

## A Note on the Participation of NEAFC in International Processes

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## 1. Introduction

The table below demonstrates that NEAFC is quite firmly embedded in the processes within major international organisations, like UN, FAO and Nordic Groups and has relationships with IGOs in the line of business like ICES, other RFMOs and the environmental Commission for the North-East Atlantic, OSPAR.

<b>Conveners</b>	<b>Title</b>	<b>Time</b>	<b>Place</b>
FAO	26 <sup>th</sup> Meeting of COFI	7-11 March	FAO HQ Rome
RFBs	4th Meeting of RFBs	14-15 March	FAO HQ Rome
NARFMOs	4 <sup>th</sup> Meeting of NARFMOs	15-16 March	FAO HQ Rome
ICES	Client Commissions and MCAP Meeting (Chairs of the ICES Advisory Committees)	4-5 April	ICES HQ, Copenhagen
The Government of Canada	Conference on the Governance of the High Seas and the UNFSA	1-5 May	St. Johns, Newfoundland
UN-DOALOS	Informal Consultation Process	6-10 June	UN HQ, New York
West Nordic Council	West Nordic Conference on fisheries cooperation in NE Atlantic	15-17 June	Tórshavn, Faroe Islands
Nordic Council of Ministers	Nordic international officers meeting the Committee of Nordic Senior Official on Fisheries	2 September	Copenhagen
ICES and NAMMCO	Ecosystem approach theme session ICES Annual Science Conference	September 20-21	Aberdeen
OSPAR	WG on Marine Protected Areas, Species and Habitats	3-7 October	Bristol
IUCN and European Bureau for Conservation & Development	Conference on Marine Biodiversity, Fisheries Management and Marine Protected Areas. Held at the European Parliament	10 November	Brussels

With NEAFC's recent progress in addressing issues in marine management, which are very much in the forefront in public debate and under increasing scrutiny in the run-up to the review of the UN Fish Stock Agreement, it receives a lot of attention and this leads to an increasing number of invitations to participate in conferences, working groups and workshops arranged by IGOs, NGOs and other parties; the list above shows the scope.

The Secretariat has previously reported on standing invitations to participate in OSPAR and IOFC<sup>1</sup> working groups and committees. The number of meeting is quite large and it has not been possible for the Secretariat to participate in any of these meetings except one MASH meeting in OSPAR (see above).

<sup>1</sup> European Marine Strategy - Inter-Organisational Consultation Forum (IOCF). Set up by DG-Environment with participation of Regional Environmental and Fisheries Bodies.

## 2. Basis for Cooperation

### a. Relations with FAO bodies

Following the decision at AM2004 to create an Advisory Group on Data Communication, NEAFC is a de facto custodian of the NAF format. A summary of conclusions and recommendations from the FAO Expert Consultation on Data Formats and Procedures for Monitoring, Control and Surveillance relevant to the CWP was presented in Rome in March this year. This included details on the future adoption of the North Atlantic Format (NAF) for data communications. It was noted that there is an obvious need for coordination between the CWP and the RFMOs in order to keep NAF as a standard. Because of this NEAFC should consider becoming a member of the CWP.

Although not an FAO body, FIRMS, Fishery Resource Monitoring System works in close cooperation with CWP. It is a partnership of Regional Fisheries Bodies<sup>2</sup>. At the last meeting of the FIRMS Steering Group it was decided to invite other RFMOs, including NEAFC, to consider becoming members of FIRMS.

Reasons for considering this is that it would be a big step forward to have an authoritative source of the state of the fishery resources. ICES is already a partner, but it would not be right to have no management input from the North East Atlantic.

### b. Invitations

- To attend the following ICES meetings as observers: Council and ACFM meetings.
- Invitations to attend as observers in the NSRAC meetings (several)
- Invitations to attend as observers in the Pelagic RAC meetings. (Several)
- Invitation to attend 8<sup>th</sup> Meeting of the Conference of Parties to the Convention on the Conservation of Migratory Species of Wild Animals, UNEP HQ Nairobi, 16-25 November 2005
- Invitation to attend CITES Workshop on Introduction from the Sea Issues, Geneva, 30 November to 2 December 2005

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<sup>2</sup> FIRMS has the following Partner agencies: IATTC, ICES, ICCAT, SEAFDEC, and NAFO. CCAMLR and EUROSTAT are in the process of signing the FIRMS Partnership Arrangement.

### c. Possible scope for cooperation

**The Ministerial High Sea Task Force**<sup>3</sup>, under the aegis of OECD, regularly requires information from RFMOs. The relationship of this Task Force to regional fisheries bodies is unclear. Moreover, following the first substantive meeting of the High Sea Task Force on 9 March 2005, HSTF members agreed to establish a global information system on high seas fishing vessels in the form of a publicly-available international database of information relating to the global high seas fishing fleet. It was noted that this might form one of the core activities of the proposed MCS Network. However, in developing the proposal further it was suggested that the HSTF Secretariat also consider the feasibility of building on *Equasis*.

In a follow up e-mail on 18 March to RFMOs, the HSTF Secretariat points out that it is important to note that this is NOT intended to replace any of the existing RFMO records and registers. The objective is to provide public, open-source information from a range of sources. RFMOs would be both data providers and clients of the global information system.

#### **The MCS network**

This has been a voluntary network, but there is a push from some states in FAO and the HTFC to make this a funded global body. Concerns have been expressed that this creates overlapping responsibilities, duplication of work and unnecessary use of scarce resources.

Following an invitation, the Secretariat made a presentation on NEAFC Schemes and the utilisation of the VMS database at the Global Fisheries Enforcement Training Workshop in Kuala Lumpur 18 – 22 July 2005, hosted by the Government of Malaysia in cooperation with International MCS Network and the FAO Fish Code Programme. The MCS network has a lot of support internationally at present.

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<sup>3</sup> HSTF is a group of fisheries ministers and international NGOs working together to develop an action plan designed to combat illegal, unregulated and unreported fishing on the high seas. The composition of the Ministerially-led Task Force is a model of the multi-stakeholder spirit inspired by Agenda 21 and the Johannesburg Plan of Action. Ministerial membership of the Task Force to date, in addition to Mr Morley of the United Kingdom, includes Fisheries Ministers from Australia, Canada, Chile, Namibia, and New Zealand. In addition to Ministers, other key stakeholders from NGOs, philanthropic foundations, institutes and business have been invited to join the Task Force. Members include the Earth Institute, IUCN-World Conservation Union, WWF International and the Marine Stewardship Council.

In order to ensure that the conclusions and recommendations it develops for the Task Force are robust, the Task Force Secretariat has established four small peer review groups covering legal, scientific, economics and trade and management/enforcement issues. Each group is formed of around six leading international experts. **Enforcement and Management Working Group Chair** : Michele Kuruc - Assistant General Counsel for Enforcement and Litigation - NOAA, USA. **Economics and Trade Working Group. Chair:** Professor Geoffrey Heal - Director, Economy Environment and Society - The Earth Institute at Columbia University, USA **Legal Working Group Chair:** Gudmundur Eiriksson - Director of International Law and Human Rights Studies - University of Peace, Costa Rica. **Scientific Working Group Chair:** Dr. Keith Sainsbury - CSIRO Marine Research, Australia. (source <http://www.high-seas.org/>)

The only RFMO represented in these groups is CCAMLR (by the Executive Secretary Denzil Miller in the Enforcement and Management Working Group). The HTSF has recently been soliciting input from RFMOs with respect to proposals to establish a global information system on high sea vessels and best practices or performance guidelines for RFMOs.

#### d. Events which may be of interest to NEAFC

There are a number of organisations and groups arranging workshops and conferences on Marine Protected Areas. i.e. UN<sup>4</sup> the Convention on Biological Diversity<sup>5</sup> and various state sponsored initiatives.

### 3. Discussion

Although the importance of RFBs in implementing international law, legal instruments and good governance in ocean management in general is repeatedly stressed, the realisation that the voice of the individual RFBs is rarely heard on issues on the international agenda is growing.

The reason for this stems partly from the way RFBs are set up and partly from the fact that most RFBs are no more than what their Contracting Parties agree. The Parties, not the Secretariats, express the policy views of the organisation. They can do so as sovereign entities, or they can choose to place policy matters on the agenda and seek consensus on policy matters in the RFBs. That consensus can then be disseminated into discussions internationally.

However, the Secretariats can play their part, especially by increasing the flow of information about what RFBs do and what problems they attempt to solve.

Convention-based RFBs do not generally have specific provisions for discussing topics outside their core business, such as requiring scientific advice, statistical information and recommending management measures, although Article 4.2 in the NEAFC Convention states: *The Commission shall provide a forum for consultation and exchange of information on the state of the fishery resources in the Convention Area and on a management policies, including examination of the overall effect of such policies on the fishery resources.*

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<sup>4</sup> Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, to:

- (a) Survey the past and present activities of the United Nations and other relevant international organizations with regard to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;
- (b) Examine the scientific, technical, economic, legal, environmental, socioeconomic and other aspects of these issues;
- (c) Identify key issues and questions where more detailed background studies would facilitate consideration by States of these issues;
- (d) Indicate, where appropriate, possible options and approaches to promote international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction

<sup>5</sup> Decision VII/28 adopted at the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity to establish an ad hoc open-ended working group on protected areas, and encourages the participation of oceans experts in the working group;



If there is consensus, it is possible to propose more general items for inclusion on the agenda and, properly prepared, this process allows Contracting Parties to be informed about trends in discussions on ocean management in other international fora and to exchange views with respect to the topics of the day. This can again form the basis for growing common ground which can be reflected in communications from the RFMOs.

#### **4. Actions Arising**

Heads of Delegation are invited to offer the Secretariat guidance in how to handling these matters, especially to consider

- Should NEAFC participate in the different ICES meetings apart from the meeting of Client Commissions and ICES?
- Should NEAFC become a member of the FAO statistical body CWP and a partner in FIRMS?
- Should NEAFC establish a formal relationship to the Ministerial Task Force in IUU Fishing and the MCS network?
- Should NEAFC accept the invitation of observer status in the Pelagic RAC?

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