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WWF's Recommendations for the 2012 NAFO Annual Meeting

September 17-21, 2012 St. Petersburg, Russia

The oceans face unprecedented levels of large-scale multiple stresses, such as warming and acidification, but fisheries impacts have long been the single most important contributing agent in the decline of marine biodiversity in the Northwest Atlantic. Decades of excessive fishing pressure has eroded the natural capital base and impoverished the integrity and economic value of the Grand Banks ecosystem whose biological productivity once supported the biggest cod fishery in the world.

To help catalyze recovery and sustainability of Grand Banks fisheries, WWF has been involved with NAFO since 2005. Good governance, market demand for sustainable seafood and fisheries finance (see supplement 1) are the three pillars of WWF's Smart Fishing Initiative approach. Each year, WWF undertakes scientific, policy and management analyses, consults broadly with experts and with contracting parties to NAFO, and then makes recommendations towards progress in the annual "Measures of Success", which are released in advance of the NAFO annual meeting each September.

At the 2012 Annual Meeting in Saint Petersburg, WWF will be assessing the success of NAFO's performance as a responsible regional fisheries management organization using 13 performance measures addressing key issues that act as barriers to the long-term sustainability of NAFO's managed fisheries resources; issues are grouped under 3 overarching principles. In addition, WWF is proposing three separate demonstrations of leadership by NAFO (a-c); these should be regarded as longer-term aspirations.

- **Principle 1: Effective governance** towards the achievement of a comprehensive governance regime that facilitates the achievement of the objectives of NAFO's amended Convention.¹
- **Principle 2: Ensure long-term sustainability and rebuilding** of all NAFO managed fish stocks.
- **Principle 3: Minimizing environmental impact** so that the structure, productivity, function and diversity of the ecosystem of the NAFO regulatory area is maintained/restored; this includes management of bycatch/discards and impacts on habitats and dependent or associated species belonging to the same ecosystem.

¹ "to ensure the long term conservation and sustainable use of the fishery resources in the Convention Area and, in so doing, to safeguard the marine ecosystems in which these resources are found." (Art. II, 2007 Amendment to the NAFO Convention).

Principle 1 Effective governance

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) established a comprehensive legal order for the seas and oceans, which includes rules on the conservation of marine living resources, as well as the study, protection and preservation of the marine environment. Within the high seas legal regime established by UNCLOS and supplemented by the 1995 UN Fish Stocks Agreement (UNFSA), Regional Fisheries Management Organizations (RFMOs) have an essential role to play in progress towards long-term sustainability of marine living resources. UNFSA established a number of obligations for its contracting parties (as members of RFMOs), including issues addressed under Principles 2 and 3 below (e.g. data collection and reporting, implementation of the precautionary and ecosystem approaches, protection of biodiversity and application of any generally recommended international minimum standards for the responsible conduct of fishing operations).

Full compliance with these obligations is more challenging for some RFMOs (especially when comprised of developing countries members that lack of capacity and resources) than for others. In this respect, NAFO has made good progress towards the implementation of the legal obligations above, through, *inter alia*: the 2007 amendment to the NAFO Convention;² the initiation of a roadmap for the implementation of an ecosystem approach to fisheries management in its regulatory area; the development of an independent performance review.

❖ Issue: Implementation of the independent performance review recommendations

Recognition of a need for improved effectiveness as a modern regional fisheries management organization led NAFO to conduct an independent performance review in accordance with deliberations of United Nations General Assembly Resolutions on Sustainable Fisheries and outcomes of the Fish Stocks Agreement Review Conference. During the United Nations Conference on Sustainable Development (Rio+20) in June of this year, States called on all Regional Fisheries Management Organizations to regularly undertake performance reviews and encouraged implementation of the recommendations of such reviews, recommending that the comprehensiveness of those reviews be strengthened over time, as necessary. In this context,

1.1 The General Council should endorse the Performance Review draft Action Plan with time lines for implementation, but include a fixed time frame for completion of recommendations categorized as long-term (e.g. by no later than 2020 to reflect the Convention on Biological Diversity's Aichi Targets).

1.2 The Fisheries Commission should adhere to scientific advice and provide the rationale for all adopted measures in plenary, particularly if such measures are not entirely consistent with scientific advice, as recommended by the Performance Review Panel.

² WWF strongly encourages NAFO contracting parties that have not done so to ratify the 2007 amendment to the Convention.

Principle 2 Ensure long-term sustainability and rebuilding of all NAFO-managed fish stocks

❖ Issue: Need for better data collection and reporting

For many years, NAFO has noted some major discrepancies in the data from various sources. Until differences can be resolved, the Scientific Council's ability to produce scientific advice on fishery management decisions and actions remains severely compromised. In addition, the resolution of data made available to the Scientific Council should also be improved so as to enhance scientific knowledge about the Northwest Atlantic ecosystem and minimize fisheries impacts, in accordance with the obligations contained in the UN Fish Stocks Agreement (and its Annex I). In order to enable the provision of the best possible assessments and advice from its own Scientific Council and, in accordance with international law and the recommendations of the performance review panel, the Fisheries Commission should

2.1 Improve data accuracy through taking steps towards the adoption of a comprehensive electronic monitoring system (e.g. through the adoption of a schedule for its development and implementation).

2.2 Give priority to ensuring that the Scientific Council is provided with accurate catch data in a standardized form and in a timely manner. Consider the potential introduction of sanctions for data submission infringements, including the denial or reduction of fishing opportunities until outstanding data submissions are supplied.

2.3 Ensure that catch data linked to the VMS data that are made available to the Scientific Council encompass all targeted and non-targeted species and discards (e.g. through a random sampling on a tow by tow basis), including VME indicator species (regardless of whether or not bycatches reach the thresholds indicated in the encounter protocols), while maintaining confidentiality where appropriate.

❖ Issue: not all NAFO managed stocks have implemented the precautionary approach

The 1995 UN Fish Stocks Agreement (UNFSA) established a legal obligation to apply the precautionary approach (in accordance to its Article 6 and Annex II) and ecosystem approach (Art. 5) to ensure long-term sustainability of straddling and highly migratory stocks through the protection of living marine resources and preservation of the marine environment. The application of the precautionary approach entails accounting for scientific and environmental uncertainties and unreliable information. It also includes the development and application of precautionary reference points (UNFSA, Annex II) on the basis on the best scientific information available, and determination of the action to be taken if they are exceeded. Specifically,

2.4 NAFO should strengthen implementation of the precautionary approach and ecosystem approaches to help catalyze recovery and long-term sustainability of NAFO's fisheries resources; more specifically, the Fisheries Commission should develop and refine conservation plans and rebuilding strategies for all NAFO stocks below Blim.

2.5 The Fisheries Commission should request the Scientific Council to research productivity in order to more accurately estimate the precautionary reference points for southern Grand Bank (NAFO division 3NO) cod*.

2.6 The Fisheries Commission should adopt a TAC and Contracting Parties should comply with a reduction in fishing mortality for Flemish Cap cod* (NAFO division 3M) to no more than 14,113 t (Fmax) in 2013, as recommended by the Scientific Council.

*cod used here as an indicator for ecosystem rebuilding

Principle 3 Minimizing environmental impact

- ❖ **Issue: there is no comprehensive approach to managing bycatch or improving understanding of the impacts of fishing on non-target species sharing ecosystems with target species**

Bycatch threatens the long term sustainability of many fisheries. It can delay fisheries recovery, pose direct threats to endangered and vulnerable species and lead to economic losses in future fishing opportunities. Some bycatch is unavoidable but excessive levels are unlikely to be accidental. Until compliance and enforcement improve, recovery will continue to be compromised. To ensure that fisheries are managed in a responsible and long-term sustainable manner consistent with an ecosystem approach to fisheries (UNFSA, Art. 5) and the performance review recommendations, NAFO should

3.1 Develop and adopt a definition of bycatch applicable to all marine species as a first step towards extending the principles of responsible fishery management to all target and non-target species in the regulatory area.

3.2 Embrace the FAO International Guidelines on Bycatch Management and Reduction of Discards and ensure that its bycatch requirements for all fisheries are consistent with these guidelines by the 2013 Annual Meeting. This includes the adoption of measures to minimize bycatch, such as spatial and/or temporal measures and modification of fishing gear, as appropriate.

- ❖ **Issue: Preventing significant adverse impacts of bottom fishing activities on vulnerable marine ecosystems (see supplement 2 on VMEs), as called for by the United Nations General Assembly (UNGA) Resolutions 61/105 (2006), 64/72 (2009), 66/68 (2011) and the United Nations Conference on Sustainable Development**

In accordance with the latest Scientific Council advice and best practices, the Fisheries Commission should

- 3.3 Endorse the Scientific Council work plan for reassessment of VMEs and make available the resources identified as well as necessary catch (on a tow-by-tow basis), discards, and VMS data in a timely fashion for the completion of NAFO's impact assessment by 2016.**
- 3.4 Endorse all candidate VME indicator species and elements identified by the Scientific Council, and expand the existing fishery closed areas in the NAFO Div. LMNO closures to include the adjacent high densities of sponges, and large gorgonian coral accordingly.**
- 3.5 Reduce the encounter thresholds for sponges (from currently 600 kg and 400 kg inside and outside the fishing footprint, respectively) to 300 kg per tow and sea pens to 7 kg per tow (current encounter threshold for corals is 60 kg). Alternatively, given the difficulties associated with the implementation of such a reduced threshold for sea pens, and recognizing that encounter protocols do not offer the best means to effectively protect VMEs, the Fisheries Commission should close areas known to contain dense aggregations of sea pens (see Scientific Report) prior to the 2014 VME closure review.**

Demonstrations of leadership by NAFO

WWF recognizes that advancements proposed below will be challenging, and addressing the issues may require a long-term approach. However, NAFO has the opportunity to demonstrate leadership as an international organization by addressing the following issues:

- ❖ **Issue: Lack of market-related tools that complement and hasten governance action**

Although the link between market forces and well-managed oceans is clear and a potentially powerful driver for meaningful and effective change, it has not been widely recognized and factored into the debates at NAFO; nor does NAFO, in its current set-up, have any institutions with responsibility for economic and market-related issues. This opportunity should not be lost given that the market demand for certified sustainable seafood is becoming increasingly prevalent in the global marketplace and has widely improved fisheries and management.

a. To improve traceability, NAFO's NCEM should be amended so that all catches are labelled according to the stock area (i.e. identified by species, product category, date of capture and NAFO division area) as recommended by the Performance Review Panel.

- ❖ **Issue: The Northwest Atlantic is one of a few marine areas in the world where EBSA regional workshops have not yet been scheduled** (see supplement 3 on EBSAs).

In 2010, at the 10th Conference of the Parties to the CBD (COP 10), member governments agreed to a scientific and technical process for describing areas that meet the EBSA criteria. In the same COP 10 decision, the CBD Executive Secretary was requested to work with regional fisheries management organizations (RFMOs) (within the scope of fisheries management) to organize regional workshops to facilitate description of EBSAs. Regional workshops on describing EBSAs have been convened for the (a) Western South Pacific (b) Wider Caribbean and Western Mid-Atlantic regions, (c) North-East Atlantic, (d) Eastern Tropical and Temperate Pacific, and (e) Southern Indian Ocean, and have been scheduled for a number of other marine regions. WWF encourages NAFO to

b. Take steps towards the co-organization of a scientific regional workshop to describe areas that meet the Ecologically and Biologically Significant Area (EBSA) criteria in the Northwest Atlantic, as requested by the Convention on Biological Diversity (CBD), Decision X/29, paragraph 36, by 2014.

- ❖ **Issue: Need for stronger international cooperation to protect the marine environment**

The current governance regime for marine areas beyond national jurisdiction is fragmented and requires strong sectoral cooperation in order to achieve long-term sustainability of living resources and protection of critical habitats. WWF encourages NAFO to

c. Take steps to sign Memoranda of Understanding with relevant international organizations, such as the International Seabed Authority in order to facilitate the implementation of recommendations of the General Council draft action plan on NAFO's performance review (3 and 4), and to promote cooperation, exchange of information, and prevent conflicting uses and cumulative impacts on EBSAs and VMEs.

WWF NAFO team:

Dr. Bettina Saier (present at NAFO AM)
Director, Oceans
WWF-Canada, Atlantic Region
Suite 1202. 5251 Duke St.
Halifax, Nova Scotia, B3J 1P3
T: 1.902.482.1105 ext.24
F: 1.902.482.1107
M: 1.902.401.9209
bsaier@wwfcanada.org

Dr. Daniela Diz (present at NAFO AM)
Senior Officer, Marine Policy
WWF-Canada, Atlantic Region
Suite 1202. 5251 Duke St.
Halifax, Nova Scotia, B3J 1P3
T: 1.902.482.1105 ext.35
F: 1.902.482.1107
M:1.902.240.6311
ddiz@wwfcanada.org

Ashley Brasfield
Communications Advisor
WWF-Canada
608 Wavell Ave.
Ottawa, Ontario, K2A 3A8
M: 1.613.859.8966
ashleycbrasfield@gmail.com

Dr. Robert Rangeley (present at NAFO AM)
Vice President, Atlantic
WWF-Canada, Atlantic Region
Suite 1202. 5251 Duke St.
Halifax, Nova Scotia, B3J 1P3
T: 1.902.482.1105 ext.35
M: 1.902.401.1569
rrangeley@wwfcanada.org

Janice Ryan
Fisheries Advisor
WWF-Canada, Atlantic Region
Newfoundland and Labrador Office
Suite 305. 140 Water St.
St. John's, Newfoundland & Labrador, A1C 6H6
T: 1.709.722.9453 ext.2224
F: 1.709.726.0931
M: 1.709.725.9337
jryan@wwfcanada.org