



The Secretariat  
North East Atlantic Fisheries Commission  
22 Berners Street  
London W1T 3DY  
Tel: + 44 0 207 631 0016  
Fax: + 44 0 207 6369225  
[info@neafc.org](mailto:info@neafc.org) [www.neafc.org](http://www.neafc.org)

## Reply to UN Legal Counsel with reference to LOS/ICP/2010 11 December 2009

### 1 Introduction

Reference is made to your invitation to NEAFC to contribute to the report of the Secretary-General on ocean affairs and the law of the sea to the General Assembly in 2010 with the focus on “Capacity-building in ocean affairs and the law of the sea, including marine science” bearing in mind the perspective of the three pillars of sustainable development.

Even if the objective of the NEAFC Convention is to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits, it should be made clear from the outset that measures adopted by NEAFC are based solely on the environmental-ecological dimension of sustainable development. Economic and social issues are dealt with by the Contracting Parties of the organisation individually. The management measures of NEAFC are thus based on marine science provided by ICES on request. NEAFC does not request scientific assessments of social and economic issues. The arrangement with ICES means that NEAFC does not generally undertake its own projects in marine science but relies on the extensive coordination and dissemination of marine science undertaken by ICES. Many of the ICES member states invest heavily in marine research and large numbers of scientists are involved in assessing stock status in order to provide a scientific basis for fisheries management.

There are no developing countries that are Contracting Parties to NEAFC. Belize and the Cook Islands have had cooperating non-Contracting Party status in recent years.

Where applicable, the information below is taken from the 2006 independent NEAFC Performance Review.<sup>1</sup>

NEAFC strives to make all information on the organisation available to other organisation and the general public through its website [www.neafc.org](http://www.neafc.org) and, in addition, responds to an increasing number of enquiries from companies, stakeholders, NGOs and academia.

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<sup>1</sup> <http://neafc.org/news/579>



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## **2 Cooperation with other IGOs with a mandate to manage other human activities in the oceans**

For some time NEAFC has sought cooperation with other International Governmental Organisations with the competence to regulate human activities other than fisheries in the ocean.

A Memorandum of Understanding with our environmental sister organisation in the North East Atlantic, OSPAR, was signed in late September 2008. This opens up for a free flow of information between NEAFC and OSPAR, highlighting other human activities that may affect the marine environment, spatial planning and cooperation to enhance knowledge and understanding of the abundance and distribution of fish and other marine species populations in order to better protect them.

An Agreement of Co-operation between the International Maritime Organization (IMO) and the North East Atlantic Fisheries Commission (NEAFC) has now been adopted by the IMO Assembly. It was signed in November 2009 and has entered into force.

NEAFC is seeking similar arrangements with the International Seabed Authority, ISA, which regulates deep sea mining in the “Area” in the North East Atlantic.

Fishing is totally dependent on healthy ecosystems and clean oceans. NEAFC, as the competent organisation for regulating fisheries in the high seas of the North East Atlantic, hopes that cooperation with other organisations in the regulation of other human activities in the oceans will ensure that no irreversible changes in environmental quality take place.

The NEAFC Secretariat, in its own right and sometimes on behalf of other RFMO Secretariats, has participated in a range of United Nations initiatives designed to support fisheries management *per se* and the RFMO framework in particular. These engagements include participation in policy-making bodies, such as the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea and, as an observer since 2001, the FAO Committee on Fisheries meetings.

The NEAFC Secretariat also supports a range of more operational activities initiated by FAO to support RFMO activities as follows:

- In 2006 NEAFC became a partner of the Coordinating Working Party (CWP), FAO’s fisheries statistics body. ICES, the provider of scientific advice to NEAFC, is responsible for reporting under the FAO STATLANT system.



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- NEAFC is a partner in the Fisheries Resources Monitoring System (FIRMS), which pools information gathered from various regional fisheries bodies, FAO and other agencies into a comprehensive authoritative, one-stop source of information on world fisheries and fishery resources.
- NEAFC responds to regular questionnaires from FAO about progress with respect to the Code of Conduct and International Plans of Action (IPOAs) and, more generally, has answered questionnaires from UNDOALOS in preparation for reports by the UN Secretary-General to the UN General Assembly on sustainable fisheries and oceans and law of the sea matters.

### **3 Cooperation with other RFBs, RFMOs and RAs<sup>2</sup>**

Since 2001 NEAFC has organised and chaired Meeting of the Secretariats of RFMOs in the North Atlantic - IBSFC, ICCAT, NAFO, NAMMCO, NASCO and NEAFC. SEAFO has in recent years been invited as an observer. NEAFC has assisted SEAFO in setting up its operations and hosts its VMS database. NEAFC has arrangements with NAFO and SEAFO to create pan-Atlantic IUU vessel lists between the three organisations. NEAFC has demonstrated that it is capable of acting quickly to address specific issues. The closure of ports to vessels on the IUU B list and the development of comprehensive Port State Control measures are examples of how NEAFC can respond to unfolding events.

NEAFC has participated in the meetings of Regional Fisheries Bodies since 1999. FAO initiated these meetings in 1999 and they have since been biennial. They are now organised by the RFBs themselves and developed into the Regional Fishery Body Secretariats Network, RSN, in 2007. The Secretary of NEAFC chairs the RSN at present. It has participation from close to 50 RFBs worldwide. The ambition is to make this network an efficient vehicle for exchanging information and experiences between Regional Fishery Bodies globally.

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<sup>2</sup> Regional Fishery Bodies, Regional Fishery Management Organisations and Regional Arrangements