by representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union, Iceland, Norway and the United States of America.

2. Election of the Chair

In December 2005, the former STACFAC Chair (Nadia Bouffard) resigned due to a position change. Canada nominated Mr. Gene Martin as Chair and this motion was seconded by Norway and adopted by acclamation. The delegate from European Union nominated Jeff MacDonald as Vice-Chair and delegates approved this nomination.

3. Appointment of Rapporteur

Ms. Marie-Eve Rouleau (Canada) was appointed rapporteur.

4. Adoption of Agenda

General Council recommended that the IUU List was added to the agenda under item 6bis. This recommendation was approved by the STACFAC delegates and the agenda was adopted as modified.

5. Joint NAFO and NEAFC scheme to promote compliance by NCP vessels (continued discussion on Norwegian proposal – STACFAC WP 04/8)

Norway presented the informal discussion paper that was originally introduced in 2004. There was a general consensus among participants that NAFO and NEAFC should recognize the IUU List elaborated by the other body. Since all members of NEAFC are members of NAFO, it was understood that it may be easier to start this project in NAFO. There was a discussion regarding whether to implement a joint scheme by a Memorandum of Understanding (MoU) between the two organisations or through the convening of a joint meeting.

Norway tabled a proposal (Annex 7) of a MoU that would institute reciprocal recognition by contracting Parties of NAFO and NEAFC of the IUU List in each organisation. In this paper, Norway also presented how the Scheme to promote compliance by NCP vessels contained in NAFO's Conservation and Enforcement measures (CEM) could be amended to implement a joint scheme. Several Contracting Parties supported the concept of amending the articles of the CEM to allow the possibility of recognition of the NEAFC IUU List. There was concern raised, however, that such an amendment may not be appropriate under authorities established in the Convention. After further deliberations, Contracting Parties agreed to move forward with developing the concept of recognizing the NEAFC IUU List by amending the CEM scheme. Contracting Parties volunteered to draft the proposed amendments which are contained in Annex 5. Several Contracting Parties concluded that the draft amendments adequately addressed the concerns previously raised by delegates.

6. Review of 2006 information on activities of non-Contracting Party vessels in the Regulatory Area.

Canada indicated that a joint patrol formed by Canada and EU sighted 5 NCP vessels which are flagged to Georgia. These vessels were sighted by a Canadian patrol vessel at the end of July in division 1F. These vessels have been sighted in the NRA in past years fishing under other names and flags. The vessels were presumed to be fishing oceanic redfish. Based on information provided by Canada and EU, the names of the vessels were as follows:

1. Carmen, former Ostovets
2. Eva, former Oyra
3. Isabella, former Olchan
4. Juanita, former Ostroe
5. Ulla, former Lisa, Kadri

Canada specified that on the last report of the aerial surveillance, these vessels were still present but were not engaged in fishing activities.

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

6bis. IUU List

Delegates first evaluated the letter sent to Georgia by the Secretariat which indicated that the five vessels were placed on a Provisional IUU List and whether the Scheme to promote compliance by non-Contracting party vessels was followed. In general, delegates agreed that the procedure was followed correctly by the NAFO Secretariat and made the following recommendations to the Executive Secretary who was present at the meeting.

Delegates reiterated the importance of the NAFO Secretariat sending the information to the NCP concerned in a timely manner. It is sometimes difficult to contact the Chair before sending the information. To correct this problem and clarify the wording of the Scheme, the Chair and Norway made some suggestions and delegates agreed to amend the following articles:

> 46.3 At the same time, the Secretariat, to the extent practicable, shall, in consultation with the Chair of STACFAC, advise relevant non-Contracting Parties of the vessels flying their flag that have been included in the Provisional List and provide the following information to the non-Contracting Party
>
> 47.5 The Secretariat shall place the IUU List on the NAFO website. This list shall include the name and flag state of the vessel and, where available, the IMO number, the previous name(s), the previous flag state(s), the radio call signal.
>
> 48 a) vessels appearing in the IUU List are not authorized to land, tranship, refuel or re-supply, except for reason of *force majeure* or, engage in fish processing operations or in any other activity in preparation for or related to fishing in their ports or waters under their jurisdiction.

Delegates also made recommendations to the Secretariat that the Provisional List be posted on the first page of the secure website to facilitate access to the information by all Contracting Parties. All relevant information such as correspondence or surveillance reports should be included as well.

Regarding the IUU List posted on the NAFO webpage, delegates recommended the Secretariat include direct links to the public IUU Lists of other Regional Fisheries Management Organisations (RFMO). The direct link will ensure that the information is accurate and correspond to the frequent modifications made by each RFMO. Delegates also recommended that the Secretariat add any information or links to such information received from the flag State of the IUU vessel or from the Contracting Parties in the additional information column.

Delegates also recommended that the Secretariat explore access to the Lloyds Registry in order to improve the compiling of information and its distribution to all Contracting Parties and RFMO. Delegates recommended that the Secretariat report to the next STACTIC meeting the feasibility of obtaining access to the Lloyds Registry and the advantages of such access.

Delegates next considered whether to move the vessels on the Provisional List to the IUU List. Given the repeated sightings of these vessels in NAFO and NEAFC Regulatory Areas and the fact that Georgia has not provided any substantive additional information to NAFO concerning these vessels within 30 days after the letter to Georgia was sent, Contracting Parties agreed to recommend to the General Council that these 5 vessels be moved from the Provisional List to the IUU List.

The Chair undertook the task to draft a letter to Georgia (Annex 6) regarding the establishment of the IUU List. The United States agreed to take the responsibility to demarche that letter to Georgia.

7. Review of 2006 information on landings and transhipments of fish caught by non-Contracting Party vessels in the Regulatory Area

No information on transhipments and landings of fish by Non-Contracting Parties in the NAFO Regulatory Area was presented for 2006.

There were however transhipment activities by Non-Contracting Party vessels sighted in the NEAFC Regulatory Area. NEAFC Secretariat has informed NAFO of transhipments occurring on the POLESTAR from known IUU vessels.
Canada indicated the excellent cooperation among the Contracting Parties and some non-Contracting Parties as the POLESTAR has still been denied permission to land despite known attempts to do so in Korea, Japan and Hong Kong. Iceland and Norway also made multiple contacts to avoid the landing of the POLESTAR.

The Chair noted these reports indicated that the scheme was successfully hindering the activities of IUU vessels and incurring higher costs to their activities.

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

No information on imports of species was presented for 2006.

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

Canada presented information regarding its diplomatic contacts. It recalled that in September 2005, a letter was sent to Dominica which resulted in the de-registration of the IUU vessels. This year, Canada contacted Georgia on August 8 regarding the IUU vessels presently in the NRA. On August 16, the Maritime Transport Administration of Georgia sent a letter to the chartered companies of the boats asking them to remove their vessels or to contact NAFO to obtain a licence and quotas. Since then, no Contracting Parties received further information from Georgia.

Norway indicated that it concluded a bilateral fish control agreement with Morocco which includes the refusal to land from vessels listed in the IUU List in NEAFC. Norway encouraged Parties to develop such agreements.

10. Reform of NAFO, in particular the possibility of merging STACFAC and STACTIC

Delegates agreed with the merger of STACFAC and STACTIC for the sake of efficiency and recommended such merger to the General Council. Delegates expressed their hope that STACTIC will be able to invest enough time in the discussions regarding IUU activities by non-Contracting Parties. Delegates recommended to the General Council to amend the Rules of Procedures and the CEM to represent the merging of the two standing committees.

11. Report and Recommendations to the General Council

STACFAC recommends to the General Council that:

1. the five vessels listed in the Provisional List be moved to the IUU List as presented in Annex 4;
2. a letter (Annex 6) signed by the President of NAFO be sent to Georgia to inform the authorities of the inclusion of the five vessels in the IUU List;
3. the General Council review and adopt the proposed amendments to 46.3, 47.5 and, if necessary, 48 a) of the CEM (listed under agenda item 6bis);
4. the General Council review and adopt the proposed amendments of the CEM as listed in Annex 5;
5. amendments to the Rules of Procedures and the CEM be adopted to reflect the merging of STACFAC and STACTIC;
6. the General Council review and approve the recommendations made to the Secretariat as listed under agenda item 6bis;
7. the Secretariat report to the next STACTIC meeting the feasibility of obtaining access to the Lloyds Registry and the advantages of such access;
8. the General Council review and adopt the proposed amendments of the CEM as listed in Annex 9, provided bracketed text is resolved.

12. Other Matters

STACTIC Chair in consultation of STACFAC Chair determined that STACTIC W.P. 06/32 (Revision 4) was more appropriately a STACFAC matter since it involves amendments to the Scheme to promote compliance by non-Contracting party vessels. Delegates agreed to add this item to their agenda. Some reservations were mentioned by delegates and bracketed text was provided. Delegates decided, due to time constraints, to recommend that the General Council review the amendments and take a decision regarding this matter or to defer this item to the next STACTIC meeting.

13. Adjournment

The Committee adjourned at 1230 hr on September 21, 2006.

Annex 1. List of Participants

Name	Contracting Party
Keith Lewis	Canada
Jeff MacDonald	Canada
Marie-Eve Rouleau	Canada
Martin Kruse	Denmark (in respect of Faroe Islands & Greenland)
Hermann Pott	EU
Kristjan Freyr Helgason	Iceland
Jan Pieter Groenhof	Norway
Gene Martin	USA
Deirdre Warner-Kramer	USA

Annex 2. Agenda

1. Opening by the Vice-Chair, Gene Martin (USA)

2. Election of Chair

3. Appointment of Rapporteur

4. Adoption of Agenda

5. Joint NAFO and NEAFC scheme to promote compliance by NCP vessels (continued discussion on Norwegian proposal - STACFAC W.P. 04/8)

6. Review of 2006 information on activities of non-Contracting Party vessels in the Regulatory Area

6bis. IUU List

7. Review of 2006 information on landings and transhipments of fish caught by non-Contracting Party vessels in the Regulatory Area

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

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

10. Reform of NAFO, in particular the possibility of merging STACFAC and STACTIC

11. Report and Recommendations to the General Council

12. Other Matters

13. Adjournment

Annex 3. Provisional List (STACFAC WP 06/3, Rev. 3)

Find below the Provisional List of IUU Vessels for 2005 and 2006. All correspondence and other information related to IUU fishing is compiled in STACFAC W.P. 06/2. At this Annual Meeting STACFAC will for the first time elaborate a NAFO IUU list (black list). To enable STACFAC to do this work, the Secretariat has put together information received from Contracting Parties regarding sightings of NCP vessels in the NRA which are presumed to have undermined the NAFO Conservation and Enforcement Measures. These tables can also be found on the NAFO member site: http://members.nafo.int/content/gc/stacfac/ncp-list.html

2006 Provisional List of IUU Vessels

Vessel Name (+known previous name)	***Current Flag State (known prev. Flag State)***	***Radio Call Sign (RC)***	***Registration Number (XR)***	***IMO Number***	***Sighting Information Summary***	***Charterer (Name & Address):***	***Additional Information***
Carmen (Ostovets)	Georgia (Dominica)	4LSK	M-01037	8522030	NAFO Div. 1F; sighted July 25, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Eva (Oyra)	Georgia (Dominica)	4LPH		8522119	NAFO Div. 1F; sighted July 31, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Isabella (Olchan)	Georgia (Dominica)	4LSH	M-843857	8422838	NAFO Div. 1F; sighted July 31, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Juanita (Ostroe)	Georgia (Dominica)	4LSM		8522042	NAFO Div. 1F; sighted July 30, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Ulla (Lisa, Kadri)	Georgia (Dominica)	unknown	unknown	8606836	NAFO Div. 1F; sighted July 23, 2006	(Operated by): Global Invest Ltd. Calle 1, Laloma Edificio Peach Tree, Apt. 3(A) Panama City, Panama	

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

Annex 4. IUU List

IUU List of Vessels for 2006

Vessel Name (+known previous name)	***Current Flag State (known prev. Flag State)***	***Radio Call Sign (RC)***	***IMO Number***	***Sighting Information Summary***	***Additional Information***
Carmen (Ostovets)	Georgia (Dominica)	4LSK	8522030	NAFO Div. 1F; sighted July 25, 2006	
Eva (Oyra)	Georgia (Dominica)	4LPH	8522119	NAFO Div. 1F; sighted July 31, 2006	
Isabella (Olchan)	Georgia (Dominica)	4LSH	8422838	NAFO Div. 1F; sighted July 31, 2006	
Juanita (Ostroe)	Georgia (Dominica)	4LSM	8522042	NAFO Div. 1F; sighted July 30, 2006	
Ulla (Lisa, Kadri)	Georgia (Dominica)	unknown	8606836	NAFO Div. 1F; sighted July 23, 2006	

Annex 5. Changes proposed in order to recognise NEAFC IUU-listed vessels through the NAFO CEM

Article 42:
New para 1 bis (para between existing para 5 and 6):
For the purposes of paragraph 1, recognizing the adjacent boundary of the NRA with the Convention Area of North East Atlantic Fisheries Commission (NEAFC); the existence of stocks that straddle the boundary between these areas; and the global nature of IUU vessel activities, a non-Contracting Party vessel that has been placed on the NEAFC IUU list is presumed to be engaging in fishing activities in the NRA and thereby undermining the effectiveness of Conservation and Enforcement Measures.

Changes with regard to existing para 2
Information regarding <u>sightings or identifications as specified in paragraph 1</u>….

Article 47:
New 5 bis (para between existing para 5 and 6)
The Secretariat shall transmit the IUU List and any relevant information regarding the list, including the reasons for listing or de-listing each vessel, to the Secretariat of NEAFC with a request to circulate this to all NEAFC Contracting Parties. The Secretariat shall also circulate the IUU List to other Regional Fisheries Management Organisations.

New 6 bis (para after existing para 6)
Upon receipt of NEAFC's IUU List and any relevant information regarding the list, the Secretariat shall circulate this information to the Contracting Parties. Notwithstanding paragraph 2, vessels that have been added to or deleted from the NEAFC IUU List that are flagged to non-Contracting Parties shall be incorporated into or deleted from the NAFO IUU List as appropriate, unless any Contracting Party objects within 30 days of the date of the transmittal by the Secretariat on the grounds that:

1. there is satisfactory information to establish that any of the requirements in paragraph 3 a) – d) have been met with regard to a vessel placed on the NEAFC IUU list, or
2. there is satisfactory information to establish that none of the requirements in paragraph 3 a) – d) have been met with regard to a vessel taken off the NEAFC IUU list.

In the event of an objection to a NEAFC IUU-listed vessel being incorporated into or deleted from the NAFO IUU List, such vessel shall be placed on the Provisional List. Article 46 shall not apply to vessels placed on the Provisional List pursuant to this paragraph.

Annex 6. Letter to Georgia from the President of NAFO

Address (appropriate interlocutor, Georgia Foreign Ministry, Georgia Ministry of Agriculture, and Georgia Maritime Transport Administrator)

On behalf of the Contracting Parties to the Northwest Atlantic Fisheries Organization (NAFO) and further to our correspondence of August 11, 2006, we are writing to inform you that the following five fishing vessels flagged to Georgia have been placed on NAFO's Illegal, Unreported and Unregulated (IUU) List of fishing vessels: *Carmen (IMO # 852203), Eva (IMO # 852219), Isabella* (*IMO # 8422838), Juanita (IMO# 8522042), and Ulla (IMO# 8606836).* This action was taken at NAFO's annual meeting (18-22 September 2006) as a follow-up to these fishing vessels being placed on NAFO's Provisional IUU List. Your government was informed in the letter from NAFO on August 11, 2006 (Attachment 1) that these vessels were being placed on the Provisional IUU list based on sightings of the vessels in the NAFO Regulatory Area by a Canadian patrol vessel. These vessels are presumed by NAFO to be undermining the effectiveness of the NAFO's Conservation and Enforcement Measures (see Attachment 1).

In the August 11 letter, you were requested to take measures in accordance with Georgia's applicable legislation to ensure that the vessels in question desist from any activities that undermined the effectiveness of the NAFO Conservation and Enforcement Measures. You were also asked to report to the NAFO Secretariat by September 10, 2006, of the results of any inquiries/measures Georgia has taken in respect of the vessels concerned. In a letter dated September 8, 2006, Georgia's Ministry of Agriculture informed NAFO that it was looking into this matter and would be sending results later. In the absence of any further information concerning remedial actions taken towards these vessels, NAFO Contracting Parties unanimously agreed to place them on the NAFO IUU list. You may be interested to know that all of these vessels have been previously sighted in the NAFO Regulatory Area flying the flag of other flag states and following notification by NAFO, these flag states de-registered the offending vessels.

As provided in Article 47 of NAFO's Conservation and Enforcement Measures, a vessel may be removed from the NAFO IUU List if the vessel's flag state provides certain information warranting the removal. As long as these vessels remain on the NAFO IUU List, they are subject to significant punitive actions by NAFO Contracting Parties, as outlined in Article 48, including the closing of ports to the vessels, the prohibition of transshipments to Contracting Party vessels, the prohibition on licenses to fish in waters of NAFO Contracting Parties and possible trade-related actions by Contracting Parties. In addition, the NAFO's IUU List is posted on a public web site of NAFO and Contracting Parties will share the list with other Regional Fisheries Management Organizations and other non-contracting parties so that such entities may take appropriate action against these vessels.

We trust that Georgia will take appropriate action against these vessels and look forward to receiving information concerning any such actions.

Sincerely,

David Bevan
President of NAFO

cc: other appropriate entities

Annex 7. On Cooperation with regard to Compliance by non-Contracting Party vessels (presented by Norway) (STACFAC Working Paper 06/5 (Revised))

In order to improve effectiveness of the NAFO and NEAFC Schemes to promote compliance by non-Contracting Party vessels, it is suggested that NAFO and NEAFC Contracting Parties should mutually recognise IUU lists of NEAFC and NAFO respectively with regard to vessels flagged to neither NAFO nor NEAFC Contracting Parties.

This may be achieved either through an MoU between NAFO and NEAFC, or through a binding mechanism whereby the NAFO and NEAFC schemes are amended to allow IUU vessels of the other organisations to be placed on the IUU list of the other organisation through a decision mechanism of that organisation.

Attached are alternative proposals to achieve the stated objective.

Notes to the MoU alternative:

With such an MoU, under NAFO, it would likely be up to each state to apply the measures in accordance with the NCP scheme, article 48 – which places obligations on the Contracting Parties, and not on the organisations.

The decision making mechanisms of NAFO and NEAFC would not apply unless an explicit decision procedure for mutual recognition was provided for.

IUU lists refers to non-provisional lists in both organisations.

Notes to the proposal for a binding mechanism:

Rights to object under relevant decision making mechanisms would apply as usual.

Relevant changes could also be made "unilaterally" in the NCP scheme of either NAFO or NEAFC. Relevant changes could otherwise be coordinated in a joint meeting of NAFO and NEAFC.

DRAFT 20.09.2006

MoU

between
Northwest Atlantic Fisheries Organisation (NAFO)
and
North East Atlantic Fisheries Commission (NEAFC)

On Cooperation with regard to Compliance by non-Contracting Party vessels

The Contracting Parties to NAFO and NEAFC, hereinafter the Contracting Parties,

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

Committed to responsible fisheries as well as to combat Illegal, Unreported and Unregulated (IUU) activities,

Recognising that IUU activities undermine the efficiency of the relevant regulatory measures in the NAFO and NEAFC areas and the effectiveness of the relevant conservation and enforcement measures,

Desiring to improve effectiveness of the NAFO and NEAFC Schemes to promote compliance by non-Contracting Party vessels,

Hereby agree as follows:

1. The Contracting Parties shall mutually recognise IUU lists of NAFO and NEAFC respectively with regard to vessels flagged to neither NAFO nor NEAFC Contracting Parties.

2. To this effect,
    a. NAFO Contracting Parties undertake to apply relevant follow-up actions pursuant to Article 48 of the NAFO Control and Enforcement measures to non-Contracting Party vessels on the NEAFC B-list.
    b. NEAFC Contracting Parties undertake to apply relevant follow-up actions pursuant to Article 11 of the Non-Contracting Party Scheme of NEAFC to non-Contracting Party vessels placed on the NAFO IUU list.

3. NAFO and NEAFC secretariats shall, immediately after the adoption of the respective IUU list of NAFO or NEAFC, submit to the other organisation and all Contracting Parties the relevant information regarding such lists, including the reasons for listing or de-listing each vessel.

4. The above is without prejudice to a Contracting Party's right to implement these requirements in conformity with its international obligations and its national legislation, and without prejudice to the right of NAFO and NEAFC to retain or delete an IUU vessel from their respective lists independently of the other organisation.

Scheme adjustment

In the relevant NCP Schemes of NAFO and NEAFC;

1) add provisions to the effect that NAFO and NEAFC secretariats shall, immediately after the adoption of the respective IUU list of NAFO or NEAFC, submit to the other organisation and all Contracting Parties to both organisations the relevant information regarding such lists, including the reasons for listing or de-listing each vessel.

2) add provisions that the relevant decision making authorities of NAFO and NEAFC shall place such non-Contracting Party vessel listed in the other organisation on their IUU list, unless an explicit decision is made not to put it on.

add provisions that the relevant decision making authorities of NAFO and NEAFC shall take such non-Contracting Party vessel de-listed in the other organisation off their IUU list, unless an explicit decision is made to keep it on.

Annex 8. Letter from NAFO to Georgia (from STACFAC WP 06/2) and response from Georgia

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/06-327

11 August 2006

Honourable Mr. Mikheil Svimonishvili
Minister of Agriculture of Georgia
41, Kostava str.
Tbilisi 0179
Georgia

Dear Mr. Minister:

I am writing to you on behalf of the Contracting Parties to the Northwest Atlantic Fisheries Organization (NAFO). NAFO has received information that the following five fishing vessels flagged to Georgia were sighted in the NAFO Regulatory Area and contacted by the Canadian patrol vessel *George R. Pearkes*: *Carmen*, *Eva*, *Isabella*, *Ulla*, and *Juanitaimo* (see Attachment 1). The vessels are suspected to having conducted unauthorized fishing operations in the NAFO Regulatory Area and thus undermined the effectiveness of the NAFO Conservation and Enforcement Scheme (Attachment 2). According to Article 42 of the NAFO Conservation and Enforcement Measures, the NAFO Secretariat has therefore included these vessels on a provisional list of IUU vessels.

You are hereby kindly requested to take measures in accordance with Georgia's applicable legislation to ensure that the vessels in question desist from any activities that undermine the effectiveness of the NAFO Conservation and Enforcement Measures. The NAFO regulations also require that you report to the Secretariat within 30 days from the date of this letter, i.e. by the 10 September 2006, on the results of enquiries and/or measures Georgia has taken in respect of the vessels concerned.

You are cordially invited to attend as an observer the next Annual Meeting of NAFO that will take place in Dartmouth, Nova Scotia, Canada, from the 18 to the 22 September 2006. At this meeting, the NAFO General Council and its "Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area" (STACFAC) will be considering recommendations with respect to the composition of the NAFO IUU List. Your attendance at the meeting will give you an opportunity to further respond to NAFO's request.

I thank you in advance for your earliest possible attention to these matters, and I look forward to your prompt reply on any information you have with regard to the activities of the five vessels mentioned above as well as any appropriate actions taken by Georgia regarding these vessels.

With my highest considerations,

Dr. Johanne Fischer
Executive Secretary

From: info Sent: Fri 9/8/2006 8:00 AM

To: Johanne Fischer

Cc: Bev McLoon

Subject: FW: Ministry of Agriculture of Georgia

Attachments: Ministry of Agriculture

Dear Dr.Johanne Fischer,

Let me inform you, that the Ministry of Agriculture of Georgia received your official letter dated on 11 August 2006 regarding vessels flagged to Georgia which were conducting unauthorized fishing operations in NAFO regulatory area.

We are checking out this matter and we'll answer you the results in nearest days.

Thank you for cooperation,

With best regards,

Levan Chikovani
MINISTRY OF AGRICULTURE OF GEORGIA
Department of Cooperation with International
Organizations and Project Management
Deputy Head

Tel.: +995 32 931958
Mob.: +995 99 769004
Email: lchickovani@yahoo.com

Annex 9. Proposal to modify the IUU measures
(STACTIC Working Paper 06/32 (Revision 4))

Background

The proposal modifies the article 48 concerning the follow-up of IUU vessels in order to ensure the coherence with the NEAFC measures.

Proposal to amend Article 48 "Follow-up action"

Article 48

The text of Article 48 is replaced by the following:

Contracting Parties shall take all the necessary measures **[to the extent possible in accordance with their applicable legislation]** with regard to vessels on the IUU List, including:

a) prohibiting fishing vessels, support vessels, refueling vessels, the mother-ships and cargo vessels flying their flag to assist [IUU vessels] **[vessels on the IUU List]** in any way, engage in fish processing operations or participate in any transshipment or joint fishing operations with vessels on the IUU List;

b) prohibiting the supply of provisions, fuel or other services to vessels on the IUU List.

c) prohibiting the entry into their ports of such vessels, except in case of force majeure;

d) prohibiting the change of crew, except as required in relation to force majeure;

e) refusing authorization of such vessels to fish in waters under their national jurisdiction;

f) prohibiting the chartering of such vessels;

g) refusing to entitle such vessels to fly their flag;

[h) prohibiting where traceable the imports of fish coming from such vessels;]

i) prohibiting the landing of fish coming from such vessels;

j) encouraging importers, transporters and other sectors concerned, to refrain from negotiating and from transshipping of fish caught by such vessels;

k) collecting and exchanging any appropriate information regarding vessels appearing on the IUU List with other Contracting Parties, non-Contracting Parties and other Regional Fisheries Management Organizations with the aim of detecting, controlling and preventing false import/export certificates regarding fish from such vessels.