

### *Inside the Issue*

Overfishing by foreign vessels has been a major contributor to the collapse of Canada's fish resources. Canada's continental shelf extends beyond the 200-mile exclusive economic zone (EEZ) into areas of the continental shelf known as the Nose and Tail of the Grand Banks, and also the Flemish Cap. Canada is one of only three countries with such a continental shelf that extends beyond 200 miles. This area represents a part of the natural range of several groundfish species.

The North Atlantic Fisheries Organization (NAFO) was established in 1979 to manage the stocks that straddled Canada's EEZ and the high seas beyond 200 miles and those on the Flemish Cap. NAFO has been ineffective in achieving conservation of internationally fished groundfish stocks. The stocks include northern cod, southern Grand Bank cod, and several flatfish species. These species move outside the 200-mile limit in response to changes in water temperature and food availability.

### *Strengths*

The United Nations Fish Stocks Agreement (UNFA) elaborates the principles of the United Nations Convention on the Law of the Sea, and contains provisions for dispute settlement and the right of states that are party to UNFA to board and inspect fishing vessels to verify compliance with internationally agreed fishing rules.

Canada would respect historical fishing rights and not give itself the right of access to all of the quotas.

### *Weaknesses*

Individual flag states have the sole right to enforce measures adopted for fisheries in the NAFO Regulatory Area. While boarding and inspections are permitted, albeit under strict and agreed guidelines, the inspecting state can take no direct enforcement action; only the flag state can prosecute its vessels for violations.

### *Statistics show...*

- In 2006, 865,000 tonnes of fish were landed in the Atlantic region and 211,000 tonnes in the Pacific region. The combined value of the 2006 catch was more than \$1.8 billion.
- With exports of fish and seafood products estimated at \$3.5 billion in 2004, Canada ranked sixth in the world for exports in this sector.

### *Why Fisheries Management*

Participants are now experiencing such low catches per unit of effort that it is rapidly becoming an uneconomic industry. Continued fishing on diminishing stocks could result in commercial extinction.

### *What's the Need*

According to *Report of the Advisory Panel on the Sustainable Management of Straddling Fish Stocks in the Northwest Atlantic*, the ineffective management of straddling stocks on the Grand Banks is a direct consequence of the limitations placed on coastal states and the maintenance of a global commons on the high seas. This is because of the current provisions of the law of the sea and inadequacies of NAFO.

In the first instance, coastal states are forced to rely on cooperation from Distant Water Fishing Nations (DWFN) to manage fish stocks that cross their exclusive economic zone (EEZ) boundaries; this can be difficult to achieve in many instances. In the second case, RFMOs are the only vehicle the law of the sea provides for management of straddling stocks but they really have been given no effective powers to attain conservation in the absence of cooperation. NAFO has been particularly ineffective in managing the stocks under its protection.

#### *What it means*

Strengthening fisheries management could mean more initiatives like the following:

- In September 2010, NAFO Contracting Parties once again strengthened the compliance framework by enhancing the inspection and catch reporting regimes. Specifically, the time allowed on-board for vessel inspections in the NAFO Regulatory Area has been increased from three to four hours, and the composition of inspection parties has been increased from two to four inspectors (maximum). This will allow for more thorough and timely inspections. Vessels fishing in the NAFO Regulatory Area will also be required to report catches to NAFO on a daily basis, for all divisions and all species.
- NAFO is proceeding with a Performance Review in 2010-2011. NAFO Contracting Parties agreed on the terms of reference and the composition of a working group to oversee this process. The Working Group will be composed of three external experts in fisheries management, fisheries science, and Law of the Sea matters, as well as internal experts from Canada, Denmark (in respect of Faroe Islands and Greenland), the European Union, and the Russian Federation. The Performance Review is expected to be completed by September 2011.

#### *What the federal government should do*

- Take decisive action to deal with foreign overfishing on the Nose and Tail of the Grand Banks and the Flemish Cap, including reforming the NAFO system

#### *Questions*

- How, specifically, will NAFO be reformed to be more effective under your government?
- What multilateral action will Canada take to more effectively protect the offshore fishery, and what unilateral action would it consider in the absence of international cooperation?